



**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')**

Planning Inspectorate Ref: TR030003

HISTORIC BUILDINGS AND MONUMENTS COMMISSION FOR ENGLAND

(Historic England) Comments on documents at Deadline 2 (4 April 2018).

1. Appendix D: Tilbury Fort Paper

Tilbury 2 Document Ref: POPLL/T2/EX/49

1.2- 1.17 Understanding Significance, Embedding Mitigation and Assessing

Harm:

1.2 This paragraph states that the impacts of the proposed development would have no impact on the physical fabric of the Fort. Although setting is dealt with from 1.9 onwards, it is not an entity which should be considered in isolation. It contributes to the significance of the structural remains of the Fort, would be damaged by the proposed development and the harm which would be caused to its significance would extend to the legibility of the Fort's fabric, since a full understanding and appreciation of the Fort includes the experience of its strategic location and landscape setting as an important aspect of its significance.

1.9-1.17 The setting of historic assets is agreed to be dynamic. However, we do not agree that the examples of fortifications cited in 1.14 - Sheerness, Harwich and Dover, whose settings have been damaged by development, justify the harm which the proposed development would cause to the significance of Tilbury Fort. The comment in 1.13 that : *similar to military operations, industrial activity is best located apart from the urban environment, but close enough that distribution or influence can be achieved efficiently and reliably* is an argument put forward for the commercial and logistical benefits of siting the proposed development in this location. It does not contribute to a discussion of significance, embedded mitigation and assessing harm, as it affects the scheduled monument.

Figures 2/3: Whilst artistic representations of Tilbury Fort can contribute to the significance of the heritage assets, Stansfield's two mid C19 paintings are highly atmospheric in the Victorian tradition. The artist's painting of backgrounds to the main subject matter (the movement of boats due to tidal conditions on the river, with Tilbury Fort's Watergate as a backdrop), should not be used to assert the precise location and character of vegetation, distant buildings or an industrial landscape, beyond that would contribute to the operation and supply of the fort, such as the Milk house and brick/tile works which are documented on the 1777 map.

1.16 The 1777 map shows Fort Road connecting the Fort with Tilbury Village, now called West Tilbury, not, as stated, Tilbury Town, the settlement which later developed at the foot of the escarpment.

1.18-22 Officers' Barracks:

The location of the Barracks within the Fort defences does not limit their setting to Fort's interior. Setting is the surrounding in which a heritage asset is experienced and the upper storey of the barracks is visible beyond the defences. The historic and modern outward views from the upper storeys to the east contributes to an appreciation of the Fort's strategic location and therefore contributes to significance, Erosion of these views from the proposed development would therefore be harmful to significance.

1.24 -29 Informing Proposals and Inherent Minimisation:

We have noted and commented in our written representations on the minimisation strategy and embedded mitigation, and the limited degree scope which exists to reduce the impact of the proposed development on the setting of the fort and the harm which would be caused to its significance. While we note the contribution which the minimisation strategy has made to the current form of the proposed development, we do not consider the proposed development can be said to make a positive contribution the character and local distinctiveness of the historic environment as expressed in NPS 5.12.12.

1.30-1.38 Tilbury Fort – now and then:

1.30 The English Heritage Trust have provided past and projected visitor numbers. The visitor experience seeks to make very clear how the now empty buildings and structures of the Fort and its setting were used and operated throughout its history. We do not recognise its setting as a *bucolic scene available to us now in a time of peace, as a setting that invited serene contemplation or a particular type of reverence*, nor is the imagined experience of the noise and activity from the Fort in action relevant when considering the impacts resulting from the proposed development on the Fort's setting and the harm which would be caused to its significance.

1.30 The passage and mooring of shipping on the river has always been a part of the Fort's setting. However, this does not provide a justification for the erosion to the

setting of the fort and harm to its significance which would be caused by the proposed the location, scale and massing of the new berths, vessels and their operation.

1.34 - 1.38 Active Mitigation and Enhancement:

We make no comment as The English Heritage Trust may wish to comment on these elements.

1.39-1.45 Details of Screening Mitigation:

1.40 It is stated that it will be 28 years before the screen planting matures. This being the case, its ability to screen the infrastructure corridor, including lighting, will be reduced for a considerable period of time

1.44 The presence of trees in Stansfield's paintings cannot be taken as evidence for their existence in view of artistic licence, as noted above in relation to Figures 2/3.

1.46-1.54 Degrees of Harm:

1.52-1.53 It is stated that: *the perceptible change to the setting[of the fort] is minor and does not affect the legibility and experience of the fort such that it could be deemed a considerable loss of significance.* We have stated in our written representations that we do not agree with the applicant's impact assessment. The erosion of elements the fort's setting by previous industrial development is not

justification for further attrition where this will lead to loss of significance as made clear in the guidance document Setting of Heritage Assets.

1.55- 1.68 Public Benefits and Conclusion

We make no comments on these sections.

2. Appendix E: Technical Note on Tilbury 2 Landscape Mitigation Proposals

Tilbury 2 Document Ref: POTLL/T2/EX/49

As a general comment it is clear that the landscape mitigation for the infrastructure corridor aims only to reduce the impacts of the development and that it will not mature for a very considerable period of time (28 yrs) during which the impacts of the development on the setting of the fort will be evident to a varying degree. This will be particularly the case for the section of the corridor passing immediately north of Tilbury Fort which was assessed as being more open to views.... and requiring the greatest width of planting mitigation. The length of time taken for mitigation to be fully effective must call into question the degree to which mitigation will be capable to reducing erosion to the fort's landward setting within a reasonable period.

3. Appendix C: Tilbury Energy Centre Paper

Tilbury 2 Document Ref: POTLL/T2/EX/49

Historic England considers that the harm which the proposed development would cause to be severe, and does not agree with the residual impact as assessed by the applicant. The future development of the Tilbury Energy Centre (TEC) would

increase the visual impacts on the setting of the fort and the harm which would be caused to its significance, as stated, however, we attribute a higher residual effect of major adverse arising from the proposed Tilbury 2 development as a starting point from which to consider the impact of the TEC.

4. Comments on Applicants answers to First Written Questions, not dealt with in Tilbury Fort Paper

1.3.2 Two plots of special category land (West Tilbury Common Land 03/08 and 03/10) are included within the order limits, to the north-west of Fort Road. Given the road and rail layout as shown in (for example dwg 5153187-ATK-ZZ-XX-DR-ZZ-1015 Proposed ground levels). Could the applicant please explain the use to which this land will be put, as it is not clear from documents including the ES statement Chapter 5 Errata submission (Doc ref: POTLL/T2/EX/49) and the applicant's response to 1.13.16 as to whether this is to be a compound, or to what other use it will be put prior to being returned to grazing after the construction period?

1.13.8 This concerns the redacted copy of the scope of works produced by HR Wallingford and shared with us which only detailed how modelling would be conducted and did not include any detail about the mode or modes of dredging to be employed. We stand by our response to this question in that it is the type of dredging that must be decided on and set as a condition of consent and mitigation must be included to establish baseline foreshore elevations adjacent to Tilbury Fort.

1.13.19 The CEMP must include detail regarding anomalies afforded AEZ status as this is the only way in which avoidance can be secured during construction. We

must make it very clear the WSI business supports investigations prior to construction and the aspect of risk that important elements of the historic environment might be encountered during construction must be factored in; therefore all project documentation used by the Consent Holder and any and every relevant contractor and sub-contractor must include specific historic environment information. We advise that during the London Gateway project this became a major (and time consuming) issue when the step occurred between the assessments conducted before dredging and what was then encountered/discovered during dredging. The approach adopted by the HM Navy Base Portsmouth was a much more effective working programme including systematic re-survey and 24hr watching brief in conjunction with UXO protocol as part of the construction programme.

1.15.2 Historic England does not agree that the proposed development, incorporating recommended landscape mitigation, willnot reflect a fundamental change in the wider industrial context of the future baseline in which the heritage asset will be experienced.

1.19.20 The parties should include The English Heritage Trust, not Historic England.

5. REVISION 1 OF THE DRAFT DEVELOPMENT CONSENT ORDER- TRACK CHANGES TILBURY2 DOCUMENT REF: POTLL/T2/EX/36

This includes the deemed Marine Licence and no text amendment has been offered.

6. EXPLANATION OF CHANGES TO DRAFT DEVELOPMENT CONSENT ORDER TILBURY2 DOCUMENT REF: POTLL/T2/EX/37

This mentions that the deemed Marine Licence has been “...amended to reflect the most recent position agreed between the Applicant and the MMO.” The WR/response to FWQs submitted by MMO (dated 20/03/2018) includes the following statement in regard to a marine (archaeological) Written Scheme of Investigation: “5.1.2.1. Whilst this is within the remit of the MMO, comments on this document are deferred to Historic England”. We therefore include the following proposed revision of the dML which draws on examples used with other NSIPs.

7. Historic England’s proposed revision to the draft deemed Marine Licence within the draft Development Consent Order (Ref: 3.1)

1. Pre-construction plans and documentation

1.1 A written scheme of archaeological investigation in relation to the Order limits seaward of mean low water, which must be submitted at least six months prior to commencement of the licensed activities and should accord with the draft written scheme of investigation and industry good practice, in consultation with Historic England and the relevant planning authority to include—

(i) details of responsibilities of the undertaker, archaeological consultant and contractor;

(ii) a methodology for further site investigation including any specifications for geophysical, geotechnical and diver or remotely operated vehicle investigations;

(iii) archaeological analysis of survey data, and timetable for reporting, which is to be submitted to the MMO within three months of any survey being completed;

(iv) any archaeological reports produced in accordance with these conditions are to be agreed with the Historic Buildings and Monuments Commission for England and the relevant planning authority.

(v) delivery of any mitigation including, where necessary, identification and modification of archaeological exclusion zones;

(vi) monitoring of archaeological exclusion zones during and post construction;

(vii) a requirement for the undertaker to ensure that a copy of any agreed archaeological report is deposited with the National Record of the Historic Environment, by submitting a Historic England OASIS (Online Access to the Index of archaeological investigations) form with a digital copy of the report within six months of completion of construction of the authorised scheme, and to notify the MMO and the relevant planning authority that the OASIS form has been submitted to the National Record of the Historic Environment within two weeks of submission;

(viii) a reporting and recording protocol, including reporting of any wreck or wreck material during construction and operation of the authorised scheme;

(ix) a timetable for all further site investigations, which must allow sufficient opportunity to establish a full understanding of the historic environment within the Order Limits and the approval of any necessary mitigation required as a result of the further site investigations prior to commencement of licensed activities. The Consent Holder shall not commence construction of a relevant work until the Consent Holder has appointed the Retained Archaeologist to ensure the delivery of the Scheme; and carried out the pre-construction archaeological work applicable to that relevant work. During construction of a relevant work, the Consent Holder will secure the implementation of the measures on its part set out in or from time to time agreed pursuant to the Scheme applicable to that relevant work (other than the pre-construction and the post-construction archaeological work).

(x) Following the completion of construction of a relevant work, the Consent Holder will secure the implementation of all the post-construction archaeological work applicable to that relevant work; and

(xi) Any work executed or undertaken by or on behalf of the Consent Holder in accordance with the Scheme approved or deemed to be approved by MMO shall not relieve the Consent Holder of any liability.

2. Plans and documentation

2.1 Pre-construction archaeological investigations and pre-commencement material operations which involve intrusive seabed works must only take place in accordance

with a specific written scheme of investigation which has been submitted to and approved by the MMO.

2.2 Each programme, statement, plan, protocol or scheme required to be approved under Condition 2 must be submitted for approval at least four months prior to the intended commencement of licensed activities, except where otherwise stated or unless otherwise agreed in writing by the MMO.

8. Historic England's proposed revision to the draft Development Consent Order

Historic England submitted comments on wording to secure the programme of terrestrial archaeological investigations and other heritage related matters through the DCO at deadline 1 as part of our response to First Written Questions (Appendix 2) which we reproduce here:

8.1 Terrestrial Archaeology

(1) No stage of pre-construction or construction ground works may commence until for that stage a written scheme of archaeological investigation (which accords with the outline scheme of investigation has, after consultation with the Historic Buildings and Monuments Commission for England and Thurrock Borough Council, been submitted to and approved in writing by the relevant planning authority.

(2) In the event that site investigation is required, the scheme must include details of the following-

- (a) an assessment of significance and research questions; and
- (b) the programme and methodology of site investigation and recording;
- (c) the programme for post investigation assessment;
- (d) provision to be made for the analysis of the site investigation and recording;
- (e) provision to be made for publication and dissemination of the analysis and records of the site investigation;
- (f) provision to be made for archive deposition of the analysis and records of the site investigation; and
- (g) nomination of a competent person persons/organisation to undertake the works set out within the written scheme of investigation.

(3) Any archaeological works or watching brief must be carried out in accordance with the approved scheme.

(4) In the event that site investigation is required, the site investigation and post-investigation assessment must be completed for that stage in accordance with the programme set out in the written scheme of archaeological investigation and provision made for the analysis, publication and dissemination of results and archive deposition secured for that stage.

8.2. Agreement of External Materials

As currently drafted, the DCO provides that details of the external materials to be used in the construction of the following works: No 8A (i), 8D(iii) and fencing in Work Nos. 9 or 12, which must be submitted to, and approved in writing by, the relevant planning authority in consultation with Historic England and Gravesham Borough Council. We would expect to this requirement to cover all elements of the of the development which visually impinge on the setting of Tilbury Fort in order to support the principles of good design and the careful consideration of materials and colours for structures where this may help to mitigate the impacts of the development. Even though such measures would only achieve a softening of the visual impact which the development would have, rather than leading to any material reduction in the level of harm which would be caused to the significance of the scheduled monument, it remains desirable that all measures which could help to moderate the visual impact of the development should be implemented.

Deborah Priddy BA, Grad Dipl. Cons (AA), MCIfA, IHBC, FSA

Inspector of Ancient Monuments