

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

The Examining Authority's Agenda for Issue Specific Hearing, 19 April 2018

Issued on 11 April 2018

The following appendix sets out the Examining Authority (ExA)'s (the Panel's) agenda for the Issue Specific Hearing on Socio-economic, Technical and other Environmental Matters on Thursday 19 April 2018 from 10:00. The hearing will take place at the Thurrock Hotel, Ship Lane, RM19 1YN.

The topics will include but not necessarily be limited to:

From 10:00-13:00 -

- socio-economic effects
- construction
- engineering and design
- traffic and transportation

From 14:00-17:00 -

- contaminated land and waste
- health/ safety
- air quality
- water quality, flood risk and Water Framework Directive assessments

The questions indicate to which party or parties each agenda item is directed. The Panel would be grateful if all parties named would prepare themselves to respond to all agenda items directed to them or indicate that the agenda item is not relevant to them for a reason. This does not prevent a response being provided to an agenda item by a party to whom it is not directed, should the agenda item be relevant to their interests.

Each agenda item has a unique reference number in which the first part of the number indicates the topic, and for consistency this follows the topic numbers from the first written questions (FRQs) [PD-007]. So for example the second question on construction will be designated 5.2.

When you follow-up your oral response to an agenda item at the hearings by your subsequent written response, please start your response by quoting the unique reference number.

If you are responding to a small number of agenda items, responses in a letter will suffice. If you are responding to a larger number of agenda items, it will assist the Panel if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact Tilbury2@pins.gsi.gov.uk and include 'Tilbury2 ExA Hearings Round 2 Agendas' in the subject line of your email.

Written responses are due by **Deadline 3 – Monday 30 April 2018**

Abbreviations used

CEMP	Construction Environmental Management Plan	MMO	Marine Management Organisation
CTMP	Construction Traffic Management Plan	MOU	Memorandum of Understanding
dDCO	Draft Development Consent Order	NGET	National Grid Electricity Transmission
ECC	Essex County Council	PLA	Port of London Authority
ES	Environmental Statement	PoTLL	Port of Tilbury London Limited
ExA	Examining Authority	SDP	Sustainable Development Plan
FRA	Flood Risk Assessment	SRN	Strategic Road Network
FTP	Framework Travel Plan	TC	Thurrock Council
FWQ	First Written Questions	WFD	Water Framework Directive
GBC	Gravesham Borough Council	WR	Written Representation
HE	Highways England		
HGV	Heavy Goods Vehicle		
KCC	Kent County Council		
LGPL	London Gateway Port Limited		
LIR	Local Impact Report		
LRHL	London Resort Holdings Limited		
LTC	Lower Thames Crossing		

The Examination Library

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

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

It will be updated as the Examination progresses.

Socio-economic Effects

17.1	<p>Opportunities/Benefits in Thurrock</p> <p>Thurrock Council (TC) listed a range of opportunities/benefits in its response to ExA's FWQs Q1.17.3 [REP1-092], which asked TC the socio-economic impact of, and opportunities/benefits arising from, the Proposed Development.</p> <p>i. Would the Applicant and TC update the hearing on the current position with their discussions on these matters?</p>
17.2	<p>Employment and Skills Strategy</p> <p>i. TC states that the potential for local socio-economic benefits, to be delivered through the Employment and Skills Strategy, are supported by TC, and that discussions with the Applicant regarding the detailed content of the Strategy are ongoing (re TC's WR [REP1-090]). Would the Applicant and TC update the hearing on the current position with regard to the Employment and Skills Strategy?</p> <p>ii. How will it be secured?</p>
17.3	<p>Wider Opportunities</p> <p>In Section 1.17 of its submission at deadline 1, Essex County Council (ECC) makes a number of points on socio-economic effects [REP1-050]. What is the status of discussions between the Applicant and ECC in relation to ECC's assertions that:</p> <p>i. The employment catchment for Tilbury extends beyond Thurrock and that this should be considered when implementing the Skills and Employment Strategy?</p> <p>ii. Emphasis should be placed on the use of the local supply chain and economy to realise these benefits?</p> <p>iii. The strategy should take into account and refer to the Essex Employment and Skills Board and the role that the Board can play in shaping local educational offers to meet employers' requirements?</p>

	<p>iv. ECC would anticipate an increased need for high-level engineering/ construction/ digital technology skills to support expansion of the port itself, the Lower Thames Crossing, Bradwell B (new nuclear power station), housing/infrastructure development plus the expected industry/employment migration from London, all of which will impact on available labour force?</p>
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Construction/ Engineering and Design

5.1	<p>Piling</p> <p>i. Ref the Marine Management Organisation (MMO)'s SoCG (5.3.5), [REP1-021] effects of underwater noise to fish, the MMO is concerned that underwater noise could result in an acoustic barrier and cause temporary behavioural effects on fish, which are therefore unlikely to be negligible. The Applicant has proposed mitigation and intermittent, small scale, temporary piling. Would the MMO and Applicant please update on progress with this?</p> <p>ii. Ref FWQ 1.5.2, the non-piling window is not included in the Construction Environmental Management Plan (CEMP). Does the MMO consider that should it be?</p> <p>iii. Ref the Port of London (PLA)'s FWQ comments [REP1-082]: There are various piling techniques, and mitigation for specific piling should be clearly identified, including the type of piling and seasonal restrictions. As indicated in the comment on FWQ 1.2.31, the PLA anticipates such necessary mitigation being the subject of conditions on its approval under the protective provisions. Would the MMO, PLA and Applicant update the hearing on progress with this matter?</p> <p>iv. Condition 8 regarding minutes of soft start has been updated in the revised dDCO, although is still incomplete. Would the Applicant confirm that it will include details of no-piling hours and what this detail will be?</p>
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Traffic and Transportation

18.1	Transport Assessment <ul style="list-style-type: none">i. Would the Applicant and Thurrock Council (TC) update the hearing on their discussions on the traffic impact of the Proposed Development on the local highway network in Thurrock and mitigation measures; and the infrastructure corridor link road design, junctions and access arrangements (re Section 5.1 of SoCG Applicant-TC Appendix 1 of SoCG Update Report [REP1-021])?ii. Would the Applicant and Essex County Council (ECC) update the hearing on their discussions on the traffic impact on the local highway network re the impact of the A1089/A13 Interchange on the A13 link capacity, and the routing of commercial traffic with respect to the A13 / M25 Junction 30 (re ECC's response to ExA's FWQs Q1.18.6(b) [REP1-050])?iii. Would the Applicant and Kent County Council (KCC) update the hearing on their discussions on the traffic impact on the KCC local highway network including the forecast number of HGVs on the KCC highways network (re SoCG Applicant-KCC Appendix 8 to SoCG Update Report [REP1-021], and KCC's WR [REP1-066])?iv. Would the Applicant and HE update the hearing on their discussions on the traffic impact on the strategic road network, including the analysis of traffic generation, trip generation, traffic modelling and its impact, and mitigation measures for the strategic road network (re SoCG Applicant-HE Appendix 6 of SoCG Update Report [REP1-021]; HE's WR [REP1-060]; HE's response to ExA's FWQs Q1.18.5 [REP1-062]; HE's deadline 2 submission [REP2-001])?v. What is the position regarding the design of, and mitigation measures for, the Asda roundabout (re TC's WR [REP1-090], TC's LIR [REP1-101], Amazon's WR [REP1-024], ECC's response to FWQs [REP1-050])?vi. Would TC, ECC, KCC and HE update the hearing on whether they regard the Construction Environmental Management Plan (CEMP) and Construction Traffic Management Plan (CTMP) as satisfactory for transport purposes?
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18.2	<p>Framework Travel Plan (FTP)</p> <p>In TC's response to ExA's FWQs Q1.18.6 [REP1-092], TC states that the FTP is for the new site only and suggests that it should extend across the whole of the Port development within the control of the Applicant. TC also proposes a number of other improvements to the FTP including tenant travel plans, annual monitoring of the plan, cycle parking, cyclist and pedestrian and security, and on-site parking.</p> <ul style="list-style-type: none"> i. Would the Applicant and TC state the latest position on their discussions on the FTP? ii. Would the Applicant and HE state the latest position on their discussions of the FTP (re SoCG Applicant-HE Appendix 6 to SoCG Update Report [REP1-021])? iii. What is the position re ECC's call for clarity on how the proposed measures to promote public transport will enable the workforce at Tilbury 2 to effectively use the public transport to travel to and from work, the approach to promoting sustainable travel modes by PoTLL with the new workforce to encourage a modal travel shift, and the additional staff facilities to be provided on site for pedestrians and cyclists (re ECC's response to ExA's FWQs Q1.18.6(c) at deadline 1 [REP1-050])?
18.3	<p>Sustainable Development Plan (SDP)</p> <p>In TC's response to ExA's FWQs Q1.18.6 [REP1-092], TC states that the SDP could be merged with the FTP, to manage all aspects of sustainable travel and transport under one umbrella, and makes proposals on moving other freight arriving at the port by rail rather than road, and on monitoring of the plan for effectiveness. TC is also concerned that there may be insufficient capacity on the rail network beyond the London-Tilbury-Southend railway line, and there may be insufficient freight parking for HGVs.</p> <ul style="list-style-type: none"> i. Would the Applicant and TC state the latest position in relation to the SDP? ii. Would the Applicant and HE do likewise (re SoCG Applicant-HE Appendix 6 to SoCG Update Report [REP1-021])?
18.4	<p>Roles and Responsibilities re the Strategic Road Network (SRN)</p> <ul style="list-style-type: none"> i. Would the Applicant and HE update the hearing on their discussions with respect to the roles,

	<p>responsibilities and powers that would apply on the SRN when the proposed Works were being undertaken on or near it (re HE's WR [REP1-061])?</p> <p>ii. What assurances would HE require to ensure that it was not prevented from discharging its statutory duties?</p>
18.5	<p>Road-Rail Freight Matters</p> <p>i. The assumption for freight movements appears to be that 50% of the freight produced at Tilbury2 will be moved by rail and 50% by road (re Section 5.69 of the ES [APP-031], and a worst-case road assumption is used in the ES, whereby 100% of all freight is assumed to be moved by road. Would the Applicant say what the worst-case rail assumption is?</p> <p>ii. Is there a reasonable scenario in which more than 50% of the freight would be moved by rail?</p> <p>iii. London Gateway Port Limited (LGPL) expresses concern that the wider rail freight network needs to be considered by Network Rail in terms of potential capacity constraints in the future, and that it is in the interests of both ports to work together to ensure that there is sufficient capacity on the network beyond the Tilbury 2 development (re SoCG Applicant-LGPL Appendix 11 to SoCG Update Report [REP1-021]). Would the Applicant, LGPL and Network Rail (NR) state how they see this matter being taken forward?</p> <p>iv. Kent County Council (KCC) questions the capacity on the Essex Thameside rail corridor and beyond across London to accommodate additional rail freight movement from Tilbury2. Would the Applicant and NR state their views on this matter (re SoCG Applicant-KCC Appendix 8 to the SoCG Update Report [REP1-021]; KCC's WR [REP1-066])?</p>
18.6	<p>Local Residents</p> <p>i. Mr Mick Lewis notes that the proposals are "<i>happening just over my back fence</i>". He makes various points regarding the proposed link road and suggests that it should be re-assessed (re [REP1-072])? What is the Applicant's response to these points?</p> <p>i. Mr Chris Henderson states that "<i>We are particularly concerned about the construction phase when lorries will be redirected through our streets, some of which have restrictions for heavy vehicles</i>" (re [REP1-041]).</p>

	<p>What assurances can the Applicant give to Mr Henderson in this regard?</p> <p>ii. Mr Colin Elliott cites a meeting with PoTLL and raises a number of points, including his concerns about the impact in terms of noise and pollution of the proposed link road into Tilbury from the proposed Lower Thames Crossing, and also diversion routes in the event of incidents on the proposed routes (re [REP1-042]). What assurances can the Applicant give to Mr Elliott on these matters?</p>
18.7	<p>London Resort Holdings Limited (LRHL)</p> <p>i. The Applicant and LRHL cite a memorandum of understanding (MOU) between them for how the two parties will work together to utilise the river and PoTLL's port facilities (SoCG Applicant-LRHL Appendix 13 to SoCG Update Report [REP1-021]; LRHL's WR [REP1-070]). Would the Applicant and LRHL state what is agreed between them in the MOU?</p> <p>ii. Would LRHL state what use LRHL expects to make of Tilbury2, and would the Applicant state whether this use has been addressed in the ES for the Proposed Development?</p>
18.8	<p>National Grid Electricity Transmission (NGET)</p> <p>NGET expresses concern that the Proposed Development, and in particular the impact that the construction of the new road and amendments to the existing road network in conjunction with the routing of the new infrastructure corridor under the existing Fort Road, will have on NGET's access to its assets (NGET's WR [REP1-076]). Where transport is concerned, NGET requires access to its substations and other apparatus including access for Abnormal Indivisible Loads, which need to be transported on trailers that have requirements for their turning circles, total weight and load height. Furthermore, access is required throughout the construction period as well as during the operation of the Tilbury2 port.</p> <p>i. Would the Applicant and NGET update the hearing on these matters?</p>

Contaminated Land and Waste

6.1	<p>Waste</p> <p>Is Thurrock Council content with the revised impact assessment for forecast waste produced by the Proposed Development set out in Appendix E of the Applicant's Response to Written Representations, Local Impact Reports, etc at Deadline 2 [REP2-007]?</p>
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Health/ Safety

12.1	<p>Active Travel Study – Health Impact</p> <p>In Thurrock Council (TC)'s written representation [REP1-090], under the health section, TC states that further discussion of the detailed content of the Active Travel Study is required to maximise mitigation measures.</p> <p>i. Would the Applicant and TC state the status of their discussions and the resultant mitigation measures?</p>
12.2	<p>Traffic</p> <p>i. Ref ES 8.136 [APP-031], the Land Side Transport chapter identifies that most of the roads within the study area will experience an increase in total traffic flow of less than 10% against 2020 baseline flows. Fort Road (south of the site) will experience a 25% increase in traffic flow, which includes a 29.6% increase in the percentage of HGV. These impacts on traffic flow could influence health in the local population by discouraging active travel, physical activity, and the use of open space. The health effect has been assessed as Direct, Negative, Temporary, Minor/Moderate. Would TC state its response to the Applicant's points above concerning the impact on health from the anticipated traffic increases on Fort Road?</p> <p>ii. Ref FWQ 1.12.2, Highways England (HE)'s Deadline 2 response to the Applicant's response to FWQ [REP2-001]: It would be helpful to have clarification as to why the Road Drainage and the Water Environment topic has not been included?</p>

12.3	<p>Health Impact Assessment</p> <ul style="list-style-type: none"> i. TC's Local Impact Report dated 20/03/2018 [REP1-101] notes TC Public Health Team's request for the submission of a Health Impact Assessment to accompany the DCO application. Acknowledging the Applicant's submission of Appendix A: Explanatory Information - Health Assessment (Applicant's response to WRs, LIRs etc.), what is the position of TC, Public Health England and the Applicant on the various health issues associated with the proposed development? ii. Do the parties think a Health Impact Assessment is required?

Air Quality

1.1	<p>Air Quality Common Ground</p> <ul style="list-style-type: none"> i. Would TC and GBC confirm that the study area, baseline, methodology, assessment of effects (all the modelled results fall either below or well below the relevant air quality objectives for NO₂, PM₁₀, and PM_{2.5}) and mitigation measures (through the CEMP and OMP) are all agreed between the Applicant TC and GBC (re SOCG Update Report [REP1-021], Appendices 1 and 2)? ii. Are all parties content with the provisions for the management of dust during construction via the CEMP, and during operation through the OMP? iii. Do any parties have outstanding issues over air quality?
1.2	<p>Use of Shore Power for Powering Moored Vessels</p> <ul style="list-style-type: none"> i. The Applicant responds to Interested Parties' calls for shore power to be considered for moored vessels, and states that there are constraints due to ships' ability to take shore power, and due to electrical

	<p>capacity being extremely limited due to the National Grid infrastructure locally (re Applicant's response to ExA's FWQs Q1.1.1 and Q1.1.3 [REP1-016]). The Applicant also states that it will provide the infrastructure to ensure that shore power can be accommodated at the Tilbury2 site in the future should the vessel profile change. Would the Applicant state what infrastructure it will provide so that shore power can be accommodated, and what provisions will be made to ensure sufficient electrical capacity?</p> <p>ii. Would NGET comment on the sufficiency of electrical capacity?</p> <p>iii. Would TC and GBC comment on this matter?</p>
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Water Quality, Flood Risk and Water Framework Directive

19.1	<p>Flood Risk</p> <p>Is the Environment Agency (EA) content that the Flood Risk Assessment (FRA) Addendum submitted at Deadline 1 [REP1-014] satisfactorily covers the issues of:</p> <ul style="list-style-type: none"> • potential increase in the flood depths in two fields, one to the east of Fort Road and one to the north west of Tilbury Fort; • proposed new and replacement culverts are included within the breach modelling; and • breach modelling climate change allowances meet the requirements of the NPS.
19.2	<p>What modifications does the Applicant propose to building design in response to the FRA Addendum [REP1-014], i.e. finished floor levels of all buildings should be a minimum of 300mm above the proposed ground level?</p>
19.3	<p>Would the Applicant state the position concerning the condition of the East Tilbury Dock Sewer and its potential</p>

	capacity, referred to in the EA WR [REP1-044]?
19.4	Although the situation is described in rather different terms in its WR, EA states in FWQ 1.19.2 [REP1-046] that the flood defences bordering the River Thames in the Tilbury 2 site are currently considered to be in very poor condition, have ceased to function effectively, and require significant remedial works or replacement within 3 years to which the Applicant is expected to contribute. Would the Applicant and EA update the hearing on the current position concerning improvement works to these flood defences?
19.5	Is the EA content that detailed design of box culverts to meet flood protection requirements is secured through protective provisions rather than during the Examination?
19.6	Water Framework Directive (WFD) Is the Applicant proposing to update the WFD assessment during the Examination to include priority and priority hazardous substances?