

Gravesham Borough Council
Local Impact Report
March 2018 (20 March 2018)
Proposed Tilbury2 Port Expansion
Planning Inspectorate Reference: TR030003

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PURPOSE AND STRUCTURE OF THE LIR

The PINS Advice Note states that a Local Impact Report (LIR) is ‘a report in writing giving details of the likely impact of the proposed development on the authority’s area (or any part of that area).’

The Advice Note states that, in the LIR, Local authorities should cover any topics they consider relevant to the impact of the proposed development on their area. The LIR should be used by local authorities as the means by which their existing body of local knowledge and evidence on local issues can be reported to the Examining Authority.

LIRs should be proportionate and they are separate from a local authority’s written representations. Written representations and LIRs are distinct documents giving a local authority the opportunity to express information differently. The LIR is usually a technical document setting out an evidence based assessment of the impacts of a proposal on the communities affected. A written representation is the most appropriate document for a local authority to set out its view on the application i.e. whether or not it supports the application and its reasons.

The LIR’s principal purpose is to make the Panel aware of the potential impacts of the project with the benefit of local knowledge.

Gravesham BC appreciates the publication of the hyperlinked examination library as this has been very helpful in locating the relevant submitted

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

SITE LOCATION IN RELATION TO GRAVESHAM BC

The development site is located on the northern shore of the Thames Estuary in the Thurrock Council area. Gravesham Borough Council is located opposite the site on the southern shore. The boundary between Thurrock and Gravesham is the middle of the River Thames.

DESCRIPTION OF THE PROPOSALS

The proposed main uses on the site will be a Roll-on/Roll-off (RoRo) terminal and a Construction Materials and Aggregates terminal (the “CMAT”), and associated infrastructure including rail and road facilities and revisions to the existing marine infrastructure. An 'infrastructure corridor' is proposed that will accommodate road and rail links to the existing rail and road network. The CMAT will include stockpiling of construction materials and some processing of aggregates for the production of asphalt and concrete products.

The project will require works including, but not limited to:

- creation of hard surfaced pavements;
- improvement of and extensions to the existing river jetty including creation of a new RoRo berth;
- associated dredging of berth pockets around the proposed and extended jetty and dredging of the approaches to these berth pockets;
- new and improved conveyors;
- erection of welfare buildings;
- erection of a single 10,200sq.m. warehouse;

- a number of storage and production structures associated with the CMAT;
- the construction of a new link road from Ferry Road to Fort Road; and
- formation of a rail spur and sidings.

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

During the Issue Specific hearing on the draft Development Consent Order on 21 February 2018, the Examining Authority highlighted that no distinction is made between the principal development of the Nationally Significant Infrastructure Project (NSIP) and associated development in Schedule 1 of the draft DCO other than sub-headings above Works No 1 (RoRo) and No 2 (CMAT). The applicant has now been requested to prepare a table itemising all proposed works and categorising them as either principal development, associated development, ancillary development or composite development.

GRAVESHAM BC STATUTORY FRAMEWORK

The submitted October 2017 Environmental Statement explains in paragraph 1.22 that the development plan applicable to the site comprises the Thurrock Core Strategy and Policies for Management of Development (“Core Strategy”) 2011.

Whilst it is recognised that no part of the proposed works would be physically located inside the administrative area of Gravesham BC, the ES includes in paragraph 1.23 that “Also relevant are the policies of Gravesham Borough Council, the municipal area of which lies immediately south of the River Thames opposite the Tilbury2 site. The relevant development plan in this regard is the Gravesham Local Plan Core Strategy and Policies Map which was adopted on 30 September 2014”.

For completeness, the development plan for Gravesham actually comprises:

- Gravesham Local Plan Core Strategy and Policies Map 2014
- Gravesham Local Plan First Review - Saved Policies
- Kent Minerals and Waste Local Plan

Other strategy documents:

- Kent Environment Strategy (March 2016).
- Gravesham Air Quality Strategy

The following policies and text are considered to be of relevance to the Tilbury2 proposal from the perspective of Gravesham BC:

Local Plan Core Strategy

Freight and River Transport

5.5.20 The Freight Action Plan for Kent 2012 – 16 indicates that Kent County Council supports the expansion of the rail freight industry and particularly the transfer of freight from road to rail. It also supports the transfer of freight from road to waterways. Transportation of freight by water and rail has a number of advantages over transportation by road including reducing carbon, noise pollution and congestion. The reinstatement of the rail freight sidings at Northfleet and

heavy rail connection from the North Kent line into the Northfleet Cement Works Regeneration Area (see paragraph 4.4.11) indicates that there are opportunities for providing multimodal alternatives to road transport for the movement of freight in the Borough. The Council supports the transfer of freight from roads to waterways and railways.

5.5.21 Gravesham's location on the River Thames means that river transport has historically been important and some riverside sites provide navigational sight lines and installations. There are a number of commercial wharves on the riverside at Gravesend and Northfleet. The emerging Kent Minerals and Waste Local Plan proposes that a number of these are safeguarded, protecting them from development which could prejudice their future use for minerals importation. Subject to planning controls being applicable, the safeguarding of wharves is supported by the Council in general terms to enable river freight handling to reduce dependence on road freight transport. However, the Council considers that a more flexible approach is appropriate where wider regeneration initiatives are being sought and it is possible to rationalise assets in ways that, as a minimum, maintain necessary capacity for freight handling and provide equivalent or better facilities. This is the approach followed in Policy CS11 (Transport).

5.5.22 Gravesend's Town Pier has been restored and a pontoon has been installed. The regular passenger ferry service across the river from Gravesend to Tilbury now operates from the new pontoon. It is recognised that there may be opportunities to further develop river based transport to provide longer distance passenger services to the Docklands and central London and to provide greater opportunities for leisure trips. The Council will support such proposals.

5.5.23 The Council's Tourism Strategy (2009) indicates that there is potential for cruise liner provision on the Gravesham stretch of the Thames to help bring visitors into the area which would further improve the local economy. The Council will support provision for cruise liners in the Borough.

Policy CS19: Development and Design Principles

5.15.14 New development will be visually attractive, fit for purpose and locally distinctive. It will conserve and enhance the character of the local built, historic and natural environment, integrate well with the surrounding local area and meet anti-crime standards. The design and construction of new development will incorporate sustainable construction standards and techniques, be adaptable to reflect changing lifestyles, and be resilient to the effects of climate change. This will be achieved through the criteria set out below:

- Using the collaborative approach advocated in Building for Life 12 and in line with the guidance set out in Kent Design, the design, layout and form of new development will be derived from a robust analysis of local context and character and will make a positive contribution to the street scene, the quality of the public realm and the character of the area. Account will be taken of the scale, height, building lines, layout, materials and other architectural features of adjoining buildings. **Account will also be taken of the wider site context, including strategic views, site topography, the significance of heritage assets and features of townscape and landscape value which contribute to local character and sense of place;**

- *New development will encourage sustainable living and choice through a mix of compatible uses which are well connected to places that people want to use, including the public transport network, local services and community facilities; encourage sustainable travel; enhance Green Grid links and encourage healthier lifestyles;*
- ***New development will be located, designed and constructed to:***
 - ***safeguard the amenity, including privacy, daylight and sunlight, of its occupants and those of neighbouring properties and land;***
 - ***avoid adverse environmental impacts from pollution, including noise, air, odour and light pollution, and land contamination; and***
 - ***not pose an unacceptable risk or harm to the water environment, including the quality and/or quantity of ground waters, surface waters, wetlands and coastal water systems;***
- *The design and layout of new residential development, including conversions, will accord with the adopted Residential Layout Guidelines;*
- *New development will be designed in an inclusive way to be accessible to all members of the community;*
- *New development will provide appropriate levels of private and public amenity space;*
- *New development will include details of appropriate hard and soft landscaping, public art, street furniture, lighting and signage and will ensure that public realm and open spaces are well planned, appropriately detailed and maintained so they endure;*
- *Car parking will be well related to the development it serves;*
- *New development will protect and, where opportunities arise, enhance biodiversity and the Borough's Green Infrastructure network. Support will be given to environmental enhancements where opportunities arise;*
- *New development will be fit for purpose and adaptable to allow changes to be made to meet the needs of users;*
- ***The design and layout of new development will take advantage of opportunities to build in resilience to the effects of climate change. This will include protection against flood risk, where relevant, delivering carbon reduction, provision for low carbon and renewable energy, and minimising energy consumption and water use;***
- *New development will incorporate appropriate facilities for the storage and recycling of waste; and*
- *The layout of new development will create a safe and secure environment and provide surveillance to minimise opportunities for crime and vandalism.*

CONSIDERATION OF LOCAL IMPACTS

The submitted ES and supporting documentation sets out a wide ranging assessment of the development proposal, its impacts and proposed mitigation measures. The following section sets out the Council's view of the local impacts of the development.

The PoTLL shared selected draft ES chapters with Gravesham BC before they were finalised and we provided comments on:

- Draft environmental statement Chapters 1 – 6
- Chapter 11 Marine Ecology DRAFT ES

- Chapter 12 Archaeology and Cultural Heritage DRAFT ES
 - Built Heritage Assessment DRAFT
- Chapter 16 Water Resources and Flood Risk DRAFT ES
- Chapter 17 Noise and Vibration DRAFT ES

As well as the Operational Management Plan (v9) for 13 October 2017.

Gravesham BC supports the principle of Tilbury2 not only because of the benefits it brings in terms of sustainable transport and employment, but also because the heritage of our town is best appreciated in the context of a working and evolving river.

The Council is working with the Port of Tilbury on a number of thematic Statements of Common Ground, setting out the many areas where matters have been agreed and the limited areas where further work is required.

SOCIO-ECONOMICS

Paragraph 7.98 of the ES explains that the Gravesend-Tilbury ferry service is a regular ferry service which operates from Monday to Saturday between Tilbury riverside and Gravesend. It is operated by Jetstream Tours and funded by both Thurrock Council (not Essex County County) and Kent County Council. PoTLL also support the ferry service through an annual payment, and contributes to rent on the landing stage. It is primarily a foot passenger service and it facilitates trips between Tilbury and Gravesend. Bicycles are also allowed and so people can use the service beyond walking distance. In total, there are 25 trips each way between the hours of 5am and 7pm 6 days a week with the crossing taking approximately five to ten minutes. Gravesham BC understands that it is used for commuting as well as more general leaiure and shopping journeys.

The ES advises that consultation with the ferry service identified the receptor as one which would benefit from increased patronage. More journeys to work at the Port of Tilbury are expected as an impact of the proposals. Within Gravesham, the Passenger Ferry service is located within the Gravesend Town Centre Opportunity Area, within close proximity to two adjoining Opportunity Areas.

The ES suggests that Tilbury2 is likely to attract firms and workers to Gravesend, supported by improved transport and housing investments planned for the area. This is likely to further contribute to the overall regenerative potential of the Gravesend area, and feed into the wider riverside growth aspirations of Gravesham. As part of a S106 agreement, POTLL will make modest contributions to the ferry to enhance the existing service and build upon the contribution associated with the London Distribution Park project funding of £350,000 (7 years at £50,000 per year) to subsidise the ferry. This will act as an enhancement measure to support ferry connectivity and has not been identified as a form of mitigation. The effect on the Gravesend-Tilbury ferry service has been assessed in the ES as being Indirect, Positive, Permanent, and Minor

From the submitted heads of terms with Thurrock Council, it appears that a financial contribution for improvements to the Gravesend – Tilbury Ferry is proposed to Thurrock Council for the:

- (i) installation of real time information boards at ferry departure points
- (ii) installation of real time information boards at Tilbury Town railway station

There is no information within the transport section on current patronage of the ferry or associated bus service and how it may be affected by Tilbury2 in quantitative terms. Because of this, it is unclear how the indirect, positive, permanent and minor conclusion has been reached. Also, there is no assessment of the potential to transfer journeys from road to ferry should the service be improved / extended (longer hours/Sunday working) to match shift patterns at the port and associated development.

It is anticipated that Tilbury2 will require and attract workers from Kent as well as Essex with subsequent increased demands on the ferry service both in terms of numbers of passengers and days and times of service. This in turn is likely to result in more car movements in to Gravesend and demand for parking, to allow workers from the wider Kent area to travel by ferry to Tilbury2. This will bring increased congestion to already congested town centre roads and put additional pressure on limited town centre parking spaces.

At events with Gravesham BC, our Members have expressed a desire for the service to run on a Sunday too so that it is a meaningful alternative for workers who might work shifts at the Amazon distribution centre and port. Gravesham BC would like to have Sunday enhancements considered as part of the mitigation.

HEALTH

As highlighted in the applicant's ES, the Port NPS identifies that ports have the potential to affect the health, wellbeing, and quality of life of the population including direct impacts on health including increasing traffic, air pollution, dust, odour, polluting water, hazardous waste and pests.

Gravesham BC understand that odour, polluting water, hazardous waste and pests were scoped out of the health assessment at an early stage. Gravesham BC is surprised that odour was scoped out as an asphalt manufacturing plant is included within the proposal and these can generate odour complaints (for a recent example see <https://www.getwestlondon.co.uk/news/west-london-news/ealing-hillingdon-southall-fm-conway-14255951>).

As Gravesham BC is not the host authority, the potential impacts on health are more limited. Noise and vibration and air quality will be considered under the respective ES chapters.

LANDSCAPE CHARACTER AND VISUAL AMENITY

In Gravesham BC's response to the PEIR, we highlighted that the proposal will introduce a significant riverside development into an area which, although brownfield industrial land, has remained under-used and largely open for a considerable period of time. The Anglia Water site and Stobart bio-mass operation to the west are predominantly low lying and relatively unobtrusive from the southern shore. Whilst the Tilbury B power station to the east is a massive and prominent structure on the riverside, this is currently being demolished. Further to the east, the marshes retain their openness, even where land raising has occurred and continues to occur. The proposed Ro-Ro terminal, associated lighting columns, CMAT buildings, silo and jetty are likely to be the most prominent elements when viewed from the southern shore, with the impact changing depending on whether or not ships are moored on the jetty. Gravesham BC also highlighted that this impact depending on whether the site was being viewed during the day or at night-time given the introduction of lighting into an area which is currently dark.

Chapter 9 of the ES considers landscape character and visual amenity and it has a number of accompanying documents and figures including:

- ES Appendix 9.F: Predicted Visual Effects (Document reference 6.2 9.F)
- Preliminary Lighting Strategy and Assessment (Document reference 6.2.9.J)
- Figure 9.8 Sensitive Receptor Viewpoints and Zone of Significant Visibility

In Gravesham BC’s response to the PEIR, we highlighted that the 100m high silo for cement storage is a concern in terms of visual impact because it will represent a jarring feature close to the waterfront that will appear in stark contrast to the otherwise low horizontal profile of the remainder of the site. We strongly suggested that the design of this part of the development be reconsidered as the alternatives of two 50m or three 35m high silos suggested within the PEIR may be more appropriate alternatives. The PotLL responds to this suggestion as follows in paragraph 9.233 of the ES:

It was recommended during the scoping and draft PEIR stages that measures to reduce potential effects associated with the proposed cement silo were included (relocate approximately 0.5km north and split into two 50m high units) and the western RoRo berth (kept as short and low key as possible). These measures have been reviewed by the applicant but cannot be applied due to essential operational constraints as set out in the Masterplanning Statement.

Gravesham BC has looked at the masterplanning statement (document ref: 6.2 5.A) and the argument for this position is not clear as they cross-refer to each other and refer to the chimneys which are being demolished. Paragraph 2.29 of 6.25.A. advises that the proposals include a 100m high silo close to the riverside. This will create a replacement landmark when the neighbouring power station chimneys are removed, but its detailed design will require care. Paragraphs 5.16 and 5.17 of 6.25.A relate to the “Location and height of cement silo” and they state:

- The limiting factor of the silo location relates to vessel pumping constraints such that the distance between the ship and the silo must be kept to an absolute minimum (circa 100 metres away).
- The 100m height has been defined by the industry as the optimum height for storage resilience and vessel visits.
- The masterplanning process has considered lower but a larger number of silos in order to consider whether this might be beneficial in environmental or operational terms. However, the Landscape and Visual Impact Assessment has concluded that the additional bulk that would be created by having a greater number of silos would off-set the benefits of a lower height. Moreover, from an operational perspective, a larger number of silos would consume a greater area of the site.

Table 9.19 of the ES contains “Predicted effects on visual amenity with further mitigation in place immediately following construction completion” with the following extracted for Gravesham:

<u>Reference</u>	<u>Location</u>	<u>Sensitivity</u>	<u>Magnitude</u>	<u>Significance</u>	<u>Nature</u>
A. Users of Public Rights of Way					
47	Saxon Shore Way	Medium	Medium-low to low	Moderate-slight	Adverse
B. Residential Areas (community) and Occupiers of Individual Residential Properties					
36,39,44	Gravesend waterfront	Medium	Medium-low	Moderate-slight	Adverse

C. Users of recreational and/or tourism facilities					
39	Gravesend- St Andrew Gardens	Medium	Medium-low to low	Moderate-slight	Adverse
44	Gravesend- New Tavern Fort	Medium	Medium-low to low	Moderate-slight	Adverse
45	Gravesend- Riverside Leisure Area	Medium	Medium-low to low	Moderate-slight	Adverse
51	Gravesend- Windmill Hill	Medium	Medium-low to low	Moderate-slight	Adverse
D. Users of Local Roads (NB. assessment does seem to have consider Gravesham roads such as A226)					
E. Users of London to Southend mainline railway (NB. assessment does seem to have consider North Kent line between Higham and Gravesend)					
F. Users of the Thames (recreational traffic and ferry)					
-	Cruises and Gravesend-Tilbury ferry	Medium	Medium to low	Moderate to slight	Adverse

In the executive summary of 6.2.9.J the impact is summarised as:

1.1.5. The assessment recognises that the primary impact from the proposed development is visual. This will be most notable in views from South of the River Thames, from Tilbury Fort and Coalhouse Fort (once demolition of Tilbury B has occurred). The proposal introduces light sources and lit activity into an area that is currently predominantly dark. The indicative scheme seeks to minimise the number of high level (high mast) light sources apparent in extended views whilst ensuring safe operation of the port facilities.

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1.1.7 The obtrusive lighting study establishes that there is no apparent obtrusive light to neighbouring residential properties from the Tilbury2 Site. The study has highlighted **the potential for lighting within the CMAT to exceed post curfew luminaire intensity guidelines as a visual impact**, however as there is no detailed scheme or operator for the CMAT Site at present it is not possible to determine their exact lighting requirements for inclusion within the calculations. Luminaire intensities are provided for guidance within obtrusive lighting criteria therefore do not represent an absolute instance of obtrusive light. These areas and sources will need to be reviewed through developed and detailed design phases to minimise the risk of high luminaire intensities

As a result of the concerns expressed by Gravesham BC in its PEIR response and comments on the draft submission documents, the PoTLL offered to provide Gravesham Borough Council with some night-time visuals of the proposals and asked us to confirm the viewpoints that we felt should be used. As Gravesham BC needed to arrange access to Fort Gardens, which is secured at night, we understand that these photos were taken at the end of November 2017.

TERRESTRIAL AND MARINE ECOLOGY

Gravesham BC does not have the expertise to comment on this ES Chapter and therefore has looked at the views of the Marine Management Organisation (MMO) and Natural England. The MMO has an interest in this project because the development contains the improvement and extensions to the existing river jetty and dredging of the River Thames within the tidal extent.

ES chapter 10 on terrestrial ecology concludes, in paragraph 10.374, that during construction there is likely to be a net negative residual effect on the local and wider ecological resource during construction as there will not be suitably mature habitats to act in compensation for some of the key features that will be removed. The ES then states, during operation, it anticipates that the magnitude and significance of residual adverse effects (including those deriving from construction related habitat lost) will gradually diminish as the on and off-site compensation measures mature and become of enhanced value for target species. It then concludes that, in an optimistic scenario, this could lead to an approximate net neutral effect on Local, Regional and National biodiversity in perhaps ten or fifteen years from the commencement of construction. Obviously up to that point, the impact is negative.

Gravesham BC notes that Natural England in their relevant representation dated 8 January 2018, state that, as it stands, Natural England does not consider that the project represents sustainable development with respect to terrestrial ecology, the principle interest of which is the invertebrate assemblage of national importance. In their opinion, the ES should be regarded as incomplete.

ES chapter 11 on marine ecology concludes, in paragraph 11.444, that subject to the embedded mitigation and further mitigation being implemented, it is considered that the construction and operation of Tilbury2 will not result in any significant effects on marine ecology.

Gravesham BC notes that Natural England in their relevant representation states that Natural England is satisfied that the project is unlikely to have a significant impact on either the Medway Estuary Marine Conservation Zone or the Upper Thames recommended Marine Conservation Zone.

Gravesham BC notes that the Environment Agency (EA) in their relevant representation dated 8 January 2018, state that the size and scale of the development poses a number of challenges in ecological terms. They state that the ES covers the main ecological issues that they would expect to be addressed by the developer but highlight that there are some specific areas where concerns remain that will need to be considered before the EA can be certain that the development will not cause a negative environmental impact. They are clear that the PoTLL must ensure that any negative impacts of development are addressed satisfactorily with avoidance, mitigation and compensation measures. The EA believes that the Ecological Mitigation and Compensation Plan (EMCP) needs further exploration to show how mitigation is to be achieved.

Habitats Regulations Assessment

The application boundary lies within the zone of influence of habitats providing a supporting function to wintering and passage birds using the Thames Estuary and Marshes Special Protection Area (SPA).

As part of their ES, the PoTLL has submitted a Habitat Regulations Assessment (HRA) report (document reference 6.2 10.O¹). This document was produced to provide technical information to enable

¹ [https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR030003/TR030003-000242-ES%20Appendix%2010.O%20Habitat%20Regulations%20Assessment%20\(HRA\)%20Report.pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR030003/TR030003-000242-ES%20Appendix%2010.O%20Habitat%20Regulations%20Assessment%20(HRA)%20Report.pdf)

competent authorities to discharge their functions under Regulations 7 (competent authorities) and 61 (requirement to carry out an appropriate assessment) of the Conservation of Habitats and Species Regulations 2010 (as amended) (The Habitats Regulations) in connection with the consenting process for the Tilbury2 project. As the Tilbury 2 project is a Nationally Significant Infrastructure Project (NSIP), the competent authority is the Secretary of State for Transport.

In paragraph 5.1.2, the PoTLL lists the potential impact sources considered to be of most relevance to the HRA process in respect of the Tilbury2 project:

- Air quality
- Sediment circulation and deposition patterns
- Water and/or sediment quality
- Disturbance – shipping
- Disturbance - noise and lighting

The conclusion of the Stage 1 assessment is that there are no likely significant effects on the SPA or Ramsar Site arising as a consequence of the project, either independently, or considered cumulatively with effects arising from other known or planned projects.

Gravesham BC notes that Natural England, in their relevant representation dated 8 January 2018 have concerns regarding the Habitats Regulations Assessment in combination conclusion of “no likely significant effect”, as its screening conclusion. Natural England do not consider that this conclusion is sufficiently precautionary. Natural England do advise that, in their view, the project in combination with other Plans and projects, may be able to avoid an adverse effect on the integrity of the European site with appropriate mitigation and monitoring measures deployed consistent with best practise.

ARCHAEOLOGY AND CULTURAL HERITAGE

The ES advises that the Built Heritage Assessment (October 2017) (Appendix 12.B) provides a detailed analysis of the historic development of the Site and its surroundings and so the section in the ES itself, is just a brief summary.

Gravesham BC is of the opinion that the operation of the proposed development will have a potential adverse impact on a range of designated and undesignated heritage assets on the southern shore of the Thames as it lies within their setting and will represent a major intensification of development and activity directly opposite and downriver of Gravesend’s historic town centre and the Riverside Leisure Area.

Whilst Gravesend is an important riverside town and port activity contributes to its character, the expansion of the port into Tilbury2 will detract from the relationship between Tilbury Fort, New Tavern Fort and the Gravesend Blockhouse in particular as closely inter-related defence heritage assets.

It is noted that the applicant’s Built Heritage Assessment (ES Appendix 12B) concurs that there will be an adverse impact on the significance of these assets and also on others on the river frontage. Whilst this impact is likely to be minor adverse and result in less than substantial harm, Gravesham BC would argue that any degree of harm is made worse by its cumulative nature whereby it impacts simultaneously on multiple assets and not on each one individually as set out in the applicant’s Built Heritage Assessment.

Historic England’s “Cliffe Fort, Hoo Peninsula, Medway, Kent Investigation and analysis of the 19th-century Coastal Artillery Fort” by Andrew Williams and Sarah Newsome report makes reference to The Report of the Royal Commission Appointed to Consider the Defences of the United Kingdom which was published in 1860. It explains that this 1860 report recommended that the Tilbury and New Tavern Forts should be modernised and that their guns should cross fire with those at Coalhouse Point and Shornemead, and that another floating barrier should be strung between Tilbury and Gravesend. In addition, in order to link the Thames and Medway defences, a fort at Allhallows, Kent, was proposed (Royal Commission 1860, xlv; xlix) – see <https://fsgfort.com/fortfinder/wp-content/uploads/sites/14/2017/08/Cliffe-Fort-English-Heritage-Part1-compressed.pdf> . This report updated the view on the interrelationship of the heritage assets beyond the imperatives that were in place for the defences when they were first constructed in the 1540s.

LAND-SIDE TRANSPORT

The majority of transport impacts of Tilbury2 will be on the road and rail network north of the River Thames. Although increased loading on the wider strategic road network may affect Gravesham, we would defer to the views of Highways England on this issue.

Therefore no comment from Gravesham BC (notwithstanding Lower Thames Crossing issues as highlighted in our responses to the Panel’s FWQ)

NAVIGATION

The ES concludes that, based on 2016/2017 data there will be an increase in the vessel movements in the Thames Estuary of up to approximately 10% as a result of the development of Tilbury2. Gravesham BC’s concerns relate to vessel noise and this is therefore considered under that chapter.

HYDROGEOLOGY AND GROUND CONDITIONS

Gravesham BC has considered the hydrogeology and ground conditions chapter of the ES and the related appendices:

- Appendix 15.B: EnviroCheck Report
- ES Appendix 15.C: Asbestos Investigation and Recommendations Report
- ES Appendix 15.E: Detailed Unexploded Ordnance Risk Assessment
- ES Appendix 15.F: Hydrogeology and Ground Conditions Chapters CSMs
- ES Appendix 15.G: Hydrogeology and Ground Conditions Impact Assessments.

Gravesham BC recognises that unexploded ordnance could have a negative, albeit short-term, impact on residents and business on the southern shore. It is assumed to be short-term until the risk is negated by removal or controlled explosion. The report considers there to be a Medium Risk that items of unexploded German air-delivered ordnance could have fallen unnoticed and unrecorded within the site boundary, and a Low-Medium Risk of the site being contaminated with Allied ordnance. Whilst dredging in water is mentioned it is not clear whether the UXO report has fully considered the chance of UXO from dredging – it is a risk in the Thames see <http://news.bbc.co.uk/1/hi/england/kent/5010196.stm> . The PoTLL are advised to have an Unexploded Ordnance (UXO) Marine Specialist Presence on site to support shallow intrusive works.

The ES explains that Thurrock Council were informally consulted on this chapter of the draft ES. The ES says that Thurrock Council Environmental Health has read the above report regarding the proposed re-development of the former Tilbury power station site and associated land and agrees that the effects of the proposals on the hydrogeology and ground conditions in relation to physical effects, effect on geology and effects associated with ground contamination and waste assessment has been satisfactorily considered. It goes on to say that if the proposed primary mitigation, outlined in the above report is implemented, Thurrock Council Environmental Health is satisfied that ground contamination both known and suspected will be remediated to the required standard for the proposed end-use.

Gravesham BC sees from their relevant representation dated 8 January that the Environment Agency highlights that the site could contain contamination from previous uses. Development work at the site, including remediation work and piling, could disturb contamination and open up pollution pathways which could result in pollution of the underlying groundwater. The EA has suggested that a requirement should be included within the DCO.

WATER RESOURCES AND FLOOD RISK

As explained in paragraph 5.53 of the ES, a Drainage Strategy is submitted with the application (Document Reference 6.2.16.E). In due course, it will be a certified document, compliance with which will be secured through a requirement of the DCO.

Paragraph 16.155 of the ES concludes that successful implementation of the proposed mitigation measures should result in minor and negligible potential effects on the water environment. Similarly, the Level 2 and Level 3 FRAs indicate that, although some risks have been identified, these can be reduced to an acceptable level by applying the proposed mitigation measures.

Gravesham BC notes that the Environment Agency in their relevant representation dated 8 January 2018, advise that they have reviewed the submitted Level 3 flood risk assessment (FRA), by AECOM, referenced 6.2 16.B and dated 03.10.2017, and consider it does not comply with the requirements set out in the Planning Practice Guidance, Flood Risk and Coastal Change, Reference ID: 7-030-20140306. It does not, therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. The EA also raise some issues over the submitted drainage strategy.

NOISE AND VIBRATION

Table 17.1 of the ES sets out the “Noise and vibration – regulatory and policy framework”. Against the National Policy Statement for Ports it advises that section 5.10 paragraph 5.10.1 states

Excessive noise can have wide-ranging impacts on quality of human life and health (e.g. owing to annoyance or sleep disturbance), use and enjoyment of areas of value such as quiet places and areas with high landscape quality. The Government’s policy on noise is set out in the Noise Policy Statement for England. It promotes good health and good quality of life through effective noise management. Similar consideration apply to vibration, which can also cause damage to buildings.

It also explains that the National Policy Statement for Ports provides factors which will determine the likely noise impact including:

- The inherent operational noise from the proposals, and its characteristics;

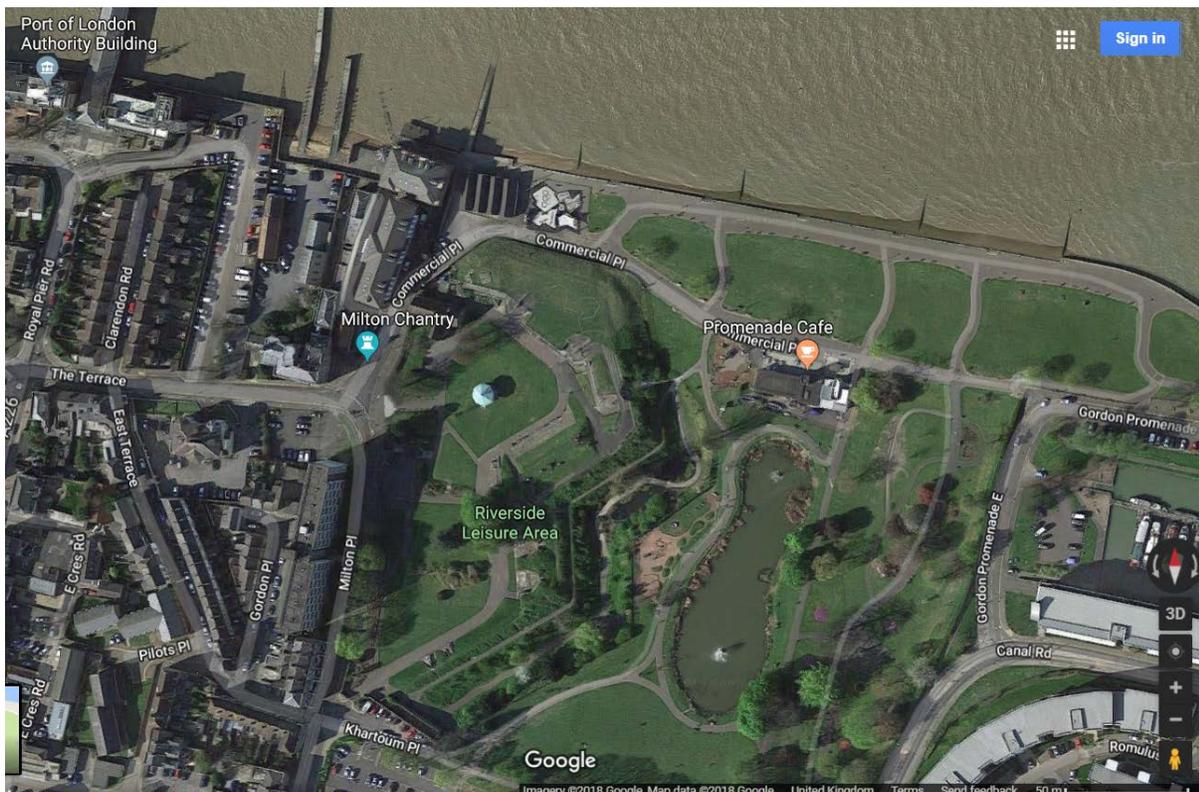
- The proximity of the proposals to noise-sensitive premises (including residential properties, schools and hospitals) and noise-sensitive areas (including certain parks and open spaces);

The southern shore of the River Thames in Gravesend has a mixed land use and this, and the seasons and time of the day, affect its character.

Directly opposite the site is the Canal Basin Regeneration Area Key Site. The Gravesend Canal Basin area is identified as a key development site and therefore a strategic allocation under policy CS04 of the Gravesend Local Plan Core Strategy (2014). To the immediate west is the Canal Basin itself – the following has a good aerial view of the basin <http://www.theembankmentmarina.net/> showing some of the residential development that took place in the mid- 2000s around Canal Road, Admirals Way and Albion Terrace.

Further east is the Gordon Promenade and Gordon Gardens which also contain New Tavern Fort and Milton Chantry. The tranquillity of this area is variable with the seasons and weather conditions affecting the degree of activity and noise. In the Summer, a number of events are held including the town regatta (see <https://www.gravesend-regatta.co.uk/>)

On the riverfront, adjacent to the HM Customs and Immigration office and Gravesend Rowing Club is Heritage Quay with residential development to the west and south including the 9 storey Chantry Court purpose-built flats on Gordon Place.



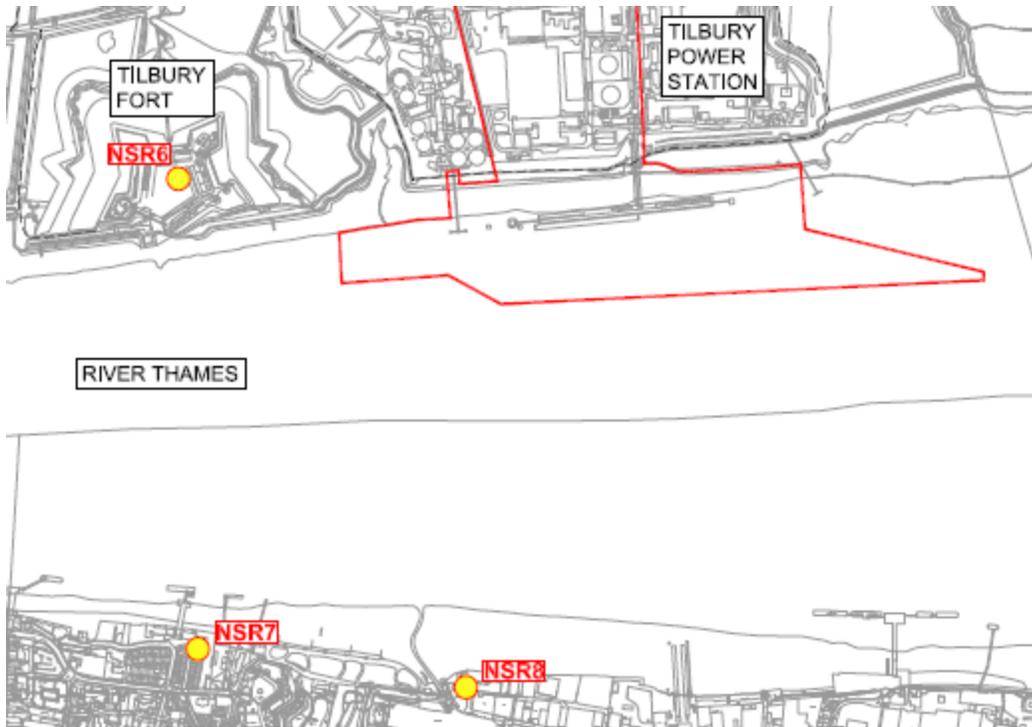


Table 17.46 of the ES summarises the airborne noise impacts at each receptor, indicating “Yes” if the impact is significant and “No” if it is not significant. The table below has extracted the information for the 2 sites in Gravesham.

Name	Period	Construction Noise	Port Noise	Road Noise	Rail Noise	Vessel Noise
NSR7	Daytime	No	No	No	No	No
	Nighttime	No	Yes	No	No	No
NSR8	Daytime	No	No	No	No	No
	Nighttime	No	Yes	No	No	No

The ES advises that there are limited significant effects from the operation of the port. These are limited to night time effects from CMAT at limited receptors in Gravesend and daytime effects from the general storage areas (on the assumption that it is used for bulk storage, rather than vehicle storage) at limited receptors in Tilbury. None of the impacts from other activities or at other locations assessed reach the threshold for significance. 17.219 The night-time noise impact in Gravesend from CMAT operations arises mainly due to the use of plant with assumed high noise levels assumed in combination with the propagation of sound over the water.

Paragraph 17.225 advises that the following steps will be taken:

- before the opening of the CMAT and RoRo terminal a noise reassessment will be undertaken on the basis of the finalised detailed design and operational procedures to be implemented for those works and the facilities to be constructed on site;

- on the basis of that re-assessment if a significant effect is predicted for any receptor, that receptor must be offered a scheme of mitigation that must include the installation of noise insulation or improved glazing at that receptor;
- following that reassessment an on-going monitoring and mitigation regime will be agreed with Thurrock Council and Gravesham Council. This regime will also identify measures that will be adopted in the event that operational noise levels exceed agreed noise levels, such as improving the sound insulation of properties i.e. offering double or triple glazing and/or mechanical ventilation.

Gravesham BC understands why the PoTLL wants to reassess the CMAT as it is intending to lease the site to a commercial operator who, we assume, will put in the equipment that they require. Gravesham BC also requires more information on the PoTLL expectations about the on-going monitoring and mitigation regime and how acceptable noise levels will be agreed.

The ES concludes in paragraph 17.227 that it is not possible to accurately predict a residual level of construction noise with the mitigation in place, due to the temporary and intermittent nature of construction activities. The mitigation is likely to offer a greater reduction in noise for some activities compared to others, but overall it would be reasonable to expect the total noise predicted for each of the sequences to reduce by between 5 dB and 10 dB.

AIR QUALITY

Gravesham BC takes our statutory responsibility for assessing air quality very seriously and are committed to improving air quality in the borough for the benefit of both residents and visitors. The process of Local Air Quality Management (LAQM) is set down in the Environment Act 1995 and the UK Air Quality Strategy.

Air quality work within Gravesham has already led to the declaration of seven Air Quality Management Areas (AQMA), adoption of two Air Quality Action Plans and an Air Quality Strategy. The seven areas of the borough have been declared as the air quality in those areas does not meet the National Air Quality Strategy Objectives for Nitrogen dioxide (NO₂-) and/or Particulate matter (PM₁₀). This is primarily due to exhaust emissions from traffic or in the Northfleet Industrial Area AQMA to fugitive dust, in particular windblown dust from the local aggregate sites and construction. Air Quality Management Areas (AQMA) have been declared in those areas.

Paragraph 18.357 advises that operational shipping emissions have been screened out as not significant therefore the effects of residual emissions will not be significant. Both Thurrock and Gravesham BC in our Relevant Representations highlighted that we felt further work was needed on the ability to provide shore power to vessels as technology improves so vessel engines can be turned down in port, reducing air quality and noise emissions. Gravesham BC stated that, at present, we were not convinced that the Tilbury2 is fulfilling its potential as a strategically important infrastructure project in this regard. Gravesham BC's response to first written question 1.1.1 provides more information on this issue.

WASTE AND MATERIALS

Gravesham BC does not have the expertise to comment on this ES Chapter and therefore has looked at the views of Kent County Council (KCC) and Thurrock Council.

Gravesham BC notes that KCC, in their relevant representation dated 8 January 2018 have made the point that KCC have an aggregate import and export relationship with Essex, in that some of Kent's landwon soft sands are exported to Essex. In KCC's view the potential for increased aggregate importation (NB. the amount of mineral importation is not listed but is assumed to be a significant proportion of the overall 1.9 million tonnes) is likely to help make the East of England area more capable of meeting its needs with an enhanced importation capacity into Essex potentially reducing reliance on Kent's own landwon supply. As landwon materials deplete across Kent and Essex, the importation of aggregates from marine sources will increasingly be used to substitute historical sources of supply – an approach that is supported in the National Planning Policy Framework (NPPF).

CUMULATIVE AND SYNERGISTIC IMPACTS

At the moment Gravesham BC is involved with 5 NSIP projects:

- Tilbury2 (this proposal)
- A2 junctions
- Lower Thames Crossing
- Tilbury Energy Centre
- London Resort

Slightly different approaches are being taken depending on the projects timing and location. For example, the February 2018 "Regional Investment Programme A2 Bean and Ebbsfleet Junction Improvements Preliminary Environmental Information Report Volume 2 – Appendices²" advises for Cumulative Effects under paragraph 15.2.9 (London Resort) that the responses from DBC, GBC, KCC and NE raise concerns about the omission of the London Resort from the Cumulative Effects Assessment (CEA). In response Highways England advises:

The list of NSIP developments within the 10km study area for the CEA chapter is under consideration and will be identified and assessed within the ES. There are four NSIPs within the current boundary. Lower Thames Crossing has been inherently assessed due to inclusion in the traffic modelling. **Tilbury 2** and Tilbury Energy Centre will be considered for assessment in ES. London Resort will not be included due to the critical interdependency between the two projects. Should London Resort go ahead the Proposed Scheme would not go ahead.

There are some areas where we think that in combination effects need to be considered in more detail. For example, lighting impacts with RWE for the Tilbury Energy Centre.

DRAFT DEVELOPMENT CONSENT ORDER

Comments on selected articles and requirements have been provided in Gravesham BC's written reps.

PLANNING OBLIGATIONS

The Port of Tilbury has offered Gravesham BC an agreement pursuant to Section 1 of the Localism Act 2011 and Section 111 of the Local Government Act 1972 rather than an agreement pursuant to Section 106 under the Town and Country Planning Act 1990. Section 1 of the Localism Act 2011 provides for a Local Authority being able to enter in an agreement for the benefit for the authority and its area whilst

² https://highwaysengland.citizenspace.com/he/a2-bean-and-ebbsfleet-statutory-consultation/supporting_documents/Preliminary20Environmental20Information20Report20Volume20220Appendices.pdf

Section 111 of the Local Government Act 1972 gives a Local Authority the power to do anything which is calculated to facilitate, or is conducive or incidental to discharge of any of their functions.

The agreement proposes a financial contribution for heritage contributions. The PoTLL is not currently suggesting other contributions.

Gravesham BC has suggested that a better mechanism would be a S106. For Bluewater, that applicant has entered into a section 106 agreement with Dartford BC to provide a “town centre mitigation payment” for Gravesend (Gravesham BC) and Chatham (Medway Council) as well as Dartford itself in recognition of the potential impact the development could have on their town centres.

Thurrock appear comfortable with such an option so long as a legal mechanism is put in place to protect Thurrock from financial penalty if it passes on the payment to Gravesham BC but Gravesham BC did not spend the money as agreed.

Gravesham BC understands that the applicant has produced draft heads of terms for a s106 agreement with Thurrock Council (ref. 5.3) which propose:

1. a financial contribution to the Council for the following purposes –
 - (a) improvements to the Gravesend – Tilbury Ferry comprising
 - (i) installation of real time information boards at ferry departure points
 - (ii) installation of real time information boards at Tilbury Town railway station
 - (b) undertaking a feasibility study into enhancements at Tilbury Fort to realise tourism and heritage benefits including car parking, access and interpretive signage
 - (c) implementation of measures identified in the feasibility study (b) where reasonably capable of implementation
2. promotion and implementation of an Employment and Skills Strategy (ref. 5.3A) during construction and operation of the development
3. improvements to the highway network outside of the Order Limits in accordance with an Active Travel Strategy (ref. 5.3B).

Gravesham BC understands from Thurrock’s draft LIR³ that they are confident that a s106 agreement, based on the heads of terms described above, will be concluded with the applicant before the close of the examination period.

It is not clear to Gravesham BC whether the Employment and Skills Strategy and Active Travel Strategy are meant to mitigate impacts on Gravesham.

³ <http://democracy.thurrock.gov.uk/documents/s14816/Appendix%201%20-%20Local%20Impact%20Report.pdf>