

PLANNING ACT 2008  
INFRASTRUCTURE PLANNING  
(APPLICATIONS: PRESCRIBED FORMS AND PROCEDURE) REGULATIONS 2009

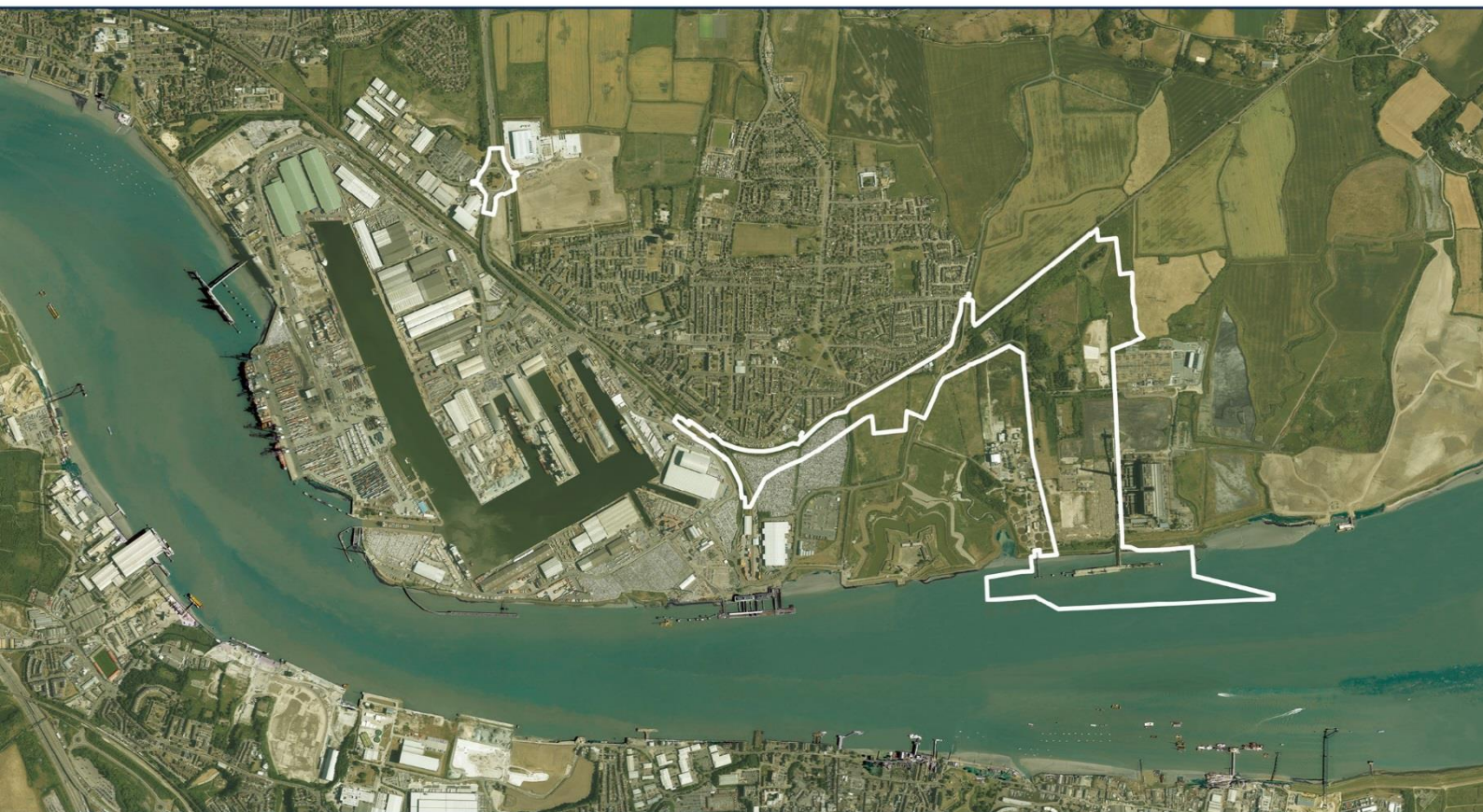
## PROPOSED PORT TERMINAL AT FORMER TILBURY POWER STATION

# **TILBURY2**

TRO30003

STATEMENT OF COMMON GROUND UP-DATE REPORT  
FOR PRELIMINARY MEETING

DOCUMENT REF : PoTLL/T2/EX/33.



**PORT OF TILBURY**

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

**STATEMENT OF COMMON GROUND UP-DATE REPORT  
FOR PRELIMINARY MEETING**

Revision	Date	Description of new version
1.0	13/02/18	Final Issue to ExA

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## 1.0 INTRODUCTION

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### Purpose of this document

- 1.1 This report has been submitted prior to the Preliminary Meeting which is being held on Tuesday 20 February 2018 to discuss the Examination of the DCO application by Port of London Tilbury Limited (PoTLL) to construct a new port terminal known as Tilbury2.
- 1.2 It is submitted in response to the request of the Examining Authority (the ExA – the Panel) at Annex E of their letter dated 22 January 2018 which indicated that the Panel *“would welcome the submission of as many SoCGs as possible at least a week prior to the Preliminary Hearing (even if these are at a draft state of preparation) so that they be published on the Tilbury2 project pages of our website.”*
- 1.3 Further up-date reports will be submitted as the examination progresses, in accordance with the draft timetable for the Examination set out at Annex C of the aforementioned correspondence. Statements of Common Ground will be annexed to the update reports.
- 1.4 These Statements of Common Ground (SoCGs) are submitted to the Examining Authority (ExA) in relation to the application by PoTLL for development consent under the Planning Act 2008 for Tilbury2. Guidance about the purpose and possible content of SoCGs is given in paragraphs 57-62 of the Department for Communities and Local Government’s *“Planning Act 2008: examination of applications for development consent”* (March 2015 version). Paragraph 58 indicates that that  
  
*“A statement of common ground is a written statement prepared jointly by the applicant and another party or parties, setting out any matters on which they agree. As well as identifying matters which are not in real dispute, it may also be useful if a statement identifies those areas where agreement has not been reached. The statement should include references to show where those matters are dealt with in the written representations or other documentary evidence.”*
- 1.5 PoTLL notes the ExA’s expectation that SoCGs will be submitted by Deadline 1 (Wednesday 21 March 2018). PoTLL aims to provide a further update report for this deadline.

## **2.0 CURRENTLY PROPOSED STATEMENTS OF COMMON GROUND**

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- 2.1 PoTLL have considered the guidance of the ExA in Annex E of the letter of 22 January 2018. PoTLL are in the process of preparing SoCGs with the stakeholders identified. There will be some commonality of themes across SoCGs with different stakeholders. A guide to the SoCGs by theme will be provided by PoTLL at Deadline 1 as part of the update report, once all themes with individual stakeholders have been settled.
- 2.2 Table 1 below sets out the proposed list of SoCGs by stakeholder and topics that will be covered. It further identifies those that are attached to this up-date report as drafts.

**TABLE 1 : SCHEDULE OF STATEMENTS OF COMMON GROUND**

Document Reference	Stakeholder	Topics proposed to be covered	Comments	Draft attached ?
SOCG001	Thurrock Council	Principle of development Development Plan compliance; Land side Transport Noise Air Quality Economic Impacts Landscape and Visual Amenity Terrestrial Ecology Cultural Heritage Archaeology Hydrogeology and Ground Conditions Waste Water Resources and Flood Risk Cumulative Assessment Projects S106 Agreement Operational Management Plan Community Operational Engagement Plan Construction Environment Management Plan	Drafts have been exchanged and progress has been made. Not all topics have yet been addressed by both parties, as highlighted in the document.	Yes
SOCG002	Gravesham Borough Council	Principle of development Noise Air Quality Cultural Heritage Legal Agreement Cumulative Assessment Projects Operational Management Plan Community Operational Engagement Plan Construction Environment Management Plan	Drafts have been exchanged but not all topics have yet been addressed by both parties, as highlighted in the document.	Yes

Document Reference	Stakeholder	Topics proposed to be covered	Comments	Draft attached ?
SOCG003	Essex County Council	Principle of development Land side transportation Minerals Planning Matters Waste Landscape and visual impact Ecology	<p>Drafts have been exchanged and agreed covering ECC's statutory functions – economic development, neighbouring highways authority, neighbouring Minerals and Waste Authority. The SoCG identifies that other matters are outside of ECC's statutory function but are matters on which ECC, as a neighbouring authority has an interest in, namely landscape and visual impact and ecology. ECC has indicated that it supports the approach being developed by Thurrock Council and the inclusion of these matters within their SoCG.</p> <p>ECC also has a service level agreement with Thurrock Council for the provision of advice as: Lead Local Flood Authority and on Historic Environment. Water resources and flood risk issues; as well as Terrestrial Archaeology and Built Heritage issues are therefore dealt with in the SoCG with Thurrock Council.</p>	Yes
SOCG004	Environment Agency	TE2100 – Barrier Location Flood Defences Main River Works Dredging and Marine Construction Marine Ecology Drainage Strategy WFD Hydrogeology and Ground Conditions	Drafts have been exchanged and discussions are progressing	Yes



Document Reference	Stakeholder	Topics proposed to be covered	Comments	Draft attached ?
SOCG005	Natural England	Marine Ecology Terrestrial Ecology HRA	Drafts have been exchanged and discussions are progressing.	No
SOCG006	Historic England	Archaeology Built Heritage	Drafts have been exchanged and discussions are progressing	No
SOCG007	Port of London Authority	Navigation Dredging Protective provisions	Drafts have been exchanged and discussions are progressing	No
SOCG008	Marine Management Organisation	Deemed Marine Licence and associated topics including dredging and navigation	Drafts have been exchanged and discussions are progressing	Yes
SOCG009	Highways England	Transport Assessment Off-site highways impacts and mitigation, sustainable distribution and framework travel plan	Drafts have been exchanged and discussions are progressing	No
SOCG010	Cole Family and Common Land Conservator	Land acquisition and replacement common land	Drafts have been exchanged and discussions are progressing	No
SOCG011	Gothard Family	Land acquisition	Draft to be provided	No
SOCG012	Network Rail	Land acquisition and protective provisions	Draft to be provided	No



Document Reference	Stakeholder	Topics proposed to be covered	Comments	Draft attached ?
SOCG013	Kent County Council	Principle of development Landscape Minerals Biodiversity	Draft provided, awaiting response; discussions are progressing	No
SOCG014	Buglife	Ecology	Draft provided, awaiting response; discussions are progressing	No
SOCG015	English Heritage	Impact on Tilbury Fort Active Travel Strategy	Under discussion	No
SOCG016	London Gateway Port Limited	Rail capacity	Under discussion	No
SOCG017	Public Health England	Effects on Human Health	Under discussion	No
SOCG018	London Resort Holdings	Relationship with London Resort	Under discussion	No
SOCG019	Cadent	Land acquisition and protective provisions	Draft to be provided	No

**APPENDIX 1**

**SOCG001      DRAFT STATEMENT OF COMMON GROUND WITH THURROCK COUNCIL**

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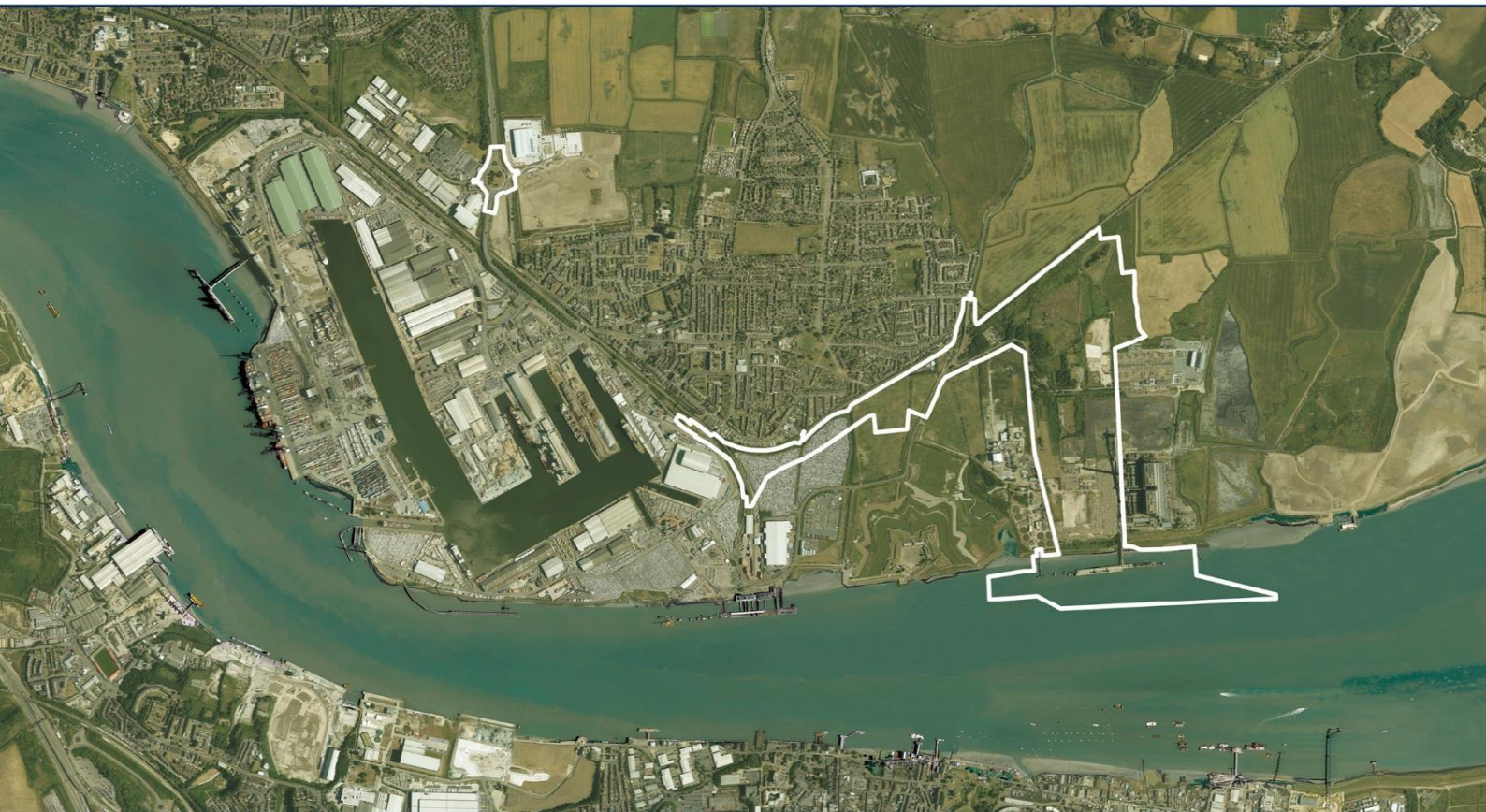
PROPOSED PORT TERMINAL AT  
FORMER TILBURY POWER STATION

**TILBURY2**

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STATEMENT OF COMMON GROUND  
BETWEEN PORT OF TILBURY LONDON LIMITED AND  
THURROCK COUNCIL

DOCUMENT REF : SOCG001



**PORT OF TILBURY****PROPOSED PORT TERMINAL AT FORMER TILBURY POWER STATION  
'TILBURY2'****STATEMENT OF COMMON GROUND****BETWEEN PORT OF TILBURY LONDON LIMITED AND  
THURROCK COUNCIL**

<b>Revision</b>	<b>Date</b>	<b>Description of new version</b>
1.0	13/12/17	Partial Draft including planning, socio-economics, ecology, archaeology, Built Heritage,
2.0	29/01/18	Second draft with updated sections
3.0	6/02/18	Third draft taking on board comments by TC and discussion at meeting on 3/02/18
4.0	13/02/18	Fourth draft with changes agreed reflecting position on 13/02/18

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## **1.0 INTRODUCTION**

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### **Purpose of this document**

- 1.1 This Statement of Common Ground ("SoCG") has been prepared in relation to the application by Port of Tilbury London Limited ("PoTLL") under section 37 of the Planning Act 2008 ("the Act") for an order granting development consent ("DCO") for the construction, operation and maintenance of a new port terminal and associated facilities in Tilbury, Essex known as 'Tilbury2' ("the proposals").
- 1.2 The aim of this SoCG between PoTLL and Thurrock Council ("TC") is to provide a clear record of engagement between the parties, including of the issues discussed between the parties and the current status of those discussions. The SoCG can be used as evidence of engagement for the purposes of the examination into the DCO application.

### **Structure of this Statement of Common Ground**

- 1.3 This structure of this SoCG is as follows:

Section 1 – Introduction

Section 2 – Consultation to date

Section 3 – Summary of topics covered by the SoCG

Section 4 – List of matters agreed

Section 5 – List of matters under discussion

Section 6 – List of matters not agreed

### **Overview of the proposals**

- 1.4 Port of Tilbury London Limited ("PoTLL") is proposing a new port terminal on the north bank of the River Thames at Tilbury, a short distance to the east of its existing Port. The proposed port terminal will be constructed on land that formed the western part of the now redundant Tilbury Power Station and is bounded to the west by a waste water treatment works and to the east by the Tilbury B power station that is presently being demolished.
- 1.5 The proposed main uses on the site will be a Roll-on/Roll-off (RoRo) terminal and a Construction Materials and Aggregates terminal (the "CMAT"), and associated infrastructure including rail and road facilities and revisions to the existing marine infrastructure. An 'infrastructure corridor' is proposed that will accommodate road and rail links to the existing rail and road network. The CMAT will include stockpiling of construction materials and some processing of aggregates for the production of asphalt and concrete products.
- 1.6 It will require works including, but not limited to:
- creation of hard surfaced pavements;

- improvement of and extensions to the existing river jetty including creation of a new RoRo berth;
- associated dredging of berth pockets around the proposed and extended jetty and dredging of the approaches to these berth pockets;
- new and improved conveyors;
- erection of welfare buildings;
- erection of a single 10,200 sqm. warehouse
- a number of storage and production structures associated with the CMAT;
- the construction of a new link road from Ferry Road to Fort Road; and
- formation of a rail spur and sidings.

1.7 The proposed volumes of import/export of RoRo units for the terminal exceed the threshold of 250,000 units stated in the Planning Act 2008 for throughput per annum. The Tilbury2 project therefore constitutes a Nationally Significant Infrastructure Project (NSIP).

1.8 The application essentially seeks a DCO to approve an operational port and to allow PoTLL to benefit from its permitted development rights within the boundaries of the new port. The application seeks to establish a 'Rochdale Envelope' of development based upon the description within the DCO. In this context, the DCO will contain a framework through which environmental impacts will be controlled and managed.

### **Introduction to Thurrock Council**

1.9 Thurrock Council is the host authority for the Tilbury2 proposals and has the following roles .

- A key partner and service provider promoting economic development, regeneration, infrastructure delivery, new development and tourism;
- The planning authority with responsibility for determining planning applications and preparing and reviewing the statutory development plan; as part of this function the Council has responsibility for the following matters : housing and economic growth, ecology (and the wider green grid), cultural heritage and landscape;
- The highway and transportation authority, with responsibility for the delivery of the Thurrock Local Transport Plan;
- Waste Planning Authority;



- Local Lead Flood Authority;
- Environmental Health Advisor with responsibility for noise and air quality; and
- Contaminated land adviser with responsibility for ground conditions and hydrogeology

DRAFT

## 2.0 CONSULTATION TO DATE

2.1 This section provides a summary of the engagement between PoTLL and Thurrock Council that has taken place to date.

### Pre-application

Date	Activity
26 July 2016	Meeting between PoTLL and TC Planning to provide overview of Tilbury2 project and planning process
08 November 2016	Meeting between PoTLL and TC Planning to provide overview of wider Vision for Tilbury and how it relates to Tilbury2 scheme in preparation for meeting with Members Update on environmental work Presentation of surface access proposals
08 December 2016	Update meeting between PoTLL and TC Planning to review presentation to Members
05 January 2017	Presentation by PoTLL to Overview and Scrutiny Committee on their plans for the Tilbury2 site and the wider vision to improve the area around the Port
06 February 2017	Meeting between PoTLL and TC Planning.  Update on the scheme Discussion on NSIP process Discussion on consultation arrangements
17 February 2017	Briefing of the CEO for Thurrock Council on the T2 project LC advised consultation with the Council Leaders and requested a meeting with the Council Leader and portfolio holders PW declared PoTLL would be happy to host a site visit. There was discussion over the issue of common rights
07 April 2017	NSIP Training session for officers
18 April 2017	Meeting between PoTLL and TC Planning Summary of existing Port operations; Detail of the DCO process; Proposed Development; Infrastructure Corridor; Summary of the proposed Scoping Note; and Suggestion to hold joint meeting with Highways England.

04 May 2017	Discussion between Helen Horrocks (Thurrock Council Public Health) and Charlotte Clark (ARUP) to discuss Health Impact Assessment
11 May 2017	Meeting between PoTLL and TC Planning, Highways and Environmental Health; to discuss noise and AQ
16 May 2017	Discussion between Maria Payne (Health Intelligence Thurrock Council) and Charlotte Clark (ARUP) on Health Impact Assessment
26 May 2017	Meeting between PoTLL and TC Planning, PROW officer and landscape adviser on rights of way and socio-economic impacts
12 June 2017	Meeting between PoTLL and TC Planning, pollution officer, heritage adviser to discuss landscape and visual impact; heritage and waste issues.
14 June 2017	Meeting between PoTLL and TC Highways, Essex Highways, and Highways England to discuss proposals, baseline and modelling
18 July 2017	Follow up meeting between PoTLL and TC Highways, Essex Highways, and Highways England to discuss proposals, baseline and modelling
01 August 2017	Meeting between PoTLL and TC Planning General update Active travel study S106 agreement
15 August 2017	Meeting between PoTLL and LLFA to discuss proposals, drainage strategy, flood wall interaction and flood risk generally.
23 August 2017	Heritage meeting with PoTLL and TC, Historic England and English Heritage to discuss potential improvements to Tilbury Fort..
31 August 2017	Meeting between PoTLL and TC Planning:- Active travel study S106 agreement
07 September 2017	A teleconference between PoTLL (Atkins) and Thurrock Council (Richard Hatter) to discuss the waste and materials elements of the Environmental Statement.
13 September 2017	Meeting between PoTLL and TC Highways, and Highways England to discuss development traffic impact;

	ASDA roundabout mitigation; Travel Plan (Sustainable Distribution); Link Road; and Active Travel Measures;
03 October 2017	Teleconference between PoTLL (Bioscan) and TC and ECC to discuss ecology surveys
12 October 2017	Meeting between PoTLL and TC Highways and Highways England impact at A126 Marshfoot Road Interchange; ASDA roundabout; Link Road; and Active Travel Measures;

#### Post-application

<u>Date</u>	<u>Activity</u>
15 December 2017	Discussion between Sarah Horrocks (Atkins, on behalf of PoTLL) and Dean Page (TC) regarding air quality assessment and clarification regarding PM <sub>10</sub> outputs
13 December 2017	Meeting between PoTLL and TC Highways to discuss Transport Assessment ASDA roundabout; Link Road; and Active Travel Measures
4 January 2018	Meeting between PoTLL and TC Economic Development officer to discuss economic impact assessment
18 January 2018	Meeting held between PoTLL and TC and ECC to discuss Waste issues
2 February 2018	Meeting held between PoTLL and TC with focus on Landscape and ecological issues

- 2.2 The parties continue to actively engage on those matters which are not yet agreed. A further iteration of this SoCG will be submitted into the examination in due course to document the progress that is expected to be made.

### **3.0 SUMMARY OF TOPICS COVERED BY THE SOCG**

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3.1 The following topics discussed between PoTLL and TC are commented on further in this SoCG:

- General support for the scheme given overall economic implications
- Development Plan compliance
- Land side Transport
- Impact on the Tilbury-Gravesend Ferry
- Noise
- Air Quality
- Economic Impacts and Skills and Employment Strategy
- Landscape and Visual Amenity
- Terrestrial Ecology
- Cultural Heritage
- Hydrogeology and Ground Conditions
- Waste
- Water Resources and Flood Risk
- Cumulative Assessment Projects
- S106 Agreement
- Operational Management Plan
- Community Operational Engagement Plan
- Construction Environment Management Plan

#### 4.0 LIST OF MATTERS AGREED

Ref	Description of matter	Details of agreement
<b>4.1 General Support for the Scheme</b>		
4.1.1	Importance of the future of the Port of Tilbury to the growth of Thurrock as part of the sub-region and region.	It is agreed that the proposals are of crucial importance in securing on-going economic growth of Thurrock and will contribute significantly to sub-regional and regional economic success. Paragraph 3.10 of the adopted development plan (considered in more detail below) notes that an expanded Port of Tilbury will be one of the UK's leading ports, providing employment, investment and facilities that benefit Thurrock as well as the sub-region.
<b>4.2 Development Plan Compliance</b>		
4.2.1	Overall compliance with economic and regeneration objectives of the development plan.	It is agreed that the proposals accords with the economic and regeneration objectives of the development plan. Tilbury is identified as a Regeneration Area and key location for employment in the Borough, providing additional jobs in logistics, port and riverside industries (paragraph 3.34). Tilbury is also defined as a Key Strategic Economic Hub by Spatial Policy CSSP2 (Sustainable Employment Growth). This Core Strategy policy identifies Tilbury's core economic sectors as including port and logistics related facilities. Support for Port facilities is also embraced in Thematic Policy CSTP17 (Strategic Freight Movement and Access to Ports). The proposal is also consistent with Thematic Policy CSTP28 (River Thames) which prioritises riverside development sites for uses that require access to the river frontage.

		This policy also safeguards existing and promotes new jetties for the transport of goods and materials.
4.2.2	Land use designations	It is agreed that the site is covered by a number of designations including 'white land' (absent any site specific designation), primary employment, and local wildlife sites. A small area in the northeast corner of the main site is designated as Green Belt. It is agreed that none of the land within the Order limits is designated as proposed or existing Open Space or Public Open Space within the development plan.
4.2.3	Green Belt	It is agreed that the alignment of the proposed railway line through part of the Green Belt comprises necessary transport infrastructure which would be compatible with paragraph 90 of the NPPF. Although comprising 'inappropriate development' the intrusion of part of the CMAT site into the Green Belt will cause limited harm to the Green Belt in practice. The Council agree with the analysis in Planning Policy Compliance Statement (Document Reference 6.2.1.A) at paras. 4.154 – 4.159. It is agreed that the combination of the overall need for a port development of national significance combined with the engineering, operational and socio-economic considerations, as well as the limited harm to the Green Belt are factors which clearly outweigh harm such that it is considered that very special circumstances exist for development to take place in the Green Belt.



<b>4.3 Transport</b>		
4.3.1	Scope of Assessments	It is agreed that the Scope of the assessments as set out in the Transport Assessment and the Traffic and Transport Chapter of the ES is appropriate.
4.3.2	Traffic Generation	It is agreed that the estimates of traffic generation as set out in the Transport Assessment (Document Reference 6.2.13A) are robust and based upon worst case assumptions.
4.3.3	Traffic Distribution	It is agreed the distribution of traffic as set out in the Transport Assessment (Document Reference 6.2.13A) provides a reasonable estimate for assessment purposes.
4.3.4	Traffic modelling	It is agreed that the methodology and software used for undertaking traffic modelling as set out in the Transport Assessment (Document Reference 6.2.13A) is appropriate and provides a reasonable prediction of the impacts.
4.3.8	Tilbury – Gravesend Ferry	It is agreed that the proposals will have no adverse impact on the Tilbury -Gravesend Ferry and have the potential to introduce additional patronage.
4.3.9	Lower Thames Crossing (LTC)	<p>It is agreed that Tilbury2 does not rely on the delivery of the Lower Thames Crossing.</p> <p>It is agreed that the cumulative impact of the proposals with the LTC within Thurrock requires impacts to be modelled and mitigated for and responsibility for this assessment should not fall between the two projects. It is agreed that as LTC has identified Tilbury2 as a cumulative project within its scoping report, this</p>

		<p>means that the LTC project will carry out this exercise.</p> <p>It is further agreed that as there is no traffic modelling for the LTC available at present it would be impossible for PoTLL to model the impact of Tilbury2 on traffic in Thurrock were the LTC be constructed, and it is therefore appropriate for this not to have been included within the ES and for it not to be carried out during the Examination process.</p>
<b>4.4 Noise</b>		
4.4.1	Method of assessment	It is agreed that the standards and guidance used in the Environmental Statement (ES) (document reference 6.1) are appropriate for predicting and assessing noise and vibration impacts from the proposed scheme.
4.4.2	Thresholds for significance and mitigation	<p>It is agreed that the thresholds for significance and mitigation measures expressed in the ES are appropriate for assessing the noise impacts of the scheme.</p> <p>It is agreed that the Policy Significance Criteria with respect to effect thresholds, LOAEL and SOAEL, are acceptable and these are summarised in Table 17.16 for both construction and operational phases.</p>
4.4.3	Baseline Conditions	It is agreed that the identified receptors in the ES are representative of all of the nearest sensitive receptors to the Tilbury2 site and the infrastructure corridor. It is also agreed that the baseline measurements are representative of typical conditions at those receptors.

4.4.4	Construction Assessment	It is agreed that the plant and equipment used in the calculations in the ES provide for the assessment of a reasonable worst case including the assumptions for operating periods and mitigation measures.
4.4.5	Road Traffic Assessment	It is agreed that the noise assessments are based on reasonable traffic forecasts.
4.4.6	Railway Traffic Assessment	It is agreed that the operational noise assessment within the ES is based on a realistic worst case assessment of train types, flows and speeds.
4.4.7	Operational Assessment	It is agreed that the source noise data set out in the ES is representative of the operations described in the assessment and the acoustic penalties that have been taken into account for these sources are appropriate for the application design.
4.4.8	Operational assessment	It is agreed that the assessment of operational impacts within the ES is sufficient.
4.4.9	Operational Mitigation	The approach to operational mitigation set out in the noise ES chapter is agreed.
4.4.9	CEMP and OMP	<p>It is agreed that the Construction Environment Management Plan (CEMP) covers the necessary environmental issues that need to be controlled as part of the mitigation of environmental impacts during construction.</p> <p>It is agreed that the Operational Management Plan (OMP) lays out an appropriate basis for control of future operation of the Port.</p>

<b>4.5 Air Quality</b>		
4.5.1	Study Area	It is agreed that the assessment considers the most relevant locations for public exposure in relation to the impacts generated by the proposals, and all modelled receptors in this assessment are appropriate.
4.5.2	Baseline	It is agreed that the ES chapter accurately identifies the current and future baseline air quality conditions in the area.
4.5.3	Methodology	<p>It is agreed that the assessment methodology and significance criteria described in the ES provides an appropriate basis for the assessment of atmospheric emissions and air quality, in particular the modelling of transport emissions.</p> <p>It is agreed that the model used in the Environmental Statement is appropriate, and it is used in accordance with the criteria laid out in the Defra TG(16) Technical Guidance.</p> <p>It is agreed that the assessment represents a worst case scenario, and the model verification process is robust, and limits any uncertainties associated with the model.</p>
4.5.3	Assessment of effects	<p>It is agreed that all the modelled results fall either below or well below the relevant air quality objectives for NO<sub>2</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>.</p> <p>While slight to moderate impacts were modelled for NO<sub>2</sub> at some “worst case” receptor locations, it is agreed that these results are not significant, as the air quality objective of 40 µg/m<sup>3</sup></p>

		<p>for annual mean NO<sub>2</sub> is met at all locations</p> <p>It is agreed that the PM<sub>10</sub> and PM<sub>2.5</sub> impacts are negligible at all receptors and concentrations are all below the air quality objectives.</p> <p>It is agreed that the operation of the proposals will not have significant adverse long-term effects on air quality at the closest residential receptors.</p>
4.5.4	Mitigation	<p>It is agreed that the Construction Environment Management Plan (CEMP) covers the necessary environmental issues that need to be controlled as part of the mitigation of environmental impacts during construction.</p> <p>It is agreed that the Operational Management Plan (OMP) lays out an appropriate basis for control of future operation of the Port.</p>
<b>4.6</b>	<b>Socio-Economic Impacts</b>	
	Under discussion - to be agreed	
<b>4.8</b>	<b>Landscape and Visual Amenity</b>	
4.8.1	Methodology	It is agreed that the LVIA has been carried out using appropriate methodology. All viewpoints are agreed as acceptable accept one (see matters under discussion)
4.8.2	Baseline	It is agreed that the ES properly portrays the existing and future landscape baseline

4.8.3	Predicted Effects	It is agreed that the ES properly portrays the predicted effects of the development
<b>4.9 Terrestrial Ecology</b>		
4.9.1	Assessment of ecological value	It is agreed that the ecological value of the area is well-understood and significant detail has already been provided within the ES. The surveys that have been undertaken are considered appropriate and deal with all the plants, animals and habitats likely to be affected in an appropriate level of detail.
4.9.2	LoWS boundaries	It is agreed that the revised draft LoWS boundaries are correctly shown in the ES.
4.9.3	Past records for dormouse and a residential record for great crested newt, which are in doubt.	It is agreed that records are likely to be erroneous; confirmed by further survey work in 2017. It is agreed that both species now confirmed absent.
4.9.4	Water vole	Water vole translocation will be required. The population can be wholly retained on site. Standard capture and translocation techniques are agreed to be applicable.
4.9.5	Reptiles	It is agreed that reptile translocation will be required. A proportion of the population can be retained on site. Standard capture and translocation techniques are agreed to be applicable.
4.9.6	Bats and badger	It is agreed that an artificial badger sett and replacement roosts will be provided on-site to compensate for losses of the existing badger setts and pipistrelle roost. Standard licensed mitigation techniques will apply.

4.9.7	Ecological compensation: on-site delivery	It is agreed that the principles of the on-site mitigation as set out within the Construction Environmental Management Plan (CEMP) and Landscape and Ecology Management Plan (LEMP) are appropriate.
4.9.8	Ecological compensation: location and extent of off-site delivery area. Compensation site should be found within Thurrock if at all possible.	It is agreed that off-site compensation is also necessary given the scale of the proposals. The aim is for off-site compensation to be located as close to Tilbury2 as practicable. However, options for a compensation site within Thurrock are limited and thus if a site is secured outside of the Borough it is agreed that it is an appropriate aim for it to be located in an ecologically compatible area of similar ecological/geographical character (i.e. coastal fringe if possible).
4.9.9	Recommendation that Defra metric should be used in calculating biodiversity offsets.	It is agreed that the Defra metric is suitable to be employed in defining the extent and nature of off-site compensation.
4.9.10	Cumulative effects of the loss of important Open Mosaic Habitat and other unmanaged sites in the vicinity likely to be particularly significant for invertebrates.	It is agreed that Open Mosaic Habitat creation and retention will form part of the Tilbury2 proposals with some off-site creation necessary.
4.9.11	Ecological Mitigation and Compensation Plan (EMCP)	It is agreed that the details of the off-site ecological mitigation and compensation scheme will be provided within the EMCP (as enshrined at Schedule 2, Part 1, S5 of the draft DCO).
4.9.12	HRA report considering possible effects on Thames Estuary & Marshes SPA.	An HRA report has been produced which concludes no likely significant effect on nearby SPAs (or on features of qualifying interest) during



		construction and operation. The conclusions of this report are agreed.
<b>4.10 Archaeology and Built Heritage</b>		
	Under discussion – to be agreed	
<b>4.11 Hydrogeology and Ground Conditions</b>		
4.11.1	Ground Investigation	It is agreed that an additional ground investigation (including soil, groundwater and gas monitoring), will be undertaken at a later stage as part of the detailed design.
4.11.2	Principal Receptor	It is agreed that the principal receptor from Tilbury2 would be controlled waters, including the Chalk Principal Aquifer underling the Tilbury site.
4.11.3	Piling Risk Assessment	It is agreed that a piling risk assessment will be undertaken at a later stage, once piling design is sufficiently detailed to determine a construction method which is protective of groundwater.
4.11.4	Assessment of Effects	It is agreed that the effects of the proposals on the hydrogeology and ground conditions in relation to physical effects, effects on geology and effects associated with ground contamination and waste assessment have been satisfactorily considered within the ES.
4.11.5	Methodology	It is agreed that the methodology utilised in the ES addresses the known existing ground conditions and potential impacts of the proposed development on ground contamination.
4.11.6	Mitigation Measures	It is agreed that the proposed approach to mitigating potential and

		existing contamination during the construction and operation of the new port (through the CEMP and OMP) is satisfactory.
<b>4.12 Waste</b>		
4.4.1	Methodology within the Environmental Statement to determine significance of waste arisings from the proposals	It is agreed that the use of the waste capacity data within Essex in order to determine the significance of the impact of the quantity of waste predicted to be produced during construction/demolition is appropriate. However, it has been agreed by all parties that further assessment of capacity in Thurrock would be required to be undertaken. (see matters under discussion)
4.4.2	Significance of waste arisings	It is agreed that the worst case scenario tonnage of waste to be produced by the proposals is likely to have a minor impact on waste infrastructure within Thurrock.
4.4.3	Destination of waste	It is agreed that the destination of the waste produced is an issue for the contractors involved with the construction of the proposals in the development and given transport costs and the worst case scenario tonnage this is likely to be to available capacity within Thurrock.
<b>4.13 Water Resources and Flood Risk</b>		
4.13.1	Assessment of Flood Risk	<p>It is agreed that the application comprehensively assesses the risk of surface water flooding associated with the proposals.</p> <p>Once the requirements for the CMAT area are known the design will be undertaken by the operator to the principles set out</p>

		in section 6.4.3 of the drainage strategy and subject to approval by the LLFA via their protective provisions.
4.13.2	Culverting of existing watercourses	It is agreed that the size of culverts should not reduce the cross-sectional area of the watercourse and it has been agreed the proposals will look to make the size of proposed culverts larger than existing culverts on the network.
4.13.3	Surface water discharge into ordinary watercourses	It is agreed that flows higher than those stated in the drainage strategy (Q1 greenfield run-off rate) could be discharged if it could be demonstrated that there was no increased flood risk
4.13.4	Water Quality - Administration and General Storage area	It is agreed that the measure set out in section 6.4.2 of the drainage strategy are acceptable.  This includes the use of pre-fabricated buildings which will be pre-fitted with green roofs and the use of porous paving.
4.13.5	Water Quality Refuelling system	It is agreed that the measures set out in section 6.4.2 of the drainage strategy are acceptable. These state that the refuelling area will consist of concrete hardstanding and will be drained using a traditional piped drainage system, which will pass through a Full Retention Oil Interceptors to BS EN 85820, and will be constructed and maintained in accordance with

		the Control of Pollution (Oil Storage) (England) Regulations 2001.
<b>4.14 Cumulative Assessment Projects</b>		
4.14.1	List of projects identified	It is agreed that the list of projects identified is appropriate for the purposes of Cumulative Effects Assessment
4.14.2	Assessment of Cumulative Projects	It is agreed that the assessment of cumulative impacts contained within the Environmental Statement is fit for purpose.
4.14.3	Potential Tilbury Energy Centre	It is agreed that the lack of any description of the Tilbury Energy Centre (TEC) at this stage means that a cumulative assessment of Tilbury2 with TEC is inappropriate but that TEC should take account of Tilbury2 when it undertakes its own Environmental Impact Assessment.
4.14.4	Lower Thames Crossing	<p>It is agreed that access to Tilbury2 does not rely on the delivery of the Lower Thames Crossing.</p> <p>It is agreed that Tilbury2 does not rely on the delivery of the Lower Thames Crossing.</p> <p>It is agreed that the cumulative impact of the proposals with the LTC within Thurrock requires impacts to be modelled and mitigated for and responsibility for this assessment should not fall between the two projects. It is agreed that as LTC has identified Tilbury2 as a cumulative project within its scoping report, this means that the LTC project will carry out this exercise.</p>

<b>4.15 S106 Agreement</b>		
4.15.1	Under discussion (see below)	
<b>4.16 Operational Management Plan (Document reference 6.10)</b>		
4.16.1	Minimising operational environmental impacts	It is agreed that the Operational Management Plan will minimise environmental effects of the proposals during operation and is fit for purpose.
<b>4.17 Community Operational Engagement Plan (Document Reference 5.4)</b>		
4.17.1	Keeping the community informed and ensuring open communication between the community and PoTLL	It is agreed that the Community Operational Engagement Plan is fit for purpose and will help keep the local community informed during operation and sets out how any complaints can be voiced and dealt with. TC would however like to further review this document against their corporate engagement strategy.
<b>4.18 Construction Environment Management Plan (Document Reference 6.9)</b>		
4.17.1	Ensuring that the impact of the proposals during construction is minimised	It is agreed that the Construction Environment Management Plan (CEMP) covers the necessary environmental issues that need to be controlled as part of the mitigation of environmental impacts during construction. It is agreed that it is fit for purpose.

## 5.0 LIST OF MATTERS UNDER DISCUSSION

Ref	Description of stakeholder position	Current issue
<b>5.1 Land side Transport</b>		
5.1.1	Traffic Impact on Thurrock Highway Network	TC are in the process of reviewing the impact of the proposals on the Highway Network and the proposed mitigation and are in discussion with PoTLL in this regard.
5.1.2	Infrastructure Corridor Link Road Design	TC are in discussion with PoTLL regarding the Link Road design, junctions and access arrangements.
5.1.3	S106 active travel measures	TC are in the process of reviewing the active travel measures as set out in general terms in Appendix G of the Transport Assessment (Document Reference 6.2.13A) and will discuss this further with PoTLL.
<b>5.2 Noise</b>		
5.2.2	Shore power – TC consider this to be a priority in any improvement programme	PoTLL will be preparing a further explanation of how the site cannot currently but will provide passive provision for future shore power if capacity is developed. .
5.2.3	Receptor based mitigation - it is not defined who would become eligible / receive an assessment and the geographical boundaries of this – more information is required on this and how this will be funded.	Clarification on this issue will be provided by PoTLL

<b>5.3 Air Quality</b>		
5.3.1	None	
<b>5.4 Socio-economic Impacts</b>		
4.6.1	TBC – further discussions being held	
<b>5.5 Landscape and Visual Amenity</b>		
5.5.1	Concern over one omitted viewpoint.	TC consider that there should have been an additional viewpoint from the PRow south of West Tilbury. PoTLL have provided additional information showing visibility from West Tilbury church, presently being considered by TC.
5.5.2	Landscape Mitigation package is limited and will not achieve benefits	PoTLL to discuss further with TC how the LEMP has been developed.
<b>5.6 Terrestrial Ecology</b>		
5.6.1	Details of the location and adequacy of the off-site ecological mitigation and compensation scheme are required.	The forthcoming Ecological Mitigation and Compensation Plan (EMCP) i will be discussed with stakeholders, including Thurrock Council, as it is developed. The EMCP will include further details of the precise location and extent of the off-site receptor(s), the nature of habitat creation/enhancement, the translocation techniques to be used, and the future management of the receptor. At present, there are legal restrictions preventing release of site-specific details, but the intention is to make the information available for discussion with Thurrock Council as a priority.



<b>5.7 Terrestrial Archaeology</b>		
5.7.1	TBC - further discussions being held	
<b>5.8 Built Heritage</b>		
5.8.1	TBC - further discussions being held	
<b>5.9 Hydrogeology and Ground Conditions</b>		
5.9.1	None	
<b>5.10 Waste</b>		
5.10.1	Methodology : further consideration of waste capacity in Thurrock	It has been agreed that PoTLL will undertake further work on this and the approach to this work has been agreed by all parties (TC, ECC and PoTLL) and this analysis has now been provided and is being considered by TC.
<b>5.11 Water Resources and Flood Risk</b>		
5.11.1	Water Quality - RoRo Terminal	Further clarification in respect of all the options considered, and subsequently discounted, to protect water quality have been requested by Thurrock/LLFA and PoTLL are reviewing this matter further to address this request.
5.11.2	Water Quality - Infrastructure Corridor	Further clarification in respect of the measures to protect water quality have been requested by Thurrock/LLFA. PoTLL are reviewing the current drainage design (currently undertaken in accordance with DMRB owing to road being adoptable highway) against the CIRIA Suds guidance to determine any additional

		enhancements that may be appropriate.
<b>5.12 Cumulative Assessment Projects</b>		
5.12.1	None	
<b>5.13 S106 Agreement</b>		
5.13.1	Scope of S106 Agreement	The Council are presently considering the scope of the Heads of Terms of the S106 submitted with the application in order to assess whether it is fairly and reasonably related to the development.
<b>5.14 Operational Management Plan</b>		
4.14.1	None	
<b>5.15 Community Operational Engagement Plan</b>		
5.15.1	None	
<b>4.16 Construction Environment Management Plan</b>		
4.16.1	None	

## **6.0 LIST OF MATTERS NOT AGREED**

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6.1 To be determined.

DRAFT

## 7.0 AGREEMENT

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Signed	
Name	
Position	
Organisation	Thurrock Council
Date	
Signed	
Name	
Position	
Organisation	Port of Tilbury London Limited

**APPENDIX 2**

**SOCG002      DRAFT STATEMENT OF COMMON GROUND WITH GRAVESHAM  
BOROUGH COUNCIL**

PLANNING ACT 2008  
INFRASTRUCTURE PLANNING  
(APPLICATIONS: PRESCRIBED FORMS AND PROCEDURE) REGULATIONS 2009

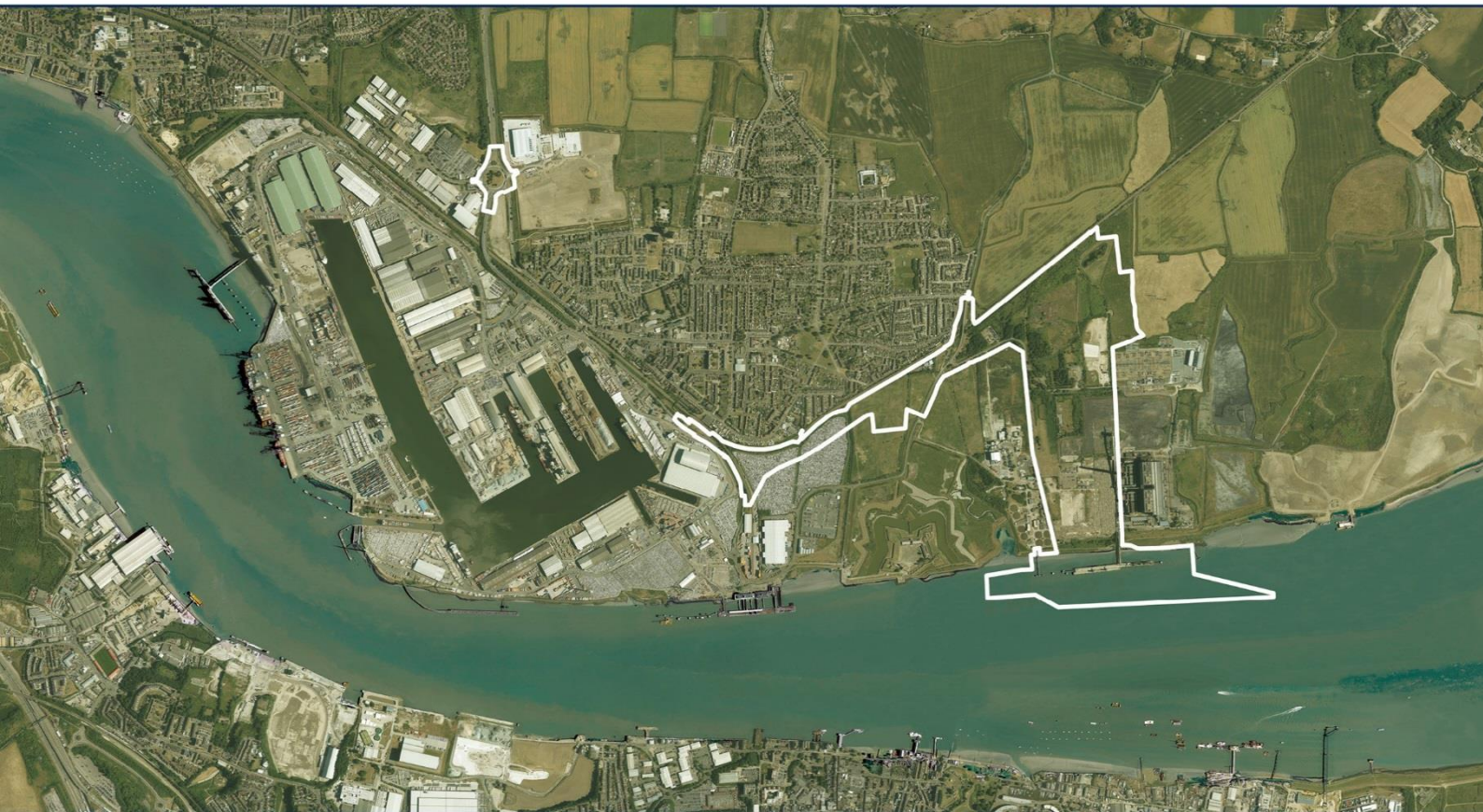
PROPOSED PORT TERMINAL AT  
FORMER TILBURY POWER STATION

**TILBURY2**

TRO30003

STATEMENT OF COMMON GROUND  
BETWEEN PORT OF TILBURY LONDON LIMITED  
AND GRAVESHAM BOROUGH COUNCIL

DOCUMENT REF : SOCG002



**PORT OF TILBURY****PROPOSED PORT TERMINAL AT FORMER TILBURY POWER STATION  
'TILBURY2'****STATEMENT OF COMMON GROUND****BETWEEN PORT OF TILBURY LONDON LIMITED AND  
GRAVESHAM BOROUGH COUNCIL**

<b>Revision</b>	<b>Date</b>	<b>Description of new version</b>
1.0	30 January 2018	First composite draft following sections on noise and heritage sent separately.
2.0	9 February 2018	Second draft exchanged following meeting on 9 February 2018
3.0	13 February 2018	Third Draft agreed for draft submission

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TILBURY2 PROJECT TEAM  
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## 1.0 INTRODUCTION

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### **Purpose of this document**

- 1.1 This Statement of Common Ground ("SoCG") has been prepared in relation to the application by Port of Tilbury London Limited ("PoTLL") under section 37 of the Planning Act 2008 ("the Act") for an order granting development consent ("DCO") for the construction, operation and maintenance of a new port terminal and associated facilities in Tilbury, Essex known as 'Tilbury2' ("the proposals").
- 1.2 The aim of this SoCG between PoTLL and Gravesham Borough Council ("GBC") is to provide a clear record of engagement between the parties, including of the issues discussed between the parties and the current status of those discussions. The SoCG can be used as evidence of engagement for the purposes of the examination into the DCO application.

### **Structure of this Statement of Common Ground**

- 1.3 This structure of this SoCG is as follows:
- Section 1 – Introduction
  - Section 2 – Consultation to date
  - Section 3 – Summary of topics covered by the SoCG
  - Section 4 – List of matters agreed
  - Section 5 – List of matters under discussion
  - Section 6 – List of matters not agreed (to be added in due course)

### **Overview of the proposals**

- 1.4 Port of Tilbury London Limited ("PoTLL") is proposing a new port terminal on the north bank of the River Thames at Tilbury, a short distance to the east of its existing Port. The proposed port terminal will be constructed on land that formed the western part of the now redundant Tilbury Power Station and is bounded to the west by a waste water treatment works and to the east by the Tilbury B power station that is presently being demolished.
- 1.5 The proposed main uses on the site will be a Roll-on/Roll-off (RoRo) terminal and a Construction Materials and Aggregates terminal (the "CMAT"), and associated infrastructure including rail and road facilities and revisions to the existing marine infrastructure. An 'infrastructure corridor' is proposed that will accommodate road and rail links to the existing rail and road network. The CMAT will include stockpiling of construction materials and some processing of aggregates for the production of asphalt and concrete products.
- 1.6 It will require works including, but not limited to:
- creation of hard surfaced pavements;

- improvement of and extensions to the existing river jetty including creation of a new RoRo berth;
- associated dredging of berth pockets around the proposed and extended jetty and dredging of the approaches to these berth pockets;
- new and improved conveyors;
- erection of welfare buildings;
- erection of a single 10,200 sqm. warehouse
- a number of storage and production structures associated with the CMAT;
- the construction of a new link road from Ferry Road to Fort Road; and
- formation of a rail spur and sidings.

1.7 The proposed volumes of import/export of RoRo units for the terminal exceed the threshold of 250,000 units stated in the Planning Act 2008 for throughput per annum. The Tilbury2 project therefore constitutes a Nationally Significant Infrastructure Project (NSIP).

1.8 The application essentially seeks a DCO to approve an operational port and to allow PoTLL to benefit from its permitted development rights within the boundaries of the new port. The application seeks to establish a 'Rochdale Envelope' of development based upon the description within the DCO. In this context, the DCO will contain a framework through which environmental impacts will be controlled and managed.

### **Introduction to Gravesham Borough Council**

1.9 Gravesham Borough Council is a neighbouring local authority within the definition of the Duty to Co-operate under the Planning & Compulsory Purchase Act 2004. Tilbury2 is a strategic cross-boundary matter and GBC wish to engage with this process as an interested party.

1.10 Gravesham Borough Council has the following relevant roles and functions:-

- A key partner and service provider promoting economic development, regeneration, infrastructure delivery, new development and tourism;
- The planning authority with responsibility for determining planning applications and preparing and reviewing the statutory development plan within its administrative area; as part of this function the Council has responsibility for the following matters : regeneration, cultural heritage, landscape and ecology.
- Environmental Health Advisor with responsibility for noise and air quality.

## 2.0 CONSULTATION TO DATE

- 2.1 This section provides a summary of the engagement between PoTLL and Gravesham Borough Council that has taken place to date.

### Pre-application

Date	Activity
27 February 2017	PoTLL provide Gravesham Borough Council with a draft of their Scoping Report
17 March 2017	Gravesham Borough Council provide written response to the draft Scoping Report to PoTLL
4 April 2017	PoTLL provide a written response to GBC's Scoping response
4 April 2017	Wendy Lane of Gravesham Borough Council attends a workshop with PoTLL and PINS at which the proposals and the NSIPs planning process are outlined
28 July 2017	Response of Gravesham Borough Council to S42 statutory consultation
18 August 2017	Telephone conference call held with Wendy Lane of GBC, Peter Ward (PoTLL) and Martin Friend (V&G).
18 August 2017	PoTLL's Built Heritage consultant at CgMs Ltd emailed Gravesham Borough Council (Allan Cox, Geoff Baker and Wendy Lane) a full set of the draft wirelines.
4 September 2017	PoTLL's heritage consultants meet with GBC Heritage Advisers to review response to PEIR.
30 <sup>th</sup> August 2017	PoTLL's Built Heritage consultant at CgMs Ltd emailed Gravesham Borough Council (Allan Cox, Geoff Baker and Wendy Lane) a revised set of the draft wirelines which included labels for Tilbury Fort, as per Gravesham Borough Council's (Allan Cox) email request on 21 <sup>st</sup> August 2017.

22 September 2017	<p>The following documents were sent to GBC for comment:-</p> <p>Draft Works Plans; Draft General Arrangement Plans; Draft Engineering Section Drawings and Plans; Draft Chapters 1-6 of the Environmental Statement; Draft Masterplanning Statement.</p>
25 <sup>th</sup> September 2017 and 2 <sup>nd</sup> October 2017	<p>PoTLL's Built Heritage consultant at CgMs Ltd emailed Gravesham Borough Council (Allan Cox, Geoff Baker and Wendy Lane) a selection of the Draft ES documents including the Built Heritage Assessment (September 2017) (sent 25<sup>th</sup> September 2017) and Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement (sent 2<sup>nd</sup> October 2017).</p>
26 <sup>th</sup> September 2017	<p>PoTLL's Built Heritage consultant at CgMs Ltd emailed Gravesham Borough Council (Allan Cox, Geoff Baker and Wendy Lane) further Draft ES documents, including the Noise and Vibration Chapter, Air Quality Chapter and Landscape and Visual Impact Assessment documents, following a telephone discussion with Allan Cox.</p>
12 <sup>th</sup> September	<p>Gravesham Borough Council (Allan Cox) provided PoTLL's Built Heritage consultant at CgMs Ltd with further comments following the meeting on the 4<sup>th</sup> September 2017.</p>
2 October 2017	<p>The following documents were sent to GBC for comment:-</p> <p>Draft DCO (including deemed marine licence); draft elements of the ES namely;</p> <p>Chapter 9 – Landscape and Visual Assessment;</p> <p>Chapter 11 – Marine Ecology</p> <p>Chapter 12 – Archaeology and Historic Environment;</p> <p>Chapter 16 – Water resources and flood risk</p> <p>Chapter 17 – Noise and Vibration</p>

	Chapter 18 – Air Quality  Lighting Strategy  CEMP, Operational Management Plan, Draft DCO
9 October 2017	Meeting to discuss noise issues.
13 October 2017	GBC provides a response to the pre-application engagement material
11 <sup>th</sup> October 2017	Gravesham Borough Council provided draft comments on the draft Built Heritage Assessment (September 2017).
14 <sup>th</sup> October 2017	Gravesham Borough Council provided informal comments on a selection of the Draft ES documents via email. This included comments on the draft Built Heritage Assessment (September 2017) and ES Chapter 12.
16 <sup>th</sup> October 2017	PoTLL's Built Heritage consultant at CgMs Ltd provided an email response to Gravesham Borough Council's comments on the draft Built Heritage Assessment (September 2017). Gravesham Borough Council (Geoff Baker and Allan Cox) provided email responses to this.

#### Post-application

<u>Date</u>	<u>Activity</u>
21 November 2017	Gravesham Borough Council confirmed the locations of the viewpoints from which they require night time views. PoTLL agree to provide night time views from all five locations in an email dated 22 <sup>nd</sup> November 2017.
2 <sup>nd</sup> November 2017	PoTLL letter to Gravesham Borough Council with draft DCO for review.
13 <sup>th</sup> and 14 <sup>th</sup> November 2017	DCO Application documentation (Archaeology and Cultural Heritage ES Chapter, Technical Appendix 12.B Built Heritage Assessment (October 2017) and

	the final set of wirelines) were sent to Gravesham Borough Council post-submission.
1 December 2017	Following a site visit Gravesham Borough Council (Geoff Baker) confirm in an email to PoTLL's Built Heritage consultant at CgMs Ltd that the Council no longer require an additional viewpoint from West Tilbury Conservation Area.
6 December 2017	PoTLL provide draft SoCG on heritage to GBC
7 December 2017	PoTLL provides draft planning obligation to GBC
14 December 2017	Meeting held to discuss SoCG in relation to Noise and Heritage topics
20 December 2017	Draft noise section of SoCG provided
30 January 2018	Composite Draft SoCG v1 provided
9 February 2018	Meeting held between GBC and PoTLL to discuss SoCG following provision of Aggregate Vessel Noise Assessment and 24/7 Working Note.

- 2.2 The parties continue to actively engage on those matters which are not yet agreed. A further iteration of this SoCG will be submitted into the examination in due course to document the progress that is expected to be made.

### **3.0 SUMMARY OF TOPICS COVERED BY THE SOCG**

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- 3.1 The following topics discussed between PoTLL and Gravesham Borough Council are
- General support for the scheme given overall economic implications
  - Cultural Heritage with particular reference to impact on heritage assets in Gravesend
  - Noise impacts
  - Air Quality
- 3.2 For the avoidance of doubt, the matters covered in this SoCG are the only matters raised by Gravesham Borough Council that relate to its statutory functions identified above.

#### 4.0 LIST OF MATTERS AGREED

Ref	Description of matter	Details of agreement
<b>4.1 General Support for the Scheme</b>		
4.1.1	Importance of the future of the Port of Tilbury to the sub-region	It is agreed that the Tilbury2 proposals are acceptable and bring benefits in terms of sustainable transport and employment; it is further agreed that the heritage of Gravesend is best appreciated in the context of a working and evolving river.
<b>4.2 Built Heritage</b>		
4.2.1	Study Area	<p>It is agreed that the study area of 2km from the Site boundary for the built heritage assessment is appropriate.</p> <p>It is further agreed that the inclusion of Coalhouse Fort (Scheduled Monument), Cliffe Fort (Scheduled Monument) and Shornemead Fort (non-designated heritage asset) which lie beyond the 2km search radius is appropriate.</p> <p>This is detailed in Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement (para. 12.61 and 12.62), Appendix 12.B Built Heritage Assessment (Document Reference 6.2 12.B) (page 28 – 29) and shown in Figures 12.1 and 12.2 (Document Reference 6.3 Figure 12.1 and 6.3 Figure 12.2).</p> <p>It is agreed that the viewpoint locations as shown within Document Reference 6.3 Figure 9.8 are appropriate in order to aid the assessment of potential impacts on the settings of identified built heritage assets on both the north (Essex) and south (Kent) sides of the River Thames. No viewpoint is required from West Tilbury Conservation Area.</p> <p>The location of night time viewpoints have been agreed.</p>



4.2.2	Methodology	<p>The approach to assessing the significance and settings of the identified built heritage assets, and the potential impacts of the proposals upon their significance, is outlined in Technical Appendix 12.B Built Heritage Assessment (Document Reference 6.2 12.B) (page 28 – 31) and paragraphs 12.63 – 12.69 of Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement. The assessment has been informed by industry-standard guidelines including the English Heritage/Historic England guidance, <i>'Historic Environment Good Practice Advice in Planning: Note 3: The Setting of Heritage Assets'</i> (2015), and <i>Conservation Principles, Policies and Guidance'</i> (English Heritage 2008). It is agreed that this approach is appropriate.</p> <p>It is agreed that the use of tables and matrices within Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement (Table 12.5, 12.6 and 12.7) have been used as supporting material to the detailed assessment of setting included within the Technical Appendix 12.B Built Heritage Assessment (Document Reference 6.2 12.B).</p> <p>It is agreed that the wireline images of the proposals (Document Reference 6.2 9.F) illustrate the potential maximum visual parameters of the scheme and are appropriate for the purpose of assessing potential impacts on the settings of built heritage assets.</p>
4.2.3	Baseline Environment	<p>It is agreed that the relevant built heritage assets that have the potential to experience significant effects as a result of the proposals have been appropriately identified and assessed within Sections 5.3 – 5.6 of Technical Appendix 12.B Built Heritage Assessment (Document Reference 6.2 12.B) and Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement.</p>
4.2.4	Mitigation	<p>It is agreed that the embedded mitigation measures presented in paragraphs</p>

		<p>12.144-12.150 and 12.152 of Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement are appropriate to help minimise potential impacts on built heritage assets.</p> <p>It is agreed that the detailed design of the colour and surfacing of the silo and other tall structures, and the waterside lighting strategy will be finalised and approved by Thurrock Council in consultation with Gravesham Borough Council, and that that these are appropriate mitigation measures.</p>
4.2.5	Impact Assessment	<p>It is agreed that the potential impacts on the built heritage assets surrounding the Site during the construction and operational phase include impacts on the settings of designated heritage assets including Scheduled Monuments, Listed Buildings and Conservation Areas. This has been assessed in detail within Technical Appendix 12.B Built Heritage Assessment (Document Reference 6.2 12.B) and Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement (p.633-734).</p>
4.2.6	Cumulative Impact Assessment	<p>It is agreed that the Applicant has adequately considered the impacts on built heritage from the project, together with other projects within the Gravesend and Thurrock areas, as identified in detail within Technical Appendix 12.B Built Heritage Assessment (Document Reference 6.2 12.B) (page 82-83).</p>
4.2.7	Draft Development Consent Order	<p>It is agreed that the requirement set out in draft DCO Schedule 2 paragraph 3(3) outlines the maximum heights that each building, structure or operation must not exceed.</p>
<b>4.3 Noise</b>		
4.3.1	Method of assessment	<p>It is agreed that the standards and guidance used within the Environmental Statement (ES) are appropriate for predicting and assessing noise and</p>

		vibration impacts from the proposed scheme.
4.3.2	Thresholds for significance .	It is agreed that the thresholds for significance within the ES are appropriate for assessing the noise impacts of the scheme.
4.3.3	Baseline Conditions	It is agreed that the identified receptors within Gravesham are representative of all of the nearest sensitive receptors to the Tilbury2 site. It is also agreed that the baseline measurements within the ES are representative of typical conditions at those receptors.
4.3.4	Construction Assessment	It is agreed that the list of indicative plant and equipment used in the construction noise calculations in the ES is a reasonable worst case assessment; as are the assumptions for operating periods for that equipment and the mitigation measures that will be applied in respect of their operation.
4.3.5	Road Traffic Assessment	It is agreed that the noise assessments for the infrastructure corridor are based on appropriate traffic forecasts.
4.3.6	Railway Traffic Assessment	It is agreed that the noise assessment for rail traffic on the infrastructure corridor is based on a realistic worst case assessment of train types, flows and speeds.
4.3.7	Operational Assessment	It is agreed that the source noise data in the ES is representative of the operations described in the assessment and acoustic penalties for these sources are appropriate for the level of design as set out in the DCO application.
4.3.8	Operational assessment	It is agreed that the assessment of operational impacts of Tilbury2 within the ES is sufficient.

4.3.9	Operational Mitigation	The approach to operational mitigation set out in the noise ES chapter and secured through the DCO is agreed in principle.
4.3.10	Construction Environmental Management Plan (CEMP) – Noise and Vibration	It is agreed that the noise and vibration section of the CEMP is sufficient and contains best practice methods to limit noise impacts during construction.
4.3.11	Operation Environmental Plan (OMP)– Noise and Vibration	It is agreed that the noise and vibration section of the OMP is sufficient and contains best practice methods to limit noise impacts during operation.
4.3.12	Aggregate Vessel Noise Assessment	<p>PoTLL provided a technical note entitled Aggregate Vessel Noise Assessment [as now attached as Appendix 3 to PoTLL's 'Response to Relevant Representations Document' (Document Reference PoTLL/T2/EX/32)].</p> <p>GBC have reviewed this and it is agreed that this provides a robust assessment of the likely effect of vessel noise on Gravesend. The conclusions of the assessment, that noise generated during the stay of an aggregate vessel at Tilbury2 will have a low impact on the acoustic amenity of residential properties in Gravesend is agreed.</p>
<b>4.4</b>	<b>Air Quality</b>	
	To be completed	
<b>4.5</b>	<b>Cumulative effects</b>	
4.4.1	Lower Thames Crossing	It is agreed that the cumulative impact of the proposals with the LTC in relation to traffic within Gravesham need to be modelled and mitigated for and responsibility for this assessment should not fall between the two projects. It is

		<p>agreed that as LTC has identified Tilbury2 as a cumulative project within its scoping report, this means that the LTC project will carry out this exercise. It is further agreed that as there is no traffic modelling for the LTC available at present it would be impossible for PoTLL to model the impact of Tilbury2 on traffic in Gravesham were the LTC be constructed, and it is therefore appropriate for this not to have been included within the ES and for it not to be carried out during the Examination process.</p>
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## 5.0 LIST OF MATTERS UNDER DISCUSSION

Ref	Description of stakeholder position	Current issue
<b>5.1 Cultural heritage</b>		
5.1.1	The magnitude of impact on the settings of the identified built heritage assets and the degree of harm (or otherwise) to their significance remains a matter under discussion.	<p>PoTLL has provided a detailed assessment of the potential impacts of the proposals on the settings of surrounding heritage assets. This is contained within Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement and Technical Appendix 12.B Built Heritage Assessment (Document Reference 6.2 12.B).</p> <p>The magnitude of impact on the settings of the identified built heritage assets and the degree of harm (or otherwise) to their significance remains a matter under discussion. PoTLL would welcome Gravesham Borough Council's comments on the assessment and conclusions within Technical Appendix 12.B Built Heritage Assessment (Document Reference 6.2 12.B) and the sections relevant to built heritage within Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement.</p>
5.1.2	Agreement on further mitigation and enhancement measures above and beyond those set out in the ES remain a matter under discussion.	The Applicant has presented proposed further mitigation and enhancements in paragraphs 12.228-12.236 of Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement and discussions with Gravesham Borough Council are continuing on this matter, including the form of any necessary planning obligations
5.1.3	Baseline Environment	It is agreed that the assessment of significance and sensitivity of

		the identified built heritage assets contained within the Sections 5.3 – 5.6 of Technical Appendix 12.B Built Heritage Assessment (Document Reference 6.2 12.B) and Table 12.9 of Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement is appropriate. Discussion will be ongoing between the Applicant and Alan Cox on this matter.
5.1.2	GBC remain concern about the impact of lighting	PoTLL are considering this matter further.
<b>5.2 Noise</b>		
5.2.1	GBC are concerned about the proposed 24/7 working of the CMAT	<p>PoTLL have provided a document to GBC explaining the commercial and operational imperative for 24/7 working at Tilbury2 [as now attached as Appendix 2 to PoTLL's 'Response to Relevant Representations Document' (Document Reference PoTLL/T2/EX/32)].</p> <p>GBC have considered this and understand and appreciate this imperative and consider that PoTLL have provided a robust justification in this regard. GBC are considering further the implications of this for the residential environment of Gravesend.</p>
<b>5.3 Air Quality</b>		
5.3.1	To be completed	
<b>5.4 Operation – shore power</b>		
5.4	GBC requires clarification on why shore power cannot be installed	PoTLL will provide further clarification on this matter in its

	in order to mitigate Air Quality and Noise impact	Response to Relevant Representations submission.
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## 6.0 AGREEMENT

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Signed	
Name	
Position	
Organisation	Essex County Council
Date	
Signed	
Name	
Position	
Organisation	Port of Tilbury London Limited

**APPENDIX 3**

**SOCG003      DRAFT STATEMENT OF COMMON GROUND WITH ESSEX  
COUNTY COUNCIL**

PLANNING ACT 2008  
INFRASTRUCTURE PLANNING  
(APPLICATIONS: PRESCRIBED FORMS AND PROCEDURE) REGULATIONS 2009

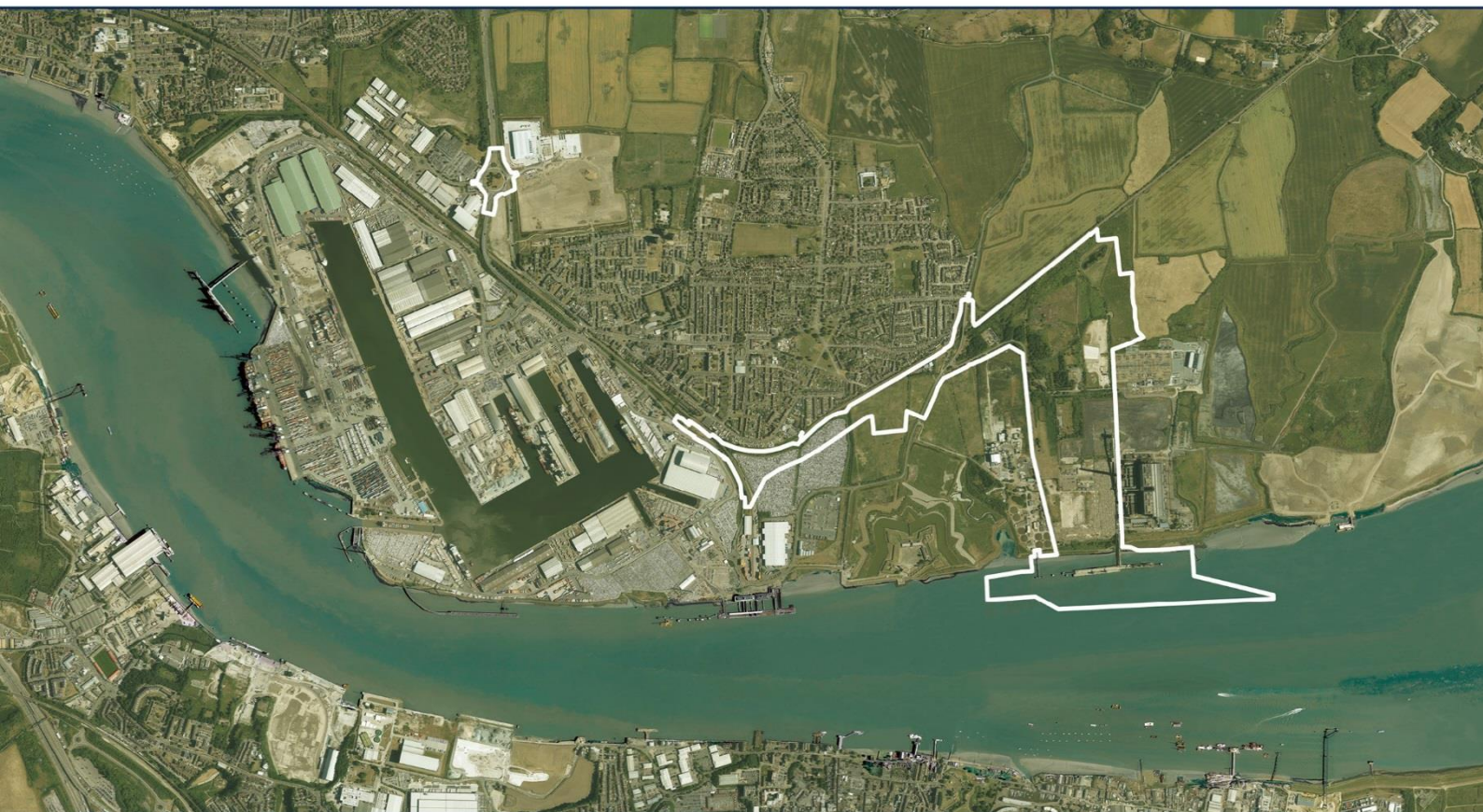
PROPOSED PORT TERMINAL AT  
FORMER TILBURY POWER STATION

**TILBURY2**

TRO30003

STATEMENT OF COMMON GROUND  
BETWEEN PORT OF TILBURY LONDON LIMITED AND  
ESSEX COUNTY COUNCIL

DOCUMENT REF : SOCG003



**PORT OF TILBURY****PROPOSED PORT TERMINAL AT FORMER TILBURY POWER STATION  
'TILBURY2'****STATEMENT OF COMMON GROUND****BETWEEN PORT OF TILBURY LONDON LIMITED AND  
ESSEX COUNTY COUNCIL**

<b>Revision</b>	<b>Date</b>	<b>Description of new version</b>
1.0	7 December 2017	Outline SoCG
2.0	30 January 2018	Updated to reflect on-going discussions
3.0	12 February 2018	Updated by ECC and agreed by PoTLL.

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2.0	CONSULTATION TO DATE.....	6
3.0	SUMMARY OF TOPICS COVERED BY THE SOCG .....	9
4.0	LIST OF MATTERS AGREED .....	10
5.0	LIST OF MATTERS UNDER DISCUSSION.....	13
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## **1.0 INTRODUCTION**

---

### **Purpose of this document**

- 1.1 This Statement of Common Ground ("SoCG") has been prepared in relation to the application by Port of Tilbury London Limited ("PoTLL") under section 37 of the Planning Act 2008 ("the Act") for an order granting development consent ("DCO") for the construction, operation and maintenance of a new port terminal and associated facilities in Tilbury, Essex known as 'Tilbury2' ("the proposals").
- 1.2 The aim of this SoCG between PoTLL and Essex County Council ("ECC") is to provide a clear record of engagement between the parties, including of the issues discussed between the parties and the current status of those discussions. The SoCG can be used as evidence of engagement for the purposes of the examination into the DCO application.

### **Structure of this Statement of Common Ground**

- 1.3 This structure of this SoCG is as follows:

Section 1 – Introduction

Section 2 – Consultation to date

Section 3 – Summary of topics covered by the SoCG

Section 4 – List of matters agreed

Section 5 – List of matters under discussion

Section 6 – List of matters not agreed [this will be added at the end of the process if any outstanding issues persist]

### **Overview of the proposals**

- 1.4 Port of Tilbury London Limited ("PoTLL") is proposing a new port terminal on the north bank of the River Thames at Tilbury, a short distance to the east of its existing Port. The proposed port terminal will be constructed on land that formed the western part of the now redundant Tilbury Power Station and is bounded to the west by a waste water treatment works and to the east by the Tilbury B power station that is presently being demolished.
- 1.5 The proposed main uses on the site will be a Roll-on/Roll-off (RoRo) terminal and a Construction Materials and Aggregates terminal (the "CMAT"), and associated infrastructure including rail and road facilities and revisions to the existing marine infrastructure. An 'infrastructure corridor' is proposed that will accommodate road and rail links to the existing rail and road network. The CMAT will include stockpiling of construction materials and some processing of aggregates for the production of asphalt and concrete products.
- 1.6 It will require works including, but not limited to:

- creation of hard surfaced pavements;
- improvement of and extensions to the existing river jetty including creation of a new RoRo berth;
- associated dredging of berth pockets around the proposed and extended jetty and dredging of the approaches to these berth pockets;
- new and improved conveyors;
- erection of welfare buildings;
- erection of a single 10,200 sqm. warehouse
- a number of storage and production structures associated with the CMAT;
- the construction of a new link road from Ferry Road to Fort Road; and
- formation of a rail spur and sidings.

1.7 The proposed volumes of import/export of RoRo units for the terminal exceed the threshold of 250,000 units stated in the Planning Act 2008 for throughput per annum. The Tilbury2 project therefore constitutes a Nationally Significant Infrastructure Project (NSIP).

1.8 The application essentially seeks a DCO to approve an operational port and to allow PoTLL to benefit from its permitted development rights within the boundaries of the new port. The application seeks to establish a 'Rochdale Envelope' of development based upon the description within the DCO. Whilst future use of the site may change it would necessarily be based on the "Not Environmentally Worse Than" (NEWT) approach within the Rochdale Envelope defined by this application, given that any development outside of this would require a separate planning application, as it would fall beyond the scope of permitted development powers.

### **Introduction to Essex County Council**

1.9 Essex County Council is a neighbouring strategic authority within the definition of the Duty to Co-operate under the Planning & Compulsory Purchase Act 2004. Tilbury2 is a strategic cross-boundary matter and ECC wish to engage with this process as an interested party.

1.10 Essex County Council is a relevant strategic authority, with the following roles:

- A key partner and service provider within Essex promoting economic development, regeneration, infrastructure delivery and new development;



- The highway and transportation authority, with responsibility for the delivery of the Essex Local Transport Plan;
- Minerals and Waste Planning Authority, Local Lead Flood Authority and Public Health Advisor for the County of Essex; and
- The local education authority for Essex.

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## 2.0 CONSULTATION TO DATE

- 2.1 This section provides a summary of the engagement between PoTLL and Essex County Council that has taken place to date.

### Pre-application

Date	Activity
27 February 2017	PoTLL provide Essex County Council with a draft of their Scoping Report
17 March 2017	Essex County Council provide written response to the draft Scoping Report to PoTLL
4 April 2017	Graham Thomas of Essex County Council attends a workshop with PoTLL and PINS at which the proposals and the NSIPs planning process are outlined
6 April 2017	PoTLL's transport consultants send Transport Assessment scoping note to ECC Highways for comment
10 April 2017	PoTLL respond by letter to matters raised by Essex County Council in their response to the draft Scoping Report
24 May 2017	PoTLL's transport consultants meet with two officers from ECC Transportation (Mark Lawrence and Beverley Gould). The scope of the TA is agreed.
14 June 2017	Joint meeting with PoTLL's transport consultants, Highways England, Thurrock Council and ECC Transportation (Mark Lawrence & Alastair Southgate). Baseline traffic conditions, Tilbury2 proposals and link road matters discussed.
30 June 2017	PoTLL's transport consultants issue baseline highway conditions technical note to ECC Transportation

4 July 2017	PoTLL's planning consultants e-mail Essex County Council following publication of PEIR to offer any further clarification
14 July 2017	PoTLL's transport consultants send technical note on Development Traffic Profiles to ECC Transportation
28 July 2017	Response of Essex County Council to S42 statutory consultation
1 August 2017	PoTLL's transport consultants send updated technical note on baseline and TA modelling to ECC Transportation
4 August 2017	PoTLL's transport consultants email Essex County Council Strategic Planning in response to S42 letter to explain nature of agreement reached on highways modelling. Agreed that no sensitivity testing of the Lower Thames Crossing was required due to the limited information and unknown likelihood of delivery
30 August 2017	PoTLL's transport consultants send draft Framework Travel Plan to ECC Transportation

*Note – ECC officers have attended meetings as advisers to Thurrock Council in relation to flood risk/drainage and heritage*

#### Post-application

<u>Date</u>	<u>Activity</u>
7 December 2017	PoTLL's planning consultants email first draft of SoCG to ECC
8 December 2017	Meeting held to discuss Waste and Transportation Issues
8 January 2018	ECC submit Relevant Representation
18 January 2018	Meeting held to discuss Waste issues

- 2.2** The parties continue to actively engage on those matters which are not yet agreed. A further iteration of this SoCG will be submitted into the examination in due course to document the progress that is expected to be made.

### **3.0 SUMMARY OF TOPICS COVERED BY THE SOCG**

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- 3.1 The SoCG covers matters raised by Essex County Council in its Relevant Representations. Some of these matters relate to its statutory functions as adjoining highways authority, minerals and waste authority and education authority. These matters are as follows :-
- General support for the scheme given overall economic implications
  - Traffic forecasting and modelling
  - Minerals planning matters
  - Waste matters
- 3.2 Other matters are outside of ECC's statutory function but are matters on which ECC, as a neighbouring authority has an interest in, concerning Landscape and visual impact and Ecology. ECC is minded that Thurrock Council has also raised these issues and is pursuing these matters as the host authority. ECC supports the approach being developed by Thurrock Council and the inclusion of these matters within their SoCG, therefore ECC has no further comments to make on these matters.
- 3.3 ECC has a service level agreement with Thurrock Council for the provision of advice as: Lead Local Flood Authority and on Historic Environment. Water resources and flood risk issues; as well as Terrestrial Archaeology and Built Heritage issues are therefore dealt with in the SoCG with Thurrock Council.

#### 4.0 LIST OF MATTERS AGREED

Ref	Description of matter	Details of agreement
<b>4.1</b>	<b>General Support for the Scheme and Economic Benefits</b>	
4.1.1	Importance of the future of the Port of Tilbury to the sub-region	It is agreed that the proposals are of paramount importance for securing on-going growth in the London and south east and eastern regions, of which Essex is a part.
<b>4.2</b>	<b>Highways and transportation</b>	
4.2.1	Scope of Transport Assessment	It is agreed that the scope of the Transport Assessment accords with guidance and provides a comprehensive basis for the preparation of the Transport Assessment.
4.2.2	Detailed assessment of junctions in Essex that form part of the County Council highways network	It is agreed that detailed assessments of junctions that form part of the Essex County Council highways network are not required as they lie outside of the scope of the Transport Assessment due to the expected number of development related trips.
4.2.3	Wider strategic network	ECC has confirmed they have no concern regarding the impact on M25J30 which forms part of the Strategic Road Network which is the responsibility of Highways England.
<b>4.3</b>	<b>Minerals</b>	
4.3.1	Availability of minerals wharves and mineral resources	It is agreed that the adopted Essex Minerals Local Plan (July 2014) seeks to ensure a local supply of aggregates in the County and that Tilbury2 would assist in this

		objective given that (i) there are no wharves for landing minerals in Essex and (ii) mineral resources in the south of the County are extremely limited.
<b>4.4 Waste</b>		
4.4.1	Methodology within the Environmental Statement to determine significance of waste arisings from the proposals	It is agreed that the use of the waste capacity data within Essex as a proxy (given the lack of available data for Thurrock) in order to determine the significance of the impact of the quantity of waste predicted to be produced during construction/demolition is appropriate. ECC therefore withdraw their objections to the scheme in relation to waste issues made in their Relevant Representation.
4.4.2	Destination of waste	It is agreed that the destination of the waste produced is an issue for the contractors involved with the construction of the proposals in the development but that waste is unlikely to be taken into Essex due to costs of haulage and availability of sites within Thurrock.
<b>4.5 Landscape and visual impact</b>		
4.5.1	Methodology for assessment	It is agreed that methodology used to assess the potential effects on landscape and visual amenity is acceptable.
4.5.2	Principles of Landscape and Visual Impact Issues	ECC is minded that Thurrock Council has also raised these issues and is pursuing these matters as the host authority. ECC

		supports the approach being developed by Thurrock Council and the inclusion of these matters within their SoCG, therefore ECC has no further comments to make on these matters.
<b>4.5 Ecology</b>		
4.5.1	Methodology for assessment	It is agreed that the methodology used to assess the potential effects on ecology is acceptable and that the suite of studies undertaken is acceptable.
4.5.2	Assessment of effects	It is agreed that the aim of the proposals is for only temporary net loss in biodiversity with potential neutral or net gains over time.
4.5.3	Principle of off-site compensation	The principle of off-site habitat compensation for invertebrates is agreed.
4.5.4	Habitats Regulations Assessment	It is agreed that the shadow HRA for likely impacts on European Sites is acceptable.
4.5.5	Principles of Ecological Issues	Now that there is ecological information on designated sites (both statutory and non-statutory) and protected & priority species and habitats, the principles of ecological issues are included within the Thurrock Council Statement of Common Ground, ECC support the approach being developed by Thurrock Council and has no further comments to make

## 5.0 LIST OF MATTERS UNDER DISCUSSION

Ref	Description of stakeholder issue	Current position
<b>5.1</b>	<b>General Support for the Scheme and Economic Benefits</b>	
5.1.1	ECC require clarification on how the benefits and use of the local supply chain and economy would be realised.	PoTLL are seeking to agree a Skills and Employment Strategy, compliance with which will be secured through the S106 with Thurrock. This will also be provided to ECC to address this issue.
<b>5.2</b>	<b>Highways and Transportation</b>	
5.2.1	ECC expects Tilbury2 and LTC to take account of respective proposals to ensure junction capacity	<p>ECC confirmed at a meeting on 24 May 2017 that testing of Tilbury2 with LTC was not required as insufficient information is available</p> <p>PoTLL do not consider it is feasible for Tilbury2 to be modelled with the LTC in place at this stage as there is no traffic modelling available in relation to the LTC and the scheme is not fixed.</p>
5.2.2	Framework Travel Plan : clarification, information and mitigation needs further discussion	PoTLL are seeking to discuss what further clarification and information is required.
5.2.3	Rail Freight : ECC seeks reconsideration by Network Rail (and PoTLL) on the timing and priority of relevant enhancements in the 2017 Freight Network Study. Clarification required on the cumulative impacts on the rail network, passenger and freight capacity, connectivity and	PoTLL are reviewing this matter in discussions with NR.



	network resilience between Essex and London	
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## 6.0 AGREEMENT

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Signed	
Name	
Position	
Organisation	Essex County Council
Date	
Signed	
Name	
Position	
Organisation	Port of Tilbury London Limited

**APPENDIX 4**

**SOCG004      DRAFT STATEMENT OF COMMON GROUND WITH  
ENVIRONMENT AGENCY**

PLANNING ACT 2008  
INFRASTRUCTURE PLANNING  
(APPLICATIONS: PRESCRIBED FORMS AND PROCEDURE) REGULATIONS 2009

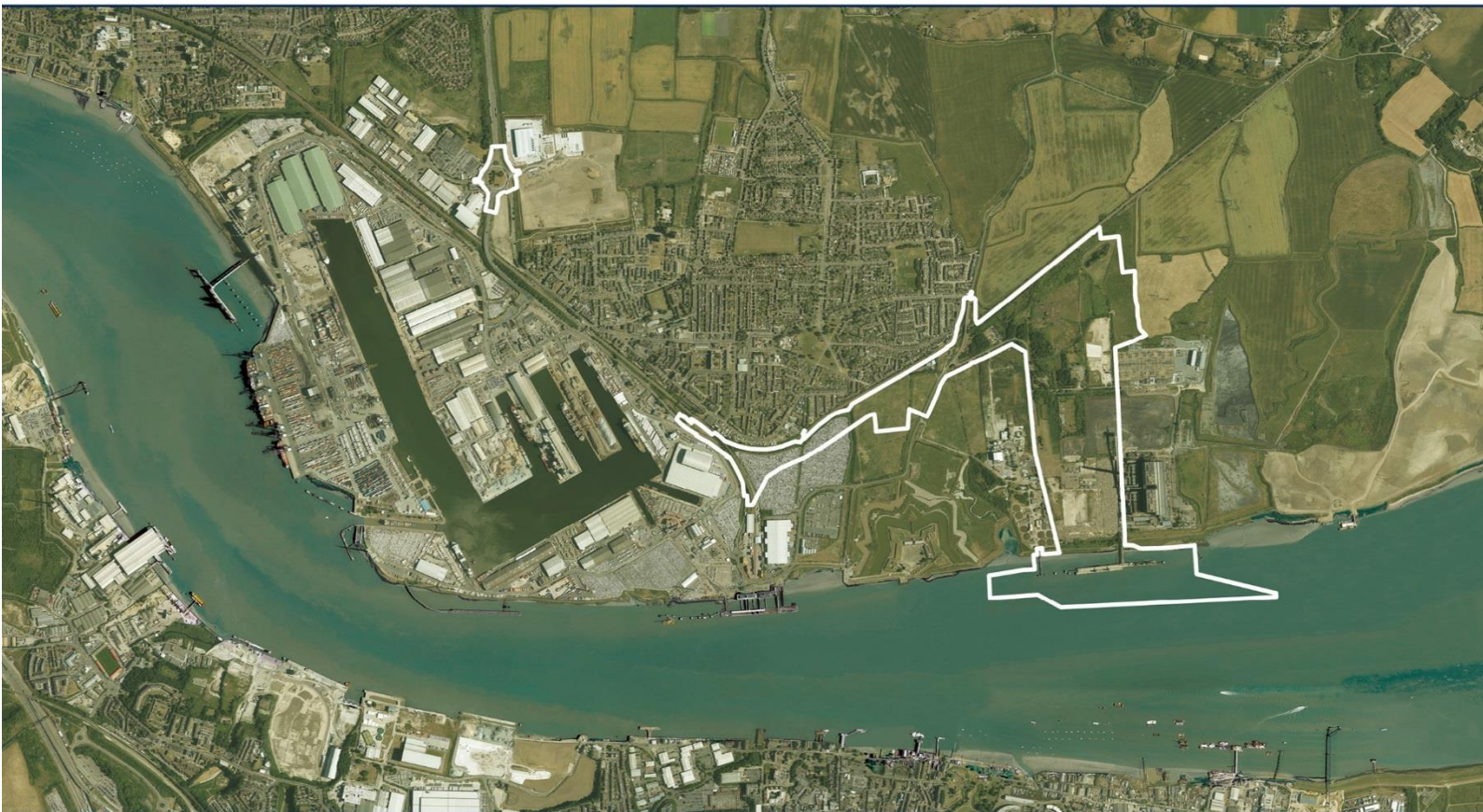
PROPOSED PORT TERMINAL AT  
FORMER TILBURY POWER STATION

**TILBURY2**

TRO30003

STATEMENT OF COMMON GROUND  
BETWEEN PORT OF TILBURY LONDON LIMITED AND  
THE ENVIRONMENT AGENCY

DOCUMENT REF : SoCG004



## **PORT OF TILBURY**

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

## **STATEMENT OF COMMON GROUND**

### **BETWEEN PORT OF LONDON AUTHORITY AND THE ENVIRONMENT AGENCY**

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5.0	LIST OF MATTERS UNDER DISCUSSION.....	17
6.0	LIST OF MATTERS NOT AGREED.....	21

Revision	Date	Description of new version
1.0	1 <sup>st</sup> Feb 2018	Second draft with updated text
2.0	8 <sup>th</sup> Feb 2018	Third draft with minor amendments to text

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## **1.0 INTRODUCTION**

---

### **Purpose of this document**

- 1.1 This Statement of Common Ground ("SoCG") has been prepared in relation to the application by Port of Tilbury London Limited ("PoTLL") under section 37 of the Planning Act 2008 ("the Act") for an order granting development consent ("DCO") for the construction, operation and maintenance of a new port terminal and associated facilities in Tilbury, Essex known as 'Tilbury2' ("the proposals").
- 1.2 The aim of this SoCG between PoTLL and the Environment Agency ("EA") is to provide a clear record of engagement between the parties, including of the issues discussed between the parties and the current status of those discussions. The SoCG can be used as evidence of engagement for the purposes of the examination into the DCO application.

### **Structure of this Statement of Common Ground**

- 1.3 The structure of this SoCG is as follows:
- Section 1 – Introduction
  - Section 2 – Consultation to date
  - Section 3 – Summary of topics covered by the SoCG
  - Section 4 – List of matters agreed
  - Section 5 – List of matters under discussion
  - Section 6 – List of matters not agreed

### **The Proposals**

- 1.4 The proposals comprises a new port terminal and associated facilities on the north bank of the River Thames at Tilbury in Essex, a short distance to the east of the existing Port of Tilbury. The proposed port terminal will be constructed on land that formed the western part of the now redundant Tilbury Power Station. The Scheme is known as 'Tilbury2'.
- 1.5 The proposed main uses on the site will be a Roll-on/Roll-off ("RoRo") terminal and a Construction Materials and Aggregates terminal ("the CMAT"), and associated infrastructure including rail and road facilities and revisions to the existing marine infrastructure. An 'infrastructure corridor' is proposed that will accommodate road and rail links to the existing rail and road network. The CMAT will include stockpiling of construction materials and some processing of aggregates for the production of asphalt and concrete products.
- 1.6 The proposals will require works including, but not limited to:
- creation of hard surfaced pavements;

- improvement of and extensions to the existing river jetty including creation of a new RoRo berth;
- associated dredging of berth pockets around the proposed and extended jetty and dredging of the approaches to these berth pockets;
- new and improved conveyors;
- erection of welfare buildings;
- erection of a single 10,200 sqm. warehouse and a number of storage and production structures associated with the CMAT;
- the construction of a new link road from Ferry Road to Fort Road; and
- formation of a rail spur and sidings.

1.7 The proposed volumes of import/export of RoRo units for the terminal exceed the threshold of 250,000 units stated in the Act for throughput per annum. The Tilbury2 project therefore constitutes a Nationally Significant Infrastructure Project ("NSIP").

#### **Introduction to Environment Agency**

1.8 The Environment Agency is an executive non-departmental public body, sponsored by the Department for Environment, Food and Rural Affairs. The Environment Agency works to create better places for people and wildlife, and support sustainable development. Within England the Environment Agency is responsible for:

- Regulating major industry and waste;
- Treatment of contaminated land;
- Water quality and resources;
- Fisheries;
- Inland river, estuary and harbour navigations; and
- Conservation and ecology.

1.9 The Environment Agency is also responsible for managing the risk of flooding from main rivers, reservoirs, estuaries and the sea.



## 2.0 CONSULTATION TO DATE

- 2.1 This section provides a summary of the engagement between PoTLL and the EA that has taken place to date.
- 2.2 Copies of key letters and minutes of meetings referred to below are provided in Appendix A of this SoCG for reference.

### Pre-application

Date	Activity
10 <sup>th</sup> February 2017	Meeting held to discuss Flood Risk Assessment, Flood Protection, Surface Water Drainage and Environmental Permitting / Pollution.
27 <sup>th</sup> February 2017	PoTLL provide EA with an early draft of their Scoping Report.
1 <sup>st</sup> March 2017	Meeting held to seek EA views of the scope of assessments for the EIA. This meeting covered all aspects of the EA's input into the scheme, including marine.
23 <sup>rd</sup> March 2017	Response on the draft Scoping Report received from the EA.
25 <sup>th</sup> March 2017	A scoping report was submitted to the Planning Inspectorate on 25th March 17 to request a scoping opinion.
30 <sup>th</sup> March 2017	Proposed specification for the benthic survey distributed by PoTLL consultants.
7 <sup>th</sup> April 2017	Teleconference held to agree proposal for benthic survey.
10 <sup>th</sup> April 2017	Finalised benthic survey specification circulated.
25 <sup>th</sup> April 2017	EA provide written response to the Scoping Report to PINSL.
6 <sup>th</sup> July 2017	Email to agree methodology for flood breach modelling.
28 <sup>th</sup> July 2018	Response of EA to S42 statutory consultation (letter reference AE/2017/121765/01-L01).



Date	Activity
2 <sup>nd</sup> August 2017	Email to confirm that information relating to the additional hydrogeology & ground conditions ground investigation will be provided at the detailed design stage, i.e. post DCO submission.
9 <sup>th</sup> August 2017	Teleconference to discuss the results of the dredge sediment contamination analysis and the approach to assessing and mitigating for tentacled lagoon worm.
10 <sup>th</sup> August 2017	Request to EA for WFD water quality sampling data from Thames Middle of the last five years to support WFD Assessment. Data received from EA on 17/09/2017.
15 <sup>th</sup> August 2017	Meeting to discuss drainage strategy, flood breach modelling and proposals for watercourse crossings and river realignments.
23 <sup>rd</sup> August 2017	Email to confirm that the Alluvium is considered to have negligible groundwater resource value and its sensitivity as a controlled waters receptor is also negligible and it is therefore not considered further in the hydrogeology and ground conditions assessment.
29 <sup>th</sup> August 2017	Meeting to discuss interaction between the proposed RoRo access bridge and the existing flood defence.
4 <sup>th</sup> September 2017	Meeting to discuss tentacled lagoon worm and appropriate 'reasonable precautions' that can be put forward to prevent committing an offence under the Wildlife and Countryside Act.
5 <sup>th</sup> September 2017	A meeting was held with the EA and HR Wallingford to discuss further the high perylene concentrations in the sediments to be dredged and modelling to understand the impact on water quality as part of the WFD assessment post data gathering and research as no EQS is available for perylene.

<b>Date</b>	<b>Activity</b>
12 <sup>th</sup> September 2017	A further meeting was held with the EA to discuss the high perylene contamination results after review of other available sediment data from the Thames.
26 <sup>th</sup> September 2017	Telecom to discuss proposed watercourse crossings and enhancements.
12 <sup>th</sup> October 2017	Pre-application agreement advice letter issued by EA (letter reference AE/2017/122064/01-L01).
18 <sup>th</sup> October 2017	Pre-application agreement advice letter issued by EA (letter reference AE/2017/122092/01-L01).
19 <sup>th</sup> October 2017	Meeting with EA to discuss issues related to future Thames barrier and potential impact on port.

#### Post-application

<b><u>Date</u></b>	<b><u>Activity</u></b>
21 December 2017	Meeting with EA to discuss flood risk and culvert design
5 <sup>th</sup> January 2018	Relevant Representations letter issued by EA (letter reference AE/2017/122299/01-L01)

- 2.3 The parties continue to actively engage on those matters which are not yet agreed. A further iteration of this SoCG will be submitted into the examination in due course to document the progress that is expected to be made.

### **3.0 SUMMARY OF TOPICS COVERED BY THE SOCG**

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3.1 The following topics discussed between PoTLL and EA are commented on further in this SoCG:

- Marine Ecology (including Water Framework Directive Assessment)
- Terrestrial Ecology (including Water Framework Directive Assessment)
- Hydrogeology and Ground Conditions
- Flood Risk
- Flood Risk Management
- Protective Provisions

3.2 For the avoidance of doubt, the matters covered in this SoCG are the only matters raised by the EA that relate to its statutory functions. The EA therefore has no comment to make on any other issues relating to its statutory functions.

#### 4.0 LIST OF MATTERS AGREED

Ref	Description of matter	Details of agreement
<b>4.1</b>	<b>Marine Ecology</b>	
4.1.1	Dispersive dredging conditions.	It is agreed that dispersive dredging methods will not be utilised during the months of June to August inclusive. It is also proposed to restrict WID to the ebb tide only. This will be secured through the operation of the DML.
4.1.2	WFD Assessment	It is agreed that the WFD Assessment submitted with the Tilbury2 application is acceptable.
<b>4.2</b>	<b>Terrestrial Ecology</b>	
4.2.1	Loss and replacement of wetland habitat (ditches and ponds)	It is agreed that losses of ditch (measured in metres) and losses of ponds (measured in surface area of standing water) will be fully compensated within the DCO Boundary (Order limits) to ensure no net loss of these habitats.
4.2.2	Eels	It is agreed that measures to ensure continued and/or future eel passage will be incorporated into the detailed design of realigned and new watercourses and that the Environment Agency will be able to consider this through the operation of their protective provisions. Critically, no barriers will be installed in the watercourses that could prevent eel migration.
4.2.3	Riparian mammals	It is agreed that measures to ensure continued and/or future passage of riparian mammals (e.g. water voles) will be

Ref	Description of matter	Details of agreement
		incorporated into the detailed design of realigned and new watercourses where possible, and that the Environment Agency will be able to consider this through the operation of their protective provisions.
4.2.4	Invasive non-native species (INNS)	It is agreed that the measures incorporated in the CEMP are appropriate. If pre-construction surveys identify INNS, a method statement as part of a biosecurity plan, will be produced and EA agreement sought. Post-construction surveys and control of INNS are secured via the LEMP.
4.2.5	Fish, Eels and protected species along watercourse and ditch network	It is agreed that the measures incorporated in the CEMP are appropriate.
<b>4.3</b>	<b>Hydrogeology and Ground Conditions</b>	
4.3.1	Ground investigation & quantitative risk assessment	It has been agreed that information from the proposed additional ground investigation, along with quantitative risk assessment, will be submitted at a later stage as part of the detailed design and will be controlled through the protective provisions for the EA's benefit within the DCO.
4.3.2	Piling Risk Assessment	It has been agreed that a piling risk assessment will be undertaken at a later stage, once piling design is sufficiently detailed to determine a construction method for the protection of

Ref	Description of matter	Details of agreement
		groundwater and that this is secured in the CEMP.
4.3.3	Alluvium as a controlled waters receptor	It has been agreed that the Alluvium is considered to have negligible groundwater resource value and its sensitivity as a controlled waters receptor is also negligible and it is therefore appropriate that it is not considered further in the hydrogeology and ground conditions assessment. The EA is satisfied that the assessment has, however, considered potential migration of contamination from the Alluvium into underlying aquifers and surface watercourses.
4.3.4	Options appraisal and remediation strategy	Following completion of the additional site investigation, if the findings of the GQRA determine that a Detailed Quantitative Risk Assessment, remediation strategy and verification report are required, these will also be completed and submitted to Environment Agency Groundwater and Contaminated Land Officer for approval, as secured through the CEMP.
<b>4.4</b>	<b>Flood Risk</b>	
4.4.1	Flood Risk Assessment	It was agreed that an addendum to the FRA shall be produced to provide clarity on the specific flood levels and depths in these fields, both with the baseline scenario and the proposed works, and therefore provide more clarity of the precise increase in flood

Ref	Description of matter	Details of agreement
		depths, not just the depth bands as shown on the maps.
4.4.2	Flood Breach Modelling Methodology	<p>It is agreed that the breach methodology outlined; the location, breach width, duration, roughness values, simulations and use of LIDAR and topographical survey are all appropriate subject to the Tilbury East and West Flood Storage Area embankments being included within the breach model.</p> <p>New national breach modelling guidance and River Thames flood levels have been released. It was agreed that the updated levels and guidance will be reviewed and compared in relation to the levels used in the existing breach model. It is agreed that if previous guidance and data used in the FRA provides a precautionary approach then the model does not need updating.</p>
4.4.3	Climate Change allowance	It is agreed that Tilbury2 is not considered 'Safety Critical Infrastructure' and therefore it is not appropriate to apply the NPSP H++ climate change guidance to this scheme. This will be clarified in the addendum to the FRA.
4.4.4	Surface water discharge directly into River Thames	It is agreed that surface water can be discharged directly to the River Thames unattenuated, in line with UK legislation, that allows unrestricted peak flow discharges to large tidal water bodies.
4.4.5	Surface water discharge into watercourses other than the River Thames	It is agreed that flows could be discharged to the existing watercourses at rates higher than greenfield peak flows if it could be demonstrated that there would be no increased flood risk.

Ref	Description of matter	Details of agreement
<b>4.5 Flood Risk Management</b>		
4.5.1	In line with the TE2100 Plan, there is the future requirement to raise the flood defences to either 7.40 m AOD or 8 m AOD in the Tilbury reach.	It is agreed that the EA would not expect the flood wall to be raised to 8mOD along the entire frontage as part of the Tilbury2 proposals, but that the proposed design is sufficient to provide for future raising if this is required. Impact on the existing flood defence will be dealt with at the detailed design stage through the EA's proposed plan approval role under protective provisions in the DCO.
4.5.2	Permanent non-moveable aspects of the proposal within 16m of the flood defence	It is agreed that moveable aspects of the proposals (such as fencing) can be located less than 16m away from the landward toe of the flood defences.  Impact on the existing flood defence will be dealt with at the detailed design stage through the EA's proposed plan approval role under protective provisions in the DCO.
4.5.3	Condition of existing flood defence	It is agreed that some of the existing flood defence panels either side of the proposed bridge abutment may need to be replaced to address possible future differential settlement and the new structure tied in with the existing defence. Impact on the existing flood defence, and determination of responsibility for any panel replacement will be dealt with at the detailed design stage through the EA's proposed plan approval role under protective provisions in the DCO.



Ref	Description of matter	Details of agreement
4.5.4	Crossing of existing watercourses	<p>It is agreed that the crossing of watercourses by the infrastructure corridor is generally accepted and that this will be done through box culverts where possible.</p> <p>It is agreed that such design will ensure no reduction in the size of the culverts to ensure that the capacity to carry peak flow is maintained and where possible enhanced.</p> <p>Details of such culverts will be approved by the EA pursuant to their protective provisions within the DCO.</p>
4.5.5	Outflows from the Tilbury Flood Storage Area to be not interrupted and that any potential interruption to these flows must be subject to review by a Reservoir Construction Engineer	It is agreed that as long as any additional culverts are of similar capacity to the existing culverts there should not be an issue. This would be able to be confirmed in detailed design through the operation of the EA's protective provisions.
4.5.6	Drainage Strategy – water quality	Water Quality enhancements have been provided as documented in the drainage strategy and have been maximised as far as reasonable practical, throughout the project. There are significant restraints on the RoRo pavement (as discussed in the Drainage Strategy (Document Reference 6.2.16.E)), and a zoned approach has been proposed with oil interceptors and pollution control valves, to treat hydrocarbons and to control accidental pollution releases.

Ref	Description of matter	Details of agreement
		Any fuel storage will need to be constructed and maintained in accordance with the Control of Pollution (Oil Storage) (England) Regulations 2001
4.5.7	Safeguarding for a future Thames Barrier	A Memorandum of Understanding between the Environmental Agency and PoTLL regarding the inter-relationship between the proposals for Tilbury2 and the potential new Thames Flood Barrier has been drafted independent of this agreement. As a result, the Environment Agency's concerns in respect of this issue are being addressed.
<b>4.6</b>	<b>WFD assessment</b>	
4.6.1	Terrestrial habitats.	It is agreed that the WFD assessment is satisfactory from a terrestrial habitat perspective.
4.6.2	Channel realignments design	Channel realignments will be designed using natural channel design avoiding hard protection wherever possible. Hard protection shall only be used when there is a threat to an asset through erosion or bank instability. A multi-stage channel will be designed accordingly. This will be able to be confirmed at detailed design through the operation of the EA's protective provisions.
4.6.3	Culvert length	A new light well will be installed where practicable for any new culverts which are greater than

Ref	Description of matter	Details of agreement
		30m in length. This will be able to be confirmed at detailed design through the operation of the EA's protective provisions.
<b>4.78</b>	<b>Combination effects</b>	
4.7.1	Suspended sediment from dredging at Tilbury2 and the London Gateway Port could act in combination and interfere with each other's operations.	<p>It is agreed that currently there are too many uncertainties and assumption to make a meaningful judgement on how Tilbury2 maintenance dredging which is some time away, could affect LGP's currently unknown annual dredging programme which could in itself change in time.</p> <p>It is agreed that pre-approval for maintenance dredging will be required under the DML from the MMO or from the PLA, who will be aware of what LGP is planning at that point, and would thus impose restrictions on Tilbury2 (or indeed LGP) as necessary.</p>

## 5.0 LIST OF MATTERS UNDER DISCUSSION

Ref	Description of stakeholder issue	Current position
<b>5.1 Marine and Terrestrial Ecology</b>		
5.1.1	<p>The development must consider likely losses of productive inter-tidal habitats from additional shading and/or erosion as a consequence of the development including from:</p> <ul style="list-style-type: none"> <li>- piling for the jetty</li> <li>- a new outfall to the Thames.</li> </ul>	<p>The marine ecology section of the EIA has assessed losses of priority mudflat habitat from piling and concluded that there will be no net loss. This is due to the removal of the Anglian Water Jetty which creates a greater gain than the loss from piling. Further consideration of this issue can be found at paragraph 11.199 of the ES.</p> <p>PoTLL has undertaken further calculations and has determined that the installation of the new outfall from the site will result in a negligible permanent physical loss of salt marsh due to the excavation works and installation of concrete piles, headwall and access. It is anticipated that the headwall will be c4.5m wide which equates to less than 2% of the existing frontage. Measures to investigate how this loss can be mitigated against are currently being investigated and will be discussed with the Environment Agency.</p>
5.1.2	<p>The River Thames Wall poses a hard defence, posing a barrier to inward migration of foreshore habitats, including saltmarsh, in the event of sea level rise.</p>	<p>The Environment Agency have queried the effect of the proposals on saltmarsh post construction and in the event of sea level rise. PoTLL is undertaking further work to provide more clarity on this position to the Agency.</p>

Ref	Description of stakeholder issue	Current position
<b>5.2</b>	<b>Specific pollutants and priority hazardous substances</b>	
5.2.1	The practise of using zinc sacrificial anodes for marine corrosion protection of metal structures needs review and possible alternatives should be investigated with a view to replacing zinc with other materials less close to their EQS limits.	The detail of corrosion protection of metal marine structures will be agreed with the Environment Agency in detailed design, pursuant to the Agency's protective provisions in the DCO.
<b>5.3</b>	<b>Terrestrial Ecology</b>	
5.3.1	Off-site mitigation – the Environment Agency requested further details on this.	The Environment Agency will be consulted on the emerging details of the mitigation and compensation plans, including off-site compensation for loss of coastal and floodplain grazing marsh and open mosaic habitat; as part of the Ecological Mitigation and Compensation Plan (EMCP).
5.3.2	Phasing Plan – the Environment Agency suggested new habitats will need to be phased (including water voles) and requested further detail on this.	The Environment Agency are to be consulted on the emerging phasing plan, which will be presented within the EMCP.
5.3.3	Eels – Suggests that Eel specific surveys should take place with mitigation measures put in place if eels are found, and further fish passage measures such as flaps should be considered.	Both fish and eel passage will be retained under any crossing installed as part of the works, and eel-friendly control structures will be incorporated into the proposed Thames outfall. There are also provisions in the CEMP to ensure that eels will be protected during construction phase, and compensatory coastal and

Ref	Description of stakeholder issue	Current position
		floodplain grazing marsh habitat provision will be provided (see 5.3.1 above) as part of the EMCP. The potential presence of eels has therefore already been addressed by suitable mitigation. PoTLL contends that additional eel surveys would be attendant with the high risk of false negatives for one or more watercourses, and thus are of very limited value. PoTLL will continue to discuss this with the EA.
5.3.4	<p>Riparian mammals:</p> <p>The Environment Agency has requested cross sections of watercourses and plans are needed to ensure that the biodiversity function of drainage ditches is maximised. The developer should produce detailed designs for the concentric rings of open ditches needed to provide enhanced water vole habitat.</p>	Indicative cross-sections of proposed watercourses/ditches will be provided to ensure the Environment Agency is happy with the proposed approach for riparian mammal mitigation. Full detailed designs will be able to be considered by the Environment Agency pursuant to their protective provisions.
<b>5.4</b>	<b>Flood Risk Management</b>	
5.4.1	Flood Emergency Plan	<p>It is not possible to provide definitive finished floor levels or a final Flood Emergency Plan given the stage of the development proposals. However it is noted that the draft DCO requires PoTLL to comply with the FRA, which includes the requirement to produce a Flood Emergency Plan.</p> <p>The FRA addendum will clarify some of the principles of Flood</p>

Ref	Description of stakeholder issue	Current position
		Risk Management to be incorporated on the site.
<b>5.5</b>	<b>WFD assessment</b>	
5.5.1	Detail on channel realignments, culverts and light wells.	Discussions are ongoing with the additional clarifications that the Environment Agency requires to close off the various elements on the WFD assessment.
5.5.2	Natural channel and diverted ditches design	Natural channel design is specified in the WFD assessment. Indicative cross-sections of proposed watercourses will be provided to ensure the Environment Agency is happy with the proposed approach. Full detailed designs will be able to be considered by the Environment Agency pursuant to their protective provisions.
5.5.3	Watercourse and ponds design, compensation and enhancement - the Environment Agency suggest a greater length of watercourse and a number of ponds should be established.	Compensation plans as part of the EMCP are being developed that would meet these requirements.
5.5.4	The potential uplift in water temperature near the new port, when the proposed power station is built, could cause sufficient changes in solubility of EQS substances to alter the conclusions of WFD compliance. Thermal discharges from the proposed power station, assuming it is built, should be considered	<p>It is agreed that there is currently insufficient detail currently available for the Tilbury Energy Centre for any kind of cumulative assessment to be able to be made.</p> <p>It is agreed that if the TEC project were to be given consent, the potential effects on the marine ecology of the Thames Estuary from this project, such as through</p>

Ref	Description of stakeholder issue	Current position
	within this stage of consultations, prior to issue of DCO.	thermal discharges, could be appropriately mitigated by, and should be assessed by, that project.  This matter is under discussion with the Environment Agency

## 6.0 LIST OF MATTERS NOT AGREED

Ref	Description of stakeholder issue	Current position
<b>6.1</b>	<b>Flood Risk Management</b>	
6.1.1	The supporting wall of East Dock Sewer (where the infrastructure corridor joins the Dock Road), is in very poor condition and will need to be replaced to allow the construction of the new road connections	The impact on the supporting wall of East Dock Sewer will be further investigated during detailed design once the full impact that specifically arises from the Tilbury2 proposals has been assessed. This will ultimately be able to be determined as part of the operation of the Environment Agency's protective provisions.



## 7.0 AGREEMENT

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Signed	
Name	
Position	
Organisation	Environment Agency
Date	
Signed	
Name	
Position	
Organisation	Port of Tilbury London Limited



DRAFT

**APPENDIX 5**

**SOCG008      DRAFT STATEMENT OF COMMON GROUND WITH MARINE  
MANAGEMENT ORGANISATION**

DRAFT

PLANNING ACT 2008

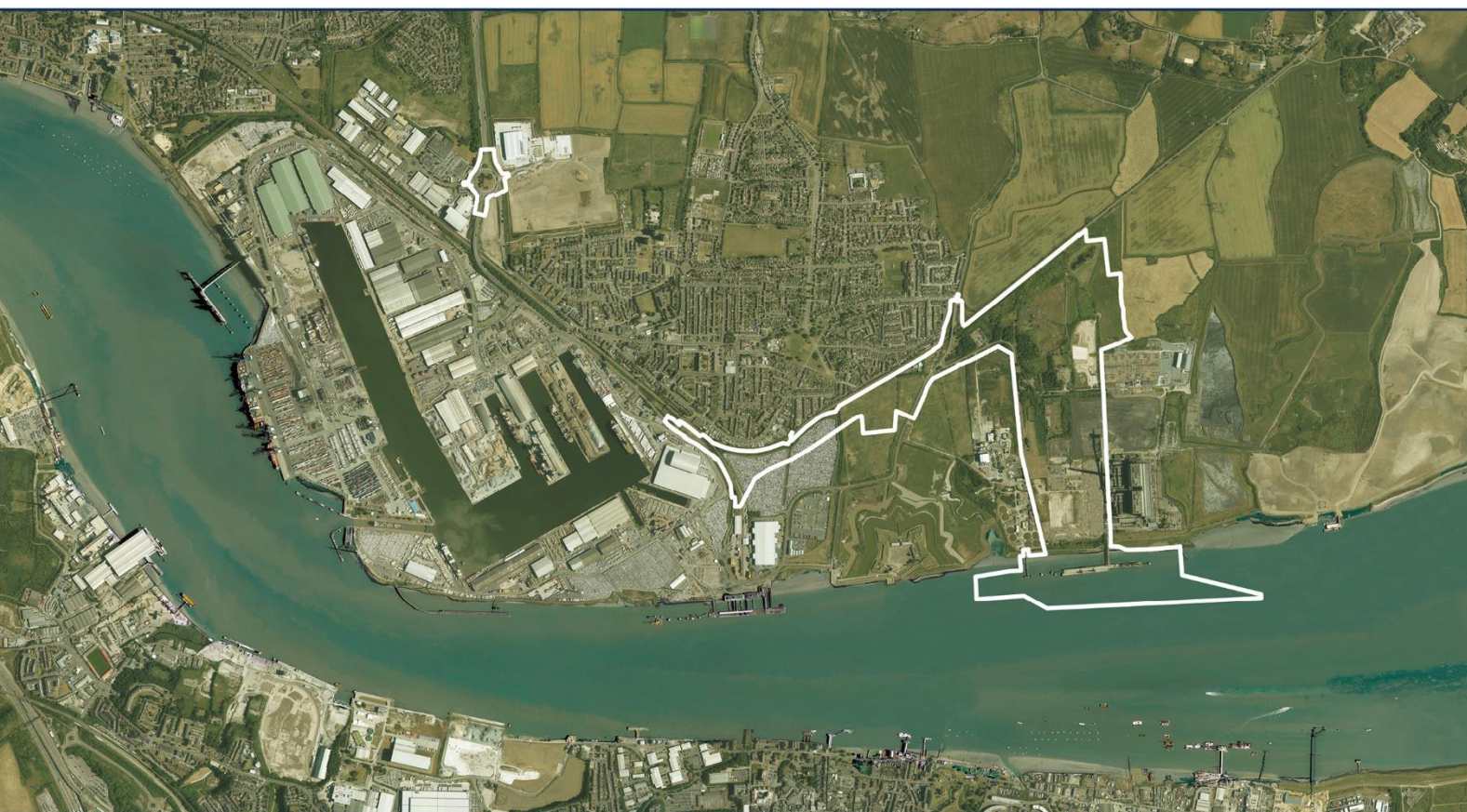
INFRASTRUCTURE PLANNING  
(APPLICATIONS: PRESCRIBED FORMS AND PROCEDURE) REGULATIONS 2009

## PROPOSED PORT TERMINAL AT FORMER TILBURY POWER STATION

# **TILBURY2**

### STATEMENT OF COMMON GROUND WITH THE MARINE MANAGEMENT ORGANISATION

DOCUMENT REF: SOCG008



**PORT OF TILBURY****PROPOSED PORT TERMINAL AT FORMER TILBURY POWER STATION  
'TILBURY2'****STATEMENT OF COMMON GROUND****BETWEEN THE PORT OF TILBURY LONDON LIMITED AND THE MARINE  
MANAGEMENT ORGANISATION****CONTENTS**

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Revision	Date	Description of new version
1.0	13 February 2018	Agreed with MMO for draft submission

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## **1.0 INTRODUCTION**

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### **Purpose of this document**

- 1.1 This Statement of Common Ground ("SoCG") has been prepared in relation to the application by Port of Tilbury London Limited ("PoTLL") under section 37 of the Planning Act 2008 ("the Act") for an order granting development consent ("DCO") for the construction, operation and maintenance of a new port terminal and associated facilities in Tilbury, Essex, known as 'Tilbury2' ("the Scheme").
- 1.2 The aim of this SoCG between PoTLL and the Marine Management Organisation ("MMO") is to provide a clear record of engagement between the parties, including of the issues discussed between the parties and the current status of those discussions. The SoCG can be used as evidence of engagement for the purposes of the examination into the DCO application.

### **1.3 Introduction to the Marine Management Organisation**

- 1.4 The MMO is an executive non-departmental public body (NDPB) established and given powers under the Marine and Coastal Access Act (MCAA) 2009. The MMO was established to make a significant contribution to sustainable development in the marine area and to promote the UK government's vision for clean, healthy, safe productive and biologically diverse oceans and seas.
- 1.5 The MMO is the competent authority for the UK Marine Area as defined by section 42 of the MCAA. Within this area, the MMO is responsible for licensing any works as defined by section 66 of the MCAA.
- 1.6 Under the Harbours Act 1964 (Delegation of Functions) Order 2010, the Secretary of State delegated the exercise of specified functions to the MMO, including, but not limited to, functions exercisable under section 14 and 16 of the Harbours Act 1964. Through these functions, the MMO is responsible for processing applications for Harbour Revision and Harbour Empowerment Orders respectively.
- 1.7 The MMO has a statutory responsibility under the MCAA for monitoring compliance and enforces the conditions within the Deemed Marine Licences consented through the DCO.
- 1.8 PoTLL has engaged with the MMO on the Scheme during the pre-application process, including both non-statutory engagement and formal statutory consultation carried out pursuant to section 42 of the Act.

### **Structure of this Statement of Common Ground**

- 1.9 The structure of this SoCG is as follows:

Section 1 – Introduction

Section 2 – Consultation to date

Section 3 – Summary of topics covered by the SoCG



Section 4 – List of matters agreed

Section 5 – List of matters under discussion

Section 6 – List of matters not agreed

### **The Scheme**

- 1.10 The Scheme comprises a new port terminal and associated facilities on the north bank of the River Thames at Tilbury in Essex, a short distance to the east of the existing Port of Tilbury. The proposed port terminal will be constructed on land that formed the western part of the now redundant Tilbury Power Station. The Scheme is known as 'Tilbury2'.
- 1.11 The proposed main uses on the site will be a Roll-on/Roll-off ("RoRo") terminal and a Construction Materials and Aggregates terminal ("the CMAT"), and associated infrastructure including rail and road facilities and revisions to the existing marine infrastructure. An 'infrastructure corridor' is proposed that will accommodate road and rail links to the existing rail and road network. The CMAT will include stockpiling of construction materials and some processing of aggregates for the production of asphalt and concrete products.
- 1.12 The Scheme will require works including, but not limited to:
- erection of a single 10,200 sqm. warehouse and a number of storage and production structures associated with the CMAT;
  - creation of hard surfaced pavements;
  - new and improved conveyors;
  - erection of welfare buildings;
  - the construction of a new link road from Ferry Road to Fort Road; and
  - formation of a rail spur and sidings.
- The marine works of the Scheme, and to which this document specifically relates to, include:
- improvement of and extensions to the existing river jetty including creation of a new RoRo berth; and
  - associated dredging of berth pockets around the proposed and extended jetty and dredging of the approaches to these berth pockets.
- 1.13 The proposed volumes of import/export of RoRo units for the terminal exceed the threshold of 250,000 units stated in the Act for throughput per annum. The Tilbury2 project therefore constitutes a Nationally Significant Infrastructure Project ("NSIP").



## 2.0 CONSULTATION TO DATE

2.1 This section provides a summary of the engagement between PoTLL and the MMO that has taken place to date.

### Pre-application

Date	Activity
14 <sup>th</sup> February 2017	Meeting to provide the MMO with an overview of the project, enquire about licensing requirements for surveys and discuss the environmental assessments to support the DCO application.
March 2017	An early draft of the Tilbury 2 scoping report was distributed to the MMO to seek initial views on the content of the report ahead of its submission to the Secretary of State.
7 <sup>th</sup> March 2017	A sampling plan requested was submitted to the MMO and PLA for the dredge sediment sampling and analysis requirements.
24 <sup>th</sup> March 2017	Meeting to update the MMO on the progress of the project and seek initial comments on the Tilbury 2 scoping report, ahead of submission of the report to the Planning Inspectorate.
30 <sup>th</sup> March 2017	The proposed specification for the benthic survey was distributed to the MMO, the Environment Agency (EA) and the Port of London Authority (PLA) on 30th March 2017.
7 <sup>th</sup> April 2017	A teleconference was held to discuss and agree the benthic survey proposal.
10 <sup>th</sup> April	The finalised specification for the benthic survey was circulated on 10th April 2017.
12 <sup>th</sup> April 2017	Exemption notification submitted to the MMO providing notice of intention to carry on geotechnical investigations under The Marine Licensing (Exempted Activities) Order 2011 (as amended) (MMO Exemption ref number: EXE_2017_00105).

Date	Activity
	Acknowledgement of the notification received from the MMO on 18/04/2017.
2 <sup>nd</sup> May 2017	Dredge sediment sampling plan received from the MMO/PLA.
28 <sup>th</sup> July 2017	The MMO provided a section 42 response covering the following topics: benthic ecology, conservation, fisheries, coastal processes, underwater noise, and dredge and disposal.
6 <sup>th</sup> July 2017	The results of the benthic survey were provided to the MMO for review.
20 <sup>th</sup> July 2017	Confirmation received from the MMO that the benthic survey report adequately characterises the Tilbury2 area.
3 <sup>rd</sup> August 2017	In response to a comment received in the MMO's section 42 response regarding assessing the disposal site, an email was sent to Heather Hamilton on 03/08/2017 stating that as outlined in the PEIR, the would EIA assess the capacity of the disposal site to receive the material from Tilbury2. A response was received from Heather Hamilton dated 4/8/2017 stating that this would be sufficient and that no further assessment of the disposal site would be required.
9 <sup>th</sup> August 2017	A teleconference was held on 9th August 2017 with the MMO, Cefas, EA and PLA to discuss the results of the dredge sediment contamination analysis and tentacled lagoon worm.
15 <sup>th</sup> August 2017	Freedom of Information Request submitted to the MMO to obtain information relating to conditions that have been placed on previous licences to protect tentacled lagoon worm. Responses to the request, providing

Date	Activity
	information were received on 22 <sup>nd</sup> August 2017 and 23 <sup>rd</sup> August 2017.
4 <sup>th</sup> September 2017	Teleconference with the EA, NE and MMO to discuss tentacled lagoon worm and appropriate 'reasonable precautions' that can be put forward to prevent committing an offence under the Wildlife and Countryside Act.
2 <sup>nd</sup> October 2017	Draft of ES chapters (incl. Marine Ecology, Noise), DCO, DML, CEMP, OMP, and Dredging Plan were sent to the MMO for comments.
16 <sup>th</sup> October 2017	The MMO provided comments on the draft DCO and DML, which included additional conditions.

### Post-application

<u>Date</u>	<u>Activity</u>
20 <sup>th</sup> December 2017	<p>A draft DML was sent to the MMO for comments together with a 'signpost' document which explains how the applicant considers certain conditions sought by the MMO in the DML are already dealt with via the various PLA-related provisions in the DCO.</p> <p>To this the MMO requested clarification (11/01/2018), for which a meeting and site visit at Tilbury2 was agreed for 15th February 2018.</p>
15 <sup>th</sup> February 2018	MMO will undertake a site visit to Tilbury2, followed by a meeting with PoTLL to discuss the DML and matters pending in the SoCG (e.g. conditions).
<i>Insert date</i>	<i>Activity</i>

- 2.2 The parties continue to actively engage on those matters which are not yet agreed. A further iteration of this SoCG will be submitted into the examination in due course to document the progress that is expected to be made.

### **3.0 SUMMARY OF TOPICS COVERED BY THE SOCG**

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3.1 The following topics discussed between PoTLL and the MMO are commented on further in this SoCG:

- Marine Ecology
- Marine Ecology – baseline data
- Marine Ecology – assessment of potential effects
- Marine Ecology – mitigation
- Coastal Processes
- Deemed Marine Licence

3.2 For the avoidance of doubt, matters not covered in this SoCG have not been discussed between the parties as they have not been raised by the MMO in its capacity as regulator for Marine Licence applications in English waters. As such, the MMO has no comment to make on those issues.

#### 4.0 LIST OF MATTERS AGREED

Ref	Description of matter	Details of agreement
<b>4.1 Marine Ecology – Approach to assessment</b>		
4.1.1	Topics covered	<b>It is agreed</b> that the Environmental Statement (ES) covers the appropriate marine ecology topics.
<b>4.2 Marine Ecology - Baseline data</b>		
4.2.1	Benthic Ecology	<p><b>It is agreed</b> that additional survey work was required to inform the benthic ecology baseline.</p> <p>The specification of the survey <b>was agreed</b> prior to its commencement and <b>it is agreed</b> that the results of the survey are appropriate to characterise the benthic environment for the project.</p>
4.2.2	Tentacled lagoon worm	<p><b>It is agreed</b> that tentacled lagoon worm are not present at Tilbury2 and there is a low risk of this species colonising the area in the future.</p> <p><b>It is agreed</b> that it was appropriate for the environmental assessments that support the Tilbury2 DCO application to be undertaken on the basis that tentacled lagoon worm is not present at Tilbury2.</p>
4.2.3	Chemical analysis of dredge sediment	<p><b>It is agreed</b> that the chemical analysis of dredge sediments undertaken in line with the sampling plan provided by the MMO and PLA is sufficient to characterise the baseline environment for the environmental assessments.</p> <p><b>It is agreed</b> that no further testing of the 2017 samples is required.</p>
<b>4.3 Marine Ecology – Assessment of potential effects</b>		
4.3.1	Assessment of effects at the sediments disposal site	<b>It is agreed</b> that it was appropriate for the assessment of the effect of disposing of dredged material from Tilbury2 at a designated sea disposal site within the ES only covers the capacity of the site to receive the material and an assessment of

Ref	Description of matter	Details of agreement
		the level of contamination in the dredged material, relative to Cefas Action levels.
4.3.2	Dredged sediment contamination	<p><b>It is agreed</b> that no water injection dredging will take place within the exclusion zone (approach channel at sample no.8), as indicated in the relevant co-ordinates table of the DML.</p> <p><b>It is agreed</b> that the material in the exclusion zone can be removed by backhoe dredging, and that this material will not be disposed of at sea.</p> <p><b>It is agreed</b> that should PoTLL wish to narrow down the exclusion zone, further sampling and analysis of sediment in the approach channel should be undertaken. The sampling plan for this should be agreed with the MMO and PLA.</p> <p><b>It is agreed</b> that dredge sediment contamination sampling shows that the material from within the berth pockets is acceptable for WID or backhoe dredging and disposal at sea.</p> <p><b>It is agreed</b> that these measures are secured through the operation of the DML.</p>
<b>4.4 Mitigation</b>		
4.4.4	Mitigation/reasonable precautions for tentacled lagoon worm.	<p><b>It is agreed</b> that restricting water injection dredging to being undertaken on the ebb tide only (controlled through the DML) will provide suitable mitigation/reasonable precautions to protect tentacled lagoon worm, and no further mitigation for this species is necessary.</p>

## 5.0 LIST OF MATTERS UNDER DISCUSSION

Ref	Description of stakeholder issue	Current position
<b>5.1 Marine Ecology – Approach to assessment</b>		
5.1.1	Fish Ecology	MMO is awaiting formal advice from Cefas in order to agree/disagree that the approach and assessment methodology for fish ecology is appropriate.
5.1.2	Benthic Ecology	MMO is awaiting formal advice from Cefas in order to agree/disagree that the approach and assessment methodology for benthic ecology is appropriate.
5.1.3	Marine Conservation Zone Assessment	MMO is awaiting formal advice from Cefas in order to agree/disagree that the approach and assessment methodology of the MCZ assessment is appropriate.
5.1.4	Underwater Noise	MMO is awaiting formal advice from Cefas in order to agree/disagree that the approach to underwater noise monitoring and modelling and assessment is appropriate.
<b>5.2 Marine Ecology – Baseline data</b>		
5.2.1	Fish Ecology	MMO is awaiting formal advice from Cefas in order to agree/disagree that sufficient existing data has been utilised to characterise the baseline environment for fish ecology in the environmental assessments, and no further survey work is required.
5.2.2	<p>Suitability of plankton baseline data</p> <p>In their s56 response, the MMO highlighted that 2007 and 2010 data was used for zooplankton and ichthyoplankton respectively, and that it <b>agrees</b> it is unlikely that the species will</p>	<p>The MMO has suggested the use of more up to date data for assessing potential impacts to zooplankton and ichthyoplankton.</p> <p>PoTLL's position, as set out in the ES, is that it is unlikely that the species composition will have changed within the Thames area to such a degree as to render the assessment obsolete. This data is from the EA and is the most up-to-date data available known to the applicant.</p> <p>This is being discussed further with the MMO.</p>



	have changed within the Thames area in this time. Yet, the MMO recommends supplementing this data with more up-to-date information.	
<b>5.3 Marine Ecology – Assessment of potential effects</b>		
5.3.1	Benthic ecology receptors	MMO is awaiting formal advice from Cefas in order to agree/disagree that the assessment of the effects on benthic ecology receptors in the ES is appropriate.
5.3.2	Marine Invertebrates	<p>The MMO has suggested that the potential impacts on marine invertebrates have not been considered and that conclusions should be drawn from the peer-reviewed literature.</p> <p>PoTLL considers that the ES considered the potential impact to marine invertebrates through the assessment of impacts to plankton (paragraphs 11.325, 11.334, 11.339, 11.343), benthic species, and impact to the intertidal and subtidal habitats and communities as a whole (i.e. the habitat of marine invertebrates) (paragraphs 11.155, 11.172, 11.184). Where individual invertebrate species are of exceptional ecological importance, this has been discussed with the regulators and assessed in more detail (e.g. restricting WID to ebb tide only is a measure specifically designed to protect the invertebrate tentacled lagoon worm in Swanscombe; paragraph 11.156).</p> <p>This is being discussed further with the MMO.</p>
5.3.3	Benthic Sensitivity	<p>The MMO suggested that more information should be provided on what guidance was used to establish receptor value/sensitivity, and regarding how the 'value/sensitivity' of the receptor and 'magnitude of effect' of impact are used to derive an overall assessment of the 'significance' of impact.</p> <p>PoTLL considers the assessment has been completed in accordance with the Chartered Institute of Ecology and Environmental Management's (CIEEM) Guidelines for Ecological Impact Assessment in the UK, and Guidance on Impact Assessment in Marine and Coastal Environments. These determine which ecological receptors are significant within a</p>

		<p>geographical context before the assessment of the impacts of the Scheme on significant receptors is undertaken. The methodology is described in paragraphs 11.17 – 11.20 of the ES, and is summarised in Tables 11-4 - 11-6.</p> <p>This is being discussed further with the MMO.</p>
5.3.4	Fish Ecology receptors	MMO is awaiting formal advice from Cefas in order to agree/disagree that the assessment of the effects on fish ecology receptors in the ES is appropriate.
5.3.5	Effects of Underwater Noise to fish.	<p>The MMO has raised concerns that underwater noise modelling scenarios presented in the ES could result in an acoustic barrier during piling activities and this could cause temporary and behavioural effects on fish receptors. Consequently, the significance of the potential impact of underwater noise construction effects on fish receptors is unlikely to be negligible.</p> <p>PoTLL's position is that mitigation measures against impact of underwater noise to fish are proposed in the ES. As the river is used by different species year around, the best mitigation measure proposed is the inclusion of a daily non-piling window of 14 hours. Additionally, soft start techniques for percussive piling and no night time piling will be applied. These are secured through the CEMP and operation of the DML. This is stated in paragraphs 11.131 and 11.132 (pages 11-74, 11-75), of the ES.</p> <p>With the implementation of the embedded mitigation, the intermittent and temporary nature of the piling (one spawning season) and the relatively small spatial extent, the magnitude of effect is considered to be negligible (paragraph 11.272 of the ES).</p> <p>This is being discussed further with the MMO.</p>
5.3.6	Marine Mammal receptors	MMO is awaiting formal advice from Cefas in order to agree/disagree that the assessment of the effects on marine mammal receptors in the ES is appropriate.
5.3.7	Plankton Sensitivity	<p>The MMO has suggested that more information on the assigned “low” value/sensitivity of the plankton receptor is required. Although no protected zooplankton or phytoplankton species were identified, the larvae of two fish species of conservation concern were recorded in the area.</p> <p>These were smelt and European eel, a species that is currently in decline throughout Europe and has targets set by the EU relating to the return of adults to the catchment. Due to the conservation</p>

			<p>importance of these species, it is suggested that the value/sensitivity classification of plankton, or at least ichthyoplankton, is increased or further justification provided for not increasing the value/sensitivity.</p> <p>PoTLL recognises that ichthyoplankton should have the sensitivity value 'medium' as this receptor includes eggs from smelt and European eel which are classed as fish of national importance (Table 11.26 of the ES). However, even if a re-assessment of the potential impacts to ichthyoplankton with a medium sensitivity value was carried out, it is considered that the residual effects (this is, after applying bespoke mitigation measures) are not expected to be significant.</p> <p>This is being discussed further with the MMO.</p>
5.3.8	Seawall features	ecological	<p>The MMO suggested clarification into the question if the ecological features of the seawall had been assessed for impacts in the EIA.</p> <p>PoTLL considers the ecology features of the seawall are mostly saltmarsh and broad intertidal mud-flat (paragraph 11.38 and 11.41 of the ES). Consideration and assessment of intertidal mud-flat is considered in paragraphs 11.152 and 11.180 (Marine Ecology), and coastal saltmarsh in paragraphs 10.362 to 10.364 (Terrestrial Ecology).</p> <p>This is being discussed further with the MMO.</p>
5.3.9	Spatial baseline	extent of	<p>The MMO suggested clarification as per the following statement:</p> <p>'The spatial extent and magnitude of resuspension and sedimentation resulting from the dredging was ascertained subsequent to discussions regarding the appropriate scale for the baseline assessment. It is apparent that the spatial extent of this impact is far greater than the area encompassed by the intertidal and subtidal surveys. Is there any evidence to support that the notion that the habitats observed in the survey extend over the entire spatial area of impact resulting from the dredge? If not, it may be concluded that the baseline conditions of the full area of potential impact have not been adequately described'.</p> <p>PoTLL considers that although the spatial extent of resuspension and sedimentation resulting from the dredging exceeded the scale of the area surveyed in the baseline, the greater area around Tilbury2 was</p>

		<p>considered in the desk-based assessment (see Figure 11.2 of the ES); and since the magnitude of the sedimentation outside the dredging area is minimal i.e. net accumulation on the seabed is generally less than 1mm outside the dredging area, and averaged suspended sediment concentration never exceeds 20mg/l which compared to the ambient concentrations of up to thousands of mg/l is negligible (see paragraph 1.207 and 1.208 of WFD - Appendix 16.C), no impacts are expected.</p> <p>This is being discussed further with the MMO.</p>
5.3.10	Suspended sediments and dissolved oxygen background conditions	<p>The MMO suggested clarification as per the following statement:</p> <p>'In section 11.151 it states that "levels of suspended sediments are within background concentrations, apart from within a localised area of water injection dredging (WID), changes in dissolved oxygen levels are mostly predicted to be within baseline conditions". While increases resulting from the activity may be within background levels, the effects will be cumulative to background conditions, which raises the possibility for impacts. As such, this statement does not appear to be justified'.</p> <p>PoTLL considers that WID is predicted from modelling to result in very localised and temporary elevation of suspended sediment levels above background concentrations in the immediate vicinity of the dredging area (paragraph 11.242), and as such is considered to have a low magnitude of impact/effect. Given the temporary nature and the dispersal conditions, changes in suspended sediments are considered to be too low to cause cumulative effects to benthic receptors.</p> <p>This is being discussed further with the MMO.</p>
5.3.11	Cumulative Impact Assessment	<p>The MMO considers that PoTLL should carry out a cumulative assessment of the project with the proposed Lower Thames Crossing and the proposed Tilbury Energy Centre.</p> <p>As set out in the ES, it is PoTLL's position that there is insufficient information for both projects on which to base a sound cumulative assessment. It is for those projects to consider Tilbury2 in <i>their</i> assessments as, in effect, Tilbury2 is being considered first.</p> <p>This is being discussed further with the MMO.</p>

<b>5.4 Mitigation</b>		
5.4.1	Mitigation for benthic ecology receptors	MMO is awaiting formal advice from Cefas in order to agree/disagree that the embedded mitigation proposed in the ES and contained in the CEMP and through the operation of the DML, are suitable and no further mitigation measures for benthic ecology are required.
5.4.2	Mitigation for fish ecology receptors	MMO is awaiting formal advice from Cefas in order to agree/disagree that the embedded mitigation proposed in the ES and contained in the CEMP and through the operation of the DML, are suitable and no further mitigation measures for fish ecology are required.
5.4.3	Mitigation for marine mammal receptors	MMO is awaiting formal advice from Cefas in order to agree/disagree that the embedded mitigation proposed in the ES and contained in the CEMP and through the operation of the DML, are suitable and no further mitigation measures for marine mammals are required.
<b>5.5 Coastal processes</b>		
5.5.1	Coastal processes to approach assessment	MMO is awaiting formal advice from Cefas in order to agree/disagree that the approach and assessment methodology for coastal processes contained within the ES is appropriate.
5.5.2	Suitability of coastal processes baseline data	<p>The MMO are concerned that the ES does not contain a description of the physical environment or hydrodynamic processes at Tilbury2. A description of the potential impact of the construction on the physical processes of the region is also lacking.</p> <p>PoTLL considers that the baseline hydrodynamic processes at Tilbury (local) are described in paragraph 1.83-1.88 of Appendix 16.C of the ES; that the potential impacts from the construction and operation of Tilbury2 on physical processes is informed by the sedimentological and hydrological modelling which is provided in full in Appendix 16.D; and that a description of the potential impact of the construction on the hydromorphology of the Thames Middle and Thames Lower waterbodies (as a result of impact to physical processes including</p>

		hydrodynamics) is provided in paragraphs 1.89 and 1.90 of Appendix 16.C.  This is being discussed further with the MMO.
5.5.3	Coastal processes mitigation	MMO is awaiting formal advice from Cefas in order to agree/disagree that mitigation measures are not required for coastal processes as any changes to coastal process from the construction and operation of the scheme will be minimal and very localised.
<b>5.6 Deemed Marine Licence</b>		
5.6.1	DCO and Structure DML	PoTLL and the MMO are in ongoing discussions as to the interaction between the DCO and DML and relevant Harbour Powers. PoTLL and the MMO hope to reach an agreed position early in the Examination process.

**6.0 LIST OF MATTERS NOT AGREED**

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Ref	Description of stakeholder issue	Current position