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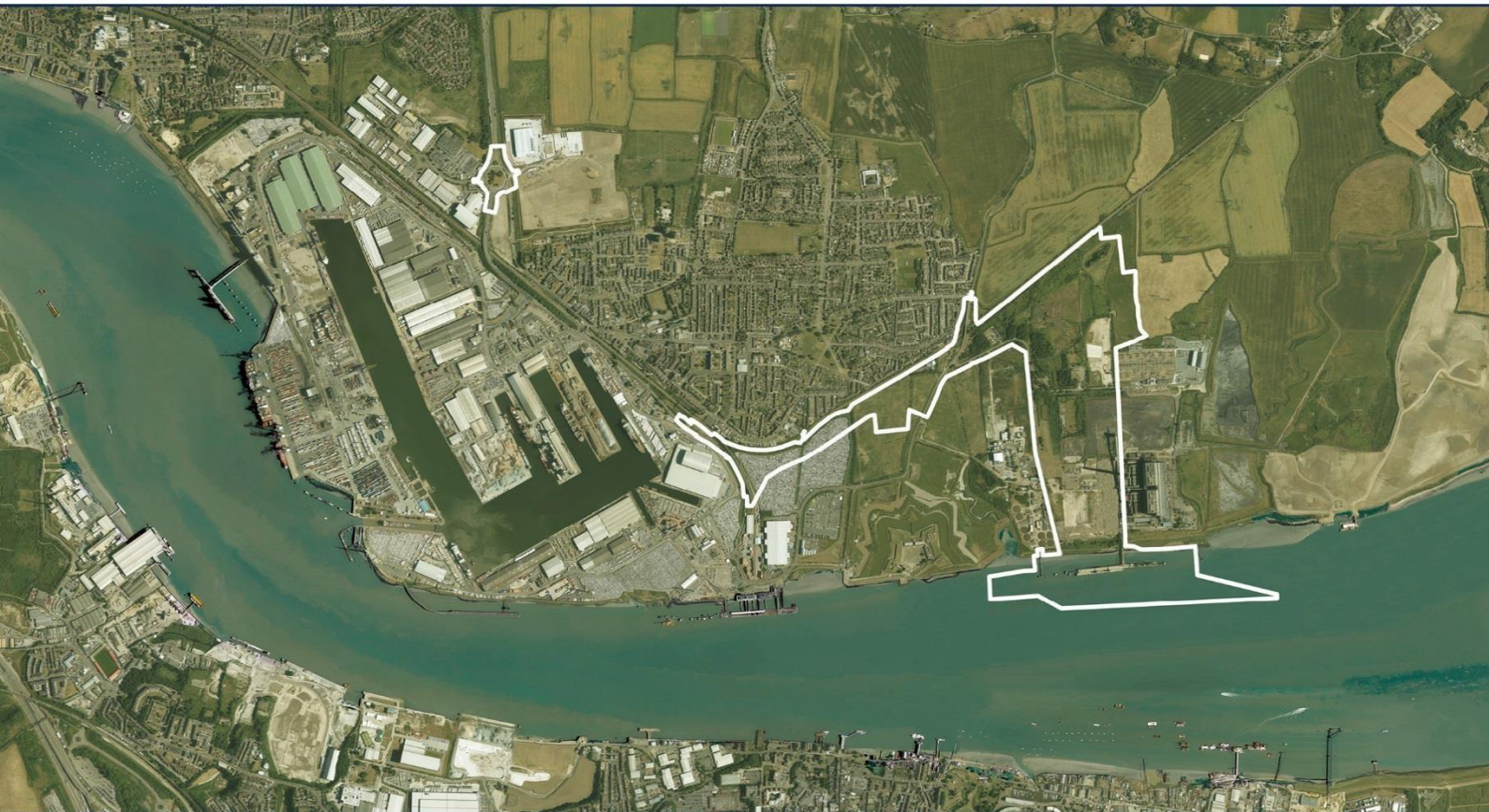
PROPOSED PORT TERMINAL AT
FORMER TILBURY POWER STATION

TILBURY2

TR030003

ECOLOGICAL MITIGATION AND COMPENSATION PLAN (EMCP)
DRAFT FOR DEADLINE 2

TILBURY2 DOCUMENT REF: PoTLL/T2/EX/59



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1.0 INTRODUCTION

PROJECT OVERVIEW

- 1.1 Port of Tilbury London Limited (PoTLL) is proposing a new port terminal on the north bank of the River Thames at Tilbury, a short distance to the east of its existing Port. The proposed port terminal will be constructed on largely previously developed land that formed the western part of the former Tilbury Power Station.
- 1.2 The project is known as "Tilbury2." 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. The CMAT will include stockpiling of construction materials and some processing of aggregates for the production of asphalt and concrete products. An 'infrastructure corridor' is proposed that will accommodate road and rail links to the existing rail and road network and an enhanced connection with the existing Port.
- 1.3 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.
- 1.4 The proposed volumes of import/export of RoRo units for the terminal exceed the threshold of 250,000 units stated in the Planning Act 2008 for throughput per annum. The Tilbury2 project therefore constitutes a Nationally Significant Infrastructure Project (NSIP).

SCOPE AND PURPOSE OF THIS DOCUMENT

- 1.5 As well as the development elements detailed above, the scheme also includes elements of retained habitat, proposed habitat creation and soft-landscaping. This includes new habitats created on and off-site in part to

provide compensatory habitat for protected species for which translocation and other mitigation methods will be employed in accordance with relevant licences. The protected species for which licensed mitigation is, or is likely to be, required are water voles, badgers and bats. Provision for all of these species is being made on site. Protected species for which no licences are required include reptiles and nesting birds. Provision for these is being partly made on site and partly off-site. Details of the construction of these created habitats are set out in this Ecological Mitigation and Compensation Plan (EMCP).

- 1.6 In keeping with the project's aims of ensuring no net loss of biodiversity, a significant element of off-site mitigation and compensation is also required.
- 1.7 The mitigation element of this includes receiving a proportion of the site's reptile population in off-site receptor habitats as there will be insufficient carrying capacity remaining on the site for the current population in the wake of the development. Off-site areas for receiving translocated substrates in order to try and recreate brownfield conditions and re-establish populations of scarce and rare invertebrates, lichens and vascular plants are also required. The methods, timescales and locations for these activities, and the future management of these translocated resources, are also dealt with in this EMCP.
- 1.8 Finally, there will be an element of wholly new off-site habitat creation and aftercare in compensation for losses incurred at the Tilbury2 site due to construction of the development. The methods, locations, phasing and aftercare of these habitats is also dealt with in this EMCP.
- 1.9 Management of on-site habitats (and their associated species) following completion of the development (i.e. during operation) is the subject of a separate Landscape and Ecology Management Plan (LEMP) (document reference PoTLL/T2/EX/42). Management of off-site habitats (and their associated species) is dealt with in this EMCP.
- 1.10 Compliance with both the ECMP and the LEMP will be a requirement of the DCO. As such, the Port operator must comply with all measures within it.
- 1.11 Further information on the baseline resources that are proposed to be the subject of mitigation and compensation is provided in the project specific Environmental Statement Chapter 10 Terrestrial Ecology (document reference 6.1/APP-031).

2.0 PROTECTED SPECIES MITIGATION: WATER VOLES

- 2.1 The baseline status as regards the presence of water voles within the proposed Order Limits is described in detail within ES Chapter 10: Terrestrial Ecology (see in particular paras 10.252-10.255 and Table 10.33; document reference 6.1/APP-031), and as set out in the associated ES Figures and Appendices (see in particular Figure 10.8a and 10.8b; document reference 6.3/APP-133).
- 2.2 There will be a need to capture and relocate water voles to pre-prepared receptor habitats prior to and/or during the construction phase in order to ensure legal compliance. Receptor habitat will be created sufficiently in advance of this exercise to ensure that it is suitably vegetated and mature to support the translocated population.
- 2.3 A stand-alone planning application (planning reference 18/00448/FUL¹) for on-site water vole habitat creation has been submitted to Thurrock Council, and was validated on 26 March 2018. Advance consent for this element has been sought in order to optimise phasing and reduce the scope for delay in implementation of the Tilbury2 project should it be granted a DCO. If that stand-alone application is unsuccessful, the same habitat creation could be carried out under the terms of the DCO.
- 2.4 The water vole capture and relocation activity will require a licence to be obtained under section 16 of the Wildlife and Countryside Act 1981 (as amended). A draft licence method statement was submitted to the licensing authority (Natural England), and agreement sought from Natural England in advance of the stand-alone planning submission to Thurrock Council. Once the final draft version of the licence method statement has been approved by Natural England, this will be attached to the final version of this EMCP at Appendix 1. The final method statement will then need to be appended to the final EMCP following grant of the advance planning application, or making of the DCO, whichever is sooner.
- 2.5 Natural England has advised that there is no in-principle objection to the approach to water vole mitigation and compensation set out in the agreed draft licence method statement, and has confirmed this via a 'Letter of No Impediment (LoNI)' as issued on 20 March 2018 (see Appendix 4).

¹ <https://regs.thurrock.gov.uk/online-applications/applicationDetails.do?keyVal=P61IDKQGMMML00&activeTab=summary>

3.0 PROTECTED SPECIES MITIGATION: BADGERS

- 3.1 The baseline status as regards the presence of this species within the proposed Order Limits is described in detail within ES Chapter 10: Terrestrial Ecology (see in particular paras 10.228-10.232; document reference 6.1/APP-031), and as set out in the associated ES Figures and Appendices (see in particular Figure 10.3; document reference 6.3/APP-126).
- 3.2 Setts, including a single breeding (main) sett for a small social group of badgers, will need to be closed during the construction phase should they be active at that time. In order to ensure legal compliance, badgers will need to be excluded from any active setts prior to their closure under the terms of a licence issued under the Protection of Badgers Act 1992. In advance of this, an alternative (artificial) sett will be created on land peripheral to the Tilbury2 site and with access to open countryside beyond. The construction of this artificial sett is included in the stand-alone planning application referred to in the previous section (planning reference 18/00448/FUL), and which has been submitted to Thurrock Council in order to optimise phasing and reduce the scope for delay in implementation of the Tilbury2 project should it be granted a DCO. If that stand-alone application is unsuccessful, the artificial sett would be constructed under the terms of the DCO.
- 3.3 The methodology for artificial sett construction, the measures that will be pursued to encourage its uptake and use by badgers prior to sett closure, and the methods and timing of sett closure are described in a draft licence method statement document that was issued to Natural England in advance of the stand-alone planning submission to Thurrock Council. Once the final version of the licence method statement has been approved by Natural England this will be attached to the final version of this EMCP at Appendix 2.
- 3.4 Natural England has advised that there is no in-principle objection to the approach to badger mitigation and compensation set out in the agreed draft method statement, and has confirmed this via a 'Letter of No Impediment (LoNI)' as issued on 20 March 2018 (Appendix 4). If the sett/s in conflict with development works are active at the time of construction, their closure will require a licence to be obtained under the 1992 Act; and the method statement documents would in that scenario be the basis of a formal submission to the licensing authority (Natural England) for such a licence. The final method statement will then need to be appended to the final EMCP following grant of the advance planning application, or making of the DCO, whichever is sooner.

4.0 PROTECTED SPECIES MITIGATION: BATS

- 4.1 The baseline status as regards the presence of bats within the proposed Order Limits is described in detail within ES Chapter 10: Terrestrial Ecology, (see in particular paras 10.233 to 10.254 and Tables 10.26 to 10.30; document reference 6.1/APP-031) and as set out in the associated ES Figures and Appendices (see in particular Figure 10.5a-b; document reference 6.3/APP-128).
- 4.2 A single low-medium conservation status roost for common pipistrelle bats is present within building B7 (former 'degreasing shed'), comprising internal night roosts likely to be used for mating (possibly also by brown long-eared bats) and (on external features) a day roost for small numbers of individuals of common pipistrelle bat.
- 4.3 Building B7 is due to be demolished and therefore, in order to ensure legal compliance, a licence to derogate from the provisions of the Conservation of Habitats and Species Regulations 2017 will be required. The licence will only be granted if the favourable conservation status of the affected bat species is maintained through suitable mitigation and compensation. Mitigation will take the form of ensuring no bats are harmed in the process, and compensation will be provided by means of bat boxes to be erected on retained mature trees in a suitably unlit area at the western boundary of the Tilbury2 site.
- 4.4 Natural England has advised that there is no in-principle objection to the approach being taken to bat mitigation and compensation. They have issued a high-level 'Letter of No Impediment (LONI)' to this end in December 2017 (Appendix 4).
- 4.5 The methodology for alternative roost site provision and the methods and timing of destruction of the existing roost were issued to Natural England on 15 March 2018. Natural England responded by issuing a full 'Letter of No Impediment (LoNI)' on 16 March 2018 (Appendix 4). The final method statement document will be attached to the final version of this EMCP at Appendix 3.

5.0 PROTECTED SPECIES MITIGATION: REPTILES

- 5.1 Within the proposed Order Limits are populations of four reptile species: common lizard, slow worm, grass snake and adder. The baseline status as regards the presence of these species within the proposed Order Limits is described in detail within ES Chapter 10: Terrestrial Ecology (in particular paras 10.262 to 10.268 and Tables 10.35 and 10.36; document reference 6.1/APP-031), and as set out in the associated ES Figures and Appendices (see in particular Figure 10.10a and 10.10b; document reference 6.3/APP-136 and APP-137).
- 5.2 There will be a need to trap and relocate reptiles to pre-prepared receptor habitats both on and off-site prior to and/or during the construction phase in order to ensure legal compliance. This activity does not require a licence, but best practice protocols will be followed and the methodology to be employed is described here.
- 5.3 Receptor habitat will be prepared sufficiently in advance of this exercise to ensure that it is suitably vegetated and mature to support the translocated population.
- 5.4 On-site receptor habitat is being prepared by restoring the fencing surrounding the pre-existing c.1.5ha reptile 'exclosure' in the north-eastern part of the land contained within the proposed Order Limits (Green Belt land). This was put in place by RWE in c.2012 in advance of a reptile translocation that never occurred. Although the exclusion fencing was subsequently compromised by the activities of feral grazing ponies, only small numbers of reptiles colonised due to the heavy grazing that ensued. These low numbers are being trapped out and released outside the exclosure, the exclusion fencing repaired, and the vegetation allowed to develop to reinstate full carrying capacity by early 2019.
- 5.5 In addition to the above, a minimum of 10 hectares of off-site receptor habitat for reptiles is proposed to be provided at the off-site compensation site at Paglesham, South Essex (Figures 2, 3 and 4) and an agreement has been reached with the landowner to that end (Appendix 5). The land identified for this purpose currently comprises a mixture of heavily sheep-grazed coastal grassland and arable land that will be allowed to revert to grassland and develop a coarse, tussocky structure. During the course of that process, reptile exclusion fencing will be used to maintain carrying capacity. The receptor areas adjoin grassed sea wall embankments known to support existing populations of all four of the species that also occur at the Tilbury2 site, therefore allowing scope for population dispersal, interchange and genetic flow following completion of translocation and removal of the exclusion fencing. Aftercare and future management of the receptor areas will be tailored to maintaining the reptile population, as set out in section 10.
- 5.6 The trapping and translocation process itself will follow best practice standards in accordance with prevailing guidance and supporting information. Full details will be provided at Appendix 6 of a future iteration of this EMCP, but the headline elements are set out below.

- 5.7 Following grant of the DCO and prior to the commencement of site clearance or other development-related activities, reptile-proof fencing will be deployed to partition the site into manageable trapping units (ensuring these are capable of sustaining contained populations for the duration of the translocation) and appropriate densities of artificial refugia (sometimes known as 'tins', although in reality comprising a mixture of corrugated tin, roofing felt mats and corrugated bitumen sheets) will be placed in all habitats capable of supporting reptiles.
- 5.8 Trapping will commence no earlier than mid-February 2019 (for adders and common lizard) and mid-March 2019 (for other species) to ensure it occurs at times when the target species are out of hibernation and active. Artificial refugia will be checked at least daily, and possibly more frequently, by trained and experienced herpetologists, and any reptiles found will be captured and transferred to temporary receptacles for transit to the receptor site. For the duration of trapping visits or 'rounds', these are likely to be suitably deep plastic buckets furnished with vegetation to maintain temperatures, provide cover and reduce stress, although cloth bags may also be used (e.g. for snake species). The herpetologists involved will be required to be trained in the safe capture and handling of adders, and will use snake gauntlets for this species, as required.
- 5.9 When conditions allow, having regard to temperature, humidity/rainfall, daylight hours and forecast conditions, transport of captured reptiles to and release at the receptor site will occur the same day. There may be instances where 'overnighting' is required, although these will be kept to a minimum. When it is necessary, suitable vivaria will be used to house reptiles, having regard to the needs of species separation, avoiding overcrowding, and provisioning with appropriate food items and a water source.
- 5.10 Trapping will continue until suitable confidence levels are attained that all reptiles have been removed from a trapping unit, or that only small numbers remain such that proceeding onto habitat manipulation is sufficiently low-risk. Habitat manipulation will then be deployed, as appropriate, to maximise trapping efficiency for the final proportion of the population. Translocation effort will be deemed to have reached 'reasonable' levels when a minimum number of capture days in suitable conditions has passed, **and** there has subsequent to that point been a suitable period of no captures. In no cases will trapping effort be less than 30 suitable trapping days and in no instance will the translocation be rendered complete in a trapping compartment unless five consecutive clear days of nil captures in suitable season and weather conditions and on the basis of daily checks, have passed.
- 5.11 Release of animals at the receptor site will be into suitably structured vegetation and/or into or near constructed temporary or permanent refugia/hibernacula. Release will only occur in suitable conditions with due care taken to ensure released animals have sufficient daylight hours to settle in, and are not exposed to heightened risk of exposure to poor conditions or predation.

6.0 PROTECTED SPECIES MITIGATION: NESTING BIRDS

- 6.1 Within the proposed Order Limits are breeding populations of a number of bird species, including one species (Cetti's warbler) subject to special protection against disturbance at the nest site by virtue of being listed at Schedule 1 of the Wildlife and Countryside Act 1981 (as amended)². The baseline status as regards the presence of breeding bird species within the proposed Order Limits is described in detail within ES Chapter 10: Terrestrial Ecology (see in particular paras 10.276 to 10.278 and Table 10.40; document reference 6.1/APP-031), and as set out in the associated ES Figures and Appendices (see in particular Figure 10.11; document reference 6.3/APP-138).
- 6.2 All birds are protected from killing or injuring under the Act, and the active nests and also the eggs and dependent young are similarly protected from destruction. Schedule 1 species are further protected from disturbance whilst at the nest site.
- 6.3 The need for avoidance or mitigation measures to ensure legal compliance in respect of nesting birds is largely a seasonal one. The risk of nesting birds being present in vegetation is highest in the spring and early summer months. The current intended implementation timescale suggests that there is a risk of site clearance and preparation for construction coming into conflict with this period in early 2019 if the DCO is granted.
- 6.4 Measures to obviate or reduce this risk are set out in the CEMP (document reference PoTLL/T2/EX/38, para 6.10). This states:
- “Over and above the requirement for advance translocation and/or displacement of legally protected species, the times when clearance of vegetation is possible will also be subject to seasonal constraints. In particular, clearance of vegetation with the potential to support nesting birds should aim to avoid the peak nesting months of mid-February to July wherever possible. In situations where this is not possible, surveys and/or monitoring by specialist ornithologists will be employed to assess whether nests are present or likely to be present in affected vegetation, and whether appropriate measures such as temporary stand-offs will be deployed to work around such constraints in a legally compliant manner.”*
- 6.5 The surveys referred to above will be tailored to the particular circumstances, but will follow tried and tested protocols to eliminate risk as far as possible and/or signpost where additional measures may need to be taken. For example:
- Vegetation with an inherently low likelihood of supporting nesting birds (e.g. small expanses of sparsely vegetated substrates or short grassland with little cover) will be subject to a walkover survey by a suitable qualified and experienced ornithologist in order to ascertain if there is any risk to nesting bird species. This may or may not involve timed static observation as appropriate.

² A range of other bird species, including additional Schedule 1 species, use the site in winter or otherwise in a non-breeding capacity

- Discrete patches of vegetation with the potential to support nesting birds up to 10x10 m² will be subject to timed observations from suitable vantage points, with the number of suitably qualified and experienced surveyors appropriate to ensure comprehensive coverage. Timed observations will be not less than 20 minutes duration in order to try and detect inward and outward movements of nest-building or parent birds. If nest building, nests with eggs, or the presence of broods is ascertained or suspected, suitable stand-off areas and cordons will be devised to protect the nest site and surrounding vegetation and prevent the risk of activity close to the nest site causing desertion (and hence *de facto* 'destruction').
- In cases where active nests of Schedule 1 species are suspected to be present (e.g. Cetti's warbler), the extent of any cordon is likely to be larger to prevent any disturbance (even non-significant disturbance) to the bird at the nest site and thereby ensure legal compliance.
- Where cordons are set up, they will remain in place for an appropriate duration. The length of time will be set on the basis of what evidence can be drawn from surveys as to the status of the nest (i.e. a longer duration is likely to be necessary where the initial evidence found is of nest building activity, as against a situation where adult birds are evidently bringing food to young). Cordons will not be removed prior to further monitoring having ascertained that there is no further risk to active nests (or disturbance to birds at active nest sites in the case of Schedule 1 species).
- Where more expansive areas of suitable bird nesting habitat are affected, there may be a need for progressive monitoring and removal in stages, if works cannot be timed to avoid risk. The exception is likely to be in the case of expansive areas of open/unvegetated ground where surveys are more likely to be able to clearly ascertain the presence or absence of ground nesting species such as ringed plover, oystercatcher or lapwing.

6.6 The above protocols will be an essential pre-requisite to any works of site clearance or otherwise affecting established vegetation between the months of April to end of June. Between mid-February / end-March and the beginning of July / mid-August, the requirement for the above monitoring and additional avoidance and mitigation measures surveys will be considered on a case by case basis. Outside of these periods, the risk of encountering nesting birds is low, but contractors will be briefed to be vigilant for early, late or year-round nesting species and to seek expert advice if they suspect a nest site is present.

7.0 PROTECTED SPECIES MITIGATION: EELS

7.1 Eels are known to be present within the River Thames. Current conditions within the site are inhospitable for eels and features such as the sea wall represent barriers to eel passage. As such, eel passage through the ditch network is likely to be relatively limited (if eel passage occurs at all). Nonetheless, as the Eels (England and Wales) Regulations 2009 make provisions for measures be put in place to aid eel stock recovery, precautionary mitigation measures to prevent impacts on eels have been set out as follows:

- Fish and eel passage will be retained under any crossing installed as part of the works (WFD Assessment, paragraph 1.67 and Table 1.7), and secured through operation of the EA's protective provisions in the DCO (document reference PoTLL/T2/EX/35);
- The Environment Agency will have the opportunity to approve the detailed design of the proposed Thames outfall, including incorporation of eel-friendly control structures ('eel flaps'), pursuant to their protective provisions;
- Provisions within chapter 6 of the CEMP (document reference PoTLL/T2/EX/38) ensure that eels are protected during construction phase; and
- Compensatory wet ditch habitats will be provided ensuring no net diminution of the quantum of this habitat due to the development (see Figure 1).

8.0 ON-SITE HABITAT CREATION

NEW / REPLACEMENT HABITATS

8.1 New habitat creation (or restoration) forms part of both the On-Site Ecological Mitigation and Compensation Strategy (presented at Figure 1 of the LEMP) and the Landscape Strategy (see Figure 9.9 of the ES). It is a condition of the LEMP that these features are constructed and managed in accordance with the LEMP. Figure 1 of that document is replicated as Figure 1 of this EMCP. The LEMP advises that further details of the construction of new habitats are set out in the EMCP, and this section duly presents that information.

8.2 Newly created or restored habitat features include the following S41 Habitats (Habitats of Principal Importance further to section 41 of the NERC Act 2006) or ecologically similar equivalents:

- Open Mosaic Habitat on Previously Developed Land;
- Coastal and Floodplain Grazing Marsh;
- Lowland Mixed Deciduous Woodland / Hedgerows³;
- Ponds (2 no.);
- Reedbed; and
- Intertidal habitats (saltmarsh / mudflat).

8.3 Other newly created habitat and landscape features will include the following:

- Wet ditches (suitable for water voles)⁴;
- Dry ditches (including surface water / highway drainage attenuation swales); and
- Scrub and woodland planting.

8.4 Further details of the on-site construction of each of these habitats are given below:

Open Mosaic Habitat on Previously Developed Land (OMHPDL)

8.5 In total, there is estimated to be around 9.3ha of OMHPDL present within the proposed Order Limits in the baseline state (ES Table 10.49). Around 0.3ha of this will be retained, including in the northernmost part of the Green Belt land, and within the infrastructure corridor and around 5ha of this has been identified as practical to translocate to receptor locations either on or off-site. The shortfall of around 4ha is proposed to be met by 'new' OMHPDL creation

³ Non-S41 but ecologically very similar habitats will be created through screen planting and other scrub creation under 'scrub and woodland planting'

⁴ These form part of Coastal and Floodplain Grazing Marsh S41 habitat but are considered separately here due to their specific water vole mitigation and compensation function

off-site (using recovered PFA and other substrates) and/or additional translocation to compensation areas within the proposed Order Limits, where this is practical and achievable (e.g. within the infrastructure corridor following the completion of construction activities there). The strategy for mitigation and compensation for OMHPDL is the subject of ongoing discussions with relevant stakeholders, including Natural England and as part of the process of agreeing Statements of Common Ground.

Coastal and Floodplain Grazing Marsh

- 8.6 Of the 6.2ha of this habitat present within the proposed Order Limits in the baseline state, around 3.4ha will be permanently lost, and c.0.1ha will be temporarily lost whilst appropriated during the construction phase⁵. This temporary loss of Coastal and Floodplain Grazing Marsh comprises a linear strip of land East of Fort Road.
- 8.7 Compensation for the permanent losses of Coastal and Floodplain Grazing Marsh habitat will be delivered off-site (see section 9).
- 8.8 The temporary construction-phase losses of Coastal and Floodplain Grazing Marsh will be restored as follows:
- 8.9 To prevent excessive damage to, compaction of and erosion of soils, an anchored 'no-dig' ground reinforcement paving tile (or similar) will be laid (instead of aggregate, which could be difficult to remove afterwards). The tiles would be placed in existing grassed areas over porous geotextile matting. The design suppresses resurgence of mud from below but allows effective drainage. This layer would remain in place for the duration of the construction activity.
- 8.10 Following completion of the works in this area, any ground protecting tiles/matting would be removed. After this, the ground can be prepared for restoration. In areas of light soil compaction, physical aeration may be required, e.g. using a hand-held spiker or mechanical lawn aerator. If heavier compaction has occurred then rotovation/disking may be necessary. Seeding would then take place directly onto the areas of exposed soil, as set out above. Seed will be appropriate to the Coastal and Floodplain Grazing Marsh habitat type, and of local provenance.
- 8.11 Provisions within the Construction Environmental Management Plan (CEMP; Document Reference PoTLL/T2/EX/38) ensure that the drainage channels within the Tilbury Marshes LoWS are protected during the works; and installation of temporary access over Pincocks Trough (e.g. in the form of a removable 'bailey bridge') and any necessary restoration after its removal would be subject to Environment Agency approval through the operation of their protective provisions in the DCO (document reference PoTLL/T2/EX/35). The channels will not therefore require any further restoration except where they have been subject to realignment works. The detailed design of the channel realignments and proposed restoration works will be approved by the Environment Agency through the operation of their protective provisions in the DCO.

⁵ For an account of the change in these calculated figures since the production of the ES, please refer to the response to FWQ 1.2.8 and 1.2.9; and to tabulated response to FWQ 1.2.10 provided within the Applicant's Deadline 2 submission document.

- 8.12 *Short-term management.* Grazing animals will need to be excluded from this area temporarily whilst the grassland re-establishes (e.g. 6-12 months), and during this time the sward would be subject to simple management including weed control (e.g. by cutting or pulling).
- 8.13 *Long-term management.* The restored area of Coastal and Floodplain Grazing Marsh habitat falls outside the management areas defined in the Landscape and Ecological Management Plan (LEMP; Document Reference PoTLL/T2/EX/42). For the avoidance of doubt, the intention is for this 0.1ha area to be returned to its current management (i.e. horse- and pony-grazing) once the restoration works set out above have been completed and following the establishment and aftercare period.

Lowland Mixed Deciduous Woodland and Hedgerows

- 8.14 A total of 2.2ha of Lowland Mixed Deciduous Woodland (of fairly recent plantation origin) will be lost to the development along with 645 metres of hedgerow. Around 1.2ha of replacement plantation woodland is proposed on-site and around 836m of hedgerow at the locations indicated on Figure 1 of this EMCP. These habitats will be created by planting of an agreed palette of native species appropriate to the locality, as set out in the Technical Note on Tilbury2 Landscape Mitigation Proposals (Appendix E of the Response to the Examining Authority's First Written Questions, document reference: POTLL/T2/EX/49). The establishment and aftercare provisions for these habitats are set out in the LEMP (document reference PoTLL/T2/EX/42section 4.0).

Ponds

- 8.15 A single pond of approximately 217m² extent of permanent standing water and forming part of the TEEC LoWS will be lost to the development. This will be replaced by two new ponds within the Green Belt land north-east of the CMAT area and rail spur, which will themselves sit within the series of multiple concentric rings of ditch created for compensatory water vole and wet ditch habitat.
- 8.16 It is intended that these ponds will be constructed after receipt of the DCO and may therefore follow on from completion of the surrounding compensation ditches. In this situation, 'bailey bridge' type structures will be used to access the central 'island' created by the ring ditch system for the duration of excavation and ground-modelling works.
- 8.17 Pond construction will follow established principles to ensure maximum benefit to biodiversity, and drawing upon the design principles adopted in the construction of the existing compensation pond to the north. Pond profiles will be shallow to promote fringing reedbed creation (see below) and the depth profile will also be tailored towards local groundwater levels to ensure permanent standing water.

Reedbed

- 8.18 An area of 0.6ha of reedbed will be lost to the development and a replacement area of 0.6ha of this habitat will be created in conjunction with the ponds discussed above.

Wet & Dry ditches

- 8.19 Existing ditches to be retained other than where affected by bridging or realignment works are dealt with under 'Coastal and Floodplain Grazing Marsh' above.
- 8.20 In addition to these, some 3,922m of wet ditch and 1,622m of dry ditch will be created on-site as part of advance water vole habitat creation, surface water drainage and attenuation infrastructure or both.

Scrub and Woodland Planting

- 8.21 In addition to the habitats classed as falling within the definitions of Lowland Mixed Deciduous Woodland and Hedgerow, as discussed above, some 7.6ha of scrub, ranging from dense stands of bramble through to closed-canopy stands of mature hawthorn scrub, will be lost to the development. Some 1.8ha of this habitat will be reinstated in the locations shown on Figure 1, by a combination of planting and natural regeneration. The balance will be created off-site.

Intertidal habitats

- 8.22 Discussions are ongoing with the Environment Agency about the possibility to create new saltmarsh and mudflat habitat within the Order Limits to off-set the minor losses (e.g. to outfall construction) in the medium-long term.

9.0 OFF-SITE HABITAT CREATION

OFF-SITE COMPENSATION SITE: BASELINE CONDITIONS

- 9.1 Agreement has been reached between PoTLL and the owner of Land at Church Hall Farm, Paglesham (see Appendix 5) for use of some 48ha of low-lying coastal farmland for the following off-site compensation purposes (see Figures 2, 3 and 4):
- Creation of some 30-37ha of coastal grazing marsh from arable reversion;
 - Creation of between 5 and 6ha of scrub habitat; and
 - Creation of circa 10ha of ungrazed or lightly grazed grassland habitats (including coastal grazing marsh) as receptor areas for reptiles.
- 9.2 The land may also be suitable for additional wetland habitat creation. This is the subject of ongoing discussion.
- 9.3 The land has no extant nature conservation designation and the habitat quality starts from a 'low base'. In large part this is due to the intensive nature of the arable farming operations to date, and the high levels of sheep grazing of the grassland habitats.
- 9.4 The baseline conditions on this land are described in more detail below drawing on the results of an extended Phase 1 habitat survey carried out in March 2018 and with reference to Figure 3.
- 9.5 In the baseline site, the land at Paglesham supports the following habitats:
- Arable land
 - Improved grassland
 - Species-poor semi-improved grassland
 - Drainage ditches
 - Waterbody
 - Hedgerows
 - Self-sown scrub
 - Non-woodland trees
 - Tall ruderal
 - Disturbed ground habitats
- 9.6 The distribution and extent of all of the above habitats is shown on Figure 3. Summary descriptions of each are provided below, with reference to dominant or notable species or communities of vascular plants.

Arable

- 9.7 Around three-quarters of the land is currently in arable cultivation, predominantly for cereals. Other than crop species, there appears to be only a very restricted complement of arable plants typical of high nutrient conditions. Examples noted include scentless mayweed *Tripleurospermum inodorum*, cleavers *Galium aparine*, field speedwell *Veronica persica*, dove's-foot crane's-bill *geranium molle* and black grass *Alopecurus myosuroides*. The nature and high fertility of the soils precludes scarcer arable plant communities and no uncommon arable associates have been noted.

Improved grassland

- 9.8 Three adjoining field units in the central part of the land are currently under pasture and closely grazed by sheep. The grassland vegetation is typical of reclaimed grazing marsh habitats that have been 'improved' by re-seeding and/or the application of fertilisers or herbicides. Grasses are overwhelmingly dominant, with the bulk comprising crested dog's-tail *Cynosurus cristatus*, perennial rye grass *Lolium perenne*, smooth meadow grass *Poa pratensis* and creeping bent *Agrostis stolonifera*. Herbs are very sparse, with species such as creeping thistle *Cirsium arvense* and common mouse-ear *Cerastium fontanum* no more than occasional in occurrence.

Species-poor semi-improved grassland

- 9.9 This habitat occurs in uncultivated margins around the edges of most of the arable fields. It is a mixed community of coarser grasses and ruderals reflecting high nutrient soils that have not been cultivated for a time. Typical species include false oat-grass *Arrhenatherum elatius*, couch *Elytrigia repens*, cock's-foot *Dactylis glomerata* and creeping bent with ruderal species including cleavers, white dead-nettle *Lamium album*, broad-leaved dock *Rumex obtusifolius*, curled dock *Rumex crispus* and cow parsley *Anthriscus sylvestris*.

Drainage ditches

- 9.10 As befits the coastal marshland location, the field units are almost universally defined by incised drainage channels. The deeper of these hold standing or running water permanently or semi-permanently, while the more shallower features are likely to dry out in the summer months. The two types are mapped separately on Figure 3.
- 9.11 In general, both types of feature are characterised by a fairly linear formation and steep banks. Where not overshadowed by adjoining hedgerows or denser scrub, dense and tall macrophyte vegetation is generally present. In the main, this comprises stands of common reed *Phragmites australis*, although species such as greater reedmace *Typha latifolia*, great willowherb *Epilobium hirsutum* and soft rush *Juncus effusus* occur more locally, and the local abundance of sea club-rush *Bolboschoenus maritimus* picks out those channels with a greater brackish influence.

Waterbody

- 9.12 In the south-east of the land is a linear pond or small lake, artificial in origin and surrounded by raised banks comprised of the excavated spoil which

support closely grazed grassland. This has a fringe of macrophyte vegetation with some localised wetland scrub. Species include common reed, sea club-rush, greater reedmace, soft rush and great willowherb with the scrub including grey willow *Salix cinerea*.

Hedgerows and scrub

- 9.13 There are relatively few intact hedgerow features on the site, these being marked on Figure 3 as distinct from scattered scrub (which may in part derive from former hedgerows in places). These hedges are probably of 19th century origin and comprise only a very limited number of woody species, with hawthorn *Crataegus monogyna* typically dominant, localised thickets or specimens of blackthorn *Prunus spinosa* and scattered individuals of elder *Sambucus nigra* and dog-rose *Rosa canina*. No notable ground flora species were found in association with these features with cow parsley and common nettle *Urtica dioica* being typical.
- 9.14 None of the hedgerows on the site are sufficiently species-rich to qualify as 'Important' hedgerows under the ecological criteria to the 1997 Hedgerows Regulations, but all intact examples are likely to qualify as the Priority/Section 41 habitat 'hedgerows'.
- 9.15 Small pockets of self-sown scrub also occur along ditch-lines and in fenced-off field corners. Often these are dominated by blackthorn, although examples comprising all of the above-listed hedgerow species are present.

Non-woodland trees

- 9.16 Alongside some stretches of farm tracks there are rows of semi-mature or young-mature specimen trees, planted probably about 30 years ago.
- 9.17 A fairly broad palette of species has been used including natives such as ash *Fraxinus excelsior*, field maple *Acer campestre*, silver birch *Betula pendula*, rowan *Sorbus aucuparia*, white willow *Salix alba* and hornbeam *Carpinus betulus* along with non-natives such as grey alder *Alnus incana*, Norway maple *Acer platanoides*, horse chestnut *Aesculus hippocastanum* and sycamore *Acer pseudoplatanus*.

Tall ruderal

- 9.18 As well as providing a component of field edge and disturbed ground habitats, tall ruderal species form more continuous stands in a few defined areas of the site, generally associated with neglect of formerly cultivated areas.
- 9.19 Typical constituent species include bristly ox-tongue *Helminthotheca echinodes*, hoary mustard *Hirschfeldia incana*, black mustard *Brassica nigra*, charlock *Sinapis arvensis*, America willowherb *Epilobium ciliatum* and taller grasses such as couch, false oat and cock's-foot, albeit these are subordinate in cover.

Disturbed ground habitats

- 9.20 As well as occurring at the edges of tracks and around gateways, disturbed (as opposed to cultivated) ground occurs in a defined central area of the site which is used for stockpiling mounds of cockleshells. The more stable and

compacted areas of this substrate have developed incipient vegetation comprising annuals such as knotgrass *Polygonum sp.*, ruderals such as American willowherb and weld *Reseda luteola* and a range of other species such as broad-leaved dock, groundsel *Senecio vulgaris* and white clover *Trifolium repens*. Adjoining the cockleshell storage area is an area where spoil has been mounded and this supports similar vegetation, albeit with a more significant component of docks, thistles and stinging nettle.

Invasive non-native species

- 9.21 No invasive non-native species were noted on the survey.

Fauna

- 9.22 In the process of conducting the Phase 1 survey searches were made for field-sign evidence of protected species such as badgers and water voles, and of habitat or structures capable of supporting protected species such as reptiles and bats. All bird or mammal species heard or seen on the site during the survey were also noted.
- 9.23 No badger setts were found during the survey, albeit that it is possible badgers use the site and push-throughs in fencing were noted that could have been created by badgers, or which might be used by them to access suitable foraging areas such as the existing grasslands.
- 9.24 Evidence of water voles (droppings, tracks and feeding remains, with one or two burrow entrances also noted) was found in most of the more permanently wet ditches concentrated in the central part of the site. Field sign evidence was sparse or absent in the drier ditches away from this core. The presence of this species is not surprising, given that the Essex coastal marshes remain one of their national strongholds.
- 9.25 Suitable reptile habitat is in short supply on the site, but occurs more extensively on adjoining areas, particularly along the sea wall to the north and east and on adjoining grasslands fringing the borrow dykes and which appear to escape regular mowing. There are records for all four of the more common species from the immediate locality and thus transient use of the site is expected, albeit resident populations of species may be precluded by the preponderance of arable cultivation and/or heavy grazing.
- 9.26 Most of the trees on the site are too young to have yet developed features such as rot holes, splits, tear-out wounds or other cavities that could be capable of harbouring bat roosts. The most likely candidates are the white willows around the waterbody in the southernmost part of the land, some of which are showing nascent development of such features.
- 9.27 A broad range of bird species was noted during the course of the survey. Of most note was the presence of good numbers of corn bunting, with some birds showing signs of establishing breeding territories on the site. Other species of note include reed bunting and skylark (several territories each), linnet and (in the waterbody on the site), potentially breeding little grebe. Residual winter flocks of fieldfare and redwing were present during the survey, along with flocks of starling. Other species noted included wren, blackbird, woodpigeon, chaffinch, buzzard, pheasant, red-legged partridge, mallard, mute swan, coot,

moorhen, magpie, carrion crow, blue tit, meadow pipit, stock dove, greenfinch, dunnock and grey heron.

- 9.28 Numbers of brown hare on the site were comparatively high, and evidence of fox and rabbit was also observed.

OFF-SITE COMPENSATION SITE: NEW/ENHANCED HABITATS - PAGLESHAM

- 9.29 Figure 4 shows the proposed habitat enhancements and land-use break down for the 48ha of low-lying coastal farmland at Paglesham to be appropriated for the following off-site compensation purposes:

- Creation of some 30-37ha of coastal grazing marsh from arable reversion
- Creation of between 5 and 6ha of scrub habitat
- Creation of circa 10ha of ungrazed or lightly grazed grassland habitats (including coastal grazing marsh) as receptor areas for reptiles

- 9.30 Arable reversion will be achieved by means of cessation of arable cultivation and either natural regeneration to a grassland sward (incorporating a 'set-aside' phase) or expedited by active seeding of an appropriate grassland mixture. The methodology will be decided based upon the best compromise between addressing matters of soil fertility and the desirability of creating a semi-natural grassland community, having regard to timescales for delivery of compensation and displaced grazing capacity.

- 9.31 The delivery of scrub habitat on the site will be targeted for field corners and damper areas, to try and replicate the dense, damp scrub conditions extant on the Tilbury2 site which support species such as nightingale and Cetti's warbler. Again, preference will be given to natural regeneration where compatible with delivery aims and timescales, and at its simplest, scrub development will be allowed to occur through suckering or self-seeding in areas fenced off from livestock and wild grazing animals such as deer and rabbits. Additional interventions such as seeding posts (t-shaped posts placed in open habitats near to seed source shrubs such as hawthorn, which encourage birds to perch and set seed in their droppings) or active planting will be employed having regard to objectives and phasing.

- 9.32 The areas targeted for the receipt of translocated reptiles are existing closely grazed grasslands that will be allowed to 'grow out' to improve their reptile carrying capacity. This will be achieved by removing livestock and erecting reptile exclusion fencing around the edges of the field units to prevent uptake of created capacity by the known local populations. The development of the habitat is likely to take 9-12 months and will be monitored in order to inform decisions on the need or otherwise for further interventions to maximise its suitability as a receptor site. Such interventions might include provision of additional refugia (such as log-piles) to enhance habitat structure and provide enhanced hibernation opportunities. Decisions on the amount of intervention and additional enhancement will be made on a reactive basis having regard to the results of developmental monitoring.

OFF-SITE COMPENSATION SITE: OTHER

- 9.33 Further site/s, including locations more proximal to Tilbury2 and Thurrock District are being explored for delivery of the brownfield components of the off-site compensation burden. Details of these are intended to be reported in future iterations of this EMCP.

BALANCE OF BIODIVERSITY LOSSES VERSUS GAINS

- 9.34 Quantitative calculations of biodiversity loss versus gain, using the Essex County Council-adopted and Defra-derived biodiversity offsetting metric, will be presented in future iterations of this EMCP, once the complete off-site compensation package is settled. These metrics are also being used as one measure of progress towards delivery of the 'no net loss' objective in terms of exploration of further off-site compensation options.

10.0 PHASING PLAN

PHASING OF MITIGATION/COMPENSATORY HABITAT CREATION

- 10.1 As far as possible the intention will be for new habitat areas on- and off-site to be created and 'fit for purpose', before the existing habitat is destroyed. For example, the on-site water vole receptor area will be created (within the Green Belt area) and allowed to mature before any water voles are translocated to it (see ES paragraph 10.321; document reference 6.1/APP-031); and the on- and off-site reptile habitat will be secured/fenced and established well in advance of relocating any reptiles to it. However, for 'Open Mosaic Habitat' and associated brownfield habitat translocation, the intention is for the substrate itself to be translocated (see ES paragraph 10.326; document reference 6.1/APP-031). This necessarily results in a situation where new 'Open Mosaic Habitat' cannot be created without partial-destruction of the existing resource: the process cannot be phased to fully avoid this situation. However, given that translocation of substrates will not be comprehensive, (i.e. it will not be possible to extract all the brownfield substrate from the site), the process will involve temporary retention of some of the existing resource *in situ* whilst the off-site habitat begins to develop. Ultimately the temporarily retained brownfield areas would be lost to construction works. The slight lag in phasing will result in some additional net continuity of the resource. Off-site creation of Coastal Grazing Marsh priority habitats is likely to involve a greater or lesser lag-time depending on the mode of creation. For creation via 'arable reversion' for example, natural (unassisted) reversion may be employed which will naturally take longer to achieve target condition than interventions such as seeding.
- 10.2 Once the full on and off-site mitigation and compensation package is settled, a detailed phasing plan will be set out to demonstrate how the delivery of the enhanced and new habitats, and protected species mitigation and compensation measures, is intended to be sequenced.

11.0 INVASIVE NON-NATIVE SPECIES (INNS)

- 11.1 Chapter 10 of the ES, and the CEMP, set out the baseline position as regards INNS and the measures that will be taken to identify and control INNS through the construction phase.
- 11.2 In the post-construction phase, vigilance for INNS will form part of the annual walkover surveys set out in section 5 of the LEMP and at section 11 of this EMCP. Where identified, appropriate controls will be put in place to ensure control and eradication, in line with prevailing best practice standards and legal requirements.
- 11.3 The following provisions for long term monitoring and control of INNS are proposed to be secured:
- **On-site.** Provisions for post-construction monitoring and control of INNS on-site are already secured by the LEMP. This states that: *“Vigilance for INNS will form part of the annual walkover surveys ... and where identified, appropriate controls will be put in place to ensure control and eradication, in line with prevailing best practice standards and legal requirements... an annual monitoring report will be produced detailing any remedial actions or interventions determined to be necessary.”*
 - **Off-site.** No INNS have been identified to date within any of the candidate off-site ecological mitigation and compensation area(s). Provisions for monitoring and control of INNS within the off-site receptor area(s) are not dealt with in any submitted document. The following general provisions for long term monitoring and control of INNS on off-site compensation site/s are therefore proposed:
 - Pre-commencement. Prior to undertaking any habitat creation which is outside the scope of standard agricultural management (e.g. requiring movement of spoil or other groundworks, or works directly affecting wetland features), the compensation area(s) will be surveyed by a suitably qualified ecologist and the presence of any INNS will be recorded and mapped. If INNS are found to be present, then appropriate isolation, removal and post-habitat creation control measures will be drawn up and implemented in conjunction with prevailing best-practice protocols.
 - Short term (1-5 years). During the first five years after habitat creation (establishment phase), the off-site ecological mitigation and compensation area(s) will be subject to surveys, the frequency of which will be determined by the nature of the habitat creation works. These surveys will include checks for the presence of INNS and if found the same approach to control as discussed above to ensure full statutory compliance will be applied.
 - Medium/long term (5+ years). As the habitat establishes, the off-site ecological mitigation and compensation area(s) will continue to be subject to surveys, albeit the need for these checks will be less frequent checks as the habitat matures. If INNS are found the same approach to

control as discussed above to ensure full statutory compliance will be applied.

- 11.4 It is proposed that the above general measures for the identification, control and/or prevention of problems with INNS will be refined having regard to the specifics of additional off-site compensation sites as these become settled. Future iterations of this EMCP will set out any additional bespoke measures identified as necessary in order to ensure legal compliance and adherence to industry best practice.

12.0 OFF-SITE HABITAT MANAGEMENT

GENERAL MEASURES

- 12.1 The following measures apply to all management prescriptions outlined in this section.

New planting (if relevant)

- 12.2 Aftercare and establishment works are to be carried out by an approved landscape contractor in accordance with good horticultural practice or the current British Standard with reference to:

- BS 4428: Code of practice for general landscape operations;
- BS 7370: Grounds maintenance;
- BS 8545: Trees: from nursery to independence in the landscape – recommendations.

- 12.3 Three broad aftercare and establishment periods for new planting are identified below, these are not mutually exclusive and a programme of monitoring will be necessary to ensure the landscape objectives are met.

Short term (1-5 years). The initial establishment period will require more frequent maintenance operations. Replacement planting and remedial works will be carried out and planting sundries maintained in good condition.

Medium term (5-10 years). As the planting establishes during this period, less frequent maintenance will be required. Initial thinning may be necessary to ensure planting thrives without competition.

Long term (10-25 + years). As the planting matures, continual monitoring (see Section 5) will inform a rolling maintenance programme, to ensure that effective maintenance is carried out at the appropriate time to meet health and safety requirements.

- 12.4 During the Short Term (initial establishment) period, inspections shall take place annually in October/November to determine the effectiveness of the establishment and aftercare provisions to that point, paying particular attention to:

1. Planting disease, damage or death;
2. Vandalism;
3. General appearance and condition;
4. Any invasive or non-native species;
5. Any evidence of protected species (such as nesting birds).

- 12.5 If required, the EMCP (and subsidiary management plans agreed with the owner of the off-site compensation site) will be revised and forthcoming maintenance operations adjusted accordingly.
- 12.6 Reviews will continue to take place beyond the initial 5 year period subject to an assessment of the prevailing conditions on site as part of the periodic review and assessment processes. These shall also identify any necessary remedial works on planting.

Works to ditches and ponds

- 12.7 Maintenance works to controlled watercourses are not currently envisaged. If such works need to be carried out, this will be done in accordance with approvals from the Environment Agency.
- 12.8 Management of any ditches created with ecological or landscape objectives overriding in the design (and independent of controlled watercourses) can be carried out without recourse to permitting regimes and thus such works fall fully within the ambit of this EMCP. Standard best practice procedures shall apply to such activities^{6,7}, and species-specific guidance shall be taken into account where relevant, such as for water vole^{8,9}.

MANAGEMENT OF CREATED AND RETAINED HABITATS TO DELIVER OFF-SITE COMPENSATION OBJECTIVES

- 12.9 The success of off-site compensation in counterbalancing net-negative ecological effects within the proposed Order Limits will be dependent on appropriate aftercare and management.
- 12.10 Each off-site compensation site will be divided into compartments under which management measures will be grouped in further iterations of this EMCP. With regard to the secured site at Paglesham, the final management prescriptions are the subject of ongoing discussions with the landowner hence these too will be presented in a future iteration. Each management compartment will be briefly described and the prescriptions for it outlined, following the format set out in the example text below:

Compartment 1

Summary Description

- 12.11 (EXAMPLE TEXT): Coastal grazing marsh derived from arable reversion, with some boundary scrub and adjoining drainage ditches. The grassland will be allowed to continue to develop an appropriate structure in order that it can maintain the reptile population moved from the Tilbury2 development. The boundary wetland habitat will be left as existing in order to prevent disturbance to the established population of water voles and other species.

⁶ For example: Essex County Council Flood and Water Management Team, (November 2014). *Guide to Ordinary Watercourse Maintenance*. [Accessed from: <https://www.essex.gov.uk/Environment%20Planning/Environment/local-environment/flooding/Watercourse-regulation/Documents/ditch-maintenance.pdf>]

⁷ Buisson *et al.* (2008). *The Drainage Channel Biodiversity Manual: Integrating Wildlife and Flood Risk Management*. Association of Drainage Authorities and Natural England, Peterborough.

⁸ Strachan, Moorhouse & Gelling, (2011). *Water Vole Conservation Handbook*, 3rd edition. WildCRU.

⁹ Dean, Strachan, Gow and Andrews, (2016). *The Water Vole Mitigation Handbook (The Mammal Society Mitigation Guidance Series)*. Eds. F Mathews & P Chanin. The Mammal Society, London.

Management Objectives

- 12.12 Encourage development of suitable tussocky grassland structure in the land areas to maximise reptile carrying capacity, and thereafter maintain in optimum condition, allowing some limited development of bramble or woody scrub to provide shelter, scrub-interface conditions and sun-traps. Maintain adjacent waterbodies as well vegetated channels.

Management Prescriptions

- i) Inspect grassland areas every three to five years to assess sward structure and scrub development and address excess of either with management interventions, to include localised hand strimming in relation to the former and hand cutting in relation to the latter. Operations to be carried out in accordance with prevailing best practice at all times to avoid impacts on reptiles or nesting birds and ensure legal compliance.

Compartment 2

TBC

etc

13.0 MONITORING & REVIEW

GENERAL

- 13.1 Management of the off-site compensation areas will continue for a 25 year term by means of an agreement between PoTLL and the respective landowners. As the habitats develop over this timescale, the management prescriptions in the preceding section of this EMCP (and any subsidiary management plans) will need to be reviewed. This will be informed by the results of regular monitoring of the condition of the habitats, and by relevant species monitoring. Details of this are set out below.

ANNUAL WALKOVER – YEARS 1-5

- 13.2 All management compartments and their constituent habitats will be subject to an annual walkover inspection by a suitably qualified ecologist for years 1-5. This inspection will be additional to those required to ensure establishment of created habitats (as discussed in section 10) and/or further to the applicable post-translocation protocols for reptiles.
- 13.3 The objective of the annual walkovers will be to assess the condition of retained, created and translocated habitats against target objectives, including those for the individual management compartment and (where relevant) the requirements of protected species and approved translocation strategies.
- 13.4 Following the walkover inspections, an annual monitoring report will be produced detailing any remedial actions or interventions determined to be necessary in order to meet the relevant species or habitat objectives. Examples may include:
- Scrub control or cutting back of adjoining scrub where threatening to overshadow open mosaic habitats (unlikely to be required before year 10);
 - Disturbance interventions to create or maintain bare ground for annual plants, other early succession species and thermophilic invertebrates;
 - Weed control including addressing any INNS noted to have colonised the site in accordance with section 11.

FIVE-YEARLY SURVEY AND REVIEW

- 13.5 The performance of the retained, created and translocated habitats in relation to their target objectives, including in providing alternative habitat for key species impacted by the development, will be assessed by means of more involved surveys at five-yearly intervals, the first to be undertaken five years after the completion of habitat creation activities in all management compartments.
- 13.6 The following surveys, at minimum, will be included in the five-year reviews:
- Protected species surveys (in particular reptiles);

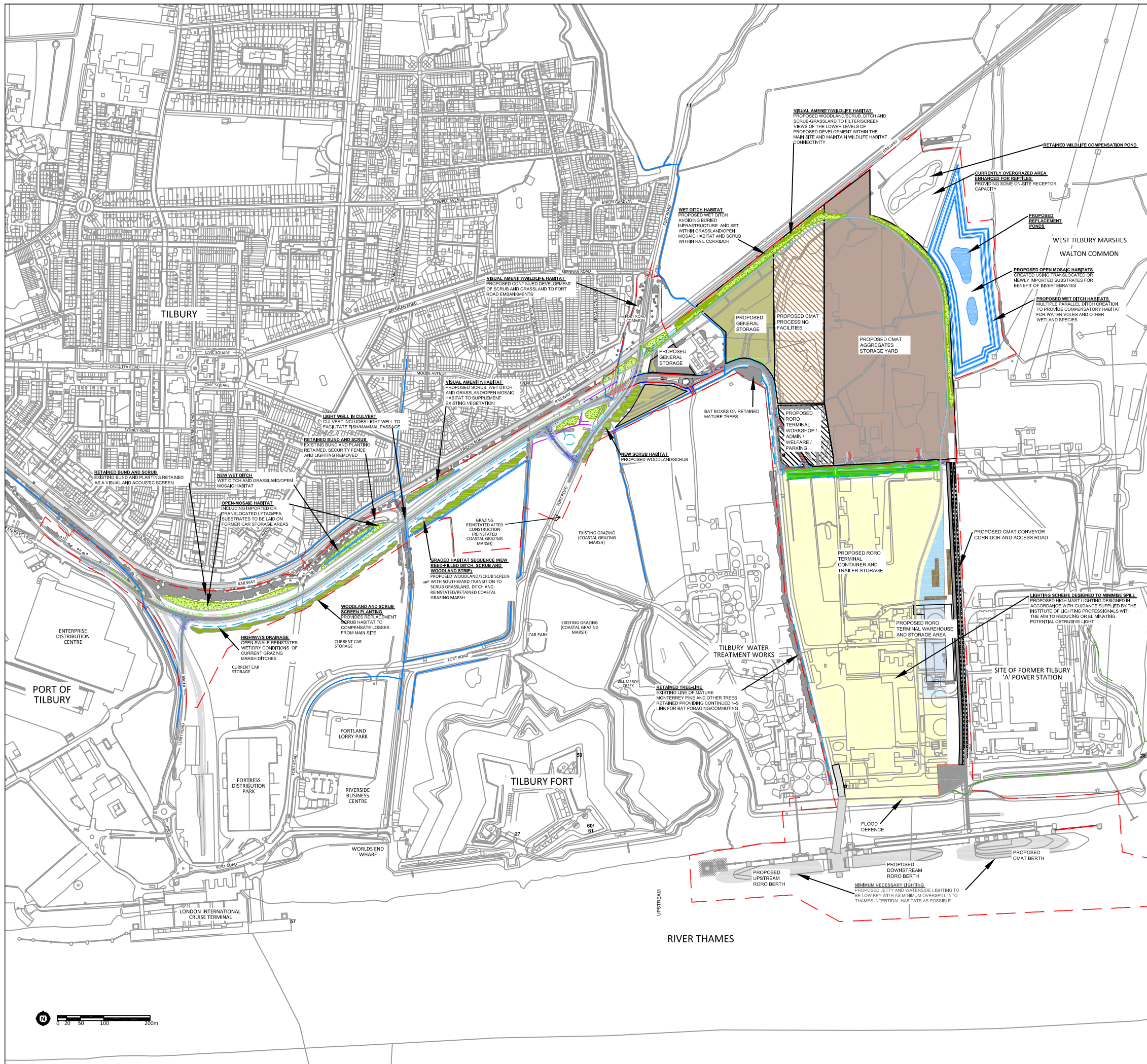
- Breeding and/or non-breeding birds surveys, with particular focus on any use of the management compartments by nightingale, Cetti's warbler, barn owl and long-eared owl;
- Botanical surveys, focusing on early season surveys of open mosaic habitats on previously developed land and including sampling of lichens;
- Invertebrate surveys.

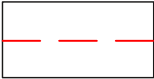
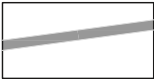
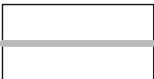

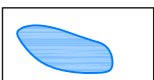
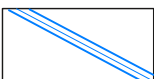


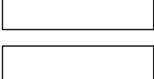
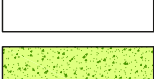

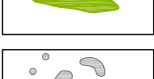
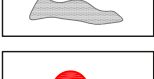
13.7 The results of the surveys will be analysed in order to identify any revisions to the management prescriptions deemed to be required in order to meet the objectives for each compartment and/or address any problems over the next five years. Revised prescriptions would then be produced to guide the next five years. This information would be presented as a 'Five Year Monitoring Report' to be shared with relevant stakeholders, including Natural England, the Environment Agency and any others deemed relevant. Feedback and suggestions from these stakeholders would be used to guide the next five-year plan.

13.8 Nothing in the preceding paragraphs precludes PoTLL seeking to change the prescriptions set out in this EMCP prior to the end of each five year period. Such changes would be able to take place with the approval of the relevant landowner and in consultation with Natural England, the Environment Agency and any other conservation stakeholders deemed relevant.

Figure 1

On-site protected species mitigation and compensation



-  ORDER LIMITS
-  PROPOSED ROAD
-  PROPOSED RAIL ACCESS & SIDINGS PROVISION
-  PROPOSED NOISE BARRIER
-  PROPOSED NEW WATERBODIES FOR WILDLIFE HABITAT
-  PROPOSED NEW WET DITCHES FOR WILDLIFE HABITAT
-  PROPOSED SURFACE WATER/HIGHWAY DRAINAGE ATTENUATION
-  PROPOSED DIVERTED WET DITCH/DRAIN
-  EXISTING DITCH RETAINED
-  PROPOSED NEW SCRUB/GRASSLAND/OPEN MOSAIC HABITAT
-  PROPOSED NEW SCRUB/WOODLAND
-  EXISTING VEGETATION RETAINED
-  PROPOSED ARTIFICIAL BADGER SETT (LOCATION NOT SHOWN)

REV	DATE	DESCRIPTION
DRAWING TITLE		
On-site protected species mitigation and compensation		
SCALE		
1:8264 @ A3	DRAWN	BC
DATE		
MAR 2018	CHECKED	DW

EMCP FIG.1

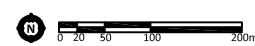


Figure 2

Location of off-site compensation and reptile receptor site/s



Key

 Off-site Compensation Land



DO NOT SCALE

Title

Off-site Compensation Site (Paglesham)
Location Map

Project

Tilbury 2

Client

POTLL

Drawing No.

Figure 2

Revision

A

Project No.

E1862

Drawn

KP

Checked

DW

Date

March 2018

Bioscan (UK) Ltd

The Old Parlour,
Little Baldon Farm,
Little Baldon,
Oxford,
OX44 9PU.

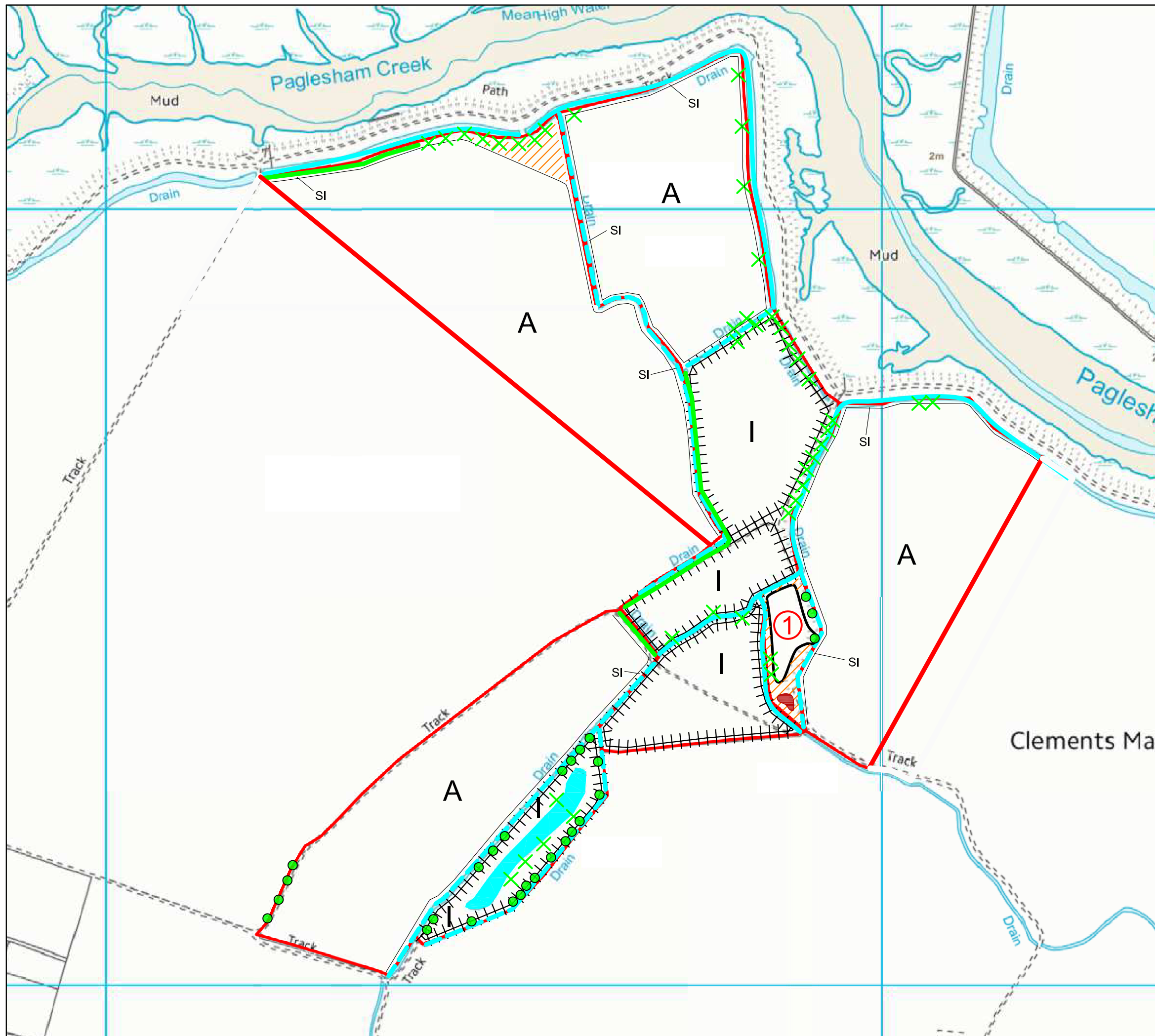
T: +44 (0) 1865 341321
F: +44 (0) 1865 343674
bioscan@bioscanuk.com
www.bioscanuk.com



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Figure 3

Off-site compensation and reptile receptor site/s – Phase 1 habitat map



Key

- Study area
- A Arable/cultivated land
- SI Species-poor semi-improved grassland
- I Improved grassland
- Seasonally wet ditch
- Permanently/semi-permanently wet ditch
- Waterbody
- x x x Scrub
- Hedgerow
- Non-woodland trees
- Tall ruderal
- 1 Target-noted habitat
- Spoil
- Fence



DO NOT SCALE

Title

Off-site Compensation Site (Paglesham)
Baseline Conditions

Project

Tilbury 2

Client

POTLL

Drawing No.

Figure 3

Revision

A

Project No.

E1862

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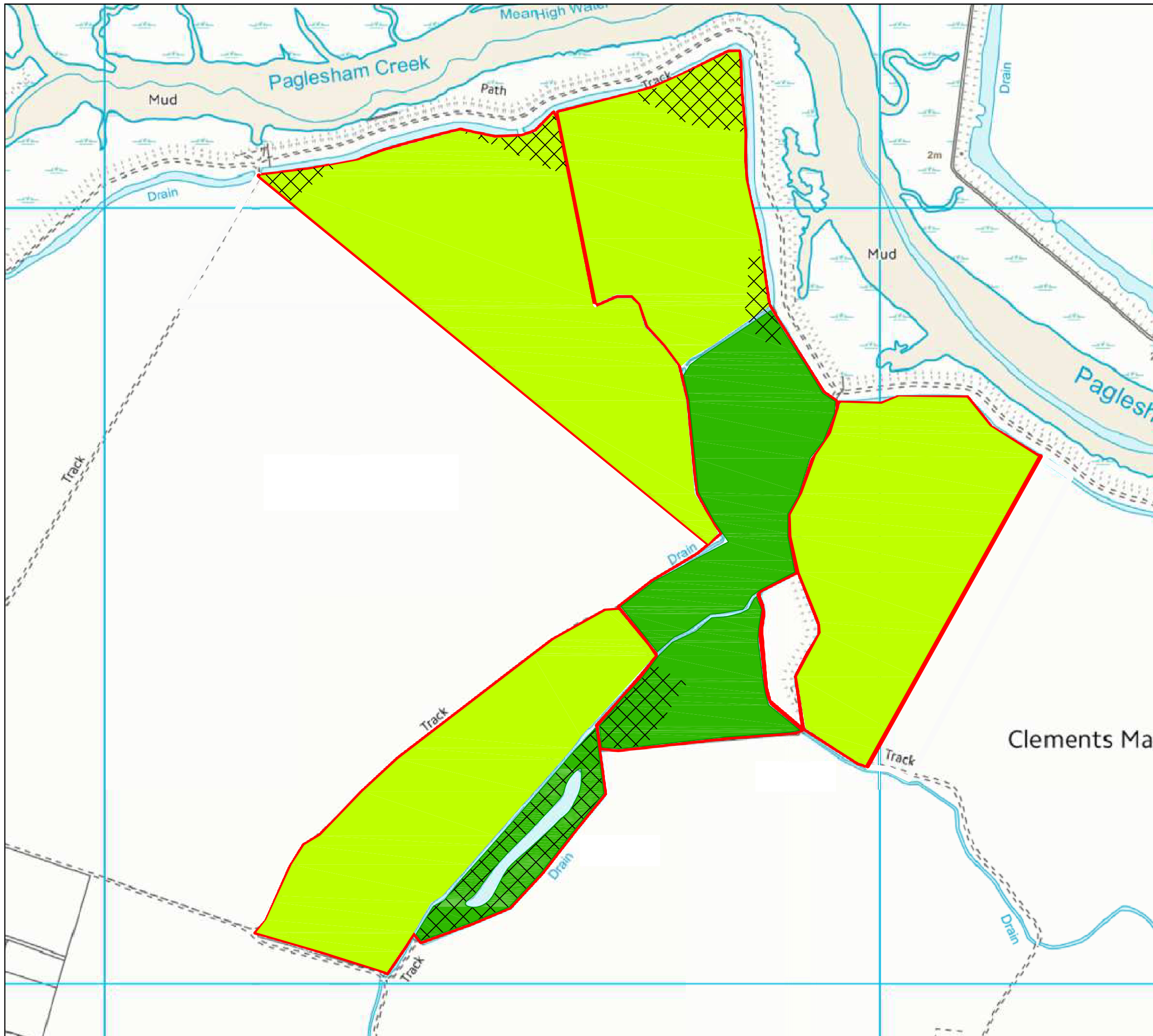
T: +44 (0) 1865 341321
F: +44 (0) 1865 343674
bioscan@bioscanuk.com
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Figure 4

Off-site compensation site/s – Management Compartments



Key

-  Study area
-  Arable reversion to coastal grazing marsh
-  Existing grassland grown out to provide reptile receptor habitat (10ha)
-  Scrub (self-sown or planted)



DO NOT SCALE

Title

Off-site Compensation Site (Paglesham) - Proposed Enhancements (DRAFT)

Project

Tilbury 2

Client

POTLL

Drawing No.

Figure 4

Revision

A

Project No.

E1862

Drawn

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Checked

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Date

March 2018

Bioscan (UK) Ltd

The Old Parlour,
Little Baldon Farm,
Little Baldon,
Oxford,
OX44 9PU.

T: +44 (0) 1865 341321
F: +44 (0) 1865 343674
bioscan@bioscanuk.com
www.bioscanuk.com



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Appendix 1

Water Vole Translocation Licence Method Statement

[To be appended to subsequent version of EMCP document.]

Appendix 2

Badger Sett Interference Licence Method Statement

[To be appended to subsequent version of EMCP document.]

Appendix 3

Loss of Bat Roost Licence Method Statement

[To be appended to subsequent version of EMCP document.]

Appendix 4

Letters of No Impediment (LoNI)

Date: 14 December 2017
Our ref: DAS/11835/227719
(NATIONALLY SIGNIFICANT INFRASTRUCTURE
PROJECT)



Dominic Woodfield CEcol CEnv MCIEEM
Director
Bioscan (UK) Ltd
Sent by e-mail only

Dear Dominic

DRAFT MITIGATION LICENCE APPLICATION STATUS: Email outlining the proposed mitigation strategies at a high level has been provided to Natural England (dated 29th September 2017)
LEGISLATION: THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017 / THE PROTECTION OF BADGERS ACT 1992 (as amended) / THE WILDLIFE AND COUNTRYSIDE ACT 1992 (as amended)
NSIP: Tilbury 2, Port of Tilbury, Tilbury, Essex, RM18 7EH
SPECIES: Badgers, bats and water voles.

Thank you for your email outlining the proposed mitigation strategies for badgers, bats and water voles in association with the above NSIP site, received in this office on the 29 September 2017. As stated in our published guidance, once Natural England is content that the draft licence application is of the required standard (once submitted and assessed), we will issue a 'letter of no impediment'. This is designed to provide the Planning Inspectorate and the Secretary of State with confidence that the competent licensing authority sees no impediment to issuing a licence in the future, based on information assessed to date in respect of these proposals.

Assessment

Following our assessment of the email outlining the proposed mitigation strategies, I can now confirm that, on the basis of the information and proposals provided, Natural England sees no in principle impediment to a licence being issued, should the DCO be granted.

However, please note the following issues have been identified within the email outlining the proposed mitigation strategies that will need to be addressed before the licence application is formally submitted. Our Wildlife Adviser, Sonya Gray discussed this matter with Dominic Woodfield on the 10 October 2017 where it was confirmed that the necessary amendments would be made. Please do ensure that the Method Statement includes these changes prior to formal submission. For clarity these include:

- An appropriate lead-in time being allowed for in respect of compensatory habitat creation for water voles, to enable immediate soft release of captured voles. This avoids the need for water voles (which have a short life expectancy) to spend a significant part of their life in captivity.

- Compensatory artificial sett creation suitably located to enable excluded badgers to locate and use the sett.

As no draft licence application has been submitted, it is strongly advised that you obtain pre-licensing species advice and pre-planning submission advice at an early stage to further reduce uncertainty and reduce the risk of delay at the formal application stage. The [Pre-submission Screening Service](#) (PSS) provides advice for protected species mitigation licence applications. We note that you already have an undefined scope Discretionary Advice Service (DAS) contract set-up with Natural England under which this further assessment work would be provided.

Next Steps

Should the DCO be granted then the mitigation licence application must be formally submitted to Natural England. At this stage any modifications to the timings of the proposed works, e.g. due to ecological requirements of the species concerned, must be made and agreed with Natural England before a licence is granted. Please note that there will be no charge for the formal licence application determination, should the DCO be granted, or the granting of any licence.

If other minor changes to the application are subsequently necessary, e.g. amendments to the work schedule/s then these should be outlined in a covering letter and must be reflected in the formal submission of the licence application. These changes must be agreed by Natural England before a licence can be granted. If changes are made to proposals or timings which do not enable us to meet reach a 'satisfied' decision, we will issue correspondence outlining why the proposals are not acceptable and what further information is required. These issues will need to be addressed before any licence can be granted.

Full details of Natural England's licensing process with regards to NSIP's can be found at the following link:

http://webarchive.nationalarchives.gov.uk/20140605090108/http://www.naturalengland.org.uk/Images/wml-g36_tcm6-28566.pdf

As stated in the above guidance note, I should also be grateful if an open dialogue can be maintained with yourselves regarding the progression of the DCO application so that, should the Order be granted, we will be in a position to assess the final submission of the application in a timely fashion and avoid any unnecessary delay in issuing the licence.

I hope the above has been helpful. However, should you have any queries then please do not hesitate to contact me.

Yours sincerely

David Brown
Tel: 07775 843496
E-mail: David.Brown@naturalengland.org.uk

Date: 20 March 2018
Our ref: DAS2865/11835/227719
(NATIONALLY SIGNIFICANT INFRASTRUCTURE
PROJECT)



Dominic Woodfield CEcol CEnv MCIEEM
Director
Bioscan (UK) Ltd
Sent by e-mail only

Dear Dominic Woodfield.

DRAFT MITIGATION LICENCE APPLICATION STATUS: Email outlining the bat survey results and proposed compensation for building B7 The Northern Degreasing Shed (dated 15 March 2013). **LEGISLATION:** THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017 (as amended) / THE WILDLIFE AND COUNTRYSIDE ACT 1992 (as amended)
NSIP: Tilbury 2, Port of Tilbury, Tilbury, Essex, RM18 7EH
SPECIES: Bats

Thank you for your Email outlining the bat survey results and proposed compensation for building B7 The Northern Degreasing Shed in association with the above NSIP site, received in this office on the 16 March 2018. As stated in our published guidance, once Natural England is content that the draft licence application is of the required standard we will issue a 'letter of no impediment'. This is designed to provide the Planning Inspectorate and the Secretary of State with confidence that the competent licensing authority sees no impediment to issuing a licence in future, based on information assessed to date in respect of these proposals.

Assessment

Following our assessment of the resubmitted draft application documents, I can now confirm that, on the basis of the information and proposals provided, Natural England sees no impediment to a licence being issued, should the DCO be granted.

However, please note the following issues have been identified within the current draft of the method statement that will need to be addressed before the licence application is formally submitted. Our Wildlife Adviser, Sonya Gray discussed this matter with Rebecca Reid on the 16 March 2018 where it was confirmed that the necessary amendments would be made. Please do ensure that the Method Statement is revised to include these changes prior to formal submission. For clarity these include:

- An updated survey should be conducted within the current and/or previous optimal season prior to the destructive works. i.e., in the summer prior to works scheduled for that autumn and previous summer/ autumn for works being undertaken in the spring.

Next Steps

NSIP LONI (03/12)

Should the DCO be granted then the mitigation licence application must be formally submitted to Natural England. At this stage any modifications to the timings of the proposed works, e.g. due to ecological requirements of the species concerned, must be made and agreed with Natural England before a licence is granted. Please note that there will be no charge for the formal licence application determination, should the DCO be granted, or the granting of any licence.

If other minor changes to the application are subsequently necessary, e.g. amendments to the work schedule/s then these should be outlined in a covering letter and must be reflected in the formal submission of the licence application. These changes must be agreed by Natural England before a licence can be granted. If changes are made to proposals or timings which do not enable us to meet reach a 'satisfied' decision, we will issue correspondence outlining why the proposals are not acceptable and what further information is required. These issues will need to be addressed before any licence can be granted.

Full details of Natural England's licensing process with regards to NSIP's can be found at the following link:

http://webarchive.nationalarchives.gov.uk/20140605090108/http://www.naturalengland.org.uk/Images/wml-g36_tcm6-28566.pdf

As stated in the above guidance note, I should also be grateful if an open dialogue can be maintained with yourselves regarding the progression of the DCO application so that, should the Order be granted, we will be in a position to assess the final submission of the application in a timely fashion and avoid any unnecessary delay in issuing the licence.

I hope the above has been helpful. However, should you have any queries then please do not hesitate to contact me.

Yours sincerely

Sonya Gray
Tel: 07833 400 695
E-mail: sonya.gray@naturalengland.org.uk

Date: 20 March 2018
Our ref: DAS2865/11835/227719



(NATIONALLY SIGNIFICANT INFRASTRUCTURE)

Dominic Woodfield CEcol CEnv MCIEEM
Director
Bioscan (UK) Ltd
Sent by e-mail only

Dear Dominic Woodfield

<p>DRAFT MITIGATION LICENCE APPLICATION STATUS: INITIAL DRAFT APPLICATION LEGISLATION: THE WILDLIFE AND COUNTRYSIDE ACT 1992 (as amended) NSIP: Tilbury 2, Port of Tilbury, Tilbury, Essex, RM18 7EH SPECIES: Water vole</p>
--

Thank you for your subsequent draft water vole mitigation licence application in association with the above NSIP site, received in this office on the 5 March 2018. As stated in our published guidance, once Natural England is content that the draft licence application is of the required standard, we will issue a 'letter of no impediment'. This is designed to provide the Planning Inspectorate and the Secretary of State with confidence that the competent licensing authority sees no impediment to issuing a licence in future, based on information assessed to date in respect of these proposals.

Assessment

Following our assessment of the resubmitted draft application documents, I can now confirm that, on the basis of the information and proposals provided, Natural England sees no impediment to a licence being issued, should the DCO be granted.

However, please note the following issues have been identified within the current draft of the method statement that will need to be addressed before the licence application is formally submitted. Our Wildlife Adviser, Sonya Gray discussed this matter with Rebecca Reid on the 15 March 2018 where it was confirmed that the necessary amendments would be made. Please do ensure that the Method Statement is revised to include these changes prior to formal submission. For clarity these include:

- Autumn trapping must start as soon as possible after 15 September and be completed by 31 October.
- Traps used must NOT be of a type fitted with a spring loaded mechanism.
- The water vole fencing along the eastern boundary of the compensation site will be removed upon completion of the destructive search.
- Prior to undertaking any displacement of activities along Pinnocks Trough, there must be sufficient available adjacent habitat for water voles to move into.

Next Steps

Should the DCO be granted then the mitigation licence application must be formally submitted to Natural England. At this stage any modifications to the timings of the proposed works, e.g. due to ecological requirements of the species concerned, must be made and agreed with Natural England before a licence is granted. Please note that there will be no charge for the formal licence application determination, should the DCO be granted, or the granting of any licence.

If other minor changes to the application are subsequently necessary, e.g. amendments to the work schedule/s then these should be outlined in a covering letter and must be reflected in the formal submission of the licence application. These changes must be agreed by Natural England before a licence can be granted. If changes are made to proposals or timings which do not enable us to meet reach a 'satisfied' decision, we will issue correspondence outlining why the proposals are not acceptable and what further information is required. These issues will need to be addressed before any licence can be granted.

Full details of Natural England's licensing process with regards to NSIP's can be found at the following link:

http://webarchive.nationalarchives.gov.uk/20140605090108/http://www.naturalengland.org.uk/Images/wml-q36_tcm6-28566.pdf

As stated in the above guidance note, I should also be grateful if an open dialogue can be maintained with yourselves regarding the progression of the DCO application so that, should the Order be granted, we will be in a position to assess the final submission of the application in a timely fashion and avoid any unnecessary delay in issuing the licence.

I hope the above has been helpful. However, should you have any queries then please do not hesitate to contact me.

Yours sincerely

Sonya Gray
Tel: 07833 400 695
E-mail: sonya.gray@naturalengland.org.uk

Annex - Guidance for providing further information or formally submitting the licence application.

Date: 20 March 2018
Our ref: DAS2865/11835/227719



(NATIONALLY SIGNIFICANT INFRASTRUCTURE)

Dominic Woodfield CEcol CEnv MCIEEM
Director
Bioscan (UK) Ltd
Sent by e-mail only

Dear Dominic Woodfield

DRAFT MITIGATION LICENCE APPLICATION STATUS: INITIAL DRAFT APPLICATION
LEGISLATION: THE PROTECTION OF BADGERS ACT 1992 (as amended)
NSIP: Tilbury 2, Port of Tilbury, Tilbury, Essex, RM18 7EH
SPECIES: Badger

Thank you for your subsequent draft badger mitigation licence application in association with the above NSIP site, received in this office on the 5 March 2018. As stated in our published guidance, once Natural England is content that the draft licence application is of the required standard we will issue a 'letter of no impediment'. This is designed to provide the Planning Inspectorate and the Secretary of State with confidence that the competent licensing authority sees no impediment to issuing a licence in future, based on information assessed to date in respect of these proposals.

Assessment

Following our assessment of the resubmitted draft application documents, I can now confirm that, on the basis of the information and proposals provided, Natural England sees no impediment to a licence being issued, should the DCO be granted.

However, please note the following issues have been identified within the current draft of the method statement that will need to be addressed before the licence application is formally submitted. Our Wildlife Adviser, Sonya Gray discussed this matter with Rebecca Reid on the 15 March 2018 where it was confirmed that the necessary amendments would be made. Please do ensure that the Method Statement is revised to include these changes prior to formal submission. For clarity these include:

- The grid references for Setts S1, S2 and S3 and the Artificial sett must be provided
- The distance of Artificial sett from the existing main sett S1 must be provided
- Size of the chambers in the Artificial sett must be specified, as follows:
Small square nesting chambers measuring L610mm X W610mm x H475mm (roofs measuring 650mm by 610mm),
Large rectangular chambers measuring L900mm long x W601mm x H475mm (roofs measuring 900mm by 640mm).

- The Artificial Setts must be designed to enable future expansion by badgers i.e. open ended tunnels incorporated into the design and no below ground badger proof fencing the sett.
- The Artificial Setts must show signs of use before closing the existing main sett S1.
- The formal licence application should not be submitted until all consents have been granted and the development can proceed. Licences prior to receipt of consent cannot be granted merely because delaying works would cause greater inconvenience or cost to the licensee. Therefore unless a robust argument and evidence is provided in support of any request for a licence prior to a consent, the site works within the vicinity of the badger setts and the sett exclusions should be re - scheduled accordingly.

Next Steps

Should the DCO be granted then the mitigation licence application must be formally submitted to Natural England. At this stage any modifications to the timings of the proposed works, e.g. due to ecological requirements of the species concerned, must be made and agreed with Natural England before a licence is granted. Please note that there will be no charge for the formal licence application determination, should the DCO be granted, or the granting of any licence.

If other minor changes to the application are subsequently necessary, e.g. amendments to the work schedule/s then these should be outlined in a covering letter and must be reflected in the formal submission of the licence application. These changes must be agreed by Natural England before a licence can be granted. If changes are made to proposals or timings which do not enable us to meet reach a 'satisfied' decision, we will issue correspondence outlining why the proposals are not acceptable and what further information is required. These issues will need to be addressed before any licence can be granted.

Full details of Natural England's licensing process with regards to NSIP's can be found at the following link:

http://webarchive.nationalarchives.gov.uk/20140605090108/http://www.naturalengland.org.uk/Images/wml-g36_tcm6-28566.pdf

As stated in the above guidance note, I should also be grateful if an open dialogue can be maintained with yourselves regarding the progression of the DCO application so that, should the Order be granted, we will be in a position to assess the final submission of the application in a timely fashion and avoid any unnecessary delay in issuing the licence.

I hope the above has been helpful. However, should you have any queries then please do not hesitate to contact me.

Yours sincerely

Sonya Gray
Tel: 07833 400 695
E-mail: sonya.gray@naturalengland.org.uk

Appendix 5

Confirmation of landowner agreement: Paglesham, Essex

Mr P Ward,
Commercial Director,
Port of Tilbury London Ltd.,
Leslie Ford House,
Port of Tilbury,
Tilbury,
Essex. RM18 7EH.

15 March 2018

Dear Mr Ward,

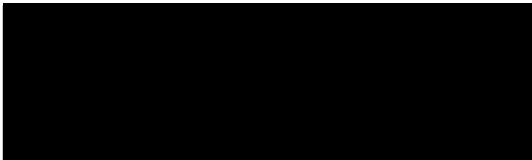
Tilbury2 DCO - Ecological Mitigation Site Paglesham Essex

Port of Tilbury London Limited, the applicants for the Tilbury2 development, have reached agreement with Caleb Rayner Limited in respect of the site shown on the attached plan.

The site will be used for ecological compensation, including (but not limited to) delivery of coastal and flood plain grazing marsh habitats, the long-term management of such habitats and the receipt of reptiles translocated from the Tilbury2 site.

In principle an agreement has been reached between the parties to conclude formal documentation to cover a period of 25 years from the date of the grant of an implementable Development Consent Order (DCO) pursuant to the Planning Act 2008 and any other planning permission required.

Yours Sincerely,



DEBORAH RAYNER
For and on behalf of Caleb Rayner Ltd.

Appendix 6

Reptile Translocation Method Statement

[To be appended to subsequent version of EMCP document.]

Appendix 7

Biodiversity Offsetting Calculations