

PROPOSED PORT TERMINAL AT  
FORMER TILBURY POWER STATION  
TILBURY2

Highways England  
Deadline 3 Response

Overview of Highways England's Current Position

Highways England continues to engage with the Applicant. A revised SoCG has been agreed. It is anticipated that further revisions will be made as discussions with the Applicant continue.

Highways England is concerned that discussions with the Applicant are not proceeding sufficiently quickly to ensure agreement by the end of the Examination. A recent example is that further assessment of the impact of the Proposed Development on Junction 30 of the M25, which was promised by the Applicant by 20 April 2018, has not yet been received by Highways England. Highways England would appreciate direction from the Examiner as to general timings and expectations on HE whilst the Applicant is providing further information. HE does not wish to undertake nugatory work nor be prejudiced by the late provision of further information from the Applicant and their ongoing discussions with HE.

There is a fundamental disagreement between Highways England and the Applicant in terms of how the works to the Strategic Road Network (SRN) should be carried out. Highways England has well established and reliable procedures for delivering capacity enhancements for and at the expense of developers via agreements under section 278 of the Highways Act.

Highways England's current position is that:

- the dDCO should be amended to make it mandatory for the Applicant to enter into an agreement with Highways England prior to the commencement of works on the SRN. This would be sufficiently provided for by making Article 15 a mandatory requirement; and
- the protective provisions should contain an equivalent level of protection to Highways England as its standard section 278 agreement or, alternatively, that the requirements as regards carrying out of the works on the SRN could be properly covered through a requirement that the Applicant enter into a section 278 agreement with Highways England.

The level of the Applicant's control the works on the SRN is necessarily subject to greater understanding of the extent of the works and impact/risk to the SRN. Uncontrolled access to the SRN is unacceptable.

Highways England further consider that the extent of powers sought by the Applicant to take temporary possession and for stopping up in relation to the works to be undertaken on the SRN are not justified. Highways England

considers that Articles 8-10 and 26 provide sufficient rights to enable the Applicant to carry out the works on the SRN. It is not realistic for the Applicant to stop up the SRN. Traffic management could be dealt with by means of temporary Traffic Regulation Orders as required which Highways England can arrange via agreement under Article 26.

Highways England will submit further draft protective provisions to the Applicant and suggested changes to the dDCO to deal with the above concerns.

Highways England continues to consider further technical details from the Applicant to determine sufficiency of assessment and proposed mitigation whilst reserving right to further object and produce detailed submissions on shortcomings/omissions at a later stage or ISHs.

## General and Cross-topic Questions

	<b>ExA's Question</b>
0.1	<p><b>Control of Port of Tilbury London Limited (PoTLL) over its Tenants</b></p> <ul style="list-style-type: none"> <li>i. Mr Colin Elliott cites his concerns over the apparent lack of control that PoTLL has over its tenants in the existing port on matters such as noise in his written representation (WR) ([REP1-042]). He asks what confidence he can therefore have with regard to control for Tilbury2. What assurances can the Applicant give to Mr Elliott on this matter with regard to Tilbury2?</li> <li>ii. He also details concerns about ongoing EMR plant noise. Would the Environment Agency update the hearing on progress with the EMR operator to resolve the noise issue?</li> </ul>
0.2	<p><b>Head of Terms for Section 106 Agreement</b></p> <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> <ul style="list-style-type: none"> <li>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?</li> <li>ii. Can the Applicant confirm that the s106 agreement will be agreed and signed off prior to the close of the examination?</li> </ul>

**Planning Policy**

<b>ExA's Question</b>	
14.1	<p><b>Tilbury2 and the proposed Tilbury Energy Centre (TEC)</b></p> <p>RWE Generation Limited (RWE) states that the Order Limits of the site of the proposed TEC and Tilbury2 are almost certain to overlap (re RWE's WR [REP1-087]). Construction periods may run concurrently, and operational and maintenance elements of Tilbury 2 will affect the TEC proposals. RWE lists the various areas of concern that it has, and the interests that it needs to secure. These rights relate to:</p> <ul style="list-style-type: none"> <li>a) preservation of access;</li> <li>b) identification of a service corridor across the Tilbury2 site and associated rights;</li> <li>c) provisions relating to the existing cooling water intake under the jetty within the River Thames at the eastern end of the Tilbury2 Order Limits, and within the proposed extended harbour limits forming part of the Tilbury2 application. <ul style="list-style-type: none"> <li>i. Would RWE and the Applicant update the hearing on these matters?</li> <li>ii. Would RWE and the Applicant update the hearing on the Heads of Agreement that are being drawn-up between RWE and the Applicant and the draft protective provisions that RWE would propose?</li> </ul> </li> </ul>
14.2	<p>In the light of the Construction Materials and Aggregate Terminal (CMAT) Position Statement (Appendix B of the Applicant's Response to First Written Questions (FWQ) [REP1-016]) is there any operational relationship between the proposed RoRo terminal and the CMAT, i.e. either could operate independently of the other?</p>
14.3	<p>How was the balance established between the RoRo (c 26 Ha) and CMAT (c 16 Ha) uses and land take on the proposed site?</p>

**Noise and Vibration**

	<b>ExA's Question</b>	<b>Highways England's Response</b>
16.1	<p><b>Noise Mitigation</b></p> <p>i. 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>ii. Ref FWQ 1.16.6 and PoTLL's Response to Written Representations, Local Impact Reports and Interested Parties' Responses to First Written Questions [REP2-007], is Gravesham Borough Council (GBC) satisfied that the noise sensitive receptors proposed are now representative and suitable for the re-assessment required under Requirement 10 – noise monitoring and mitigation? If not, what changes would GBC require?</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"> <li>• Please would the local authorities and the Applicant comment on progress with these discussions?</li> </ul>	

	<b>ExA's Question</b>	<b>Highways England's Response</b>
	<ul style="list-style-type: none"> <li>• In the light of these discussions are changes required to the wording of requirement 10, and if so what?</li> </ul> <p>iv. Ref FWQ 1.16.13, ES para. 17.196 [APP-031] refers to properties in Dock Road and Calcutta Road for which '... there will be a perceptible increase in noise, giving rise to short term significant effect at these properties. The effect is negligible in the long term and the overall assessment is considered not to be significant.' The Applicant's answer at deadline 1 [REP2-008] does not appear to accord with what is written in the ES which states 'short term significant effect'. Would the Applicant please re-consider its answer to the original question?</p> <p>v. Dimensions of piles in ES Chapter 5 [APP-031] do not accord with underwater noise assessment in Chapter 17. Updated Chapter 5 provides different dimensions of piles, although it is unclear what each dimension represents. Would the Applicant state whether the assessment in the ES is still valid, as it assesses 610mm piles, but updated Chapter 5 refers to piles of 1.22m or 0.914m?</p>	
16.2	<p><b>Noise impact from dredging</b></p> <p>Re Port of London (PLA) FWQ comments [REP1-082]: For the reasons given in relation to FWQ 1.9.1 The PLA considers that maintenance dredging should not remain subject to regulation under the 1968 Act. Within that licensing process the PLA would expect ecological impacts such as noise to be fully assessed. Please would the Applicant respond to this request?</p>	
16.3	<p><b>Construction Materials and Aggregate Terminal (CMAT)</b></p> <p>i. Gravesham Council [RR-019] is concerned over 24 hour</p>	<p>The Transport Assessment - Document Ref: 6.2 13.A (Library Ref APP-072) states at Section 6.5.6:</p>

	<b>ExA's Question</b>	<b>Highways England's Response</b>
	<p>operation of the CMAT. The ES identifies major and significant effects from the CMAT at night time for receptors in Gravesend. Gravesend has requested the ExA to consider restricted hours of operation. The Applicant has argued that for commercial reasons the CMAT needs to be operated 24 hours, 7 days per week. What alternatives are there?</p> <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 &amp; 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>Ref PoTLL's Response to Written Representations, Local Impact Reports and Interested Parties' Responses to First Written Questions, p111[REP2-007]: "It is noted that there are similar 24 hour aggregate operations in Gravesend near to Mark Lane, with vessels discharging anytime of day". Please would GBC comment on this response?</p>	<p>"This element of the development [Aggregate Distribution Yard] forms part of the CMAT which is proposed to operate 07:00 – 19:00 Monday to Friday and 07:00 – 12:00 on Saturdays." The Applicant is asked to clarify the working hours of the various components of the CMAT and RoRo Terminal.</p>
16.4	<p><b>Barrier Design &amp; Location</b></p> <p>i. The need for detailed design is acknowledged; however, the work numbers within which barriers are located span large areas on the works plans and could lead to visual impacts. The Applicant's statement in the ES [APP-031] does not prescribe a location, but what was assumed in the noise modelling regarding barrier locations?</p>	<p>Highways England notes the Applicant's statement to the ISH that no barriers will be located adjacent to the SRN. However there can be no certainty of this until the mitigation works to the SRN are agreed.</p>

	<b>ExA's Question</b>	<b>Highways England's Response</b>
	<p>ii. Please can the Applicant provide further details of likely barrier design and location?                      Highways England has noted that <i>"The Applicant should make arrangements to acquire any land needed to provide noise fences, screening and other structures adjacent to the SRN"</i> [REP2-001]. What arrangements is the Applicant making?</p>	
16.5	<p><b>Combined Noise Effects of the Operation of LTC with Tilbury2</b></p> <p>i. Re PoTLL response para 3 [REP2-007] "...at a high level the combined noise effects of the operation of LTC with Tilbury2 are likely to increase noise levels in Tilbury due to increased road traffic movements with LTC routing through the transport corridor." Would the Applicant please advise: In the absence of traffic figures/data, how has this assessment been made?</p> <p>ii. What measures are proposed to mitigate the increased noise levels?</p>	

## Cumulative and Combined Impacts

	ExA's Question	Highways England's Response
7.1	<p><b>Lower Thames Crossing (LTC)</b></p> <p>The Applicant has repeatedly stated that it does not propose to consider the combined and cumulative impact of the LTC and the Tilbury2 Proposed Development (eg response to ExA's FRQs [REP1-016]) because there is insufficient information available on the LTC to undertake a meaningful analysis. The local authorities appear to accept this position. The Applicant also states that HE has accepted that the combined and cumulative impact will be undertaken as part of the LTC proposal, although HE also states in its response to ExA's FRQs Q1.7.1 [REP2-062] that it supports the request by Interested Parties for a cumulative effects assessment to be carried out and considers that there is sufficient evidence within the LTC Scoping Report for this.</p> <ol style="list-style-type: none"> <li>i. What documents does Highways England suggest should be regarded as representing the current stage of the proposals for the Lower Thames Crossing (LTC) for the purposes of cumulative assessment and in combination effects?</li> <li>ii. Would the Applicant update the hearing on its</li> </ol>	<p>(i) The Environmental Impact Assessment Scoping Report, published in October 2017 and available on the Planning Inspectorate website is the latest design information that the project has published.</p> <p>Highways England is continuing to develop its LTC proposals with a planned Statutory Consultation later this year. As such, there may be changes to the proposals prior to the consultation, and we will then need to consider the consultation responses which may lead to further changes.</p> <p><b>With respect to cumulative environmental effects not including traffic</b></p> <p>Highways England supports the request for a Cumulative Effects Assessment to be carried out and considers that there is sufficient evidence within the LTC Scoping Report for this. A cumulative effects assessment should therefore be provided for the Proposed Development with the LTC, in accordance with PINS Advice Note 17, as the LTC scoping proposal was available at the time of acceptance. Highways England has reviewed the "Response to Relevant Representations" (PoTLL Document</p>

	<b>ExA's Question</b>	<b>Highways England's Response</b>
	<p>current position?</p>	<p>Reference PoTLL/Tilbury2/EX/32) and while it is noted that there is limited information available regarding the LTC, Highways England supports the production of a proportionate assessment of the potential cumulative effects of the two projects, and the consideration of mitigation measures.</p> <p><b>With respect to cumulative impacts relating to traffic</b></p> <p>Highways England is currently revising the traffic model for the LTC, also incorporating Highways England's latest thinking on detailed design of LTC. If the Applicant used the current assumptions for LTC in a cumulative assessment of the Proposed Development with LTC, that assessment may be unrealistic. Furthermore providing further detailed information on the traffic model and on the route of LTC prior to a formal consultation would compromise the integrity of the consultation planned by Highways England. Highways England accepts responsibility for assessing the cumulative traffic impacts from the Proposed Development and LTC in Highway England's application for LTC.</p>

	<b>ExA's Question</b>	<b>Highways England's Response</b>
7.2	<p><b>Tilbury Energy Centre (TEC)</b></p> <p>Similarly, what documents does RWE suggest should be regarded as representing the current stage of the proposals for the Tilbury Energy Centre (TEC) for the purposes of cumulative assessment and in combination effects?</p>	
7.3	<p>Does Natural England accept the Applicant's reasoning set out in section 2 of its Response to Relevant Representations [AS-049] for excluding the LTC and TEC from assessment of in-combination effects?</p>	

### Historic Environment

	<b>ExA's Question</b>
13.1	<p><b>Impact of Proposals and Mitigation - General</b></p> <ul style="list-style-type: none"> <li>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])?</li> <li>ii. 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])?</li> <li>iii. Would the Applicant and TC provide an update on TC's statement that it considers the proposed</li> </ul>

	<b>ExA's Question</b>
	<p>heights within the Proposed Development are inappropriate (re SoCG [REP1-021])?</p> <ul style="list-style-type: none"> <li>iv. Would the Applicant and TC provide an update on TC's statement that it considers the proposed lighting scheme to be inappropriate (re SoCG [REP1-021])?</li> <li>v. Would the Applicant and Historic England (Hist E) give an update on the Terrestrial Written Scheme of Investigation (WSI)?</li> <li>vi. Would the Applicant, Hist E and Marine Management Organisation (MMO) give an update on the Marine WSI and Deemed Marine Licence.</li> </ul>
13.2	<p><b>Tilbury Fort – Impact of Proposals</b></p> <ul style="list-style-type: none"> <li>i. Would the Applicant and English Heritage (EH) update the hearing on their discussions on points raised by EH (re EH's response to FWOs [REP1-047]) that the impacts of the Tilbury2 proposals have not been fully assessed in the information submitted with the application, and that there will be a permanent effect upon the setting of the Fort that EH considers to be very significant?</li> <li>ii. Would they also update the hearing re EH's assertion that a balancing exercise of harm to the Fort versus the public benefit of the scheme has not clearly been undertaken, and that the mitigation identified within the Tilbury2 proposals is not effective enough [REP1-047]?</li> <li>iii. Would they also update the hearing re EH's assertion that it is reasonable that additional compensation is included with the proposals if permitted, as conditions or Section 106 obligations [REP1-047]?</li> </ul>
13.3	<p><b>Tilbury Fort - Monitoring and Mitigation for Piling Activities</b></p> <ul style="list-style-type: none"> <li>i. Would TC state whether it wishes to be a consultee under paragraph 10.2 of the Construction Environmental Management Plan (CEMP) [REP1-006]?</li> <li>ii. Would the Applicant state whether the monitoring and mitigation will include the tunnels beneath Tilbury Fort, as raised by TC in its written representation [REP1-090]?</li> <li>iii. Would the Applicant state whether the monitoring and mitigation include the laser scan survey and vibration monitoring requested by EH in its response to the ExA's FRQs at deadline 1 [REP1-047]?</li> <li>iv. Would the Applicant state whether any mitigation/contribution to repairs of Tilbury Fort will be secured</li> </ul>

	<b>ExA's Question</b>
	through the DCO or through a separate agreement?
13.4	<p><b>Tilbury Fort – Impact on Commercial Operation</b></p> <p>A number of matters are stated to be under discussion with regard to the commercial operation of Tilbury Fort (re SoCG Applicant-EH Appendix 10 of SOCG Update Report [REP1-021]). Would the Applicant and EH update the hearing on their discussions on the following:</p> <ul style="list-style-type: none"> <li>i. The visitor experience at Tilbury Fort?</li> <li>ii. The commercial operations (residential, filming and visitor access/amenity) at Tilbury Fort?</li> <li>iii. The ecology, landscape treatment and setting impacts on Tilbury Fort?</li> <li>iv. The degree of impact of the Proposed Development on the Fort's setting?</li> <li>v. The opportunities for enhancement to Tilbury Fort?</li> </ul>
13.5	<p><b>Tilbury Fort – Mitigation Measures</b></p> <ul style="list-style-type: none"> <li>i. Would the Applicant and TC update the hearing on their discussions on the following proposed additional mitigation measures (re TC's response to ExA's FROs Q1.13.5 [REP1-092]): <ul style="list-style-type: none"> <li>a) monitoring of tunnels beneath Tilbury Fort during construction;</li> <li>b) utilising appropriate colours for the silo and other structures;</li> <li>c) reducing the maximum height of container storage within a zone adjacent to the western boundary of the main site;</li> <li>d) within the limit of deviation for this work, locating the silo as far as possible from the edge of the River Thames?</li> </ul> </li> </ul> <p>Do other parties have any comments on these proposed additional measures?</p>
13.6	<p><b>Considerations South of the River</b></p> <ul style="list-style-type: none"> <li>i. Would the Applicant and Gravesham Borough Council (GBC) update the hearing on their discussions over the magnitude of the impact of the Proposed Development on the settings of the identified built heritage assets and the degree of harm or otherwise (re SoCG Applicant-GBC Appendix 2 of SOCG Update Report [REP1-021])?</li> <li>ii. Would the Applicant and GBC provide an update on their discussions on further mitigation and enhancement measures beyond those set out in the ES?</li> </ul>

	<b>ExA's Question</b>
	<ul style="list-style-type: none"> <li>iii. Would the Applicant and GBC provide an update on GBC's concern about the impact of lighting from the point of view of Gravesend?</li> <li>iv. Would the Applicant and GBC provide an update on their discussions on further mitigation and enhancement measures beyond those set out in the ES?</li> <li>v. Would the Applicant and GBC provide an update on GBC's concern about the impact of lighting from the point of view of Gravesend?</li> </ul>
13.7	<p><b>Applicant's Response to FWQs</b></p> <ul style="list-style-type: none"> <li>i. Would the Applicant clarify the residual effects during construction on built heritage (re response to FWQs Q1.13.13 [REP1-016])?</li> <li>ii. Would the Applicant confirm how the maximum construction period will be secured in the dDCO (re response to FWQs Q1.13.14 [REP1-016], which sought clarity over the construction period)?</li> <li>iii. Would the Applicant confirm if the measures detailed in para 5.1 of the CEMP and in answer to FWQ 1.13.16 will be undertaken (re Applicant's response to FWQs Q1.13.16 [REP1-016], which sought clarity on whether construction facilities have been considered within the ES)? The current wording of 'should' is unsatisfactory.</li> <li>iv. Would the Applicant confirm in terms of significance what the residual effect would be with the identified mitigation (re response to FWQ Q1.13.19 [REP1-016], which asked what construction restrictions would be applied to minimise impacts on archaeology and cultural heritage)?</li> </ul>

**Landscape and Visual Impacts**

<b>ExA's Question</b>	
15.1	<p><b>Landscape and Visual Mitigation - General</b></p> <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>
15.2	<p><b>Landscape and Visual Mitigation – Tilbury Fort</b></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"> <li>a) Additional mitigation and enhancement works in the common land and remnant grazing marsh around Tilbury Fort to improve its immediate setting;</li> <li>b) More significant boundary treatments around the Main Site and new infrastructure corridor;</li> <li>c) Replacing poor quality fencing;</li> <li>d) Restoring the ditch network;</li> <li>e) Clearing previously dumped material;</li> <li>f) Provision of new hedges or trees further from the open marsh area?</li> </ul>

<b>ExA's Question</b>	
15.3	<p><b>Landscape and Visual – Historic England's Issues</b></p> <p>Would the Applicant and Hist E update the hearing on the areas in which Hist E has queries remaining (re SoCG Applicant-Hist E Appendix 4 of SOCG Update Report [REP1-021]):</p> <ul style="list-style-type: none"> <li>a) future baseline;</li> <li>b) locations of visual impact;</li> <li>c) visibility of the silo;</li> <li>d) impact of berthed vessels on the setting;</li> <li>e) contribution of marshland to the setting of Tilbury Fort;</li> <li>f) description of activity within the Rochdale Envelope;</li> <li>g) disagreements over the level of significance of effects on Tilbury Fort?</li> </ul>

**Biodiversity, Ecology and Natural Environment**

	<b>ExA's Question</b>	<b>Highways England's Response</b>
2.1	<p>Why does Natural England (NE) consider the habitats on the proposed development site "arguably ... irreplaceable (in particular the Lytag site)" [REP1-074], and Buglife the site "unique and irreplaceable" [REP1- 030] in their respective WRs? Is it the characteristics of the Lytag and PFA products themselves or the nature of the ground conditions on which they have been placed which gives rise to these circumstances?</p>	
2.2	<p>Do NE, Buglife, the Applicant and the Environment Agency (EA) all agree the status of the Lytag Local Wildlife Site (LoWS) is of high quality and of national importance, which is at risk of declining due to successional processes if left unmanaged?</p>	

Agenda for ISH on 19 April 2018 with Highways England's Response

	<b>ExA's Question</b>	<b>Highways England's Response</b>
2.3	Are EA, NE, Buglife (and Marine Management Organisation (MMO) if appropriate) content with the proposals for offsite compensation set out in the draft Ecological Mitigation and Compensation Plan (EMCP) submitted at Deadline 2? [ REP2-009]	
2.4	Does Highways England agree there are no implications arising from the draft EMCP for the Lower Thames Crossing (LTC) works area?	Highways England has considered the proposed translocation areas and concluded that they are unlikely to interact with the existing Strategic Road Network. However, Highways England submits that the relocation proposals should be reviewed in light of the LTC EIA Scoping Report, to ensure that there is no conflict between the two projects and that no translocations will be undertaken into the LTC works area. Failure to do so may prevent Highways England being able to implement the LTC effectively.
2.5	What is the position concerning the additional wintering bird survey data for February and March 2018 referred to in NE's WR [REP1-074] concerning land functionally linked to SPAs? In light of this information, does NE still consider that annual bird surveys are required (between 01 September to 31 March during the construction and operational phases)?	
2.6	In the light of the advice from the Centre for Environment, Fisheries and Aquaculture Science (CEFAS) [REP2- 012, Annex I] received for Deadline 2, does MMO agree that the approach and assessment methodology for marine ecology is appropriate?	
2.7	Can the Applicant explain how the functionally-linked habitat	

Agenda for ISH on 19 April 2018 with Highways England's Response

	<b>ExA's Question</b>	<b>Highways England's Response</b>
	has been valued in the Environmental Impact Assessment (EIA) [APP-031] and the Habitats Regulations Assessment (HRA) [APP-060] report?	
2.8	To whom will the Ecological Clerk of Works provided for in the CEMP [REP1-006] be accountable for ensuring compliance with the ECMP, and what authority/powers is the post holder intended to have for this purpose?	
2.9	Implementation of the Landscape Environmental Management Plan (LEMP) [REP1-010] involves annual monitoring by a "suitably qualified ecologist" and a 5-yearly plan leading to updates of the LEMP as required. Similarly, to whom is the ecologist accountable and who will decide whether such revisions of the LEMP should take place?	
2.10	Further to its assessment in its WR [REP1-074] of the site as a potential Site of Special Scientific Interest (SSSI), what progress has NE made in considering the site for SSSI notification?	

**Habitat Regulations Assessment (HRA)**

	<b>ExA's Question</b>
11.1	What are the Applicant's intentions for the revised version of the HRA report to be submitted for Deadline 3 in the light of NE's statement in its WR [REP1-074] about further work required to cover for example functionally-linked habitat, Invasive Non-Natural Species (INNS), waste and pollutants, dredging, noise, dust and in-combination effects?
11.2	The HRA report [APP-060] refers to the Conservation of Habitats and Species Regulations 2010 (as amended), which have since been replaced by the Conservation of Habitats and Species Regulations 2017. Can the Applicant confirm that the revisions made to the legislation would not affect the conclusions of the HRA?

11.3	What further mitigation measures to ensure compliance with the Habitats Regulations does NE have in mind, pursuant to its WR [REP1-074] and response to FWQ?
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## Dredging and Navigation

	<b>ExA's Question</b>
9.1	Does the Environment Agency (EA) accept the analysis of the likely very limited relationship between the potential discharge of cooling water effluent from the proposed Tilbury Energy Centre (TEC) and intended maintenance dredging operations at the proposed port set out in the Applicant's high level Cumulative Effects Assessment (CEA) of the TEC with Tilbury2? How would this affect the Water Framework Directive (WFD) compliance of proposed maintenance dredging operations, and drafting of the Deemed Marine Licence (DML)?
9.2	What consideration has been given to the impact of capital dredging proposals for the port on the foreshore of Tilbury Fort?
9.3	Is National Grid Electricity Transmission (NGET) satisfied with the Applicant's response to FWQ 1.9.11 [REP1- 016] about dredging implications for the 400kV cable tunnel from Kingsnorth to Tilbury?
9.4	Does the Applicant agree with the Port of London Authority (PLA)'s [REP1-080] and MMO's [REP1-073] WR that maintenance dredging should continue to be regulated by the PLA under the 1968 Act, governed by protective provisions and included in the DML as a licensable activity and not a power in the DCO?
9.5	Is all dredging to be restricted to the ebb tide only, or just WID?
9.6	Is the PLA content with the revised Limits of Dredging Plan submitted at Deadline 1? [REP1-013]

**Socio-economic Effects**

<b>ExA's Question</b>	
17.1	<p><b>Opportunities/Benefits in Thurrock</b></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> <ul style="list-style-type: none"> <li>i. Would the Applicant and TC update the hearing on the current position with their discussions on these matters?</li> </ul>
17.2	<p><b>Employment and Skills Strategy</b></p> <ul style="list-style-type: none"> <li>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?</li> <li>ii. How will it be secured?</li> </ul>

<b>ExA's Question</b>	
17.3	<p><b>Wider Opportunities</b></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> <ul style="list-style-type: none"> <li>i. The employment catchment for Tilbury extends beyond Thurrock and that this should be considered when implementing the Skills and Employment Strategy?</li> <li>ii. Emphasis should be placed on the use of the local supply chain and economy to realise these benefits?</li> <li>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?</li> <li>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?</li> <li>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?</li> </ul>

**Construction/ Engineering and Design**

	<b>ExA's Question</b>
5.1	<p><b>Piling</b></p> <ul style="list-style-type: none"> <li>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 behavioral 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?</li> <li>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?</li> <li>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?</li> <li>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?</li> </ul>

## Traffic and Transportation

	<b>ExA's Question</b>	<b>Highways England's Response</b>
18.1	<p><b>Transport Assessment</b></p> <ul style="list-style-type: none"> <li>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])?</li> <li>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])?</li> <li>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])?</li> <li>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</li> </ul>	<p>(iv) Highways England still has concerns in relation to the SRN, particularly the Asda roundabout (Work No. 11) and M25 J30, but also potentially at other points.</p> <p>Highways England is willing to consider information and seek agreement where possible but at this stage it cannot confirm that the residual impacts of the proposed development on safety and congestion on the SRN will be acceptable.</p> <p>The onus is on the Applicant to bring forward sufficient information and modelling and propose appropriate mitigation. If the Applicant has insufficient time to do this within the examination period then HE will continue to seek refusal of the Application.</p> <p>It is not for HE to be scratching around for information or filling gaps for the applicant. HE has already extended its resources to review the information it is receiving at intervals.</p> <p>Concluding, Highways England is content to keep the draft SoCG under review with the applicant on all such matters and would appreciate direction from the Examiner as to general timings and expectations on HE whilst the Applicant is providing further information.</p>

	<b>ExA's Question</b>	<b>Highways England's Response</b>
	<p>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])?</p> <p>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])?</p> <p>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?</p>	<p><b>Trip Generation</b></p> <p>Trip generation is a key issue for concern as the trip generations underpin the forecasts prepared within the TA. They determine the impacts of traffic and the mitigation measures that may be required.</p> <p>After several requests for supporting information, HE has reviewed the latest information provided by the application which was provided by the application in April 2018 and have commented back to them. Based upon the information available, HE is unable to make an informed judgement on the robustness of the traffic generation forecasts.</p> <p>While HE does not agree the Applicant's figures we are looking for a way forward in respect of assessing the impact of the Proposed Development on the SRN. If the figures cannot be agreed, HE will require conditions which strictly limit the volume of traffic generated by PoT2 at the port gates. In the event that the flows are exceeded, HE will expect the Applicant to provide additional mitigation works on the SRN.</p> <p><b>Traffic Modelling and Impacts</b></p> <p>HE's concerns relating to the traffic modelling are partly related to the projections of future growth and resolution of this would be a significant step forward in terms of providing</p>

	<b>ExA's Question</b>	<b>Highways England's Response</b>
		<p>confidence in modelling.</p> <p>HE does however have specific concerns about the robustness of the model developed to assess the ASDA roundabout. These relate to:</p> <ul style="list-style-type: none"> <li>• Validation of the base year junction model. Noted from Table 7.5 of the TA that in the base year, the model of the junction underestimates the observed average maximum queues.</li> <li>• The model is based upon a single day's worth of data in June 2016.</li> <li>• The observed flows collected in June 2016, will not have captured the Amazon development.</li> </ul> <p>In relation to the later, we share the concerns expressed by Amazon in their representation (TIL2-AFP0005) that no surveys have been carried out post opening of the Amazon warehouse so predicted flows have been used in the model for Amazon. We would like to see how these predictions have been derived.</p> <p>We would also support Amazon's request to extend coverage of the assessment to include 0700 to 0800 and 1800 to 1900 so as to capture the Amazon shift change-over and also the peak for longer distance traffic.</p> <p>However, even if we accept that the forecasts and model is valid based upon the work presented in the TA we still have concerns about the adverse impact projected by the model</p>

	ExA's Question	Highways England's Response
		<p>at ASDA roundabout.</p> <p>For example,</p> <ul style="list-style-type: none"> <li>• in both the 2020 and 2027 morning peak, the addition of the PoT2 development doubles the queue length and the delay on the A1089 Dock Road approach.</li> <li>• In 2020 the average queue length increases from 8 to 18 vehicles and in 2027 it increases from 22 to 53 vehicles (with average delays per vehicle increasing from 39 to 77 secs.</li> <li>• The RFC increases from 0.90 to 0.98 in 2020 and from 1.00 to 1.09 in 2027. The Asda Roundabout is shown in the applicant assessment to be over capacity on certain approaches and approach arms.</li> </ul> <p>A1089/A13 junction, based on information provided, is currently operating within capacity in existing and future scenarios. This has been agreed by HE (subject to agreement on the trip generation).</p> <p>M25 Junction 30, this has only be assessed in terms of %'s (applicant has since provided HGV numbers for these %'s) with no actual modelling done of the junction.</p> <p>We would point out that in a congested network small percentage increases in flow can result in severe adverse impacts. HE is particularly concerned to prevent queuing back on to high speed links, because of the serious safety</p>

	<b>ExA's Question</b>	<b>Highways England's Response</b>
		<p>implications.</p> <p>We note that Essex CC (REP-050) shares the concerns raised by HE and is seeking an assurance that the impact of traffic generated by Tilbury2 will either not have an impact on the operation of the junction or that the impact can / will be mitigated.</p> <p>The applicant has promised a further assessment this week, although a final judgement cannot be made until the trip generation forecasts have been agreed.</p> <p><b>Mitigation measures</b></p> <p>(v) Consideration of any mitigation measure that may be required will be dependent upon agreement of the trip generation.</p> <p>The Applicant's current modelling demonstrates a significant increase in delay at Asda Roundabout as a result of the Proposed Development even with the mitigation proposed by the Applicant.</p> <p>Also the currently proposed splitter island is not suitable where pedestrians cross as DMRB Volume 6, Section 2, Part 3, TD16/07 requires that any splitter island where pedestrians cross has "<i>An absolute minimum island width of 1.2m is required, preferably 2.5m.</i>" In Addition, where cycle traffic is expected to cross the Physical Subsidiary Deflection</p>

	<b>ExA's Question</b>	<b>Highways England's Response</b>
		<p>island DMRB Volume 6, Section 2, Part 5, TD51/17 requires that "a minimum island width of 3.0m shall be provided." The applicants proposed mitigation design relies on forcing pedestrians and cyclists to use a longer route, via the subway underway under the A1089, which raises personal safety risks particularly during the hours of darkness. It is likely that some pedestrians will take the risk of crossing using the splitter island and that some cyclists will risk using the roundabout itself.</p> <p>Even if the Applicant's modelling is correct, which Highways England does not currently agree, further mitigation is indicated for example widening of entries, reduction of the speed limit from 70mph to 40mph, and signal controlled pedestrian/Toucan crossings to aid existing desire lines.</p> <p>(vi) The CEMP/CTMP is acceptable, it is also a live document which will be finalised by the Contractor and can be conditioned.</p>
18.2	<p><b>Framework Travel Plan (FTP)</b></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>	<p>An updated version of the FTP was submitted to HE on the Tuesday 17<sup>th</sup> April 2018. Subsequent to the ISH it was agreed with the Applicant that this version provides a suitable framework for the preparation of future full Travel Plans in consultation with HE.</p>

	<b>ExA's Question</b>	<b>Highways England's Response</b>
	<ul style="list-style-type: none"> <li>i. Would the Applicant and TC state the latest position on their discussions on the FTP?</li> <li>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])?</li> <li>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])?</li> </ul>	
18.3	<p><b>Sustainable Development Plan (SDP)</b></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>	<p>Subsequent to the ISH the Applicant submitted an updated version of the SDP on 22<sup>nd</sup> April 2018. It is agreed that this version provides a suitable framework for preparation of future full Sustainable Distribution Plans in consultation with HE.</p>

	<b>ExA's Question</b>	<b>Highways England's Response</b>
	<ul style="list-style-type: none"> <li>i. Would the Applicant and TC state the latest position in relation to the SDP?</li> <li>ii. Would the Applicant and HE do likewise (re SoCG Applicant-HE Appendix 6 to SoCG Update Report [REP1- 021])?</li> </ul>	
18.4	<p><b>Roles and Responsibilities re the Strategic Road Network (SRN)</b></p> <ul style="list-style-type: none"> <li>i. Would the Applicant and HE update the hearing on their discussions with respect to the roles, 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])?</li> <li>ii. What assurances would HE require to ensure that it was not prevented from discharging its statutory duties?</li> </ul>	<ul style="list-style-type: none"> <li>i. A telephone conference was held between ourselves and the Applicant on 12 April. This was the first discussion we have had with the Applicant on the dDCO exclusively. The discussion aided our understanding of how the Applicant envisaged that the dDCO would operate in respect of the SRN interest. Our understanding from the conference is that arrangements similar to those used for the East Midlands Gateway project are not acceptable to the Applicant.</li> </ul> <p>Highways England has reflected on the Applicant's comments in relation to the approach adopted in the East Midlands Gateway project and broadly disagree. Highways England will submit draft protective provisions to the Applicant in order that further discussion can take place. It is imperative that Highways England have sufficient control over the extent, duration and nature of the occupation of the SRN for the period of the works.</p> <p>In addition, Highways England considers that changes to the draft dDCO, via an amendment to Article 15 to make this requirement in article 15(1) a mandatory requirement, should be made to require the Applicant to enter into an agreement with Highways England prior to the commencement of the works on the SRN. This</p>

	<b>ExA's Question</b>	<b>Highways England's Response</b>
		<p>could be in addition to revised protective provisions, or alternatively all matters could be dealt with through the Applicant entering into a section 278 agreement with Highways England on the basis of its standard form section 278 agreement.</p> <p>ii. Highways England consider that either of the approaches above would provide sufficient mechanism for it to condition the carrying out the works on the SRN such that it could ensure that it was not stopped from performing its statutory duties.</p>
18.5	<p><b>Road-Rail Freight Matters</b></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</p>	

	<b>ExA's Question</b>	<b>Highways England's Response</b>
	<p>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><b>Local Residents</b></p> <p>i. Mr Mick Lewis notes that the proposals are "happening just over my back fence". 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>ii. Mr Chris Henderson states that "We are particularly concerned about the construction phase when lorries will be redirected through our streets, some of which have restrictions for heavy vehicles" (re [REP1-041]). What assurances can the Applicant give to Mr Henderson in this regard?</p> <p>iii. Mr Colin Elliott cites a meeting with PoTLL and raises a number of points, including his</p>	

	<b>ExA's Question</b>	<b>Highways England's Response</b>
	<p>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><b>London Resort Holdings Limited (LRHL)</b></p> <ul style="list-style-type: none"> <li>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?</li> <li>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?</li> </ul>	
18.8	<p><b>National Grid Electricity Transmission (NGET)</b></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</p>	

	<b>ExA's Question</b>	<b>Highways England's Response</b>
	<p>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**

	<b>ExA's Question</b>
6.1	<p><b>Waste</b></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>

### **Health/ Safety**

	<b>ExA's Question</b>	<b>Highways England's Response</b>
12.1	<p><b>Active Travel Study – Health Impact</b></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</p>	

	<b>ExA's Question</b>	<b>Highways England's Response</b>
	<p>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><b>Traffic</b></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>	<p>(ii) Highways England are content with the Applicant's response that that the Road Drainage and Water Environment Chapter had been scoped out of the health assessment because there were no significant effects.</p>
12.3	<p><b>Health Impact Assessment</b></p> <p>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</p>	

	<b>ExA's Question</b>	<b>Highways England's Response</b>
	health issues associated with the proposed development? ii. Do the parties think a Health Impact Assessment is required?	

## Air Quality

	<b>ExA's Question</b>
1.1	<p><b>Air Quality Common Ground</b></p> <ul style="list-style-type: none"> <li>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 NO<sub>2</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>) 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)?</li> <li>ii. Are all parties content with the provisions for the management of dust during construction via the CEMP, and during operation through the OMP?</li> <li>iii. Do any parties have outstanding issues over air quality?</li> </ul>
1.2	<p><b>Use of Shore Power for Powering Moored Vessels</b></p> <ul style="list-style-type: none"> <li>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 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?</li> <li>ii. Would NGET comment on the sufficiency of electrical capacity?</li> <li>iii. Would TC and GBC comment on this matter?</li> </ul>

**Water Quality, Flood Risk and Water Framework Directive**

	<b>ExA's Question</b>	<b>Highways England's Response</b>
19.1	<p><b>Flood Risk</b></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"> <li>• 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;</li> <li>• proposed new and replacement culverts are included within the breach modelling; and</li> <li>• breach modelling climate change allowances meet the requirements of the NPS.</li> </ul>	<p>Highways England has reviewed the Flood Risk Assessment (FRA) Addendum submitted Deadline 1. The review of the FRA Addendum was undertaken in conjunction with a review of the EA WR.</p> <p>Highways England notes that the additional modelling carried out for the FRA addendum only relates to potential breaches of the Thames tidal defences, there is still no evidence provided regarding changes to fluvial flood risk as a result of the Tilbury2 development. This is of particular concern for the changes proposed to the Chadwell Cross and Pincocks Trough Sewers that form the outlet from the Tilbury Flood Storage Area (FSA), including the relocation of the Pincocks Trough Sewer.</p> <p>The applicant has therefore not provided evidence regarding how the Tilbury2 development would ensure the continued operation of the Tilbury FSA. Highways England requests further detail of the relocation and changes to these watercourses, to ensure no increased flood risk to the SRN would result.</p> <p>Highways England agrees with the EA's statements in section 5.1 of its WR, that no evidence has been provided that the proposed changes to the culverts would not affect the operation of the FSA, and in section 5.4, that simply replacing a culvert with one of equal size would be sufficient. The FRA addendum also does not provide detail of the exceedance flow routes,</p>

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		<p>for storm events that exceed the design standard, as noted in section 5.2 of the EA WR. Highways England therefore supports the EA's request in section 5.3 of the WR for modelling to demonstrate that fluvial flood risk would not increase for the 1% (plus 35% CC) AEP event, to ensure that no increase in flood risk to the SRN would result from the Tilbury2 development. Highways England also requests details of the exceedance flow routes for storm events that exceed the 1% (plus 35% CC) AEP event. It is acknowledged that some information regarding drainage catchments was provided by e-mail on the 17th April 2018, however this did not include detail of the exceedance flow routes and this additional information is still requested.</p>
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 capacity, referred to in the EA WR [REP1-044]?</p>	
19.4	<p>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?</p>	
19.5	<p>Is the EA content that detailed design of box culverts to meet</p>	

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	flood protection requirements is secured through protective provisions rather than during the Examination?	
19.6	<b>Water Framework Directive (WFD)</b> Is the Applicant proposing to update the WFD assessment during the Examination to include priority and priority hazardous substances?	

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	<b>ExA's Question</b>	<b>Highways England's Response</b>
3.1	Can the Applicant please advise when the next updated version of the Land Tracker in Appendix F of the First Written Questions (FWQ) [REP1-016] will be provided?	
3.2	To aid understanding, can the Applicant provide a table setting out to which plots the various subsections of Article 27 apply?	
3.3	Would the Applicant provide a map showing the area to which Category 3 interests apply, and how many such interests are listed in Part 2B of the Book of Reference (BoR)?	
3.4	Would the Applicant state the current position concerning negotiations with Statutory Undertakers re s127 and s138 PA2008?	
3.5	Paragraph 3.19 of the Statement of Reasons (SoR) [APP-018] is incomplete; would the Applicant state whether plots 02/03, 04/01, 06/02 and shaded yellow be referred to in the last sentence?	
3.6	Plot 03/05 (temporary use of common land for a construction compound, diversion of utilities and ecological restoration) has been removed from the Order limits according to the cover letter from the Applicant at Deadline 2 [REP2-006]. Would the Applicant please explain the reasons for this removal and what consequences flow for implementation of the Proposed Development, and changes to the dDCO and SoR?	
3.7	Would the Applicant how in practice the funds necessary to meet compulsory acquisition (CA) claims will be ring	

	<b>ExA's Question</b>	<b>Highways England's Response</b>
	<p>fenced solely for that purpose, and remain so for the period of time over which CA powers will be available, as set out in para 7.6 of the funding statement [APP-019]?</p>	
<p>3.8</p>	<p>Formal objections to the use of compulsory acquisition powers have been made by:</p> <ul style="list-style-type: none"> <li>• Network Rail (Relevant Representation (RR) and Deadline 1 submission); [RR-013 and REP1-075]</li> <li>• Cadent Gas (Written Representation (WR); [REP1-039]</li> <li>• Port of London Authority (PLA) (FWQ and Deadline 1 submission); [REP1-082 and REP1-080]</li> <li>• National Grid Electricity Transmission (NGET) (WR). [REP1-077]</li> </ul> <p>In all cases, these are subject to the agreement of protective provisions. Would the Applicant and other parties state the current position concerning negotiations in each case?</p>	
<p>3.9</p>	<p>The proposed works to the Asda roundabout are not yet agreed with Highways England. If the design might change, would the Applicant state how this affects the justification for the proposed temporary use powers concerning plots 01/01 to 01/07?</p>	<p>Highways England does not believe the temporary use powers sought for plots 01/01 to 01/07 are necessary and does not agree generally with the Applicant's proposals for carrying out work on the SRN.</p> <p>If such compulsory powers are considered to be necessary, we suggest that the current proposed extent may not be sufficient. We suggest that the powers must be applied not only to the permanent works but also to any temporary works such as contraflow crossovers that may be required to construct the permanent works.</p>

	<b>ExA's Question</b>	<b>Highways England's Response</b>
		<p>Similarly they must be applied to any other mitigation works on the SRN that might be required by the proposed development.</p> <p>The Applicant should also make arrangements to acquire any land required to erect noise barriers adjacent to the SRN.</p> <p>Compulsory purchase is not something that can be left to protective provisions. If temporary use powers are necessary the Applicant must design the permanent and temporary components of Work 11 and any other mitigation works required to the SRN to a level of detail such that the necessary and sufficient areas required to construct both permanent and temporary works are identified. These areas should then be incorporated into the dDCO.</p>
3.10	Would Anglian Water state whether it no longer needs any jetty facilities to operate the Tilbury Water Recycling Centre?	
3.11	Historic England in its Deadline 2 submission [REP2-013] queries whether plots 03/08 and 03/10 are to be used for a construction compound or other uses before being returned to grazing. This suggests temporary possession, whilst the stated purpose for both these plots in the SoR is compulsory acquisition to construct a new road and railway link as part of the infrastructure corridor, to construct a junction with the new spur road and the new spur road; to construct associated environmental mitigation measures, to undertake	

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	<p>utilities provision and diversions and to modify and divert footways and cycleways. This suggests permanent uses. Could the applicant please clarify?</p>	
3.12	<p>RWE maintains that it has continuing interests over the Tilbury2 sites which are not reflected in the BoR, SoR etc. Will RWE please provide a plan showing the location of these services, utilities, cooling water intake/outfall rights and interests?</p>	
3.13	<p>The Applicant considers that no compulsory acquisition proposals have been made in relation to RWE's reserved rights land on the Tilbury2 site, because Article 3 of the dDCO provides for the extinguishment of existing works licences. Article 28 as currently drafted would provide the power to override easements and other rights on land within the Order limits (though the Applicant accepts this should only refer to Order Land). Would the Applicant explain how then this relates to plot 06/10 for example, comprising the existing jetty serving the former power station over which RWE claims continuing rights and which is intended for compulsory acquisition by the Applicant?</p>	
3.14	<p>The dDCO [REP1-003] currently provides for compulsory acquisition of the existing jetties and riverbed (plots 06/02, 06/05, 06/05a, 06/06, 06/10, 06/11 and 06/12), and temporary possession of the riverbed (plots 06/03, 06/07, 06/08/ 06/09 and 07/11) to construct the new berths Works No 1 and 2. The PLA is willing to grant a lease instead of agreeing to CA and Temporary Possession (TP) powers, in which case the Applicant would only wish to retain its ability to use CA powers in respect of any third party interests in and rights over the PLA's river bed that might come to light.</p>	

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	If agreed, what are the actual powers to be obtained for these plots in the dDCO and how would they be shown on the Land Plans, etc?	
3.15	Would the Applicant and Crown Estate state the current position concerning Crown Estate approval to proposed temporary use of plot 06/01 and compulsory acquisition of plot 06/02?	
3.16	Would the Applicant state the current position concerning negotiations with the Cole family estate and other interested parties re the Special Category Land plots 03/08 and 03/11, and is the Applicant agreeable to the requests from the West Tilbury Commons Conservators set out in their letter of 4 January 2018?	