

Application by Port of Tilbury London Limited for an Order Granting Development Consent for a Proposed Port Terminal at the Former Tilbury Power Station ('Tilbury2')

The Examining Authority's First Written Questions and requests for information (FWQs)

Issued on 27 February 2018

The following table sets out the Examining Authority's (ExA's (the Panel's)) first written questions and requests for information - FWQs. If necessary, the Examination timetable enables the Panel to issue a further round of written questions in due course. If this is done, the further round of questions will be referred to as SWQs.

Questions are set out using an issues-based framework derived from, but not limited to, the Initial Assessment of Principal Issues provided as Annex B to the Rule 6 letter of 22 January 2018. Questions have been added to the framework of issues set out there as they have arisen from representations and to address our assessment of the application against relevant legislation, policies and guidance.

Column 2 of the table indicates which Interested Parties (IPs) and Other Persons each question is directed to. The Panel would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique reference number which starts with 1 (indicating that it is from our FWQs) and then has an issue number and a question number. For example, the first question on air quality and emissions issues is identified as FWQ1.1.1. When you are answering a question, please start your answer by quoting the unique reference number.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the Panel if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact Tilbury2@pins.gsi.gov.uk and include 'Tilbury2 ExQ1' in the subject line of your email.

Responses are due by **Deadline 1 – Tuesday 20 March 2018**.

Abbreviations used

PA2008	<i>The Planning Act 2008</i>	LIR	<i>Local Impact Report</i>
A	<i>Article</i>	LoWS	<i>Local Wildlife Site</i>
		LPA	<i>Local planning authority</i>
		LTC	<i>Lower Thames Crossing</i>
ALA 1981	<i>Acquisition of Land Act 1981</i>	MCA	<i>Marine and Coastguard Agency</i>
ALC	<i>Agricultural Land Classification</i>	MMO	<i>Marine Management Organisation</i>
BoR	<i>Book of Reference [APP-020]</i>	MP	<i>Model Provision (in the MP Order)</i>
		MP Order	<i>The Infrastructure Planning (Model Provisions)(England & Wales) Order 2009</i>
CA	<i>Compulsory Acquisition</i>	NE	<i>Natural England</i>
CDE	<i>Construction, Demolition and Excavation (waste)</i>	NPPF	<i>National Planning Policy Framework</i>
CMAT	<i>Construction Materials and Aggregates Terminal</i>	NPS	<i>National Policy Statement</i>
CPO	<i>Compulsory purchase Order</i>	NSIP	<i>Nationally Significant Infrastructure Project</i>
D	<i>Deadline</i>	NSRs	<i>Noise Sensitive Receptors</i>
dDCO	<i>Draft DCO [APP-016]</i>	PLA	<i>Port of London Authority</i>
DML	<i>Deemed Marine Licence</i>	R	<i>Requirement</i>
EA	<i>Environment Agency</i>	RAWP	<i>Regional Aggregate Working Party</i>
EM	<i>Explanatory Memorandum [APP-017]</i>	SI	<i>Statutory Instrument</i>
ES	<i>Environmental Statement</i>	SSSI	<i>Site of Special Scientific Interest</i>
EPR	<i>Environmental Permitting (England and Wales) Regulations 2016</i>	SoS	<i>Secretary of State</i>
ExA	<i>Examining Authority</i>	TP	<i>Temporary Possession</i>
IPs	<i>Interested Parties</i>	WID	<i>Water Injection Dredging</i>

The Examination Library

References in these questions set out in square brackets (for example [APP-010]) are to documents catalogued in the Examination Library. The Examination Library can be obtained from the following link:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR030003/TR030003-000523-Tilbury%20%20Examination%20Library.pdf>

It will be updated as the Examination progresses.

Citation of Questions

Questions in this table should be cited as follows:

Question reference: issue reference: question number, eg FWQ 1.0.1 – refers to question 1 in this table.

FWQ	Question to:	Question:
1.0	General and Cross-topic Questions	
1.0.1	Applicant	The Applicant is requested to review the Mitigation Route Map document [APP-168] and provide an updated version into the Examination which provides details of all mitigation and compensation measures and explains how they are secured in the draft Development Consent Order (dDCO). While this will need to be reviewed and updated as the Examination progresses, some of the mitigation proposed in the ES [APP-031], for example in relation to marine ecology and dredging, does not seem to be identified. Please ensure that all proposed mitigation is identified and is cross referenced to details explaining where/how in the dDCO it would be secured.
1.0.2	Applicant	The Applicant is requested to provide an update to its position statement in respect of consents and agreements [APP-167] at deadline 1 and throughout the Examination, including the last deadline in August 2018.
1.0.3	Applicant	Please could the Applicant provide a plan showing: <ul style="list-style-type: none"> a) all of the land under its control (that is land that is owned or occupied by the Port of Tilbury London Limited, or any of its parent or subsidiary companies) in and around Tilbury, including any industrial estates or parks, in the vicinity of Tilbury Docks; and b) the current usage and names of tenant/occupiers of the various areas within the land identified as under its control. Whilst Figure 7 in the Outline Business Case provides some of this information, it is not comprehensive.

FWQ	Question to:	Question:
1.0.4	Applicant	The Errata version of the Outline Business Case [AS-016] identifies in paragraph 1.30 that the Construction Materials and Aggregate Terminal (CMAT) would handle 1,600,000 tonnes of aggregates per year. Are these marine dredged aggregates, crushed rock or recycling/secondary aggregates? If a mix is proposed, please provide an estimate of the volume and percentages of each type of material?
1.0.5	Applicant	The Environmental Statement (ES)[APP-031] in paragraph 18.222 states that the crushing and screening of materials would occur on site. a) Are these processing facilities for marine dredged aggregates or recycled/secondary aggregates? b) Please specify the percentage of imported aggregates that would need to be processed through the screening/crushing plant.
1.0.6	Applicant	The Errata version of the Outline Business Case [AS-016] does not identify how much cementitious material would be imported annually, or how much would be stored within the proposed silo. Please provide estimated annual volumes, capacity of the silo, and details of likely sources of this material and size of ships used for importing this material?
1.0.7	Applicant	Please explain what percentage of the imported cementitious material that would be stored in the proposed silo would be used on-site and what percentage would be moved off-site? Would the off-site movement of this material be by river? Please provide details of movements of ships /barges importing/exporting the cementitious materials and explain where the impacts associated with these

FWQ	Question to:	Question:
		Proposed Development activities are assessed in the ES chapters.
1.0.8	Applicant	Please justify the scale of the cementitious materials silo. Please reference comparable examples in the UK including photographs if possible.
1.0.9	Applicant	The Environmental Statement (ES) [APP-031] in paragraphs 6.18 and 6.19 explains that the capacity to handle deep sea aggregate vessels at a deep water berth is a vital element of the proposals as large scale aggregates are handled in deep draft vessels. Does this relate to marine dredged aggregate dredgers or ships carrying crushed rock/recycled aggregates?
1.0.10	Applicant	Please supply details of likely carrying capacity, length and draught of examples of the types of ships and/or marine aggregate dredgers that would bring aggregates to the Proposed Development? Whilst paragraph 5.10 of the ES supplies the dimensions of the largest operational self-discharging aggregate vessel (the Yeoman Bridge), what would be the range of sizes of aggregate vessels that would utilise the facility?
1.0.11	Applicant	The Errata Version of the Non-Technical Summary (NTS) [AS-025] erroneously refers to the application site being in ' <i>Tilbury Borough in Essex</i> '. Elsewhere in the ES it appears that the author(s) of various sections considered that Thurrock Council is ' <i>Thurrock Borough Council</i> ' within ' <i>Essex County Council</i> '. Please undertake a review of all of the documents and provide updated sections where necessary to reflect the correct situation, that is that Thurrock Council is a Unitary Council and it is adjacent to (not within) Essex County Council. Please also provide a summary table showing where these changes have been made.

FWQ	Question to:	Question:
1.0.12	Applicant	The topographic survey (ES Appendix 15.D) [APP-082] contains so much detail, it can only be understood when it is blown up to a scale which is circa 800 times bigger than the filed copy, at which point it cannot be considered as a whole. Please can the Applicant provide a replacement, simplified topographic plan at A3 size, showing existing contours (possibly with half metre intervals), identifying the locations of depressions and ditches that would be filled.
1.0.13	Applicant	Please can the Applicant provide another plan, drawn to the same scale as the replacement topographic plan, showing the proposed contours of the site needed to create the development platform for the Proposed Development?
1.0.14	Applicant	Please can the Applicant provide a material balance calculation explaining how much material (and what type(s) and their likely sources) would be necessary to create the development platform for the Proposed Development (described in dDCO Schedule 2, under various Works, as " <i>filling of land</i> ")?
1.0.15	Applicant	What was the height of the recently demolished Tilbury power station chimneys?
1.0.16	Applicant and RWE Generation plc	Please provide an update in respect of the surrendering of the permit that covers part of the Order limits.
1.0.17	Applicant	The Errata edition of ES Chapter 5 [AS-008] in paragraph 5.82 discusses sensitivity testing for different heights, uses and layouts within the parameters of the masterplan. Please can the Applicant explain where in the ES sensitivity testing has been considered and reported upon?
1.1.	Air Quality	
1.1.1.	Applicant/ Gravesham Borough Council	GBC states [RR-019] that it is not convinced that Tilbury2 is

FWQ	Question to:	Question:
	(GBC)	<p>fulfilling its potential as a strategically important infrastructure project:</p> <p>a) Would GBC provide more detail on what it means by this statement?</p> <p>b) Would the Applicant state its position on GBC's statement?</p>
1.1.2.	Applicant	<p>In resident Mr Colin Elliott's relevant representation [RR-001], he cites concerns regarding air quality, particularly with regard to the ASDA roundabout:</p> <p>What is the Applicant's response to this concern of Mr Elliott?</p>
1.1.3.	Applicant/ Thurrock Council (TC)	<p>In TC's relevant representation [RR-031], TC asserts that respiratory disease deaths, hospital admissions for Chronic Obstructive Pulmonary Disease (COPD) and premature mortality from cancer are experienced more often than average in Tilbury, and TC requests further discussion on the mitigation measures – in particular the use of cleaner and greener vehicles. Supply of shore power should also be given priority:</p> <p>a) Would TC supply its evidence for its assertion regarding the health effects stated above?</p> <p>b) Would the Applicant state its response to TC's points above?</p>
1.2.	Biodiversity, Ecology and Natural Environment	
1.2.1.	Applicant	<p>The Errata version of the NTS [AS-025] states, in paragraph 3.57 (in relation to terrestrial ecology), "<i>The closest designations to the site relate to the Thames Estuary and Marshes.</i>" However there are various Local Wildlife Sites (LoWS) that would be directly impacted</p>

FWQ	Question to:	Question:
		by the Proposed Development. This section of the NTS needs clarification and should be edited accordingly.
1.2.2.	Natural England (NE), Environment Agency (EA), Buglife, Essex Field Club	ES paragraph 6.38 considers that, <i>"...some areas of some ecological value, particularly those reliant on open mosaic habitat, are likely to deteriorate in value if left in an undeveloped condition in the future, as natural succession leads to the intrusion of more substantial vegetation; and that any loss in biodiversity will be compensated, it is considered that development of the northern part of the site is appropriate."</i> Is the statement that some areas of ecological value, particularly those reliant on open mosaic habitat, are likely to deteriorate in value if left in an undeveloped condition in the future, correct?
1.2.3.	NE, EA, Buglife, Essex Field Club	Do you consider that the Applicant has addressed the need (within the NPS for Ports, paragraph 5.1.8) to aim to avoid significant harm to biodiversity and geological conservation interests, including through mitigation and consideration of reasonable alternatives?
1.2.4.	Applicant	Eels Please clarify if/when a survey of eels in and near the Application site will be carried out, and if/when the results would be submitted to the Examination? If any eels are found, how would a scheme for the protection of their habitat and mitigation be provided and agreed with with the EA?
1.2.5.	Applicant	INNS Please explain how long term monitoring and control of invasive non-native species (INNS) would be undertaken, and how will these matters be secured within the dDCO?
1.2.6.	Applicant (all parts), Natural England, EA, Buglife and Essex Field Club (parts a, b, d and e).	Open Mosaic Habitat on Previously Developed Land a) Have there ever been any habitat translocation trials for Lytag habitat substrates (or similar)?

FWQ	Question to:	Question:
		<ul style="list-style-type: none"> b) If so, were they successful? Please provide summary details. c) Is the Applicant proposing to undertake habitat translocation trials, for the open mosaic habitat types that would be lost, prior to the commencement of the Proposed Development? if so please provide details? d) In your view, would a large scale habitat translocation project be likely to succeed for the Lytag habitat (and other artificial habitat substrate here), in terms of it being suited to the diverse assemblages of insects, plants, lichens and other biodiversity interests that would be directly impacted by the development? e) How would this large scale habitat translocation project be funded and managed?
1.2.7.	Applicant	<p>Open Mosaic Habitat on Previously Developed Land</p> <ul style="list-style-type: none"> a) Please provide details of the amount of section 41 habitat – Open Mosaic on Previously Developed land, that would be lost to the development; b) How much of this is contained within the existing Local Wildlife Sites? c) Provide details (including locations (on a plan), size, details of what those areas are now) of the proposed mitigation/compensation areas for the areas of open-mosaic habitat on previously developed land that would be lost to the development. d) How much of this habitat would be provided within the Order limits?
1.2.8.	Applicant	Ancient Grassland

FWQ	Question to:	Question:
		Please provide details of the location and area where compensatory habitat for the 2.5ha of ancient grassland supporting invertebrates (contained within Tilbury Marshes LoWS) that would be lost to the development would be provided.
1.2.9.	Applicant	Coastal and Floodplain Grazing Marsh Please can the Applicant provide details regarding how the 3.5-3.7ha of Tilbury Marshes LoWS that would be lost to the construction compounds would be restored to coastal and floodplain grazing marsh priority habitat, together with details for its long term management?
1.2.10.	Applicant	Overall Habitat Loss Please provide, in tabular form, a summary of areas of all habitat types that would be lost to the development (together with details of the amount of hedgerow and any other linear features (in metres) and the number of individual trees that would be lost). Please include habitat that would be lost on a temporary basis for the construction phase. Please provide, in the same table or on a similar table, locational details together with how much mitigational and compensatory habitat would be provided, and how would each type of mitigational or compensatory habitat provision and management be secured?
1.2.11.	Applicant	Phasing of Mitigation/compensatory habitat How would the provision of mitigational/compensatory habitat be phased, so that habitat areas off-site are created and fit for purpose, before existing habitat would be destroyed?
1.2.12.	Applicant	Local Wildlife Sites Please review and explain the following statement (in ES [APP-031], paragraph 10.342), the loss of the LoWSs in the Proposed Development are considered against " <i>the</i>

FWQ	Question to:	Question:
		<i>wider County resource (which comprises some 1600 such sites)". Does this statement relate to LoWSs in Thurrock and Essex combined, not just in Thurrock Unitary Council area.</i>
1.2.13.	Applicant, Thurrock Council	Local Wildlife Sites Please explain how many LoWS have been designated in the Thurrock Council area.
1.2.14.	Thurrock Council	Local Wildlife Sites Please advise whether the site plans and details of the LoWSs that would be directly impacted by the Proposed Development, provided by the Applicant [APP-047] remain extant, or whether any boundary changes or grounds for designation have changed. If there have been changes, please provide up to date versions of the relevant documents.
1.2.15.	Applicant	Sea Wall Have the ecological features of the sea-wall been considered and assessed in the ES? If so, please provide details? Would any of this habitat be lost during the construction phase?
1.2.16.	Applicant	Water Voles ES [APP-031] paragraph 10.320, states that " <i>Use will be made of the existing mitigation/compensation habitat feature constructed by RWE at the north-eastern edge of the Tilbury2 site, for accommodation of displaced fauna, as far as carrying capacity considerations permit</i> ". Please provide details of the location of this habitat, please also explain why this habitat was provided, and whether it remains in any statutory aftercare or management regime.
1.2.17.	Applicant	Water Voles ES [APP-031] paragraph 10.321 identifies that land within the Order limits was subject to a planning application in relation to the provision of compensatory habitat for water voles which was submitted in winter 2017/2018, with a view to implementation prior to Spring 2018. Please provide an update on

FWQ	Question to:	Question:
		this planning application (explaining why it was submitted, with a link to the application documents on Thurrock Council's website) and whether this has been granted consent and implemented to date?
1.2.18.	NE	Water Voles Is NE satisfied that water voles from the Proposed Development areas could be translocated to the area referred to in FWQ 1.2.17? Would they be able to provide a Letter of No Impediment for this translocation work?
1.2.19.	Applicant	Water Voles If the ditches for water vole habitat are to be implemented through the DCO, how would this work be phased to ensure that the receptor habitat is established sufficiently well before it is needed for the translocations?
1.2.20.	Applicant	Water Voles The ES [APP-031] in paragraph 10.322 explains that in the longer term, additional ditches would be constructed along the infrastructure corridor for the provision of water vole habitat and it refers to these features being delivered and maintained through the Landscape and Ecology Management Plan. The errata version of the LEMP [AS-007] in paragraphs 3.3 and 4.11 refer briefly to the creation and management of ditches, but do not provide any detail. a) Please provide the locations and detailed design of this water vole habitat to the Examination. b) What is meant by 'longer term'?
1.2.21.	Applicant	Reptiles ES [APP-031] paragraph 10.325 states that a proportion of the on-site reptile population would need to be translocated off-site. No details of the receptor sites for these reptiles are provided in the ES. The LEMP [AS-007] does not provide details of the translocation areas for reptiles and further details are stated to be provided in the Ecological Management and Compensation Plan (ECMP), which has

FWQ	Question to:	Question:
		not yet been provided. Please provide details for the translocation of reptiles, including proposed locations and phasing to the Examination.
1.2.22.	NE	Bats Is NE able to provide a Letter of No Impediment for the loss of the bat roost in building B7?
1.2.23.	Applicant	Bats How would any further bat survey work referred to in the ES, prior to the removal of trees that may be suited as bat roosts, be secured in the dDCO?
1.2.24.	Applicant	Seasonal Restrictions ES [APP-031] paragraph 10.352 discusses seasonal restrictions on site clearance to avoid disturbance of nesting birds and other species during high risk times - water voles, reptiles, bats etc. Where and how are these seasonal restrictions on site clearance secured?
1.2.25.	Applicant	Translocation of Protected Species Please confirm which protected species would need to be translocated to sites or locations outside the Order limits.
1.2.26.	Applicant	Nearby Sites of Special Scientific Interest Can the Applicant confirm that the features of the South Thames Estuary and Marshes and Mucking Flats and Marshes Sites of Special Scientific Interest (SSSI) have been considered and assessed and that there would be no significant impact upon them arising from the Proposed Development? Where are these details in the ES or subsidiary documents?
1.2.27.	Applicant	Removal of Anglian Water Jetty What certainty is there that the Anglian Water jetty would be removed? What would be the significance of effect for the loss of intertidal mudflat priority habitat if the jetty was not removed?

FWQ	Question to:	Question:
1.2.28.	Applicant	Underwater Noise Impacts In light of the MMO's comments [RR-023, paragraph 5.4], please review the assessment of significance of potential impact of underwater noise construction effects on fish receptors and either confirm that it remains valid, or provide updated assessment details.
1.2.29.	Applicant	Benthic Surveys Further to Annex 1, paragraph 1.3 of the MMO's RR [RR-023], please provide evidence to support the assumption that the habitats observed in the relevant benthic surveys extended over the entire spatial area of the impact resulting from the dredge?
1.2.30.	Applicant	Smelt Migration Please explain why no water injection dredging is proposed between June and August when smelt migrate upstream to spawning grounds in early spring (February to April). What species is this mitigation measure aimed at and will any further mitigation be proposed to avoid the smelt migrating months? If so, how and where would it be secured?
1.2.31.	Applicant	Impacts from Marine Piling on Marine Invertebrates Have impacts from noise and vibration that would arise during the marine piling activities been considered in respect of marine invertebrates? If not, please provide this information, which the MMO considers could be drawn from peer-reviewed literature.
1.2.32.	Applicant	Mitigation for Fish and Shellfish Please explain how the proposed mitigation measures for fish and shellfish from marine piling would be secured in the dDCO?
1.2.33.	Applicant	Zooplankton Is the Applicant proposing to undertake an up to date survey of zooplankton, given the age of the surveys that were relied upon for the ES?
1.2.34.	Applicant	Plankton Why does the ES consider that plankton in the Thames

FWQ	Question to:	Question:
		are resilient to change?
1.2.35.	Applicant	Lack of Further Mitigation The ES does not consider whether any further mitigation is possible to mitigate against significant residual effects on terrestrial ecology interests. Why not?
1.3.	Compulsory Acquisition	

FWQ	Question to:	Question:
1.3.1.	Applicant	<p>The Statement of Reasons (SoR)[APP-018], paragraph 6.10 states, <i>"Port of Tilbury London Limited has included within the Order limits no more land than is reasonably required for the purposes described in the table in Appendix A..."</i>. However, SoR paragraph 5.5 states, <i>"It may transpire in due course that some part of the Order land is not required, for instance as a result of the detailed design process; in which case it would not and could not be acquired by the use of compulsory purchase powers. Further, it may transpire that a parcel of land for which compulsory acquisition powers have been sought has been acquired by agreement as a result of successful negotiations and in these circumstances compulsory purchase powers would not be exercised."</i></p> <ul style="list-style-type: none"> a) What is the mechanism for omitting land from compulsory acquisition powers or temporary possession in such situations as described in the second quote? b) How does the second quote accord with the need, under PA2008 s122(3), for there to be a <i>"compelling case in the public interest"</i> for such land to be included within the land which would be subject to compulsory acquisition powers? c) Does the Applicant consider that the land take within both the compulsory acquisition powers and temporary possession measures that are being sought is no more than is reasonably required? d) Does the Applicant consider that all reasonable alternatives to compulsory acquisition and temporary possession have been explored? If so, please give reasons.
1.3.2.	Applicant	a) Please can the Applicant provide an updated list of discussions

FWQ	Question to:	Question:
		<p>and negotiations (as provided in Appendix B of the SoR) and an updated land negotiations tracker (as provided in the SoR at Appendix F) at deadline 1 and throughout the Examination, including a final version at the last deadline in August 2018?</p> <p>b) Pleased can the Applicant also provide a chart providing details of the Affected Persons who are objecting to the CA of land or rights, or temporary possession, providing details of their land plots and update that chart during the Examination and provide a final version for the last deadline in August 2018?</p>
1.3.3.	Applicant	Please can the Applicant explain whether any affected land plots had owners or persons with rights who could not be identified, or who could not be contacted? If so, please provide details of the measures that were taken to establish the Affected Persons concerned and which plots are affected in this manner?
1.3.4.	Applicant	Please can the Applicant confirm, whether it considers that the proposal would comply with DCLG guidance ³ on compulsory acquisition?
1.3.5.	Applicant	<p>Why does the Applicant consider, having regard to section 122(3) of PA2008, that there is a compelling case in the public interest for the compulsory acquisition in relation to:</p> <p>a) the need in the public interest for the project to be carried out; and</p> <p>b) the private loss to those affected by compulsory acquisition.</p>
1.3.6.	Applicant	On what basis were the Applicant's current estimate of the total amount of funds that would be required to cover all costs and fees in relation to the compulsory acquisition of land and rights (including

FWQ	Question to:	Question:
		temporary possession), should the DCO be made and the CA and temporary possession powers are granted, in terms of the costs of land and rights in this part of Thurrock?
1.3.7.	Applicant	Since submission of the Application documents, have there been any claims for statutory blight, arising from the Proposed Development?
1.3.8.	Applicant	Please provide a statement from an independent, but suitably qualified and competent person, who understands land and rights costs in the local area, to confirm that the estimate for funds necessary to cover all of the costs to acquire land and rights associated with the Proposed Development, as stated in the funding statement [APP-018] remains at £12.4 million?
1.3.9.	Applicant	Please explain how the required funding for CA and temporary possession powers would be secured in the event of a transfer of the benefit of the Order, should the Order be made?
1.3.10.	Applicant	Please explain the resource implications in relation to potential Category 3 persons, how the Category 3 persons listed in the Book of Reference were identified and whether other Category 3 persons should be identified in any updated BoR?
1.3.11.	Applicant	What degree of importance was attributed to the existing uses of the land and river that is proposed to be acquired or over which rights would be imposed?
1.3.12.	Applicant	Special Category Land (West Tilbury Common Land) –Art 37 a) Please provide a table indicating, for each plot relevant to this Article, which of the exceptions in s131 and s132 PA2008 apply, and why, in order to enable the SoS to be satisfied that it applies.

FWQ	Question to:	Question:
		b) Please confirm that no plots in the BoR are 'open space'.
1.3.13.	Applicant/ National Grid Electricity Transmission PLC (NGET)	<p>NGET states [RR-024] that its rights to retain its apparatus in situ and rights of access to inspect, maintain, renew and repair such apparatus located within or in close proximity to the Order limits should be maintained at all times and access to inspect and maintain such apparatus must not be restricted. NGET further states that it may require protective provisions to be included within the DCO to ensure that its interests are adequately protected and to ensure compliance with relevant safety standards:</p> <p>a) Would the Applicant and NGET state the current position on dialogue between them with regard to the inclusion of dDCO protective provisions or other mechanisms for ensuring NGET's rights?</p> <p>b) Do the two parties intend to produce a SoCG?</p>
1.4.	Consideration of Alternatives	
1.4.1.	Applicant (parts a to d); Thurrock Council, Kent County Council and Essex County Council (parts d, e only).	<p>In ES paragraph 6.36, the Applicant explains that the CMAT facility is <i>"more easily located away from the jetty itself as the process of moving aggregate from self-discharging vessels by conveyor is not distance sensitive."</i></p> <p>a) In view of this, why is there not any consideration of alternative locations for the CMAT within other areas of the port or on nearby industrial land?</p> <p>b) Would all of the aggregates arriving at the Tilbury2 facility be within self-discharging ships?</p>

FWQ	Question to:	Question:
		<p>c) What is the maximum distance that self-discharged aggregate (from dredgers or ships) could be moved by conveyor to reach an aggregate processing plant, or stockpile locations?</p> <p>d) Is it essential to co-locate asphalt plants, concrete plants and concrete block making facility close to the source of aggregates?</p> <p>e) Please could the host and neighbouring LPAs provide examples of aggregate wharves (and/or railheads) which are co-located within their area, which host the types of secondary aggregate processing facilities that are proposed in the CMAT, as well as any examples of the types of aggregate processing facilities that are proposed in the CMAT which are not co-located with any wharf and/or railhead (or any other direct source of primary or recycled aggregate), such as on industrial estates?</p>
1.4.2.	Applicant	<p>Paragraph 6.38 of the ES states, "<i>However, as set out in the Outline Business Case, the development of this land in the form shown is crucial to the future success of the project and PoTLL's investment objectives.</i>" (This refers to the land at the north of the Order limits which has "<i>known ecological value</i>").</p> <p>In view of the statement that the "<i>CMAT is more easily located away from the jetty itself as the process of moving aggregate from self-discharging vessels by conveyor is not distance sensitive</i>", why couldn't the CMAT facility be located away from the ecologically important areas, somewhere else within the Port or outside the Port boundary?</p>
1.4.3.	Applicant, Thurrock Council	Does the part of ES paragraph 6.38 (quoted in FWQ 1.4.2) that

FWQ	Question to:	Question:
		states that it is PoTLL's investment objectives that are one of two key drivers for the location of the CMAT on the ecologically important areas, confirm that it is questionable whether these aspects of the Proposed Development should be considered to be 'Associated Development'?
1.4.4.	Applicant	As the NPS for Ports, in paragraph 5.1.8, requires development to aim to avoid significant harm to biodiversity interests, including through mitigation and consideration of reasonable alternatives, why has there not been any further consideration of alternative or off-site locations for the CMAT facilities within the Port or nearby, in order to aim to avoid significant harm to the known biodiversity interests?
1.4.5.	Applicant	The Masterplanning Statement paragraph 5.7 [APP-034] states that, <i>"By contrast, aggregates are simply and efficiently transported by conveyor with minimal land utilisation. Thus the CMAT severance from the river is not critical provided a suitable conveyor route could be established, provided a silo for powdered product (which cannot be moved by conveyor) could be provided."</i> In view of this, why is there not any consideration of alternative locations for the CMAT within other areas of the port or on nearby industrial land?
1.4.6.	Applicant	Referring to the Masterplanning Statement [APP-034] paragraph 5.25, please provide clarification and explanations for the following extracts of text: - a) <i>"Satisfying a known demand for a large aggregate import and processing facility";</i> b) <i>"to support regional construction projects";</i> In particular please justify why the <i>"known demand"</i> cannot be supplied from existing or planned sites and why the proposed CMAT

FWQ	Question to:	Question:
		is seen to be important to support regional construction projects. Please define what is meant by " <i>regional</i> ".
1.4.7.	Applicant	In its consideration of alternative solutions for the proposed expansion of the port, did the Applicant consider any possibilities for the rationalisation of existing port usages and lay-out, for example by installing multi-story car parks for the car storage facility areas, or moving car storage off site, thus potentially releasing land from car storage uses?
1.5.	Construction	
1.5.1.	Applicant	Has the Applicant submitted a copy of the Construction Method Statement to the Examination? If not, why not?
1.5.2.	Applicant	Where in the ES (or supporting documents) are there details of the months of the year that piling in the marine environment would take place and are there any months when piling in the marine environment would not be undertaken?
1.5.3.	Applicant	Please provide details of the locations, size of areas that would be subject to the various types of piling, together with the duration of piling in each location.
1.6.	Contaminated Land and Waste	
1.6.1.	Applicant	The Operational Management Plan [APP-165] contains sections on contaminated land and ground conditions and asbestos. Would these report sections be better placed in the Construction Environmental Management Plan, or both documents, if there is a risk to employees or the public from contaminated land or asbestos during the operational phase as well as the construction phase?
1.6.2.	Applicant	The Site Waste Management Plan provided as an appendix to the draft Construction Environmental Management Plan [APP-164] only

FWQ	Question to:	Question:
		provides tabulated construction phase waste forecasts and types of waste management facilities that will be needed for the receipt of the various waste streams that would arise during construction. Is the Applicant proposing to update this document during the Examination to provide more details on the way that the waste arisings during the construction phase would be managed?
1.6.3.	Thurrock Council (TC), Essex County Council (ECC), Kent County Council (KCC)	Are the host and neighbouring waste planning authorities satisfied with the level of detail contained within the Site Waste Management Plan? If not, why not?
1.6.4.	Applicant	The ES [APP-031] in paragraph 19.10 states that the Tilbury2 site sits within a development area in the borough of Thurrock (local) and Essex (regional) and then goes on to identify the Essex and Southend Waste Plan as being the regional policy. Paragraph 19.18 also states that the proposals lie within the Borough of Thurrock and the County of Essex. Please review/re-issue this chapter as Thurrock is not a 'local' 'borough' authority, it is the host unitary authority and the Essex and Southend Waste Plan is that of the neighbouring waste authority.
1.6.5.	Applicant	Please define 'the study area' used in ES Chapter 19 and review/update the text and conclusions in this chapter because of the assumptions used, that the application site is in Essex.
1.6.6.	Applicant	ES paragraph 19.12 states that the proposals, once operational would support local mineral plans such as the adopted Essex Mineral Local Plan (2014), the Greater Essex Local Aggregate Assessment (2016) and the Kent County Council's Minerals and Waste Local Plan 2013-2030 (2016). Please explain why you consider that the CMAT would support these plans and how this would accord with the NPPF

FWQ	Question to:	Question:
		minerals policies?
1.6.7.	Thurrock Council, ECC, and KCC	Do you agree with the Applicant's statement given in ES paragraph 19.12? If not, why not?
1.6.8.	Applicant	In ES [APP-031], table 19.4, what do you consider to be the 'region'?
1.6.9.	Thurrock Council, ECC	ES, paragraphs 19.26-19.30 consider waste arisings and waste infrastructure baselines using the ECC Replacement Waste Local Plan and the ECC Replacement Waste Local Plan capacity report. Do you consider that this results in a suitable baseline assessment for waste arisings and waste infrastructure? Please give your reasons.
1.6.10.	Applicant	ES [APP-031] paragraph 19.43 explains that no definitive decisions had been made at the time of the preparation of the ES, regarding the re-use on-site and/or off-site disposal of the excavation waste arisings. This would be reviewed when the results of appropriate geotechnical and chemical testing of the dredge and terrestrial excavation waste are available. a) When will these tests be carried out? b) How will they be secured in the dDCO, if they are not undertaken during the Examination? c) How will the results be made available to the host local authority?
1.6.11.	Applicant	a) Out of the 183,900 tonnes of Construction, Demolition and Excavation (CDE) waste arisings during the construction phase, how much would be moved off-site by river? b) Has the Applicant reviewed the available river connected recovery projects or CDE permitted sites? If so, which sites are being considered, which waste streams do they accept and

FWQ	Question to:	Question:
		<p>how much void capacity do they have remaining?</p> <p>c) Which other suitably permitted waste facilities would be used for the disposal/off-site management for the various waste streams?</p>
1.6.12.	Applicant	In ES table 19.14, please explain how the " <i>waste arisings baseline</i> " and " <i>waste infrastructure baseline</i> " were derived?
1.7.	Cumulative and Combined Impacts	
1.7.1.	Applicant	<p>There are legal requirements within legislation to undertake a cumulative assessment for EIA and an in-combination assessment for HRA. There is also a requirement within the NPS for Ports to consider cumulative impacts. The PINS post-acceptance s51 advice noted that a scoping report for Lower Thames Crossing (LTC) had been produced at that time and so, in accordance with PINS Advice Note 17, a cumulative effects assessment should be provided for the Proposed Development with the LTC. The assessment should be proportionate to the information available to the Applicant and could be at a high level using assumptions about the traffic levels on opening of the LTC and using traffic growth projections used in other projects, if applicable.</p> <p>Please provide an updated Chapter 20 of the ES [APP-031], together with any relevant appendices and plans which screens in the Lower Thames Crossing, using the worst case scenarios. This should consider as a minimum, combined and cumulative impacts from traffic and transport, impacts upon air quality and noise.</p>
1.7.2.	Applicant	Please provide an in-combination assessment of the maintenance dredging needed for the operational phase of the Proposed Development with the operation of the Tilbury Energy Centre, in

FWQ	Question to:	Question:
		respects of risks to water quality arising from the cooling water effluents from the power station being in close proximity to the port's proposed maintenance dredging operations, in order to define the level of risk to Water Framework Directive compliance.
1.8.	Draft Development Consent Order (dDCO) Matters	
1.8.1.		No further questions at present
1.9.	Dredging and Navigation	
1.9.1.	Applicant and Marine Management Organisation (MMO)	Please provide an update regarding whether the proposals for a Harbour Revisions Order within the dDCO have been agreed (referring to the MMO's Relevant Representation ([RR-023], paragraph 3)?
1.9.2.	Applicant	Please explain how the Port of Tilbury Transfer Scheme 1991 would assist in transferring the required powers to PoTLL?
1.9.3.	EA, MMO, Applicant	<p>The EA's RR [RR-017] explains that the construction of the development and the dredging would need to demonstrate compliance with the Water Framework Directive (WFD). There exists uncertainty over the risks to water quality whilst undertaking dispersive dredge techniques and the EA requests additional water sampling for WFD pollutants, to provide confidence of 'no deterioration'. The methodology for the capital dredge programme also needs to be specified, as this may affect the level of risk to compliance with WFD.</p> <p>The MMO [RR-023] also suggest alternative wording for a condition for pre-construction plans and a need for a maintenance dredging method statement. The EA also suggest that in the event of potential cumulative impacts with Tilbury Energy Centre, more proactive maintenance dredging methods such as WID should be</p>

FWQ	Question to:	Question:
		considered. The EA also state that a WFD assessment for the maintenance dredging will be a separate requirement. Please can the EA and the MMO and Applicant work together to provide suitable draft wording for further requirement(s) and/or for additional/modified conditions in the Deemed Marine Licence (DML) to address these matters?
1.9.4.	MMO	Your RR [RR-023] has reserved the right to comment further on a number of ES chapters, which you did not have sufficient time to comment upon before submitting your RR to PINS. Please can you provide an update on whether there are other matters that you wish to comment upon, and whether any of the matters provided within your RR have yet been resolved through discussion with the Applicant?
1.9.5.	Applicant	Please explain how the duration of maintenance dredging would be controlled in the dDCO? The MMO's RR [RR-023], paragraph 6 explains their concerns regarding this matter.
1.9.6.	Applicant	Please provide an update on if/when further samples in the vicinity of Sample Station 8 (where elevated levels of metals (including mercury), polycyclic aromatic hydrocarbons (PAHs) and total hydrocarbon were found), will be taken and results will be submitted to the Examination?
1.9.7.	Applicant, MMO	Please explain how dredging in the exclusion zone around Sample Station 8 would be limited to backhoe dredging, not WID, within the Deemed Marine Licence (DML)?
1.9.8.	Applicant	Please confirm (or otherwise) that you are in agreement with the wording of the MMO's proposed DML conditions (paragraphs 2.5 and 2.6 of Annex 1, [RR-023]) regarding the need for re-sampling of the

FWQ	Question to:	Question:
		area around Sample Station 8 and for the separation of any man-made material from the dredged material with its disposal to land? Please confirm that this will be included in the next update of the dDCO at D1?
1.9.9.	MMO	Paragraph 7 of the MMO's RR [RR-023] notes concerns about certifying the construction method statement and operational management plan, as if it requires an amendment this would require a non-material/material change agreed by the Secretary of State (SoS). Did the MMO mean to refer to the Construction Environmental Management Plan (CEMP) as the construction method statement is not currently a certified document?
1.9.10.	Applicant	Is the Applicant content that no alterations would be required to the CEMP/CMS or OMS, once they are certified documents?
1.9.11.	Applicant	ES Table 11.1 shows the total dredging area as 0.063km ² , but the dDCO does not appear to restrict the area in which dredging could be undertaken within the Order limits. How are the areas proposed for dredging, that were assessed in the ES, to be secured in the dDCO/DML? Would the co-ordinates that are proposed to be inserted in paragraph 3 of the DML cover areas outside the dredge area?
1.9.12.	Applicant	Please ensure that all plans and drawings related to the marine parts of the Proposed Development are identified and listed in the DML.
1.9.13.	Applicant and Purfleet Real Estate Limited	Please provide updates in respect of discussions regarding the need to ensure that the Proposed Development during both the construction and operational phases, would not hinder PRE and its related group companies' need for continued access to and use of the River Thames by its vessels.
1.9.14.	Applicant and Port of London Authority (PLA)	Please provide updates in respect of discussions and agreements in

FWQ	Question to:	Question:
		respect of the overlapping jurisdiction that would occur due to the Applicant's proposal to extend the port limits, so that PoTLL's area of jurisdiction would overlap that of the PLA's.
1.9.15.	Applicant and PLA	Please provide updates in respect of discussions regarding PLA's concerns regarding the level of impact on existing river users; financial concerns regarding the treatment of arisings from dredging the PLA's river bed; and environmental impacts identified in the PLA's RR [RR-026] including potential impacts on the river regime and existing river works, the impacts of proposed dredging, cumulative impacts and mitigation. This could be addressed through your SoCG.
1.9.16.	Applicant	<p>a) Paragraph 14.23 of the ES [APP-031] states that the <i>"aggregate berth (import) is expected to receive 20 vessels per annum which equates to 40 movements per year. These movements are expected to be downstream of Tilbury2."</i> Please explain whether this means that the importation of aggregates will only take place in ships which have an average carrying capacity of 80,000 tonnes? Please cross refer to answers provided for FWQ 1.0.9 and 1.0.10.</p> <p>b) The terminology used here <i>"expected to receive"</i> needs clarification. Please explain whether this is a long term aspiration, or whether aggregate ships of this size would be available from the time that the CMAT facility becomes operational?</p> <p>c) If the former, please give an indication of the size (and number) of ships/dredgers that would be importing aggregates from the time that the facility becomes</p>

FWQ	Question to:	Question:
		operational. d) Did the ES consider the impacts of the imported aggregate ships on the basis of only 20 inward movements per year? e) If so, how can this number of ship movements be secured as a maximum in the dDCO?
1.9.17.	Applicant	Please explain how and when you propose to notify the UK Hydrographic Office regarding changes to existing jetties, for their consideration in respect of updates to nautical charts and publications?
1.9.18.	Marine and Coastguard Agency	Please explain when and how the Applicant should inform you and HM Coastguard of the proposed marine works? Should this notification be secured in the dDCO or the DML?
1.9.19.	Applicant	Please explain how you propose to comply with the Port Marine Safety Code (PMSC) and how will you develop a robust Safety Management System for the Proposed Development under this Code? How would this be secured?
1.9.20.	Marine and Coastguard Agency (MCA)	a) Please can you supply a copy of the Port Marine Safety Code (PMSC) to the Examination as a web-link or as a PDF? b) Please can the MCA provide a copy of the BSI publication on Road Lighting, BS5489, part 8, discussed in their RR, which relates to a code of practice for lighting which may affect the safe use of places including harbours?
1.9.21.	Applicant	Please provide an enlarged version of Figure 1.1 (Berth General Arrangement) from the ES Appendix 14.A (Navigational Risk Assessment) as the annotations and markings on this figure are not clear at the scale provided.
1.9.22.	Port of London Authority (PLA)	a) Please can you submit to the Examination a copy (or a web-

FWQ	Question to:	Question:
		<p>link) of your document 'Port of London Authority Maintenance Dredge Baseline Document' as referred to by NE in their RR?</p> <p>b) Will the regular maintenance dredging that would be required at Tilbury2 be included in an updated version of this document, so that the cumulative effects from maintenance dredging activities are assessed, for example with those at London Gateway?</p>
1.9.23.	Applicant	The ES [APP-031], paragraph 11.147 provides mitigation for the tentacle lagoon worm and fish receptors by restricting dredging to the ebb tide only. Would this be secured through the method statements for construction works (DML condition 6) and maintenance dredging (DML condition 14)? If not, how would this be secured?
1.9.24.	Applicant	The ES [APP-031], paragraph 11.246 explains that dispersive dredging would be restricted upstream from Tilbury during June-August inclusive, to reduce the potential for increases in suspended sediment to reduce water quality (when temperatures are higher and dissolved oxygen levels are lower) to provide mitigation for the international fish species receptor group. How would this be secured in the dDCO or DML?
1.9.25.	Applicant	Further to Annex 1, paragraph 1.4 of the MMOs RR [RR-023], please justify the statement, " <i>levels of suspended sediments are within background concentrations, apart from within a localised area of water injection dredgings (WID), changes in dissolved oxygen levels are mostly predicted to be within baseline conditions.</i> " Whilst the increases resulting from WID may be within background levels, the effects would be cumulative to background conditions.

FWQ	Question to:	Question:
1.10.	Engineering and Design	
1.10.1.		No questions at present
1.11.	Habitat Regulations Assessment	
1.11.1.	Applicant	Please confirm that you will be updating the Habitat Regulations Assessment screening and report generally to reflect the concerns of Natural England in their RR, concerning in-combination effects? All mitigation and monitoring measures which would be required to reach the conclusions of the assessment should be identified, with clear cross-referencing to where these are secured in the dDCO/DML. Separate Word versions of the matrices should also be supplied.
1.11.2.	Applicant	Please confirm whether you will be undertaking on-going annual bird surveys between 01 Sept and 31 March during the construction and operation phases? How would these surveys be secured in the dDCO?
1.11.3.	Applicant	The screening matrices of the HRA report [APP-060], Appendix 5, in footnote 'C', explain that a 300m distance was used as a " <i>rational outer extent of impact envelope for significant construction-phase disturbance.</i> " The maximum extent used for other likely impacts was not specified in the HRA report. Please can the Applicant specify the maximum extent of each of these likely impacts, or provide cross references to ES documents/paragraphs where this information can be found?
1.11.4.	Applicant	The Thames Estuary and Marshes Special Protection Area (SPA) and the Thames Estuary and Marshes Ramsar site cover largely the same area. However, the boundaries differ on parts of the south-west and southern boundaries of these designated areas. Please can the

FWQ	Question to:	Question:
		Applicant confirm that this variation in boundaries does not affect the conclusions of the HRA report [APP-060], and justify why this is the case?
1.11.5.	NE	For the avoidance of doubt, please can NE confirm agreement that a) The correct European sites and qualifying features have been identified in the Applicant's HRA report [APP-060]; and b) Section 5 of the HRA report has identified all relevant potential impacts from the Proposed Development upon these sites?
1.11.6.	Applicant	Appendix 6 to the HRA report [APP-060] (the assessment of air quality impacts on designated sites) does not refer to the Thames Estuary and Marshes Ramsar site. a) Can the Applicant confirm and justify whether the conclusions in this assessment also apply to the Ramsar site? b) This report does not provide any details on how the impact assessments were carried out, or what assumptions were made about the increased levels of shipping that would take place. Please can this information be provided?
1.11.7.	Applicant	Loss of Saltmarsh or intertidal mudflat habitat a) Please can the Applicant quantify the amount of functionally linked habitat that would be lost as a result of the Proposed Development. b) Please provide a plan showing the location of this functionally linked habitat.
1.11.8.	NE	Please can NE confirm whether they are in agreement with the Applicant's conclusion that the Proposed Development (alone) would not result in any Likely Significant Effects (LSE) on the Thames

FWQ	Question to:	Question:
		Estuary and Marshes SPA and Ramsar site?
1.11.9.	Applicant	a) Please provide details of the specific embedded mitigation measures which have been taken into account in the HRA report and cross-reference to where each measure is secured (for example, with reference to a specific dDCO requirement or paragraph within the DML. b) Please confirm whether the embedded mitigation measures are required to ensure there are no LSE on the two European sites screened into the assessment.
1.11.10.	NE	Please can NE indicate whether additional mitigation measures (above and beyond those proposed in the HRA report) are likely to be required?
1.12.	Health	
1.12.1.	The Applicant	Please provide details of assessments which consider dust released from the proposed processing facilities, and the impacts on public health?
1.12.2.	The Applicant	Please provide details of assessments considering effects on health from increased vehicle activity associated with the Proposed Development?
1.13.	Historic Environment	
1.13.1.	Applicant and English Heritage (EH)	English Heritage states in its relevant representation [RR-011] that <i>“National policies and best practice guidelines for the conservation and sustainable management of the historic environment are clear as to how heritage values should be assessed and we do not believe that the Tilbury2 proposals have been drawn up in line with these documents”</i> : a) Would EH state what it sees to be the deficiencies in the

FWQ	Question to:	Question:
		<p>current Tilbury 2 proposals, and what EH would expect the Applicant to produce for consistency with best practice guidelines, notably with regard to Tilbury Fort?</p> <p>b) What matters remain to be resolved?</p> <p>c) How does EH envisage its needs being met in the dDCO?</p>
1.13.2.	Applicant/ Essex County Council (ECC)	<p>ECC states [RR-018] that it objects to the Proposed Development in principle, due to considerable harm caused to the setting of Tilbury Fort, a Scheduled Monument of international significance, and also that the effectiveness of proposed mitigation/enhancement appears limited, with further clarity, detail and amendments required:</p> <p>a) Would the Applicant state its response to ECC's position?</p> <p>b) Would ECC state what in its view should be done to mitigate any harm due to the Proposed Development?</p>
1.13.3.	Applicant/ Gravesham Borough Council (GBC)	<p>GBC asserts [RR-019] that the operation of the Proposed Development is likely to have a potential impact upon the settings of the Scheduled Monuments of New Tavern Fort and Gravesend Blockhouse, and the non-designated but nationally important Shornemead Fort:</p> <p>a) Would the Applicant state its position on this matter?</p> <p>b) Would GBC state what in its view should be done to mitigate any impact that the Proposed Development will have on these monuments, including lighting and views from Gravesham?</p> <p>c) Does GBC consider the assessment of lighting from the Proposed Development on views to be satisfactory?</p>

FWQ	Question to:	Question:
1.13.4.	Historic England	<p>Historic England asserts in its relevant representation [RR-002] that Tilbury Fort is of exceptional significance and that the impact of the Proposed Development on its setting would cause severe harm to its significance:</p> <p>a) Would Historic England state what in its view should be done by way of mitigation to minimise this harm?</p>
1.13.5.	Applicant/ Thurrock Council (TC)	<p>TC states in its relevant representation [RR-031] that it considers that any impact on the setting of the Tilbury Fort heritage asset from the Proposed Development is an important relevant consideration, and also that the extent to which the proposals can contribute to the policy objective of enhancing public access to the Fort and riverside is a relevant consideration:</p> <p>a) Would TC state whether the current mitigation measures are in its view sufficient, and if not what other mitigation measures it would propose?</p> <p>b) Would the Applicant state how the Proposed Development will contribute to the policy objective of enhancing public access to the Fort and riverside?</p> <p>TC also states that it would be unable to support the application, and asserts that at present the Proposed Development (eg the impact of the extended jetty, and the impact of the new infrastructure corridor on movement and lighting closer to the fort) will cause considerable harm to the setting of a Scheduled Monument of international significance, with the proposed mitigation/enhancement measures lacking clarity and detail, and the overall effectiveness of the</p>

FWQ	Question to:	Question:
		<p>proposed mitigation/enhancement appearing limited:</p> <ul style="list-style-type: none"> c) Would the Applicant state its position with regard to TC's assertions above? d) Would TC state specifically what further mitigation/enhancement measures it would propose?
1.13.6.	Applicant	<p>Would the Applicant review the methodology presented in the ES [APP-031] in light of the publication of <i>Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets</i>, and provide comment on whether this has any bearing on the assessment presented within the ES?</p>
1.13.7.	Applicant	<p>In response to the Scoping Opinion , Historic England asserts that in accordance with the Historic England <i>Piling and Archaeology</i> guidance document (2007) all piling techniques result in damage to or loss of archaeological sites. ES [APP-031] Chapter 12 does reference this guidance (Paragraph 12.5), but:</p> <ul style="list-style-type: none"> a) Would the Applicant clarify whether this guidance has been taken into account during the impact assessment of archaeology?
1.13.8.	Historic England	<p>The Applicant has stated in ES [APP-031] Chapter 12 Table 12.2 that tidal dynamic modelling was undertaken prior to the Scoping Opinion, and the results have now been discussed with Historic England:</p> <ul style="list-style-type: none"> a) Would Historic England provide comment on the tidal dynamics modelling presented in the baseline assessments?

FWQ	Question to:	Question:
1.13.9.	Applicant	<p>The built heritage assessment study area is unclear. The ES [APP-031] Chapter 12 (paragraph 12.61 et seq) states that the study area has been established manually through assessment and walkovers, and then states that the study area is 2km from the Order Limits. Scheduled monuments outside the 2km boundary have been included within the assessment in agreement with Historic England:</p> <p>a) Would the Applicant confirm the study area for the built heritage assessment presented in the ES?</p>
1.13.10.	Applicant	<p>ES [APP-031] Chapter 12 paragraph 12.64 states that the determination of the importance of heritage/ archaeological assets is based on statutory designation and/or professional judgement. Professional judgement will also be applied during the assessment of heritage significance; including where there is a choice in the significance of effect after the magnitude of effect and sensitivity of receptor are combined (paragraphs 12.72 and 12.76-77):</p> <p>a) Would the Applicant clarify where the significance of effect has been established using professional judgement?</p>
1.13.11.	Applicant	<p>a) As stated in ES [APP-031] Chapter 12 paragraph 12.67, the site visits informed the sensitivity and value given to heritage assets and their settings. The site visits were undertaken before demolition of Tilbury B Power Station chimneys:</p> <p>b) Would the Applicant comment on whether the demolition of Tilbury B Power Station chimneys has an effect on the assessment of the sensitivity and value of the heritage assets</p>

FWQ	Question to:	Question:
		and their setting and whether or not this was taken into account within the ES?
1.13.12.	Applicant	<p>The assessment criteria have been set out in ES [APP-031] Chapter 12 Tables 12.5-7, including definitions of receptor sensitivity, magnitude of effect, and significance of effect particular to archaeology and cultural heritage:</p> <p>a) Would the Applicant clarify whether the assessment criteria have been informed by guidance documents which have been referenced elsewhere in the chapter?</p>
1.13.13.	Applicant	<p>ES [APP-031] Chapter 12 Tables 12.15a-c and 12.16 do not state which residual effects are applicable to the construction phase, and which are applicable to the operational phase:</p> <p>a) Would the Applicant please clarify?</p>
1.13.14.	Applicant	<p>ES [APP-031] Chapter 12 Table 12.2 states the realistic worst case scenario is that the construction period will be 22 months, while the Construction Environmental Management Plan (CEMP) which secures this element of the Proposed Development inconsistently states that the construction period will be 24 months and 22 months:</p> <p>a) Would the Applicant clarify the duration of the construction period?</p>
1.13.15.	Applicant	<p>The retained and proposed vegetation will be secured through Requirement 11 (Schedule 2, Part 1) of the dDCO [APP-016], within the Landscape and Ecological Management Plan (LEMP, Appendix</p>

FWQ	Question to:	Question:
		<p>10.P of the ES [APP-061]), but Figure 1 within the LEMP appears to have been redacted; therefore the vegetation to be retained and proposed as part of the dDCO is unclear:</p> <p>a) Would the Applicant clarify the vegetation to be retained and proposed as part of the dDCO?</p>
1.13.16.	Applicant	<p>It is unclear if the effects of the construction compound and temporary welfare facilities have been considered within the ES [APP-031] Chapter 12 <i>Archaeology and Cultural Heritage</i> in terms of setting:</p> <p>a) Would the Applicant clarify whether the effects of the construction compound and temporary welfare facilities have been considered within the Archaeology and Cultural Heritage Chapter of the ES?</p>
1.13.17.	Applicant	<p>All committed developments (as present in ES [APP-031] Chapter 2 Table 2.2; Chapter 13) have been assessed for cumulative impacts on archaeology and built heritage, with the exception of effects on Land Adjacent Tilbury Power Station Fort Road (re-profiling works):</p> <p>a) Would the Applicant provide justification for the exclusion of Land Adjacent Tilbury Power Station Fort Road from the assessment of cumulative effects on archaeology and built heritage?</p>
1.13.18.	Applicant	<p>Historic England raised concern in its statutory response to the PEIR (Table 12.4), that the Tilbury Energy Centre (TEC) proposed redevelopment project did not appear to be included within the</p>

FWQ	Question to:	Question:
		<p>cumulative effects assessment. The Applicant has provided justification for this approach in ES Chapter 12 paragraphs 12.246-247 on the basis that no details of the proposal are yet available. No Scoping Report has yet been received from the TEC which puts it in Tier 2. However:</p> <p>a) Would the Applicant comment on whether it intends to undertake a cumulative assessment of the Proposed Development with the Tilbury Energy Centre, proportionate to the information that is available to the Applicant, such that the Applicant can then demonstrate that it has at least considered the matter?</p>
1.13.19.	Applicant	<p>ES [APP-031] Chapter 12 paragraph 12.142 states that the CEMP and Deemed Marine Licence (DML) <i>"contains (or will facilitate) construction restrictions which will indirectly minimise impacts on the archaeological resource"</i>:</p> <p>a) Would the Applicant clarify what specific construction restrictions have been proposed which would indirectly minimise effects on archaeology and cultural heritage?</p> <p>b) Would the Applicant quantify how effective such techniques would be?</p>
1.13.20.	Applicant	<p>According to ES [APP-031] Chapter 12 paragraphs 12.151, 12.181 and 12.229, the contractor will develop and implement a monitoring and mitigation regime for vibration effects of piling on historic assets, in consultation with English Heritage and Historic England:</p> <p>a) Would the Applicant state how this will be secured through the</p>

FWQ	Question to:	Question:
		<p>dDCO?</p> <p>b) Would the Applicant state whether there are any details available for the content of the monitoring and mitigation regime?</p> <p>c) Will piling activities cease until further notice if vibration effects occur?</p>
1.13.21.	Applicant	<p>According to ES [APP-031] Chapter 12 paragraphs 12.216 et seq, the likely significant effect on Tilbury Fort scheduled monument, was moderate to major adverse pre mitigation, and reduced to moderate adverse post mitigation. Officers Barracks Tilbury Fort Grade II* listed building was moderate adverse both pre and post mitigation:</p> <p>a) Would the Applicant justify why no further mitigation measures were proposed to reduce the effects on both Tilbury Fort scheduled monument and Officers Barracks Tilbury Fort Grade II* list building?</p>
1.13.22.	Applicant	<p>ES [APP-031] Chapter 12 paragraphs 12.228-12.236, detail the potential further mitigation or compensation measures for built heritage impacts, on which the Applicant is continuing to engage key stakeholders in relation to mitigation measures:</p> <p>a) Since all mitigation measures need to be secured and discussions are on-going, would the Applicant clarify how any resulting mitigation measures would be secured within the dDCO?</p> <p>b) How are these mitigation measures assessed within the ES? Note: this also applies to all other areas that are subject to</p>

FWQ	Question to:	Question:
		<p>potential further mitigation or compensation measures;</p> <p>c) How is the Section 106 agreement cited at ES Chapter 12 paragraph 12.236 as the means of securing any heritage enhancements secured in the dDCO?</p>
1.13.23.	Applicant	<p>ES [APP-031] Chapter 12 paragraphs 12.240-242 state that additional mitigation measures 'could' help to reduce potential visual impacts on designated assets - specifically surface treatments and colour of elements, design, low key lighting:</p> <p>a) Would the Applicant confirm whether additional mitigation measures are to be implemented?</p> <p>b) If so, would the Applicant clarify what these would be and how they would be secured in the dDCO?</p>
1.14.	Planning Policy	
1.14.1.	Applicant	<p>The Applicant, in its Planning Policy Compliance Statement [APP-032] considers the Proposed Development against the policy requirements contained in the National Policy Statement for Ports. Please could the Applicant explain whether, in its view, the Proposed Development should also be considered against the policy requirements within the National Policy Statement for National Networks?</p>
1.14.2.	Applicant and Thurrock Council	<p>The National Policy Statement for Ports discusses bulk and general marine traffic, where the threshold for a port application to be a Nationally Significant Infrastructure Project (NSIP) is "<i>5 million tonnes for other (bulk and general) traffic</i>". However the NPS for Ports is silent on the need for bulk aggregate facilities. To what</p>

FWQ	Question to:	Question:
		extent should the proposals for the Construction Materials and Aggregate Terminal (CMAT) be considered against the policies for minerals in the National Planning Policy Framework (NPPF) and its associated guidance?
1.14.3.	Applicant	The Planning Policy Compliance Statement [APP-032] does not appear to mention the minerals policies within the NPPF, or the supporting guidance on minerals. Nor do these appear to be considered elsewhere in the ES or supporting documents. Why is this?
1.14.4.	Thurrock Council, Essex County Council and Kent County Council	Please can the host and neighbouring councils confirm whether they prepare and publish Annual Aggregate Assessments, and if so, how long have these been prepared for and please provide either the web-links to the documents, or provide the documents as PDFs to the Examination?
1.14.5.	Crown Estate Commissioners	Please can the Crown Estate Commissioners provide any information that is in the public domain that identifies the amounts of marine dredged aggregates that have been landed annually at wharves in Essex, Thurrock, North Kent, Medway and East London in recent years, together with an explanation of any changes or trends that are reflected in the data?
1.14.6.	Thurrock Council, Essex County Council	Are you participants in the East of England Regional Aggregate Working Party (RAWP)? If so, please could you provide any annual reports or other relevant documents prepared by the RAWP that provide information on annual volumes of marine dredged aggregates, crushed rock and recycled/secondary aggregates that are landed at wharves in Thurrock and Essex together with any RAWP documents may indicate a need for new or replacement

FWQ	Question to:	Question:
		aggregate wharves on the Thames?
1.14.7.	Kent County Council	Do you participate in the South East England RAWP? If so, please could you provide any relevant RAWP documents that provide information on volumes of marine dredged aggregates, crushed rock and recycled/secondary aggregates that are landed at Kent wharves together with any RAWP documents that may indicate a need for a new or replacement aggregate wharf on the Thames?
1.14.8.	Applicant	Please can the Applicant explain how the Ro-Ro facilities within the Proposed Development would interact with and supplement or replace the existing Ro-Ro port facilities? Paragraph 1.18 of the Applicant's Errata version of the Outline Business Case [AS-016] explains that there is a limitation on existing Ro-Ro sailings due to restricted operational times because of the additional sailing time necessary through the lock, together with a restriction on the size of ships (2,400 lane metres). Would the existing and new Ro-Ro facilities be operated in tandem or would the new facilities for Ro-Ro replace some or all of the existing facilities?
1.14.9.	London Gateway Port Limited	Please provide details of your operational port, including a location plan and a link to the relevant planning permission(s) and a summary of the types of operations/shipping that London Gateway Port is used for?
1.14.10.	London Gateway Port Limited	Please can this IP provide summary details concerning any potential overlap in its market and current operations, or competition with, the Proposed Development?
1.14.11.	Applicant	Please can the Applicant provide a copy of the Project Appraisal Framework (PAF) for Ports, Department of Transport 2003, as this is apparently out of print and not available on-line.

FWQ	Question to:	Question:
1.14.12.	Thurrock Council	What is the view of the host authority regarding the need for 1.32ha of Green Belt land for the Proposed Development? Does Thurrock Council consider this Proposed Development to be " <i>very special circumstances</i> " (NPS for Ports, paragraph 5.13.10)?
1.14.13.	Thurrock Council	Are there any proposals to change the boundaries of the Green Belt in the vicinity of the Proposed Development?
1.14.14.	Thurrock Council, Gravesham Council	Does the application conflict with any proposals or policies in any development plan documents? If so, please provide a summary and a link to the relevant policy and/or proposals map?
1.14.15.	Applicant	The NPS for Ports in paragraph 1.2.1 states that it applies, " <i>...wherever relevant, to associated development, such as road and rail links, for which consent is sought alongside that for the principal development. Non-ports associated development should be considered on a case-by-case basis, using appropriate assessment methods consistent with this NPS and with applicable official guidance.</i> " How does the Applicant justify the breadth of associated development included within Works 2 to 12 of Schedule 1 of the dDCO, especially Works 2 and 8, relating to the various aspects of the CMAT?
1.14.16.	Applicant	How does the breadth of Associated Development provided in Works 2 to 8 (especially that in Works 8D (iii)) of Schedule 1 of the dDCO comply with paragraph 5 of the DCLG guidance on associated development applications for major infrastructure projects? In particular please address how:- a) the CMAT facilities proposed either support the construction or operation of the principal development, or help address its impacts;

FWQ	Question to:	Question:
		b) the CMAT facilities are not an aim in themselves, but are sub-ordinate to the principal development; and whether c) the CMAT facilities are only necessary as a source of additional revenue to the Applicant, in order to cross-subsidise the principal development?
1.14.17.	Applicant	Paragraph 6 of 'Planning Act 2008: associated development applications for major infrastructure projects' (Published by Department for Communities and Local Government April 2013) explains that associated development will, in most cases, be typical of types of development brought forward alongside the relevant types of principal development or of a kind that is usually necessary to support a particular type of project, for example (where consistent with the core principles above), a grid connection for a commercial power station. Can the Applicant review previous NSIP applications for ports and provide details identifying whether any of the previous port NSIP applications have had any or all of the following accepted as associated development in a made DCO: - <ul style="list-style-type: none"> • Aggregate processing and covered storage; • silo(s) for the storage of cementitious material; • permanent asphalt plant; • permanent concrete plant; or • permanent concrete product manufacturing plant?
1.14.18.	Thurrock Council	What is the host authority's view on the inclusion of these CMAT processing facilities as associated development within the dDCO?
1.14.19.	Applicant, English Heritage Trust and Historic England	The NPS for Ports, paragraph 3.5.2 explains that consideration of applications for ports should start with a presumption in favour of granting consent to applications for port developments. That

FWQ	Question to:	Question:
		<p>presumption applies unless any more specific and relevant policies set out in this or another NPS clearly indicate that consent should be refused.</p> <p>In section 5.12 it goes on to explain that the decision maker should "<i>seek to identify and assess the significance of any heritage asset that may be affected by the proposed development, including by development affecting the setting of a heritage asset, taking account of...</i>" and then lists various sources of information, including the Applicant's own assessment. In paragraph 5.12.12 -5.12.13 it explains that significance can be harmed or lost through development within its setting. Loss affecting any designated heritage asset should require clear and convincing justification. Substantial harm to or loss of designated assets of the highest significance (including Scheduled Monuments) should be wholly exceptional.</p> <ul style="list-style-type: none"> a) Please could the Applicant confirm whether, in its view, the Proposed Development would lead to "<i>substantial harm</i>" to Tilbury Fort Scheduled Monument, giving reasons? b) Please can English Heritage Trust and Historic England confirm whether, in their view, the Proposed Development would lead to "<i>substantial harm</i>" to the Scheduled Monument, giving reasons?
1.14.20.	Applicant	<p>In the event that you consider that "<i>substantial harm</i>" would occur to Tilbury Fort, please identify what "<i>substantial public benefits</i>" would occur that would, in your view, outweigh that harm?</p>
1.14.21.	Applicant	<p>What is the Agricultural Land Classification (ALC) of the parts of the Order Limits that are currently fields? Please provide an ALC map of</p>

FWQ	Question to:	Question:
		these areas that would be lost to the development.
1.14.22.	Applicant	<p>The NPS for Ports in paragraph 5.10.9 states that, "<i>The decision maker should be satisfied that the proposals will meet the following aims:-</i></p> <ul style="list-style-type: none"> • <i>Avoid significant impacts on the environment, human health and quality of life from noise;</i> • <i>Mitigate and minimise other adverse impacts on health and quality of life from noise; and</i> • <i>Where possible, contribute to improvements to health and quality of life through the effective management and control of noise".</i> <p>Given the conclusions of the ES chapter on noise, how does the Applicant consider that the Proposed Development accords with this part of the NPS?</p>
1.14.23.	MMO	Please can you provide details of the likely timescales for the preparation of the relevant marine plan for the Tilbury area? Is there likely to be a draft marine plan during the Examination phase of Tilbury2?
1.14.24.	Thurrock Council	What is the status of the Tilbury Development Framework, referred to in paragraph 2.39 of the Applicant's Planning Policy Compliance Statement [APP-032]?
1.15.	Landscape and Visual Impacts	
1.15.1.	Applicant/ Essex County Council (ECC)	ECC asserts in its relevant representation [RR-018] that clarification, additional information and mitigation measures are required, and that the majority of proposed landscape mitigation fails to adequately address wider significant adverse visual impacts on the

FWQ	Question to:	Question:
		<p>setting of Tilbury Fort and wider surrounds including East and West Tilbury:</p> <ul style="list-style-type: none"> a) Would ECC provide more detail on where it believes the Applicant's mitigation proposals are deficient? b) Would the Applicant state its response to ECC's assertion above?
1.15.2.	Applicant/ Thurrock Council (TC)	<p>TC's states in its relevant representation [RR-031] that there are major concerns over the effects of the scheme on the setting of Tilbury Fort, in which key concerns are: the impact of the extended jetty which will bring the large ships much closer to the Scheduled Ancient Monument; the new infrastructure corridor which will have adverse effects introducing more movement and lighting closer to the Fort; the junction with Fort Road which will also be more visually intrusive. According to TC, the overall landscape mitigation package is considered to be very limited and will not achieve any significant benefits:</p> <ul style="list-style-type: none"> a) Would TC state what further mitigation/enhancement it would propose for the landscape and visual area? b) Would the Applicant state its position to TC's stated concerns above?
1.15.3.	Applicant	<p>Ms Wendy McDowell asserts in her relevant representation [RR-032] that, due to Gravesend's conservation status, the outlook from Gravesend looking towards Tilbury port on the opposite side of the Thames should be protected, and that a positive solution would be to plant a line of large trees on both the Tilbury and Gravesend side</p>

FWQ	Question to:	Question:
		<p>of the Thames:</p> <p>a) What is the Applicant's response to this proposal from Ms McDowell?</p> <p>Re Ms McDowell's assertion that there will be an unsightly landscape impact due to container storage at the port, which could also be mitigated by a line of high trees:</p> <p>b) What is the Applicant's response to this proposal from Ms McDowell?</p>
1.15.4.	Applicant	<p>ES [APP-031] Chapter 9 paragraph 9.236 explains that further mitigation would prevent substantial adverse effects but substantial-moderate effects would remain in the short-medium term for residents at London Road, Elizabeth Close, Edinburgh Mews, The Beeches and Bown Close at the southern margins of Tilbury (declining to moderate once scrub planting establishes):</p> <p>a) Why has the Applicant not proposed 'further mitigation'?</p> <p>b) What further mitigation would be possible to reduce the substantial impacts and which receptors would benefit from this?</p> <p>c) Why has the ES not considered such mitigation?</p>
1.15.5.	Applicant/ Thurrock Council (TC) and Gravesham Borough Council (GBC)	<p>ES [APP-031] Chapter 9 paragraph 9.245 explains that lighting is designed to avoid or reduce potential lightspill. Effects are assessed as moderate adverse but are considered to be acceptable and would to some extent represent re-establishment of historic industrial and</p>

FWQ	Question to:	Question:
		<p>waterfront relating lighting along the Thames:</p> <p>a) Would the Applicant explain why these moderate adverse effects are considered to be acceptable?</p> <p>b) Would TC and GBC state whether they are content with this position, and if not, propose further mitigation measures?</p>
1.16.	Noise and Vibration	
1.16.1.	The Applicant.	Paragraph 17.164 of the ES states that noise levels from dredging have not been assessed in detail. Can the Applicant justify that a detailed assessment is not required in general, and with particular reference to impacts on the marine environment.
1.16.2.	The Applicant	It is noted that during the pre-application phase, Thurrock Council highlighted the use of BS7385-2: 1993 (see Table 17.3 of the ES) which is the standard for assessing the effects of vibration on buildings. No further specific reference has been made to this British Standard, however the ES does assess the effects of vibration on buildings. Please can the Applicant confirm that BS7385-2:1993 was used to assess the effects of vibration on buildings?
1.16.3.	The Applicant	Construction vibration - The assessment assumes that compaction activities will be undertaken using a single drum roller (Bomag BW 145 operating at 0.8mm amplitude) (ES paragraph 17.42). Can the Applicant confirm whether this is considered to be a worst case scenario, and if so justify this?
1.16.4.	The Applicant	The assessment assumes a railway line speed of 24 km/h (paragraph 17.63 of the ES). There is no line speed stipulated within the draft DCO. Can the Applicant explain how the railway line speed would be controlled?

FWQ	Question to:	Question:
1.16.5.	The Applicant	Paragraph 17.96 of the ES states that " <i>For the situation where impacts are above LOAEL and below SOAEL then mitigation will be considered where adverse impacts are Major. Mitigation would be included in the scheme where it is shown to be both practical and cost effective.</i> " In terms of construction noise, for an impact to be major, it must be >75dB. This is the same as the SOAEL. Therefore, it is not possible for there to be a major impact below SOAEL. As such, it is unclear on what basis mitigation would be provided. Can the Applicant clarify?
1.16.6.	Thurrock Council; Gravesham Council	Noise sensitive receptors (NSRs) are listed in Table 17.27 and illustrated on Figure 17.2 of the ES. This includes five receptors along the infrastructure corridor by the town of Tilbury, one at Tilbury Fort and two in Gravesend (across the River Thames). The same receptors have been used for the vibration assessments. Have the LPA's agreed the NSRs?
1.16.7.	The Applicant	With reference to ES para 17.142, it is unclear whether the noise modelling has been undertaken with the noise barrier in place. Please can the Applicant confirm?
1.16.8.	The Applicant	Table 17.8 of the ES presents 'Transient vibration guide values for cosmetic damage to property'. The assessment of vibration presented in paragraphs 17.148-17.152 of the ES does not appear to assess the potential for cosmetic damage. Can the Applicant confirm whether a significant effect to properties from construction or operational vibration is likely, and if so what mitigation measures are proposed?
1.16.9.	The Applicant	The worst case impact ranges for percussive piling of 3.5m piles are set out in the following sections of the ES: (i) Tables 17.33-34 (ii)

FWQ	Question to:	Question:
		paragraph 17.238 (iii) Table 11.44. The impact ranges presented in these sections of the ES differ from one another and it is unclear why this is the case. Please can the Applicant clarify?
1.16.10.	The Applicant	There are discrepancies in the names of the locations of the NSRs in ES Table 17.37 compared to Tables 17.27 and 17.38-40. It is assumed that these are typos, please can the Applicant clarify?
1.16.11.	The Applicant	Can the Applicant provide revised versions of Tables 17.38-39 which incorporate the background noise level (for ease of reference), the specific noise level and the rating level for each NSR? The Applicant is requested to double check the accuracy of the table as the ExA is unclear how some conclusions have been drawn. As an example, why the rating level is more than the background + 10dB at NSR2 in the daytime.
1.16.12.	Thurrock Council; Gravesham Council	Based on the calculations presented in Tables 17.38-39, the ES concludes: <ul style="list-style-type: none"> • Major and significant effects from the CMAT at night time for receptors in Gravesend (NSR 7 & 8) (para 17.174); • Localised significant effects at NSR 2 from the RoRo from general storage areas (para 17.181 & 17.221). Do the local authorities have concerns regarding the proposals, with regard to noise? Please detail any concerns.
1.16.13.	The Applicant	Ref ES para. 17.196, refers to properties in Dock Road and Calcutta Road for which ' <i>... there will be a perceptible increase in noise, giving rise to short term significant effect at these properties. The effect is negligible in the long term and the overall assessment is considered not to be significant.</i> ' Can the Applicant justify how overall this is not

FWQ	Question to:	Question:
		considered to be significant, when short term significant impacts have been acknowledged?
1.16.14.	The Applicant	Although the ES has referred to vibration dose ranges from BS6742, the assessment presented within the ES is qualitative only (see paragraphs 17.203-205). Please provide calculations to support this conclusion. In addition how will the number of railway movements be restricted in the dDCO? In your answer please detail proposals for night time operation of the railway.
1.16.15.	The Applicant	ES paragraphs 17.213-17.215 conclude that there would be no significant effects from operational noise from vessels. Please provide the calculations that underpin the figures provided within the ES.
1.16.16.	Gravesham Council	With regard to vessel noise, additional confirmatory work has been undertaken by the Applicant, and a technical note detailing the findings prepared and shared with Gravesham Council. Please provide an update on your response to this matter.
1.16.17.	The Applicant	Paragraphs 17.135-17.137 detail the embedded mitigation for the Proposed Development. Can the Applicant update the OMP to reflect the measures that are set out in the ES?
1.16.18.	The Applicant	Thurrock Council [RR-031] provided comments on the OMP, specifically noting that the Port has been subject to noise complaints from ship generators operating overnight and the suggestion to provide shore power. What is the Applicant's response to this suggestion?
1.16.19.	The Applicant	Limited information is provided in the ES regarding the noise barriers. Can the Applicant confirm the detailed design of the proposed noise barriers including all dimensions (including

FWQ	Question to:	Question:
		foundations), details of materials etc.
1.16.20.	The Applicant, Gravesham Council.	Gravesham Council [RR-019] is concerned over 24 hour operation of the CMAT as the CMAT would operate 312 days a year 7am - 7pm Monday – Friday and 7am – 12pm Saturdays. Gravesham states that they are discussing this with the Applicant and the Application will provide a justification for 24/7 hour operation. Please provide an update on discussions.
1.17.	Socio-economic effects	
1.17.1.	Essex Chambers of Commerce	Essex Chambers of Commerce asserts in its relevant representation [RR-009] that the development will be of major benefit to exporters and importers after Britain leaves the EU in handling trade not just from the EU but elsewhere around the globe. Essex Chambers of Commerce further asserts that the development will bring major economic benefits to Thurrock and the wider area in terms of job creation and security, ensure Tilbury's contribution to the local economy continues and is safeguarded, and enhance the local, regional and national economy: a) Can Essex Chambers of Commerce provide any evidence for its assertions on the benefits of the Proposed Development?
1.17.2.	Applicant and Essex County Council (ECC)	ECC asserts in its relevant representation [RR-018] that clarification is required on how the benefits and use of the local supply chain and economy would be realised: a) Would the Applicant state its response to ECC's assertion? b) Would ECC specify what clarification is required?
1.17.3.	Thurrock Council (TC)	TC states in its relevant representation [RR-031], that the impact of

FWQ	Question to:	Question:
		and opportunities/ benefits arising from the Proposed Development during construction and operation are an issue for consideration: <ul style="list-style-type: none"> a) Would TC state what it sees to be the impact of and opportunities/ benefits arising from the Proposed Development?
1.18.	Traffic and Transportation	
1.18.1.	Applicant and Network Rail Infrastructure Limited (NRIL)	Regarding Network Rail's need [RR-013] to have agreements in place to safeguard Network Rail's interests and the safety and integrity of the operational railway: <ul style="list-style-type: none"> a) What is the current position between Network Rail and the Applicant? b) What matters remain to be resolved? c) Can Network Rail confirm that it will table a Statement of Common Ground with the Applicant at Deadline 1 (20 March 2018)? d) Is Network Rail content with the Protective Provisions in dDCO Schedule 10 Part 6 <i>For the Protection of Railway Interests</i>?
1.18.2.	Applicant and Royal Mail	With reference to Royal Mail's interests [RR-029] and its request for the Applicant to give careful consideration to potential cumulative construction traffic impacts and remediation measures to mitigate adverse impacts on the capacity of the highways network; to acknowledge the requirement to ensure that major road users are not disrupted through full consultation at the appropriate times during the DCO and development processes; and to fully consult Royal Mail in advance on the Construction Environmental Management Plan (CEMP) and name Royal Mail in the list of

FWQ	Question to:	Question:
		transport operators for consultation on usage of the network: a) What is the current position between Royal Mail and the Applicant? b) What matters remain to be resolved? c) How does Royal Mail envisage its needs being met in the dDCO?
1.18.3.	Applicant/ Essex County Council (ECC)/ Highways England (HE)/ Network Rail (NR)	With reference to ECC's relevant representation [RR-018]: a) Would ECC give more detail on its outstanding concern regarding M25 J30 on which the Council requires further clarification? b) Would the Applicant and HE state their response to ECC's request for them to take account of respective proposals to ensure junction capacity? c) Would the Applicant state its response to ECC's request for clarification, information and mitigation concerning sustainable travel modes and provision of public transport to coincide with shift patterns? d) Would the Applicant and NR state their response to ECC's request for clarification on the cumulative impacts on the rail network, passenger and freight capacity, connectivity and network resilience between Essex and London?
1.18.4.	Applicant/ Gravesham Borough Council (GBC)/ Highways England (HE)	With reference to GBC's concern [RR-019] to see a SoCG between the Applicant and HE agreed to ensure that the traffic impacts on Gravesham <i>"generated by the Port of Tilbury by virtue of the Lower Thames Crossing once built, are comprehensively modelled and</i>

FWQ	Question to:	Question:
		<p><i>mitigated for and don't fall between these 2 NSIP projects":</i></p> <p>a) What are the Applicant's and HE's response to this concern of GBC?</p>
1.18.5.	Applicant/ Highways England (HE)	<p>With reference to HE's relevant representation [RR-020], in which HE raises a number of concerns:</p> <p>a) What is HE's assessment of the fitness for purpose of the Transport Assessment (cited in ES [APP-031] Chapter 13 paragraph 13.3 et seq), including its compliance with WebTAG?</p> <p>b) What is the Applicant's response to HE's request for justification of the absence of proposed mitigation works at certain locations, namely A1089/A126 (Marshfoot Road junction), A1089/A13 merge and M25 junction 30?</p> <p>c) What is HE's current position on the effects of the Proposed Development on the strategic road network and whether they can be mitigated so that the residual impacts are not severe?</p> <p>d) Re HE's assertion that circular 02/2013 requires developers' proposals to comply with the Design Manual for Roads and Bridges, does the Applicant agree with this assertion?</p> <p>e) Would the Applicant and HE state the extent to which the Proposed Development complies with the DMRB, and highlight all areas in which it does not comply?</p>
1.18.6.	Applicant/ Essex County Council (ECC)/	The ES [APP-031] Chapter 13 paragraph 13.3 et seq cite the

FWQ	Question to:	Question:
	Thurrock Council (TC)/ Highways England (HE)	<p>Transport Assessment [APP-072], the Framework Travel Plan [APP-073], and Sustainable Distribution Plan [APP-074]. The latter two documents are secured within the dDCO [APP-016] Schedule 2 Part 1 by Requirement 11:</p> <ul style="list-style-type: none"> a) Would the Applicant state where the Transport Assessment is secured in the dDCO? b) Would ECC and TC state whether they are content with the Transport Assessment as currently drafted? c) Would ECC, TC and HE state whether they are content with the Framework Travel Plan and Sustainable Distribution Plan as currently drafted? d) Would the Applicant state whether it intends to update the Framework Travel Plan and Sustainable Distribution Plan during the Examination?
1.18.7.	Applicant/ Kent County Council (KCC)	<p>KCC states [RR-021] that it supports modal shift from road to sea and rail, notes that the application proposes 2 or 3 train movements per day, and asserts that the application must ensure capacity of available train paths through London:</p> <ul style="list-style-type: none"> a) Would the Applicant state how it is proposing to ensure capacity of available train paths through London, whilst not adversely affect passenger rail services? b) In response to KCC's call for consideration of lorry parking to be provided as part of the Proposed Development, due to the significant HGV movements associated with the application, what is the Applicant's position on this matter?

FWQ	Question to:	Question:
1.18.8.	Applicant	<p>With reference to resident Mr Colin Elliott's relevant representation [RR-001], in which he asserts that <i>"the existing road that goes around the Ferry fields could be upgraded rather than putting a new road near to residential area"</i>:</p> <p>a) What is the Applicant's response to this assertion by Mr Elliott?</p>
1.18.9.	Applicant/ Purfleet Real Estate (PRE)	<p>With reference to PRE's relevant representation [RR-028], in which PRE states that its priority is to ensure the continued efficient and effective operation of its terminals:</p> <p>a) What assurance can the Applicant give to PRE and its related group companies with regard to the continued functioning of the M25 (notably J30) and the A13 during both construction and operations?</p> <p>b) How does the Applicant intend to take account of the existing planning permissions with Thurrock Council for development at Purfleet Thames Terminal (PTT) with regard to transport impacts?</p> <p>c) How will the Applicant ensure the continued access to, and use of, the River Thames by vessels serving PTT and Dartford International Ferry Terminal (DIFT)?</p> <p>d) Would PRE highlight any mitigation measures that it wishes to propose?</p>
1.18.10.	Applicant/ Thurrock Council (TC)	<p>With reference to TC's relevant representation [RR-031], TC states that it disagrees with some of the assumptions and opinions within the submitted Transport Assessment [APP-072], in particular in</p>

FWQ	Question to:	Question:
		<p>relation to the local road network:</p> <ul style="list-style-type: none"> a) Would TC specify the matters on which it disagrees with the Applicant? b) Would TC specify its outstanding issues regarding impact on the Asda roundabout junction and associated mitigation proposals, and state what other mitigation measures it would propose? c) Would the Applicant state how the Proposed Development has addressed vehicle movement on the local roads network? d) Would the Applicant state how it has addressed the needs of non-motorised users (local walking and cycle network, including public rights of way)?
1.18.11.	Applicant	<p>With reference to the relevant representation of London Gateway Port Limited (LGPL) [RR-022], LGPL asserts that the assessment carried out in support of the Tilbury 2 proposals does not appear to have considered available capacity on the regional/national rail network to accommodate the predicted rail movements:</p> <ul style="list-style-type: none"> a) What is the Applicant's response to this assertion from LGPL?
1.18.12.	Applicant	<p>The ES [APP-031] makes numerous references to an Active Travel Study for improvements to pedestrian and cyclist connectivity in the area which is stated to be secured through the draft DCO and a s106 agreement with the council. There appears to be no reference to an Active Travel Study within the draft DCO, although it is appended to a draft Heads of Terms for the s106 in Doc Ref 6.3:</p> <ul style="list-style-type: none"> a) Would the Applicant state how the dDCO will secure the Active

FWQ	Question to:	Question:
		Travel Study?
1.18.13.	Applicant	<p>ES [APP-031] Table 4.1 identifies existing buildings on the site which would be demolished as part of the Proposed Development. It states that material would be crushed and potentially reused on site. Without guarantee of the material being retained on site, the ExA will need to be satisfied that a worst case assessment of traffic impacts has been undertaken:</p> <ul style="list-style-type: none"> a) Would the Applicant confirm whether the traffic movements associated with potentially moving this material off site have been taken into account? b) If not, would the Applicant comment on, and justify, whether these movements would have any bearing on the assessment presented within the ES?
1.18.14.	Applicant	<p>ES [APP-031] paragraphs 2.57-2.63 explain that the Lower Thames Crossing (LTC) will not be assessed for cumulative effects because of the limited information available. However, it should be noted that the scoping report for LTC was received by PINS on 2 November 2017 and there is a clear overlap of the application site boundaries along the infrastructure corridor. The Applicant was advised to update its assessment in post-acceptance section 51 advice:</p> <ul style="list-style-type: none"> a) Would the Applicant state its current position with regard to the cumulative effects of the Proposed Development and the LTC?

FWQ	Question to:	Question:
1.19.	Water Quality, Flood Risk and Water Framework Directive	
1.19.1.	Environment Agency (EA)	Please supply a copy of the Thames Estuary 2100 (TE2100) Plan to the Examination, as a web-link or as a PDF.
1.19.2.	EA	Please provide an explanation regarding the condition or grade of the flood defences bordering the River Thames in the Tilbury2 site, together with an explanation of your expectation on how the Applicant should be addressing any existing defects in the flood defences, in the application.
1.19.3.	EA and Applicant	Who is the owner of the flood defences within the Order Limits?
1.19.4.	EA and Applicant	Who would be responsible for the maintenance and repair of the flood defences within the Order Limits, should the DCO be made?
1.19.5.	Applicant	The EA, in their RR, [RR-017], paragraph 2.4 state that a foundation works risk assessment will be required, which should consider the impacts of possible detriment to water quality via infiltration. Please confirm when this risk assessment would be undertaken and how would the results and conclusions be provided to the EA and the host LPA? How would this be secured in the dDCO?
1.19.6.	Applicant and EA	Please provide an update on discussions and agreements regarding the proposed Memorandum of Understanding (MoU) between the Applicant and the EA, in respect of the proposed Tilbury barrier.
1.19.7.	Applicant	Further to the EA's RR [RR-017], paragraphs 4.2-4.15, please explain how you will address all of the EA's concerns regarding the Flood Risk Assessment (FRA), including updating the flood risk modelling with updated/additional breach modelling, infrastructure corridor culvert modelling and climate change allowances? Will an updated and revised FRA (and updated chapter 16 of the ES to reflect any new or changed findings), be prepared and submitted to

FWQ	Question to:	Question:
		the Examination? If so, when?
1.19.8.	Applicant	Please explain how you will address the EA's concerns in their RR [RR-017], section 5.0 regarding culvert design and associated flood risk matters?
1.19.9.	Applicant	Please explain how you proposed to address the EA's concerns regarding flood risk to buildings and to the people who work within them in paragraphs 6.1-6.5 of their RR [RR-017]?
1.19.10.	Applicant	Please explain the status of the proposed 'Flood Emergency Plan' and how it will be agreed with the EA and secured within the dDCO?
1.19.11.	Applicant	Figure 6-3 of the Level 3 Flood Risk Assessment (FRA)[APP-087] contains a figure showing the existing flood wall. It is not currently legible. Please provide another version of this figure which is legible.
1.19.12.	Applicant	Please explain how you propose to address the EA's concerns about the East Dock Sewer in paragraphs 6.6-6.7 of their RR [RR-017], including explaining who will be responsible for the repairs/ refurbishment/ replacement of the retaining wall.
1.19.13.	Applicant	Please provide the details required by Essex County Council in their RR [RR-018] regarding discharge rates for the area of the site and the access road.
1.19.14.	Applicant	Please explain what works would be carried out to the existing flood defences, in order to maintain flood defence for the site and access maintained for the EA to enable them to carry out maintenance. Also explain how and when the existing flood defences would be raised to 8m AOD and how the design for crossing existing water courses would be agreed with the EA (paragraph 7.1-7.3 of their RR [RR-017]).
1.19.15.	Applicant and EA	Please provide an update regarding whether agreement has been

FWQ	Question to:	Question:
		reached on the wording of a new requirement within Schedule 2 of the dDCO regarding the submission and approval of detailed plans relating to work in relation to flood defences and watercourses.
1.19.16.	Applicant	Please provide an update of discussions with the operator of the adjacent Tilbury Energy Centre in relation to whether the new proposed foul sewage pumping station (SPS) could be sized to accommodate waste water flow from the new power station or provide an ability to increase at a later date.
1.19.17.	Applicant	Please provide a plan showing where permeable pavements are proposed over the Proposed Development area. Please explain how the provision of permeable pavements will only occur in areas where there is no risk of leaching of contaminants or other forms of pollution.
1.19.18.	Applicant	Please explain where green rooves would be used and provide details of their design and construction so that the impact of these on drainage over the site can be understood.
1.19.19.	Applicant and EA	Please provide an update regarding the Applicant's wish to dis-apply the Environmental Permitting (England and Wales) Regulations 2016 (EPR), and the EA's statement that this could only be agreed if protective provisions are provided in lieu of the EPR relating to flood risk activity permits.
1.19.20.	Applicant	The ES, [APP-031] in paragraph 16.63, identifies that an increase in flood risk to a field, to the East of Fort Road, (up to 140mm in depth) may occur as a result of the Proposed Development. It goes on to say that " <i>Given the localised nature of the minor increase, the predicted change may be a result of residual uncertainty in the model. Mitigation measures are therefore not considered necessary</i>

FWQ	Question to:	Question:
		<p><i>for any off-site areas."</i></p> <ul style="list-style-type: none"> a) Please identify this area that would be at risk of increased flooding on a plan. b) Please provide details of who owns and/or has rights over this land, and the current uses of this field. c) Please provide a summary of discussions with these owners/tenants regarding the potential increase in flood risk.
1.19.21.	Applicant	<p>Please explain the statement in ES [APP-031] paragraph 16.77, "<i>the total mass released or removed by the dredging is in the variability identified in the annual sediment budget and therefore the dredging will not change the fine sediment budget of the Thames budget outside natural variability.</i>" The Panel considers that dredging will release sediment which is in addition to the existing sediment levels. Therefore the Applicant should be considering/assessing the effects of the increase in sediment levels across the area. Has this been undertaken? If not, why not?</p>
1.19.22.	EA, MMO and NE	<p>Do the EA, MMO and NE agree with the Applicant's statements in ES [APP-031] paragraphs 16.87, 16.88 and 16.91, in relation to WFD matters, that the Proposed Development would be unlikely to cause any deterioration in water body status in the Thames Lower and Middle water body, nor would it cause a deterioration in critical habitats?</p>
1.19.23.	Applicant	<p>The ES [APP-031] in paragraph 16.142 states that, "<i>the majority of the Tilbury2 site will be covered by hardstanding which will therefore limit rainfall infiltration through the ground.</i>" Please cross refer to statements in the ES regarding "<i>permeable pavements</i>".</p> <ul style="list-style-type: none"> a) Please explain the difference between "<i>permeable pavements</i>"

FWQ	Question to:	Question:
		and " <i>hardstanding</i> " in terms of construction design; b) Please show proposed areas of " <i>hardstanding</i> " on a map or plan. This could be combined with the map or plan to be provided in response of FWQ 1.19.17.