

Thurrock Council

Written Representation

March 2018

Proposed Tilbury2 Port Expansion

Planning Inspectorate Reference: TR030003

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## **1.0 Introduction**

- 1.1 This document sets out Thurrock Council's (TC) Written Representations (WR) on the application for a Development Consent Order (DCO) made by the Port of Tilbury London Limited (POTLL) for the construction and operation of a new port terminal with associated development (Tilbury2) on land formerly comprising part of the Tilbury Power Station site.
- 1.2 Thurrock Council is a unitary authority and therefore performs functions as the local planning authority, local highways authority, waste planning authority and local lead flood authority. The area which is the subject of the DCO lies wholly within the administrative area of TC. The Order Limits includes both the terrestrial environment and the marine environment associated with the proposed dredging works and the new and extended berths. TCs interest as local planning authority operates between the Mean Low and Mean High Water Marks. Consequently, elements of the marine works and their associated impacts are beyond the 'jurisdiction' of the local planning authority.
- 1.3 The content and conclusions of this WR were presented to and agreed at the meeting of the Council's Planning Committee on 15th March 2018, with any relevant revisions after this time being agreed by the Assistant Director of Planning, Transport and Public Health and the Chair of the Planning Committee. TC submitted a Relevant Representation (RR) in January 2018 which contained a summary of what it considered to be the main issues raised by the proposals. This RR representation also provided a position statement in the form of technical comments from relevant Council officers.
- 1.4 TC has prepared a Local Impact Report (LIR) which was also presented to the TC Planning Committee at its meeting on 15<sup>th</sup> March 2018. The LIR is a detailed 'technical' report which considers the range of social, environmental and economic impacts raised by the proposals and considers the positive, neutral or negative local impacts. TC has also engaged with the applicant to progress a draft Statement of Common Ground (SOCG) in order to confirm which matters relevant to TC are agreed, which matters are still under discussion and whether matters are not agreed between TC and the applicant.
- 1.5 In line with the guidance at paragraph 23.1 of the Planning Inspectorate (PINS) Advice Note 2 (The Role of Local Authorities in the Development Consent Process), this WR sets out the view of the local authority on whether or not it supports the application and its reasons for forming this view. This WR therefore balances and weighs the content of the applicant's submission, the LIR and the associated technical considerations to reach a TC 'summary position'. It is to be expected that the proposals, due to their significance and complexity, will result in a range of positive, neutral and negative local impacts. The primary purpose of this WR is therefore to balance the potential local impacts in order to set out TCs view on the application with associated reasons.

- 1.6 As suggested by paragraph 23.2 of Advice Note 2, this WR is intended to be a concise document, relying on cross-referencing to the LIR and draft SOCG in order to avoid unnecessary repetition.
- 1.7 TC appreciates that once submitted to PINS this WR cannot be withdrawn. Although TC reserves the right to provide further representations during the examination of the proposals if TCs view or policy position alters.

## **2.0 Summary of Representation**

- 2.1 On balance, after considering the content of the application and supporting documentation and after considering the advice from its various technical consultees TC supports the application for the construction and operation of a new port terminal and associated development.
- 2.2 In reaching this view, TC has taken into account the strong support for further growth and development at the Port of Tilbury, which is set out on the adopted Development Plan for the Thurrock. In particular, and as set out at section 4.1.1 and 4.2.1 of the Statement of Common Ground, Tilbury is identified as a Key Strategic Employment Hub by the adopted Core Strategy containing the key economic sectors of port and riverside industries.
- 2.3 A full discussion of relevant Development Plan policies is set out by part 6 of the LIR. However, policies clearly reference the economic contribution of the Port of Tilbury to the local and wider economy and support the principle of further employment and economic growth at this Hub. Furthermore TC is aware that the National Policy Statement for Ports emphasises importance of ports to the national economy and generally encourages sustainable port development.
- 2.4 The contribution that the proposals would make to the local and wider economy is a factor which TC affords significant weight in the balance of considerations.
- 2.5 Under the heading of socio-economics, TC recognises and attaches great weight to the positive benefits of job creation and contributions to the local and wider economy during construction and operation of the development. The Employment and Skills Strategy, to be secured through a s106 legal agreement is welcomed.
- 2.6 TC recognises that the development will result in some unavoidable negative impacts. In particular it is noted that the proposals will have an adverse impact on heritage assets nearby and it is recognised in the submission that this impact in particular cannot be fully mitigated to fully avoid residual harm, albeit such harm is judged to be not significant. In addition, the adverse impacts that the proposals would have on visual receptors are important material considerations. These factors need to be weighed in the balance of considerations but it is the Council's overall view that this identified harm is outweighed in this case by the strong Development Plan policy support and by the positive economic case for development.

### **3.0 Summary of Relevant Topics**

#### **3.1 Development Plan Considerations**

As noted within both the draft SOCG between TC and POTLL and part 6 of the LIR adopted development plan policies within the Thurrock Core Strategy and Policies for the Management of Development (as amended 2015) are generally supportive of the proposals. Tilbury is generally identified as an area of regeneration and growth and one of the Borough's Key Strategic Employment Hubs. More specifically, development plan policies CSSP2, CSTP17 and CSTP28 offer support for the proposals. The proposals accord with the objectives for employment and economic growth set out in these policies.

#### **3.2 Socio-Economic Considerations**

Part 6 of the LIR provides a commentary of the impacts of the proposals under this heading. The positive impacts generated during both the construction and operational phases of the development are recognised and supported by TC. The potential for local socio-economic benefits, to be delivered through the Employment and Skills Strategy, are supported by TC. Discussions with POTLL regarding the detailed content of the Strategy are ongoing.

#### **3.3 Health Considerations**

The assessment of health impacts within the ES is appropriate, although it is notable that Ward-level data for Tilbury (Tilbury St. Chads and Tilbury Riverside & Thurrock Park Wards) confirms greater levels of health inequalities compared to the Thurrock and national averages. Further discussion of the detailed content of the Active Travel Study is required in order to maximise mitigation measures

#### **3.4 Landscape and Visual Considerations**

The ES predicts adverse impacts on visual receptors close to the site, in particular users of both public rights of way and Tilbury Fort. Proposed mitigation measures would reduce the severity of effect, but these adverse impacts cannot be fully resolved through mitigation and there are resultant residual adverse impacts, albeit such harm is not identified by the ES as significant. TC has suggested that POTLL promote a more robust landscape mitigation package and discussions on this matter are ongoing.

#### **3.5 Terrestrial Ecology Considerations**

The proposals would involve the loss and partial loss of habitats at Local Wildlife Sites which are recognised to be of importance. If unmitigated, the proposals would result in a significant adverse impact. The Applicant has produced mitigation proposals in its Landscape and Ecological Mitigation Plan but at the time of writing

is still formulating further detail on its proposals for compensatory habitat to be delivered via an Ecological Mitigation and Compensation Plan. This document is key to ecological considerations and TC will comment on the Plan when it is available.

### 3.6 Terrestrial Archaeology and Built Heritage Considerations

Subject to the mitigation measures outlined within the ES it is considered that there would be no residual adverse impacts on terrestrial archaeology. The sensitivity of built heritage assets within Thurrock, namely Tilbury Fort and the associated Officers Barracks are known and agreed matters. Both the construction and operation of the development, and in particular the Main Site, will adversely affect the setting of these assets. Embedded and additional mitigation measures will partly address these impacts and the proposed obligations, to be secured through the s106 legal agreement, could enhance the asset. However, a residual adverse impact on the setting of these built heritage assets remains, albeit such harm is not identified as significant.

### 3.7 Land-Side Transport Considerations

The proposals will impact on the Asda roundabout junction, which forms part of the Strategic Road Network. Nevertheless, two roads within the jurisdiction of TC access onto this junction. A scheme to mitigate the impact of the development on the junction is promoted by the applicant, but TC encourages further investigation of mitigation measures. The design of the western junction on the proposed new access road is also queried and improvements to the design of this junction have been suggested. TC welcomes any opportunity to discuss this matter further POTLL. Similarly, the detail of measures to improve walking and cycling links in the area through the Active Travel Study will be discussed further with the applicant.

### 3.8 Hydrogeology and Ground Conditions Considerations

TC is satisfied that this environmental topic has been properly assessed by the application. Subject to the implementation of the proposed mitigation measures there are no outstanding issues under this heading.

### 3.9 Flood Risk and Water Resources Considerations

TC is satisfied that flood risk matters have been properly assessed by the submission. As noted by the LIR there are currently outstanding issues relating to water quality which are under discussion with the applicant. TC is hopeful that these matters will be resolved.

### 3.10 Noise and Vibration Considerations

The potential impacts of noise and vibration during both construction and operation have been properly assessed. TC is satisfied that proposed mitigation measures will minimise the impacts within acceptable levels.

### 3.11 Air Quality Considerations

Impacts on air quality during construction and operation have been properly assessed by the application. Subject to the implementation of the proposed mitigation measures there are no outstanding issues under this heading.

### 3.12 Waste and Materials Considerations

The SOCG notes that the applicant and TC will work to agree a methodology for the consideration of waste capacity within Thurrock. Subject to the resolution of this outstanding issue there are no outstanding matters under this heading.



## 4.0 Overall Conclusions

- 4.1 It is noted both above and by the LIR that the proposals would, to a degree, result in adverse impacts on landscape and visual receptors and also on built heritage receptors. Proposed mitigation measures would go some way in reducing impacts on these receptors. However, there would be residual adverse impacts even accounting for mitigation which should attract weight in the balance of considerations.
- 4.2 The paragraphs above also identify issues related to terrestrial ecology, land-side transportation, water quality and waste where further discussion and clarifications are sought with the applicant.
- 4.3 Subject to proposed mitigation measures, it is considered that there would be no significant residual impacts with regard to terrestrial archaeology, ground conditions, flood risk, noise, vibration or air quality.
- 4.4 The principle of Port expansion is supported by a number of adopted Core Strategy policies and the contribution that the proposals would make towards employment and economic growth attracts significant weight. The socio-economic impacts of the proposals are, on balance, positive.
- 4.5 TC notes that, in addition to the support for the economic benefits of the proposals set out by Development Plan policy, the Government policy for ports (para. 3.3 of the NPS for Ports) seeks to, inter-alia, *'encourage sustainable port development to cater for long-term forecast growth in volumes of imports and exports by sea with a competitive and efficient port industry capable of meeting the needs of importers and exporters cost effectively and in a timely manner, thus contributing to long-term economic growth and prosperity'*.
- 4.6 TC also notes that para. 3.5.2 of the NPS for Port indicates that *"Given the level and urgency of need for infrastructure of the types covered as set out above, the [decision maker] should start with a presumption in favour of granting consent to applications for ports development. That presumption applies unless any more specific and relevant policies set out in this or another NPS clearly indicate that consent should be refused.*
- 4.7 Balancing the positive, neutral and negative impacts of the proposals TC attaches the greatest weight to the economic benefits of the proposals and, taking all factors into account, supports the application.