

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') Ref: TR030003

The Examining Authority's Agenda for Issue Specific Hearing 18th April 2018

Thurrock Council (TC) written response to agenda items

Deadline 3 – 30th April 2018

General and Cross-topic Questions		
Ref.	Heads of Terms for Section 106 Agreement	
0.2	<p>With reference to the Head of Terms for Section 106 Agreement between the Applicant and Thurrock Council (TC) (doc ref 5.3) [APP-029]:</p> <p>i. Would the Applicant and TC state the current position with the development of the Head of Terms for the Section 106 agreement, and the obligations that are currently envisaged to be included within it?</p> <p>ii. Can the Applicant confirm that the s106 agreement will be agreed and signed off prior to the close of the examination?</p>	<p>TC response:</p> <p>i. Discussions between TC and the Applicant regarding the Heads of Terms for the Section 106 agreement are ongoing and progressing. As noted in the Statement of Common Ground submitted at Deadline 3, the proposed measures within the Active Travel Study (Appendix B of APP-029) have been discussed and the proposed active travel improvements are now agreed. The detailed content of the Skills and Employment Strategy (Appendix A of APP-029) is still under discussion. However, TC is hopeful that outstanding matters can be agreed.</p> <p>ii. TC has instructed its legal team to progress the Section 106 agreement and is confident that the agreement can be completed before the close of the examination.</p>
Planning Policy		
14.3	Supplementary Question referring to the status of the Tilbury Development Framework and its relationship with the proposals	<p>TC response:</p> <p>TC's response to the Examining Authority's First Written Questions refers at 1.14.24 to the status of the Tilbury Development Framework and confirms that the document <i>"is not intended to constitute part of the statutory Development Plan for Thurrock, and will not be formally adopted as a Supplementary Planning Document (SPD)."</i></p>
Noise and Vibration		
Ref.	Noise Mitigation	
16.1	i.	TC response:

	<p>ii. Can the local authorities confirm, or otherwise, if the definition of which properties, or properties not yet built, which will be assessed for mitigation is adequate?</p> <p>iii. GBC (LIR page 17) [REP1-056] has asked for more information on the PoTLL expectations about the on-going monitoring and mitigation regime and how acceptable noise levels will be agreed. Additionally, in SoCG update report 2; TC, 5.2.3 [REP1-021] “Receptor based mitigation - it is not defined who would become eligible / receive an assessment and the geographical boundaries of this more information is required on this and how this will be funded. Clarification on this issue will be provided by PoTLL but in the first instance would refer to Schedule 2 of the DCO.”</p> <ul style="list-style-type: none"> • Please would the local authorities and the Applicant comment on progress with these discussions? • In the light of these discussions are changes required to the wording of requirement 10, and if so what? 	<p>i. Receptors within Thurrock which will be affected by noise and which are considered in the ES are residential only. There are no schools or other noise sensitive receptors in Tilbury. The definition of properties which will be assessed for mitigation is therefore considered to be adequate.</p> <p>TC response:</p> <p>iii. In general, the terms of schedule 2, Part 1 (10) of the Draft DCO are considered satisfactory. Although the noise monitoring and mitigation scheme will be agreed with the Applicant, it is assumed at this stage, that the Applicant will be producing a noise model. TC is not sure exactly how this will be undertaken at this stage, and it will be a matter for discussion. The model will be validated against the monitoring work in order to ensure the predictive work is sound and that will determine the geographical extent of the mitigation that will be offered. This methodology is considered satisfactory.</p>
16.3	Construction Materials and Aggregate Terminal(CMAT)	
	<p>ii. Ref Thurrock Council (TC)’s response to FWQ 1.16.12. [REP1-092] “... a potential concern is the uncertainty that effective mitigation could be achieved following the noise reassessment and with the Operational Management Plan (paras. 17.225 & 17.226), without the necessity of improving the sound insulation of affected dwellings. While this may be an effective solution, noise control at source would be preferred wherever possible”. What proposals can the Applicant suggest for noise control at source?</p>	<p>TC response:</p> <p>ii. TC agree that this matter has already been addressed in full by the Applicant’s noise consultant (Mr Thornley-Taylor) in his verbal answer to question 16.1 (iii).</p>

Historic Environment		
Ref.	Impact of Proposals and Mitigation - General	
13.1	<p>i. Would the Applicant and Thurrock Council (TC) update the hearing on the assessment of the potential impacts of the Proposed Development on the settings of surrounding heritage assets, which TC asserts to be inadequate (re SoCG Applicant-TC Appendix 1 of SOCG Update Report [REP1-021])?</p>	<p>TC response:</p> <p>i. Following the Hearing on 18th April, a telephone conference on the 23rd April enabled matters to be progressed and a revised Statement of Common Ground is submitted at Deadline 3. Paragraph 4.11.4 of this Statement confirms the agreed position with regard to impact. Nevertheless, the applicant is aware of an aspect which requires further evidence / documentation prior to the full assessment of potential impacts being agreed (paragraph 5.8.2 of the Statement of the Common Ground).</p>
	<p>iii. Would the Applicant and TC provide an update on TC's assertion that the proposed mitigation will reduce visual impact but will not mitigate against the harm caused by the Proposed Development, and TC's statement that the Applicant should promote a more robust landscape mitigation package (SoCG [REP1-021]; TC's written representation (WR) [REP1-090])?</p>	<p>TC response:</p> <p>iii. There are very few mitigation measures available which will make a meaningful contribution to reducing the impact of the scheme upon Tilbury Fort. As such TC has suggested that the Applicant should seek to introduce compensatory measures to enhance and better reveal the assets significance and setting as well as ensuring the heritage assets long term viability. Compensatory measures to enhance the immediate setting of Tilbury Fort and assist in its economic viability longer term are under discussion with the Applicant and the draft Heads of Terms for the s106 agreement (ref. APP-029) include a financial contribution towards tourism and heritage benefits. Some mitigation measures such as</p>

		<p>reducing the maximum height of storage containers and determining cladding colours are still under discussion between TC and the Applicant. With regards to landscaping, TC accepts that landscaping proposals alongside the Infrastructure Corridor can provide an effective visual screen whilst respecting landscape character and minimising adverse visual impacts on Tilbury Fort. Wider landscape mitigation is under discussion between TC and the Applicant.</p>
<p>iv.</p>	<p>Would the Applicant and TC provide an update on TC's statement that it considers the proposed heights within the Proposed Development are inappropriate (re SoCG [REP1-021])?</p>	<p>TC response:</p> <p>iv. No further discussions have as yet followed TC's comments on this matter submitted in response to First Written Questions (Deadline 1). TC understands that the Applicant is considering additional mitigation measures, including site layout arrangements, to minimise potential impacts from the height of stacked containers (see Applicant's response to Written Representations etc. ref. REP2-007 submitted at Deadline 2). It should be noted that TC's Local Impact Report and Written Representation (submitted at Deadline 1) acknowledges the adverse impact on built heritage but, as set out in paragraph 1.13.5 of TC's response to First Written Questions (REP1-092) TC has balanced all potential impacts and benefits of the proposals and, on balance, supports the application.</p>
<p>v.</p>	<p>Would the Applicant and TC provide an update on TC's statement that it considers the proposed lighting scheme to be inappropriate</p>	<p>TC response:</p> <p>v. TC has stated under the heading of 'Health'</p>

	(re SoCG [REP1-021])?	<p>that the ‘<i>proposed mitigation measures included in the ES in relation to lighting are considered sufficient to reduce some of the impacts of lighting in relation to the proposed development</i>’ [REP1-101 Para. 7.4.11]. Paragraph 1.15.5 of TC’s response to First Written Questions (ref. REP1-092) comments on the proposed lighting scheme in the context of landscape and visual impacts. This response acknowledges that the proposed mitigation measures are appropriate for landscape and visual receptors. Under the heading of built heritage the lighting scheme forms part of the acknowledged adverse impact on heritage assets. Nevertheless, as referred to in the paragraph above TC has balanced all potential impacts and benefits of the proposals and, on balance, supports the application.</p>
13.3	Tilbury Fort – Monitoring and Mitigation for Piling Activities	
	<p>i. Would TC state whether it wishes to be a consultee under paragraph 10.2 of the Construction Environmental Management Plan (CEMP) [REP1-006]?</p>	<p>TC response:</p> <p>i. TC confirms that it wishes to be a consultee under paragraph 10.2 of the CEMP. The archaeological reason is to ensure that appropriate archaeological ground work is undertaken in advance of piling areas and to ensure that if the piling location changes then appropriate assessment can be made on the buildings/tunnels which may be impacted</p>
13.5	Tilbury Fort – Mitigation Measures	
	<p>i. Would the Applicant and TC update the hearing on their discussions on the following proposed additional mitigation</p>	<p>TC response:</p> <p>a) No further discussions have followed the</p>

	<p>measures (re TC's response to ExA's FRQs Q1.13.5 [REP1-092]):</p> <ul style="list-style-type: none"> a) monitoring of tunnels beneath Tilbury Fort during construction; b) utilising appropriate colours for the silo and other structures; c) reducing the maximum height of container storage within a zone adjacent to the western boundary of the main site; d) within the limit of deviation for this work, locating the silo as far as possible from the edge of the River Thames? 	<p>submission of REP1-092. Whilst TC will continue to provide assistance on this matter it may be appropriate for the Applicant to liaise with English Heritage in the first instance who will be able to provide access to the tunnels as well as any information which may have been collected. Clarification will also need to be provided as to liability for any impacts on the fabric of Tilbury Fort if the construction phase overlaps with that of the adjacent Energy Centre site.</p> <ul style="list-style-type: none"> b) This matter is still under discussion following a telephone conference on the 23rd April. TC notes that it is common practice for tall structures, such as the proposed silo, to employ a grey-coloured tonal palette, potentially graduated in tone. This approach is not necessarily a site-specific mitigation measure, but rather a standard solution for all such structures regardless of historic setting. c) This matter is still under discussion, although it is understood that the Applicant is considering alternative layouts. As noted at paragraph 1.13.5 of TC's response to First Written Questions (ref. REP1-092) additional mitigation could include a lower height zone adjacent to western boundary of the Main Site to reduce the visual impact of the containers as a built form (accentuated by the random palette of colours and branding). This measure would also assist in ensuring that the development does not appear as a single continuous line and allow the proposed landscaping to screen
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		<p>the development more effectively.</p> <p>d) This matter is still under discussion. TC notes the Applicant's response to Written representations etc. where it is stated [REP2-007: Page 86, 1.13.5a] that the silo has been located within the maximum pumping distance of the CMAT berth. As such, the Examining Authority will need to assess whether this is correct and whether they consider the location proposed acceptable.</p>
Landscape and Visual Impacts		
Ref.	Landscape and Visual Mitigation - General	
15.1	<p>i. Would the Applicant and Thurrock Council (TC) update the hearing on discussions between them on the landscape mitigation package, which TC asserts is limited and will not achieve benefits (re SoCG Applicant-TC Appendix 1 of SOCG Update Report [REP1-021])?</p>	<p>TC response:</p> <p>i. POTLL has submitted a Technical Note on Tilbury 2 Landscape Mitigation Proposals which provides more detail regarding the scale and composition of the proposed deciduous planting to be provided along the northern and southern boundaries of the infrastructure corridor. TC agrees that the scale and density of the planting would be sufficient to provide an effective year-round screen once the trees have established. The proposed buffers, particularly to the south of the road can be designed to incorporate additional ecological mitigation features. It has been agreed with POTLL that the planting can be designed to reduce the numbers of trees close to the southern edge to lessen the effects on the surrounding landscape character.</p>
Landscape and Visual Mitigation – Tilbury Fort		

<p>15.2</p>	<p>Would the Applicant and TC update the hearing on their discussions on the further mitigation that TC would propose for Tilbury Fort (re TC's response to ExA's FWQs Q1.15.2 [REP1-092]):</p> <ul style="list-style-type: none"> a) Additional mitigation and enhancement works in the common land and remnant grazing marsh around Tilbury Fort to improve its immediate setting; b) More significant boundary treatments around the Main Site and new infrastructure corridor; c) Replacing poor quality fencing; d) Restoring the ditch network; e) Clearing previously dumped material; f) Provision of new hedges or trees further from the open marsh area? 	<p>TC response:</p> <p>The proposed infrastructure corridor screening has helped address concerns with regard to point (b) on the list. An issue with the proposed woodland planting is that large bands of trees are not typical of the landscape character of coastal grazing marshes. TC has asked therefore that further consideration is given to off-site mitigation measures that can help reinforce more typical features particularly with regard to the setting of Tilbury Fort. Such measures could include restoring drainage ditches and improving the fencing and signage within the area. It is acknowledged that proposed measures within the Active Travel Study (Appendix B of APP-029) include a wayfinding scheme. Some additional tree and hedge planting north of the railway could help provide additional screening for residents on the eastern edge of Tilbury.</p>
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