

PLANNING ACT 2008

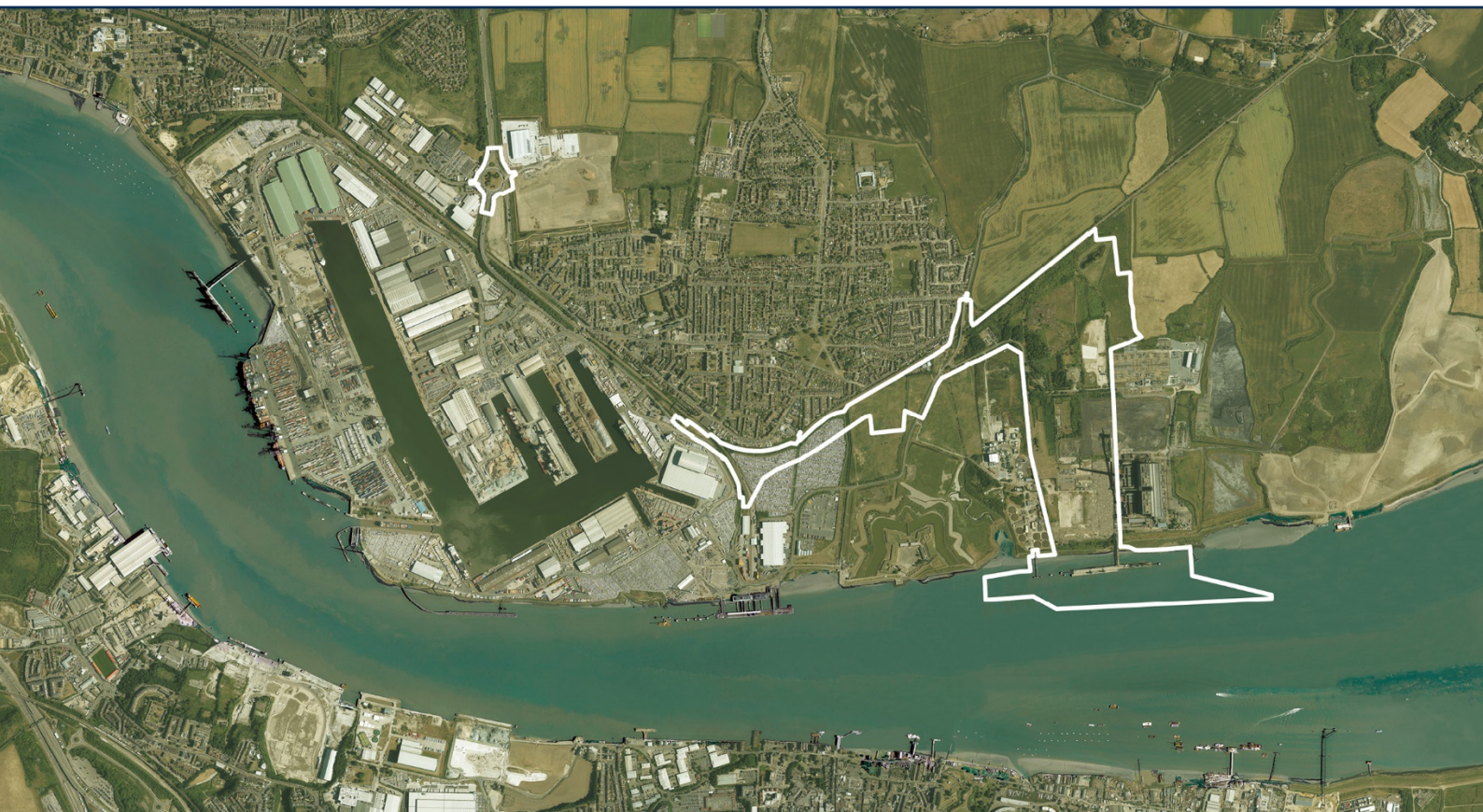
INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE)
RULES 2010

PROPOSED PORT TERMINAL AT
FORMER TILBURY POWER STATION

TILBURY2

ENVIRONMENTAL STATEMENT APPENDIX 1.A
PLANNING POLICY COMPLIANCE STATEMENT -V2 CLEAN

TILBURY2 DOCUMENT REF: PoTLL/T2/EX/65



PORT OF TILBURY

PLANNING ACT 2008

**PROPOSED PORT TERMINAL AT FORMER TILBURY POWER STATION
'TILBURY2'**

**INFRASTRUCTURE PLANNING (PRESCRIBED FORMS AND PROCEDURE)
REGULATIONS 2009**

PLANNING POLICY COMPLIANCE STATEMENT – V2 TRACK CHANGES

DOCUMENT REFERENCE : PoTLL/T2/EX/66

CONTENTS

1.0	INTRODUCTION.....	3
2.0	FACTUAL BACKGROUND	6
3.0	NATIONAL POLICY STATEMENT FOR PORTS.....	18
4.0	NPS ASSESSMENT CRITERIA.....	22
5.0	MARINE POLICY STATEMENT	48
6.0	CONCLUSIONS.....	50

APPENDIX 1 Extract from Thurrock Core Strategy and Development Management Policies DPD Policies Map

APPENDIX 2 Extract from Gravesham Local Plan Core Strategy Proposals Map

APPENDIX 3 Thurrock Core Strategy Green Grid Diagram

APPENDIX 4 Comparison of adopted National Planning Policy Framework with Draft National Planning Policy Framework (2018)

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1.0 INTRODUCTION

BACKGROUND

- 1.1 Port of Tilbury London Limited (PoTLL) is proposing a new port terminal on the north bank of the River Thames at Tilbury, a short distance to the east of its existing Port. The proposed port terminal will be constructed on largely previously developed land that formed the western part of the now redundant Tilbury Power Station. The project is known as “Tilbury2” and hereafter is described as “the proposals.”
- 1.2 The proposed main uses on the site will be a Roll-on/Roll-off (RoRo) terminal and a Construction Materials and Aggregates terminal (the “CMAT”), and associated infrastructure including rail and road facilities and revisions to the existing marine infrastructure. An 'infrastructure corridor' is proposed that will accommodate road and rail links to the existing rail and road network. The CMAT will include stockpiling of construction materials and some processing of aggregates for the production of asphalt and concrete products.
- 1.3 The proposed volumes of import/export of RoRo units for the terminal exceed the threshold of 250,000 units stated in the Planning Act 2008 (as amended) (“PA2008”) for throughput per annum. The Tilbury2 project therefore constitutes a Nationally Significant Infrastructure Project (NSIP).
- 1.4 This document provides a comprehensive assessment of the proposals against the requirements of planning policy.
- 1.5 Pursuant to section 104 of the “PA2008”, in considering a DCO, the Secretary of State must have regard to any relevant National Policy Statements that have effect and decide the application in accordance with any relevant National Policy Statement (subject to certain exclusions). National Policy Statements are documents produced as a consequence of the PA2008 that set out national policy in relation to one or more specified descriptions of development and have been designated by the Secretary of State following the consultation and publicity requirements set out in section 7, and the parliamentary requirements set out in section 9 of the PA2008.
- 1.6 For the ports sector, there is a National Policy Statement for Ports (2012) (described as 'the NPS' in this document), which will apply to the proposals. The NPS is therefore the most important policy document against which the proposals will be assessed.
- 1.7 In addition, the UK Marine Policy Statement (“MPS”) provides the framework for preparing Marine Plans and taking decisions affecting the marine environment. It has been prepared and adopted for the purposes of section 44 of the Marine and Coastal Access Act 2009. The Marine Policy Statement sets out High Level Marine Objectives for ensuring that marine resources are used in a sustainable way. Under section 104(2)(aa) of the PA2008, the Secretary of State must have regard to the Marine Policy Statement in determining a NSIP application. This policy statement will

therefore have primacy (alongside the National Policy Statement) in the determination of the Tilbury2 DCO. This is reflected and taken fully into account in the preparation of Environmental Statement (Document Reference 6.1) that forms part of the application.

- 1.8 Tilbury2 sits within the 'south east' marine plan area. A marine plan has not yet been produced for this area and the timescales for this have not been finalised. Furthermore, whilst an 'issues' consultation was carried out in February – March 2017, a consultation draft of the plan has not yet been published. It is therefore only the MPS that falls to be considered here.
- 1.9 Section 104(2) (c) indicates that the Secretary of State must have regard to any local impact report (within the meaning given by section 60(3)) submitted to before the deadline specified in a notice under section 60(2). This will be produced during the Examination of the proposals. This will be produced during the Examination into the proposals.
- 1.10 Although not explicitly referred to in the PA2008, the Government's policies on different aspects of planning, set out in the National Planning Policy Framework ("the Framework") are also of relevance, as is the Development Plan. The development plan applicable to the site comprises the Thurrock Core Strategy and Policies for Management of Development ("Core Strategy"), 2011. The Core Strategy was originally adopted on 21 December 2011 and subsequently updated on 28 January 2015, following an independent examination of the Core Strategy Focused Review document which concentrated on consistency with the National Planning Policy Framework.
- 1.11 Also relevant, due to its geographical proximity, are the policies of Gravesham Borough Council, the municipal area of which lies immediately south of the River Thames opposite the Tilbury2 site. The relevant development plan in this regard is the Gravesham Local Plan Core Strategy and Policies Map which was adopted on 30 September 2014.
- 1.12 The Framework and the development plan have played an important role in the development of the proposals. Although not explicitly referred to in section 104 of the PA2008, they are documents that are likely to be considered 'important and relevant' to the Secretary of State's decision under section 104(2)(d) of the PA2008; however, to the extent that their policies conflict with the Ports National Policy Statement or the Marine Policy Statement, those documents will take priority.
- 1.13 In order that this Planning Policy Compliance Statement can address the policy consequences of those matters which the Secretary of State's decision on the DCO application must or may take into account, it is structured as follows:

Section 2 : Factual Background : describes the planning context of the site by reviewing the planning history of the application site and the planning policy designations which apply to the site;

Section 3 : NPS for Ports : principal themes consider Government Policy and the need for new port infrastructure (set out in section 3 of the NPS) and

the contribution of the proposals in that regard, including relevant elements of the development plan and the National Planning Policy Framework;

Section 4 : NPS Assessment Criteria consider the proposals against the assessment principles (section 4) and generic impacts (section 5) of the NPS.

Section 5 : Marine Policy Statement considers the proposals against the policies of the MPS.

Section 6 : draws conclusions from the above.

Appendix 1 is an extract from the Policies Map of the Development Plan for Thurrock and **Appendix 2** is an extract from the Local Plan Policies Map for Gravesend.

Appendix 3 is a diagram from Thurrock's Core Strategy showing the extent of the Green Grid.

Appendix 4 is a comparison table between relevant paragraphs of the adopted and consultation draft NPPF.

2.0 FACTUAL BACKGROUND

2.1 PoTLL propose a new port terminal on land that previously formed the western part of the Tilbury Power Station site. In summary, the proposed main uses on the site will be a Roll-on/Roll-off ("RoRo") terminal and a Construction Materials and Aggregates terminal ("the CMAT"), and associated infrastructure including rail and road facilities and revisions to the existing marine infrastructure. An 'infrastructure corridor' is proposed that will accommodate road and rail links to the existing rail and road network. The CMAT will include stockpiling of construction materials and some processing of aggregates for the production of asphalt and concrete products.

2.2 The proposals will require works including, but not limited to:

- creation of hard surfaced pavements;
- improvement of and extensions to the existing jetty including creation of a new RoRo berth;
- associated dredging of berth pockets around the proposed and extended jetty and their approaches;
- new and improved conveyors;
- erection of welfare buildings;
- erection of a single 10,000sq.m. warehouse
- a number of storage and production structures associated with the CMAT;
- the construction of a new link road from Ferry Road to Fort Road and the new Port facilities;
- formation of a rail spur and sidings.

2.3 The proposed volumes of import/export of RoRo units for the terminal exceed the threshold of 250,000 units stated in the Planning Act 2008 for throughput per annum. The Tilbury2 project therefore constitutes a Nationally Significant Infrastructure Project (NSIP).

PLANNING HISTORY OF PORT OF TILBURY

2.4 The construction of the Docks at Tilbury was allowed by virtue of an Act of Parliament in 1882. The first vessel entered the docks on 17 April 1886. In 1909 Tilbury, along with the upstream docks, became part of the newly-established Port of London Authority (PLA).

- 2.5 In 1921, and again in 1929, the PLA carried out major improvements at the Port. These included a new lock 300m (1,000ft) long and 34m (110ft) wide, linking the docks directly to the Thames, and a third dry dock, 229m (752ft) long and 34m (110ft) wide.
- 2.6 During the 1960s, at the time when the upstream docks in London were closing, the PLA further extended the Tilbury dock facilities. Between 1963-1966 a fourth branch dock, running north from Main Dock for nearly a mile, was constructed. The tidal basin was closed and eventually filled in. In 1969 a £6m riverside grain terminal on Northfleet Hope (at the time the largest in Europe) was brought into use. By the early 1980s Tilbury was the last set of enclosed docks in operation by the PLA.
- 2.7 In 1992 the PLA sold the port to a management buyout team, who subsequently sold it to Forth Ports in 1996, the PLA retaining the role of managing the tidal Thames.
- 2.8 Since that time, a further 42.72ha. has been added to the current Port operational area by land reclamation, infilling of water areas, and the development of land immediately to the east of Ferry Road and north of Fort Road on what has become known as “The Fortland Site.” Indeed, Forth Ports has invested some £500 million in the Port of Tilbury since 1996.
- 2.9 In March 2012 the Port secured outline planning permission for a new distribution centre to the north of the main Port area, now known as London Distribution Park¹. The site has been developed through a joint venture with Roxhill Developments Limited. Following a further detailed permission granted in December 2015², the southern part of the site is now occupied by a Fulfilment Centre operated by Amazon which opened in August 2017. The northern part of the site is occupied in part as a regional distribution centre for building materials supplier Travis Perkins and partly by a Haulier Park operated by PoTLL.
- 2.10 The above history illustrates how the Port of Tilbury has continued to expand, adapting to changes in trade and technology over a considerable period.

PLANNING HISTORY OF TILBURY2

- 2.11 Prior to PoTLL’s acquisition of the Tilbury2 site, the land had a long history of use for power generating purposes.
- 2.12 Most of the buildings and infrastructure remaining on the land and the adjoining Tilbury B power station site will have been permitted by virtue of the original consents for Tilbury A and B Power Stations. RWE will have also used statutory undertakers permitted development rights to construct infrastructure during the lifetime of the operation on the site.
- 2.13 More recent planning permissions on the site were related to the conversion of the facility to a biomass power station, as follows :-

¹ Thurrock Thames Gateway Development Corporation reference 10/50157/TTGOUT

² Thurrock Council reference 15/01483/FUL

12/00891/OUT: Outline permission for works needed in or on the tidal Thames (offshore application) to extend Tilbury Power Station lifetime by 12-15 Years – approved 27 March 2013

12/00890/OUT: Outline permission for works required on the Tilbury Power Station site (onshore application) to extend the lifetime by 12-15 Years – approved 27 March 2013

09/00008/TTGFUL: Development of an ecological wildlife site including formation of pond with associated ancillary works. The pond is situated adjacent to the railway line at the north end of the site.

- 2.14 On 12th November 2014, the Secretary of State for Culture, Media and Sport granted a Certificate of Immunity from listing for Tilbury A and B Power Stations. The certificate protected the buildings on the site from being listed for a period of 5 years. Permission was then secured by RWE in March 2016 for prior approval for demolition of Tilbury B power station and all associated buildings and structures (including remaining structures from Tilbury A power station), except for the jetty. That demolition is on-going and RWE have advised that it will be complete by January 2019.
- 2.15 Since their acquisition of the Tilbury2 site, two temporary planning permissions have been secured by PoTLL within the Tilbury2 site (and within the DCO Order Limits) for the open storage of new motor vehicles; one area is in the northern area the Tilbury2 site (LPA reference 16/00848/FUL) and is presently operational, one in the southern area (largely on the footprint of the former Tilbury A Power Station) which has yet to be implemented (LPA reference 17/00560/FUL). Permission has also been secured by PoTLL for the erection of 2.9m high security fencing along the northern boundary of the Tilbury2 site adjoining the railway line.

DEVELOPMENT PLAN

- 2.16 The statutory Development Plan for Thurrock Council's area is the Thurrock Core Strategy and Policies for Management of Development Plan Document (DPD), adopted December 2011 and subsequently updated on 28 January 2015, following an independent examination of the Core Strategy Focused Review document which concentrated on consistency with the National Planning Policy Framework.
- 2.17 On 12 February 2014, Thurrock Council authorised the preparation of a new Local Plan for Thurrock. However, the Core Strategy will remain the statutory planning policy document for the Borough, and for deciding planning applications, until the new local plan has been adopted. It is anticipated that further consultation will take place in late 2017/early 2018; a Regulation 19 consultation is likely to take place in late 2018, submission to the Secretary of State in 2019 and adoption late 2019/2020.

Policies plan designation

- 2.18 Existing site-specific policy can be found in the DPD. Appendix 1 to this document comprises an extract from the development plan policies map. Parts of the main Tilbury2 site are 'white land,' absent any site-specific

designation. Land to the north of the site is partly identified as land designated as 'primary employment' whilst other areas are defined as being of nature conservation importance either as Local Wildlife Sites (LoWS)³ or green corridors. A small area in the north-east corner of the Tilbury2 site is located within the Green Belt.

- 2.19 The land within the infrastructure corridor has no specific designation at its eastern end whilst at its western end the land is designated as 'primary employment' as it is in current port operational use. Fort Road is shown as a 'Road Improvement Scheme.'

Consistency of Tilbury2 with Thurrock employment and related policies

- 2.20 The DPD proposals map allocates a significant proportion of the northern area of the Tilbury2 site for employment related development. On employment allocations, Policy CSSP2 indicates that the Council will "promote and support economic development in the Key Strategic Economic Hubs" (of which Tilbury is one) "that seeks to expand upon their existing core sectors and/or provide opportunities in the growth sectors." The "core sectors" are identified in the DPD as including :-

*"the international port and logistic related facilities at Tilbury and the recent approval for a deep-water port at London Gateway and the logistics and retail clusters at the Lakeside Basin / West Thurrock."*⁴

- 2.21 In addition, Tilbury Power Station lies within the Tilbury "Regeneration Area" identified in the DPD; one of five regeneration areas which focus development on the Thurrock Urban Areas (para. 3.19). Paragraph 3.36 states that there will be further development of, *inter alia*, industry based upon the riverside.
- 2.22 It is also stated at paragraph 3.34 that "Tilbury is a key location for employment in the Borough and will provide between 1,600 and 3,800 additional jobs in logistics, port and riverside industries. Port-related employment land is located to the north of Tilbury.
- 2.23 There are other generic policies in the DPD which support the Tilbury2 proposals on the proposed site because of its access to the River Thames and the rail network.
- 2.24 Paragraph 5.112 sets out the Council's objective to "support economic growth by ensuring sustainable, high quality and reliable freight access to the ports and other key employment locations, whilst minimising the adverse impacts such activity might have on people, the environment and the transport system." Accompanying Policy CSTP17 (Strategic Freight Movement and Access to Ports) states that

³ Note that the Policies Map does not indicate the currently recognised location of the relevant Local Wildlife Sites (LoWS) and the nature conservation designations on the plan do not coincide with these LoWS. This is discussed further in the ES (Document reference xx

⁴ Para. 4.11

“The Council will support the logistics and port sectors, and the positive impacts of freight activity in Thurrock and beyond, by:

1. facilitating a shift to rail freight and freight carried on the River Thames. This will be through:

I. Protecting inter-modal, rail and water-borne freight facilities from other development at locations where a demand exists or is expected to exist.

II. Promoting the use of rail and water borne freight facilities by supporting the development of appropriate infrastructure.

III. Supporting improvements to facilitate sustainable freight movements, including the rail hub at London Gateway, the South West Thurrock Railhead and improving access to the ports.”

2.25 Policy CSTP17 also seeks, as part of a Freight Quality Management Partnership, to maximise modal shift opportunities for freight, to ensure that freight traffic keeps to the most suitable roads in the Network Hierarchy, to promote the use of less polluting vehicles and reduce the adverse impact of freight movements on congestion on the A1089, A13 and A1306.

2.26 Also of particular relevance is Policy CSTP28: River Thames. This states that:-

“The Council and Partners will ensure that the economic and commercial function of the river will continue to be promoted through:

i. Priority being given to allocating riverside development sites to uses that require access to the river frontage, especially those which promote use of the river for passenger transportation purposes.

ii. Safeguarding port-related operational land.

iii. Safeguarding additional adjacent land required for further port development, including expansion. For port development onto additional land to be acceptable however, it will be necessary to substantiate the need for it over and above land that is already available for operational port uses.

iv. To safeguard existing and promote new jetties and wharves facilities where appropriate for transport of goods and materials.”

2.27 The development of Tilbury2 for a new port terminal, with an infrastructure corridor for road and rail access is therefore consistent with and positively supported by the employment strategy of the development plan and the approach towards sites along the River Thames given that:-

- The town of Tilbury is identified as a Strategic Employment Location where growth is expected to take place;
- The ports and logistics sectors are seen as ‘core sectors’ for the Borough that should be expanded, particularly at Tilbury;

- It is located such that it can take advantage of multi-modal access by river, rail and road, consistent with the Council's objectives in relation to the strategic movement of freight; and
- It provides for protection and enhancement of an existing jetty on the river for river borne transportation.

Other Thurrock Policies – environment

2.28 Many of the environmental policies of the DPD are aligned closely with the matters highlighted in Section 5 of the NPS that are considered further in the following sections of this document. As can be seen from the policies map extract in Appendix 1, other designations and policies of particular relevance to the proposals are those relating to scheduled ancient monuments (given the proximity of Tilbury Fort), Local Nature Reserves and Green Belt.

2.29 CSTP24 deals with Heritage Assets and the Historic Environment. The preamble to the policy indicates that that the Council is “committed to preserving or enhancing Thurrock’s historic environment”⁵ and identifies a range of assets including

“The outstanding regional and nationally important defence and military coastal fortifications, which reflect the strategic importance of the Thames Estuary, including Tilbury Fort and Coalhouse Fort. The former is of international significance.”⁶

2.30 The policy itself provides detailed guidance on protecting and enhancing heritage assets and indicates that *“all development proposals will be required to consider and appraise development options and demonstrate that the final proposal is the most appropriate for the heritage asset and its setting.”* The policy highlights a number of priority heritage assets, including Tilbury Fort and the River Thames; its states that the Council will *inter alia*:-

“i. Ensure that the setting of Tilbury Fort, including views of it from the river, are appropriately protected and enhanced, and that encroachment on the open land around it is not permitted.”

iii. Resist development that undermines an understanding of the role the river Thames has played in the historic development of Thurrock.

iv. Promote public access between Tilbury Fort and Coalhouse Fort through riverside links.”

2.31 Policy PMD4 gives further guidance and highlights that the Council will ensure that the fabric and setting of heritage assets, including Listed Buildings, Conservation Areas, Scheduled Monuments and other important archaeological sites, and historic landscape features are appropriately protected and enhanced in accordance with their significance.

⁵ Thurrock Core Strategy para. 5.145

⁶ Para. 5.145

- 2.32 The Core Strategy also identifies the land between Tilbury and the riverside to be enhanced and opportunities for appropriate re-use and refurbishment of Listed Buildings and that the green linkage between the urban area and the river be pursued. It highlights that *“The landscape setting of Tilbury Fort and approaches to it will be enhanced. There will be further development of cultural facilities and industry based upon the riverside development and cultural heritage of the riverside”* and that *“public access and informal recreation along the riverside will be improved. There will be improvements to transport links.”*⁷
- 2.33 Policies relevant to the nature conservation designations on and in the vicinity of the site are Policy CSTP18 and CSTP19. The former sets out how the Council with its partners will *“restore, protect, enhance and where appropriate create its green assets.”* New development should contribute to green infrastructure and the Council will not permit *“development that compromises the integrity of green and historic assets and that of the overall Green Infrastructure network.”* CSTP19 deals specifically with biodiversity and indicates how the Council will seek to ensure that designated sites (including LoWS) are safeguarded and enhanced to mitigate the effects of past habitat loss and fragmentation, development and climate change.
- 2.34 The relevant development management policy in this regard is Policy PMD7. It sets out the Council’s approach of requiring development proposals to demonstrate that any significant biodiversity habitat or geological interest of recognised local value is retained and enhanced on-site. Where it can be demonstrated that this is not possible, and there is no suitable alternative site available for the development, developers will be required to show that their proposals would mitigate any loss of biodiversity or geological interest. In circumstances where it can be demonstrated that neither retention on site nor mitigation is possible, developers will be required to provide appropriate compensation for any significant loss of biodiversity or geological interest, such that there is no overall net loss of biodiversity habitat or features of geological conservation interest in Thurrock.

Thurrock Policies – Green Belt

- 2.35 As a small part of the Tilbury2 site is located within the Green Belt. Of that it is expected that some 1.32ha would be developed as part of the proposals. Thurrock policies on the Green Belt are therefore relevant. Policy CSSP4 states that the Council’s policy is to maintain the purpose, function and open character of the Green Belt in Thurrock in accordance with the provisions of [the then extant] PPG2 for the plan period. This includes maintaining the permanence of boundaries except where Urban Extension Broad Locations were proposed. None of these are in the immediate vicinity of the main Tilbury2 site although the land at what is now known as London Distribution Park, immediately to the east of the Asda roundabout was shown as one such location. The policy also indicates that the Council will resist development where there would be any danger of coalescence and maximise opportunities for increased public access, leisure and biodiversity. Enhancement of the Green Belt includes reinforcing the Green Belt boundary through structural enhancement of the local landscape features

⁷ Thurrock Core Strategy Para. 3.34

and enhancing public access and biodiversity through the Green Grid strategy.

Thurrock policies - design

- 2.36 The Masterplanning Statement (Document 6.2.5A) submitted with the DCO considers the design policy context as a number of Core Strategy policies have relevance to the masterplanning process at Tilbury2 in addition to the policies referred to above. It explains how the proposals have taken into account these policies.
- 2.37 Policy CSTP22 – Thurrock Design – highlights that the Council will promote high quality design in Thurrock and will progress opportunities to improve the quality of the environment throughout the Borough and particularly in the Regeneration Areas and Key Strategic Employment Hubs (including Tilbury).
- 2.38 Policy CSTP22 encourages distinctive new designs of high architectural quality in appropriate locations and promotes high quality design including sustainable, renewable resources of energy and low-emissions technology, and enhanced green infrastructure. The policy indicates that the Council will require that developments address the particular sensitivities and capacity of the places within which they occur, including how adverse impacts are mitigated. Further detailed policy guidance on design issues is given in Policy PMD2 which requires all design proposals to respond to the sensitivity of the site and its surroundings, to optimize the potential of the site to accommodate development, to fully investigate the magnitude of change that would result from the proposals, and mitigate against negative impacts.

Tilbury Development Framework

- 2.39 On 17 October 2017, Thurrock Council published a document entitled ‘Tilbury Development Framework.’ The document has not been the subject of consultation with PoTLL or the wider community. The document itself highlights that *“the Masterplan itself 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)⁸.”* As such, it is not a document that is likely to be considered 'important and relevant' to the Secretary of State's decision under section 104(2)(d) of the PA2008.

Gravesham Planning policies

- 2.40 The Tilbury2 site lies close to the southern boundary of Thurrock adjoining the municipal area of Gravesham. The policies and proposals contained in the Gravesham Local Plan Core Strategy (“GLPCS”) and Policies Map (adopted 30 September 2014) are also of relevance to the Tilbury2 proposals. An extract from the Local Plan proposals map is attached as Appendix 2 to this document.

⁸ Tilbury Development Framework, October 2017, page 3

- 2.41 The GLPCS identifies a number of opportunity areas within the Borough. Of particular relevance to the Tilbury2 proposals is the Gravesend Riverside East and North East Gravesend Opportunity Area which lies immediately to the east of Gravesend town centre. The western parts of this opportunity area lie on the southern shore of the river Thames opposite the Tilbury2 site. This part of the opportunity area includes the 'Canal Basin Regeneration Area' which is proposed within the GLPCS for *"mixed use regeneration that complements the development which has already taken place to the south of the Canal Basin.....This will comprise a mix of residential and business uses that have regard to the constraints imposed by its location in a flood risk area and the proximity of gasholders at Canal Road."*⁹ The GLPCS notes that planning permission has been granted for these uses. Policy CS04 highlights that the Canal Basin Regeneration Area Key site will provide *inter alia* around 650 new dwellings. It is known that planning permission was granted for the redevelopment of this site.¹⁰ but this permission has now lapsed.
- 2.42 There are also a number of other objectives for this opportunity area which include protecting and enhancing river related leisure and commercial activities and heritage assets.
- 2.43 Gravesend Town Centre is also defined as an Opportunity Area, the objectives for which are set out in Policy CS05. The town centre is identified as *"the principal focus for town centre related economic and social activity in the Borough."* The policy highlights the need to take full advantage of the town's heritage and riverside setting with development seeking to *"reinforce Gravesend's character as a riverside heritage town."*¹¹
- 2.44 Further west along the river (partly opposite the existing Port of Tilbury) is the Northfleet Embankment and Swanscombe Peninsula East Opportunity Area. This is described in Policy CS03 as *"a substantial opportunity for major riverside regeneration in Gravesham. Development will bring significant benefits to existing adjoining residential communities and the Borough as a whole through the delivery of new housing and jobs whilst achieving environmental improvement, especially in air quality, and a high standard of design."*¹²
- 2.45 The EIA process has considered the likely changes in land use context within the above Opportunity Areas in defining and assessing the impact of the proposals on sensitive receptors.

NATIONAL PLANNING POLICY FRAMEWORK

- 2.46 The Government's policies on different aspects of planning are set out in the National Planning Policy Framework ("the Framework"). As noted above the Framework does not contain specific policies for nationally significant infrastructure projects for which particular considerations apply. These are determined in accordance with the decision-making framework set out in the

⁹ Gravesham Local Plan Core Strategy (2014), para. 4.4.28

¹⁰ LPA reference GR/2011/0713

¹¹ Gravesham Local Plan Core Strategy (2014), para. 4.6.41

¹² Gravesham Local Plan Core Strategy (2014), para. 5.14.39

PA2008 and relevant national policy statements for major infrastructure, as well as any other matters that are considered both important and relevant (which may include the National Planning Policy Framework). National policy statements form part of the overall framework of national planning policy, and are a material consideration in decisions on planning applications.

- 2.47 Although the Framework does not contain specific policies for NSIPs this document has played an important role in the development of the Tilbury2 project and the assessment of its environmental impact as a document that is likely to be considered 'important and relevant' to the Secretary of State's decision under section 104(2)(d) of the Planning Act.
- 2.48 The Framework states that the 'presumption in favour of sustainable development' is at the heart of the planning system. The Framework sets out three components of sustainable development – economic, social and environmental.
- 2.49 It emphasises that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. *“Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.”*
- 2.50 The Framework seeks to encourage sustainable economic growth and advises that investment in business should not be over-burdened by the combined requirements of planning policy expectations. Planning policies should recognise and seek to address potential barriers to investment, including a poor environment or any lack of infrastructure, services or housing.
- 2.51 The promotion of sustainable transport is dealt with in section 4 of the the Framework. At paragraph 32 it states inter alia that planning decisions should take account of whether safe and suitable access to the site can be achieved for all people. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 2.52 The Framework also advises that local authorities should work with neighbouring authorities and transport providers to develop strategies for the provision of viable infrastructure necessary to support sustainable development, including large scale facilities such as rail freight interchanges, roadside facilities for motorists or transport investment necessary to support strategies for the growth of ports, airports or other major generators of travel demand in their areas.
- 2.53 A wide range of other policy areas that are included within the Framework are relevant to the proposals, particularly those relation to conserving and enhancing the natural environment and the historic environment¹³. These have been considered as part of the environmental assessment process and

¹³ Paras. 109 – 141

are referred to in each topic chapter of the Environmental Statement (Document Reference 6.1).

NATIONAL PLANNING POLICY FRAMEWORK - DRAFT TEXT FOR CONSULTATION

- 2.54 The Government has undertaken a review of the adopted NPPF and revised text was published for consultation in March 2018. The consultation period runs until the 10 May 2018. Following this, responses will be considered, and it is understood that the revised Framework will be adopted in Autumn 2018. As a draft document for consultation, only limited weight can be given to this document until such time as it is adopted.
- 2.55 A review of the guidance within the document has been undertaken to compare the revised wording with that of the relevant sections within the adopted Framework. Relevant policies within the adopted Framework have been referred to in the above section of this report and in individual environmental chapters within the Tilbury2 Environmental Statement [APP-031]. A detailed review of the text of the draft revised NPPF with the adopted version is attached as Appendix 4 to this document.
- 2.56 Overall, the review of the draft text concludes that there are no significant changes to the guidance that alter the outcomes of relevant policy assessments contained within the Environmental Statement [APP-031], the compliance of the proposals with the requirements of Section 104 of the Planning Act 2008, and the overall planning balance in favour of the scheme established and concluded as part of the Tilbury2 DCO application.
- 2.57 In terms of the guidance relevant to the Tilbury2 application, there is some change of emphasis and less significant changes, which can be summarised as follows:
- Re-emphasising the relationship of NPSs with the Framework
 - Slight change of emphasis and definitions of the three dimensions of sustainable development
 - Further support for business and economic growth, with an emphasis on productivity
 - New reference to protecting sites for strategic infrastructure and the role of NPS'
 - Greater emphasis on community involvement in preparing design policies
 - New emphasis on how the planning system can aide healthy lifestyles through the location of facilities and development layouts
 - Boosting protection for biodiversity, seeking net gains through policy and decision making

- Introduction of a 'sequential approach' to protect environmental and amenity value
- New emphasis for the conservation of heritage assets, irrespective of the degree of potential harm.

2.58 It is not considered that these changes materially alter the policy framework upon which the environmental assessment and planning policy compliance assessment already undertaken in respect of the Tilbury2 application has been based, and therefore the conclusions of that exercise remain the same.

3.0 NATIONAL POLICY STATEMENT FOR PORTS

- 3.1 The NPS for Ports was designated in January 2012. It provides the framework for decisions on nationally significant port infrastructure and applies, wherever relevant, to associated development such as road and rail links for which consent is sought alongside that for the principal development - as is the case for the Tilbury2 proposals.
- 3.2 By way of introduction, at para. 1.1.1 the NPS highlights how ports have needed to change over time to support the trade in goods and commodities which is the basis for our national prosperity. It highlights that travel and trade have changed over time, and as ships and their cargoes have developed in size, character and technology, so the nature and the distribution of ports has altered. The history of the Port of Tilbury outlined above is evidence of this very process. Tilbury2 is proposed as the next chapter in the history of change at this particular Port.

THE NEED FOR NEW INFRASTRUCTURE

- 3.3 The NPS sets out the Government's conclusions on the need for new port infrastructure, taking account of evidence on future demand and the options for meeting it. It explains to planning decision-makers the approach they should take to proposals, including the main issues which, in the Government's view, will need to be addressed to ensure that future development is fully sustainable, as well as the weight to be given to the need for new port infrastructure and to the positive and negative impacts it may bring (para. 1.2.1).
- 3.4 Chapter 3 of the NPS explains the essential role of ports in the UK economy. In respect of freight and bulk movements, it highlights the change from fifty years ago when many cargoes were still loaded and unloaded individually. It highlights that most goods now arrive in the UK in trucks and trailers which roll on and off ('RoRo'), or in large containers. Specialised equipment at terminals conveys grain and other dry goods and liquids. Again, these trends are reflected in the developments at the Port of Tilbury over the period with significant increases in containerised and RoRo traffic. The growth in RoRo traffic is a key driver for the Tilbury2 proposals. That said, the success of the Port hinges on its diversity, to be able to handle a wide range of bulk products – including non-unitised cargoes such as timber products and scrap metal. It is this diversity that has allowed the Port to grow and react positively to the changes in trade.
- 3.5 The NPS highlights that ports continue to play an important part in local and regional economies, further supporting national prosperity. This is very much the case at Port of Tilbury. As set out in the OBC (Document 7.1), the Port currently supports 8,600 FTE jobs and contributes a GVA of £404 million.
- 3.6 Section 3.3 of the NPS outlines Government policy for Ports. In summary, the Government seeks to:

- *encourage sustainable port development to cater for long-term forecast growth in volumes of imports and exports by sea with a competitive and efficient port industry capable of meeting the needs of importers and exporters cost effectively and in a timely manner, thus contributing to long-term economic growth and prosperity;*
- *allow judgments about when and where new developments might be proposed to be made on the basis of commercial factors by the port industry or port developers operating within a free market environment; and*
- *ensure all proposed developments satisfy the relevant legal, environmental and social constraints and objectives, including those in the relevant European Directives and corresponding national regulations.*¹⁴

3.7 The approach of the Government is therefore to allow the port industry to make decisions as to new capacity, given that it *“has proved itself capable of responding to demand in that way.”* The success of the Port of Tilbury to date demonstrates its capability in this regard.

3.8 Para. 3.3.3 of the NPS lists ten criteria that new port infrastructure should address to order to help meet the Government’s policies on sustainable development. These include economic (contributing to local employment and ensuring competition), environmental (protecting biodiversity and heritage assets, ensuring a high quality of design, minimising the use of greenfield land etc) and social (enhancing access to ports and jobs services and social networks for all, including the most disadvantaged). Fundamentally, the approach is to ensure that economic growth should be aligned with environmental protection, social enhancement and improvement wherever possible.¹⁵

3.9 Section 3.4 of the NPS provides the Government’s assessment of the need for new infrastructure. This is based not only on overall demand for capacity but also *“the need to retain the flexibility that ensures that port capacity is located where it is required, including in response to any changes in inland distribution networks and ship call patterns that may occur, and on the need to ensure effective competition and resilience in port operations.”*¹⁶

3.10 The essential point made is that demand for capacity will, over time inevitably increase. A policy of sustainable economic growth leads to an increase in trade and, given the limited alternatives, an increase in the demand for port capacity.¹⁷ The NPS quotes assessments from 2007 that suggested, for example, a 101% increase in RoRo traffic between 2005 and 2030. It notes that the recession has led to a downturn in demand but *“the Government’s view is that the long-term effect will be to delay by a number*

¹⁴ Para. 3.3.1

¹⁵ Para. 3.3.6

¹⁶ Para. 3.4.1

¹⁷ Para. 3.4.2

of years but not ultimately reduce the eventual levels of demand for port capacity, in particular for unitised goods, predicted in these forecasts.”¹⁸

- 3.11 Since the recession, growth in demand has indeed increased. Department of Transport figures for 2016 show that Unitised traffic handled at UK major ports continued to grow in 2016, accounting for 36% of total tonnage (compared with 21% two decades earlier). Unitised tonnage (RoRo, Lift-on/Lift-off containers and motor vehicles) grew 3% in 2016 and was 15% higher than in 2012, following four years of growth.¹⁹
- 3.12 Crucially, Government policy is for each port to take its own commercial view and its own risks on its particular traffic forecasts and to decide on whether new capacity is required. The approach taken by PoTLL to proposing new capacity follows assessment of latent demand, discussions with tenants and assessment of the trends in future demand in the markets that it serves. More detail on this is set out in the OBC (Document reference 7.1) which explains that PoTLL forecast, consistent with national trends described above, that RoRo throughput and the demand for bulk and aggregate capacity will continue on an upward trajectory.

THE LOCATION OF NEW CAPACITY

- 3.13 Just as the Government does not want to define the amount of capacity to be provided, nor is it Government policy to say *where* port capacity should be provided. The NPS advises that *“capacity needs to be provided at a wide range of facilities and locations, to provide the flexibility to match the changing demands of the market, possibly with traffic moving from existing ports to new facilities generating surplus capacity.”²⁰*
- 3.14 The Government believes the port industry and port developers are *“best placed to assess their ability to obtain new business and the level of any new capacity that will be commercially viable.”²¹* The OBC addresses the case for the proposed investment by PoTLL at Tilbury2 given economic, commercial and financial considerations. Strategically, the Port of Tilbury is located close to key markets for goods. Being close to the edge of the London conurbation, 18 million people live within a 75 mile radius. The Port has existing multi-modal access that will be replicated at Tilbury2. It has access to the main line rail network, with established paths into London; it has the facility to use the river to barge materials (particularly bulks) into the capital (and indeed, has done so for projects such the Olympic Park) and via the A1089, it has immediate access to the trunk road, and from there the national motorway network at junction 30 of the M25. The location of Tilbury2 and its relationship to the existing Port is key to the confidence shown by PoTLL in increasing capacity by the proposals.
- 3.15 One matter raised by consultees regarding Tilbury2 (see Consultation Report [Document 5.1]) is that expansion capacity in the Thames estuary exists at London Gateway. However, given Government policy, this is not

¹⁸ Para. 3.4.4

¹⁹ UK Port Freight Statistics 2016, *Department of Transport*, published 1 September 2017

²⁰ NPS para. 3.4.11

²¹ Para. 3.4.13

material to the decision-maker. In any event, PoTLL consider that Port of Tilbury and London Gateway are in large part complementary facilities (as London Gateway provides facilities for deep sea containerised shipping compared to Tilbury2 which is to provide for short sea RoRo and aggregates) and both will grow in future years. Moreover, the NPS points out that resilience generated by any spare capacity created is important to cater for short term peaks in demand, the impact of adverse weather conditions, accidents, deliberate disruptive acts and other operational difficulties, without causing economic disruption through impediments to the flow of imports and exports.²²

- 3.16 Therefore, decisions on capacity are for PoTLL as an operator, subject to satisfying the decision-maker *“that the likely impacts of any proposed development have been assessed and addressed.”*²³

PRESUMPTION IN FAVOUR OF DEVELOPMENT

- 3.17 Indeed, the NPS specifically indicates that the decision-maker should accept the need for capacity for a number of reasons, including to meet forecast growth, provide a wide range of facilities, ensure competition and provide resilience.²⁴ The need for port infrastructure is considered to be ‘urgent’ and on this basis, the decision-maker:-

“...should start with a presumption in favour of granting consent to applications for ports development. That presumption applies unless any more specific and relevant policies set out in this or another NPS clearly indicate that consent should be refused. The presumption is also subject to the provisions of the Planning Act 2008.”

CONCLUSIONS

- 3.18 The proposals perform strongly against the principal themes and objectives of the NPS. The need for additional port capacity in locations identified by the port industry – and as such a presumption in favour of sustainable port development – are such that the need for the proposals has been established in principle, particularly given the demonstrable lack of capacity at the existing Port of Tilbury and the track record of PoTLL in growing and adapting to change and hence the continued success of the Port.
- 3.19 The proposals are strongly supported in both national and local planning policy. The proposals would directly address clear objectives of the NPS to cater for future demand in port capacity in a multi-modal location, contributing positively to economic growth. The strength of this policy support and the nature of the economic benefits of the proposals should weigh heavily in favour of the DCO being made.

²² Para. 3.4.15

²³ Para. 3.4.13

²⁴ Para. 3.5.1

4.0 NPS ASSESSMENT CRITERIA

GENERAL PRINCIPLES OF ASSESSMENT

Key considerations

- 4.1 Para. 4.1 of the NPS highlights certain key considerations that the decision maker should take account of in making decisions.
- 4.2 It requires that the applicant's assessment should be conducted in a manner that is consistent with statutory requirements under UK and EU legislation. The application has ensured that this is the case, as is set out in each chapter of the Environmental Statement (Document Reference 6.1).
- 4.3 It notes that the approach to assessment should be conducted in a way that takes into account all of the Government's objectives for transport, including the need to promote economic growth as well as ensuring an efficient and competitive transport sector both nationally and internationally. Fundamentally, the growth aspirations of PoTLL are fully aligned with the Government policy on transport as described in the NPS.
- 4.4 It seeks improvement to the environmental performance of ports and associated developments, including transport. A number of documents address how the operation of Tilbury2 will maximise environmental performance in particular the Sustainable Distribution Plan (Document reference 6.2.13.C).
- 4.5 It identifies the need to strengthen the safety and security of transport. Tilbury2 will be operated in the same way as the main Port of Tilbury and will fall to be controlled by the Port's own police force. Safety considerations have been taken into account in the design process including such matters and the lighting strategy and the design of the road link and its associated junctions.
- 4.6 It suggests that the applicant's assessment could follow the standard framework designed by the DfT and recommended to all port applicants (A Project Appraisal Framework for Ports, 2005). Although this approach is not used, the OBC (Document Reference 7.1) explains how references made in the NPS to the Department for Transport's WebTAG methodology and the (now out of print) Project Appraisal Framework for Ports have been reconciled, highlighting that the two other successful Port DCO cases that have been examined refer to the assessment of economic and socio-economic effects based on WebTAG principles but do not employ the WebTAG methodology
- 4.7 The NPS requires the applicant's assessment to take account of other relevant UK policies and plans, including the Marine Policy Statement (MPS)¹⁶ and any existing marine plans provided for by the Marine and Coastal Access Act 2009. This is taken into account in the consideration of marine ecology (Document reference 6.1.11) and discussed further in Section 5.0 of this document.

- 4.8 The assessment should also be informed, as to the material points for consideration, by the points raised by s.42 consultees. Each chapter of the Environmental Statement (Document Reference 6.1) reviews the consultation process with S.42 consultees and how comments raised have been taken into account in accordance with s.49. Detail is also provided in the Consultation Report (Document Reference 5.1)
- 4.9 Finally, under key considerations the NPS highlights that the information sought from applicants should be proportionate to the scale of proposed development and associated impacts, including its likely impact on and vulnerability to climate change, as well as all other aspects of conformity with this NPS. The application to which this statement relates is comprehensive and proportionate to the proposals.

Benefits and adverse impacts.

- 4.10 The NPS indicates that where the decision-maker reaches the view that a proposal for port infrastructure is in accordance with the NPS, the benefits, including the contribution that the scheme would make to the national, regional or more local need for the infrastructure, must be weighed against anticipated adverse impacts, including cumulative impacts.²⁵
- 4.11 The decision-maker should ensure they take account of any longer-term benefits that have been identified (such as job creation) as well as the costs of development, or any wider benefits to national, regional or local economies, environment or society²⁶. The Outline Business Case (Document Reference 7.1) looks specifically at this matter.
- 4.12 The Environmental Statement (Document Reference 6.1) deals with benefits and impacts, including those arising from cumulative impacts with other relevant projects.

Economic impacts

- 4.13 The NPS gives general guidance on the approach to considering economic impacts and the OBC (Document Reference 7.1) has addressed this guidance. The NPS highlights the importance of ports to the economy and indicates that where a port development affects a protected habitat, and in the absence of alternative solutions, the decision-maker may need to consider whether there are any imperative reasons of overriding public interest (IROPI) in allowing the development to proceed. The impact of the proposals on protected habitats is dealt with in the Environmental Statement at chapters 10 and 11 (Document References 6.1.10 and 6.1.11), which conclude that the effects are sufficiently minimal that the IROPI test will not need to be applied. At para. 4.3.5, the NPS once again reiterates that substantial weight should be given to the positive impacts associated with economic development.
- 4.14 The NPS requires that the effect on demand for local public services (such as affordable housing, education and healthcare) should be assessed where

²⁵ Para. 4.2.2

²⁶ Para. 4.2.3

a port development is likely to lead to a substantial net increase in employment (of 5,000 or more) which would require inward migration to the area. The Tilbury2 proposals are not of this scale and therefore such an assessment has not been carried out.

Competition

- 4.15 The NPS highlights that Ports in England and Wales operate on a commercial basis, and Port developers must plan to make a commercial return from the investment being made.²⁷ As highlighted earlier, the NPS makes clear that it is up to the port sector to decide how much capacity is required and where. However, it also states at para. 4.4.1 that the decision-maker may need to make judgements as to whether possible adverse impacts would arise from the impact of the development on other commercial operators. PoTLL do not consider that any such adverse commercial impact would arise. The Tilbury2 proposals will meet increasing demand for RoRo and aggregate capacity. As highlighted above, whilst expansion capacity in the Thames estuary exists at London Gateway, the Tilbury2 proposals are for short-sea RoRo and aggregates, compared London Gateway, which is primarily a deep-sea container terminal. PoTLL consider that Port of Tilbury and London Gateway are in large part complementary facilities and both will grow in future years

Tourism

- 4.16 The proposals themselves do not include passenger or cruise facilities. The assessment of the impact on tourism includes consideration of the impact of the proposals on users of footpaths and Tilbury Fort. This is primarily contained within Chapter 9: Landscape and visual amenity, within the Environmental Statement (Document Reference 6.1). The Tilbury – Gravesend Ferry plays some role in encouraging cross river trips for leisure purposes. However, the Navigational Risk Assessment contained in Chapter 14 of the Environmental Statement (Document Reference 6.1) that the proposals will have no bearing on ferry operations as the ferry jetty is upstream of Tilbury2 and approaching RoRo and aggregate vessels will turn downstream and adjacent to the berth. There will be no interface with the Tilbury-Gravesend ferry brought about by berthing or unberthing operations.

Environmental Impact Assessment

- 4.17 The NPS expects all applications that are subject to the European Environmental Impact Assessment Directive to be accompanied by an Environmental Statement which will consider the likely significant effects of the proposed development, together with cumulative effects²⁸. This requirement is met by the Environmental Statement (Document Reference 6.1).
- 4.18 The approach in para. 4.7.1 has been followed. The Environmental Statement (Document Reference 6.1) includes a description of the likely significant effects of the proposed project on the environment, covering the

²⁷ Para. 4.4.1

²⁸ Para. 4.7.1

direct effects and indirect, secondary, cumulative, short-, medium- and long-term, permanent and temporary, positive and negative effects of the project, and also the measures envisaged for avoiding or mitigating significant adverse effects.

- 4.19 It sets out the significant social and economic effects of the development and shows how any likely significant negative can be avoided or mitigated. It provides at Chapter 20 information on how the effects of the proposals would combine and interact with the effects of other developments that have been identified in the areas. It requires that the accumulation of, and interrelationship between, effects might affect the environment, economy or community as a whole. These 'synergistic' (or in combination) effects are also considered at Chapter 20 of the Environmental Statement (Document Reference 6.1).

Habitats and Species Regulations Assessment

- 4.20 Paragraph 4.8.1 explain the requirement under the Habitats and Species Regulations, the decision maker should consider whether a project could have a significant effect on the objectives of a European site or any site to which the same protection is applied. A Stage 1 Habitat Regulation Assessment (HRA) report has been undertaken and provided to Natural England (Document Reference 6.2.10.O).
- 4.21 The Assessment considered the potential effects of the proposals in terms of:
- air quality from shipping emissions
 - indirect degradation of water regimes; and
 - functional habitat loss or degradation.
- 4.22 The need to consider the potential for likely significant effects has been identified in respect of the Thames Estuary and Marshes SPA and the Thames Estuary and Marshes Ramsar Site.
- 4.23 The outcome of the assessment is that the scheme is not likely to result in significant effects on the integrity of these sites, nor any of their qualifying features and that no further assessment is required. At the time of submission, this is the process of being agreed with Natural England.

Alternatives

- 4.24 The NPS set out the basis for the consideration of alternatives to the proposals. Given the outcome of the HRA, there is no specific legislative requirement in this regard, but the NPS obliges applicants to include in their ES factual information about the main alternatives they have studied. This should include an indication of the main reasons for the applicant's choice,

taking into account the environmental, social and economic effects and including, where relevant, technical and commercial feasibility.²⁹

- 4.25 The Environmental Statement deals with this matter at Chapter 6 (Document Reference 6.1) in particular highlighting the lack of any other opportunities for new berthing capacity adjacent to or in close proximity to the existing Port. The Masterplanning Statement (Document Reference 6.2.5.A) explains the design process and the options considered in respect of the layout, alignment of highway and rail links, proposed uses and key development parameters of the proposals themselves. The requirements of the NPS, therefore, are satisfied and there is no need to consider further the question of alternatives to the application proposals.

Criteria for Good Design

- 4.26 The Masterplanning Statement (Document Reference 6.2.5.A) addresses this requirement of the NPS directly.
- 4.27 Section 4.10 of the NPS discusses criteria for 'good design' for port infrastructure. The guidance suggests that 'good design' should produce sustainable infrastructure sensitive to place, efficient in the use of natural resources and energy used in their construction and operation, matched by an appearance that demonstrates good aesthetic as far as possible. However, it also recognises that the nature of much port infrastructure development will often limit the extent to which it can contribute to the enhancement of the quality of the area. That said, it also indicates good design can be the means by which adverse impacts of development can be mitigated. This has been an important element of the approach to the masterplanning of Tilbury2.
- 4.28 The NPS highlights that applicants should be able to demonstrate how the design process was conducted and how the proposed design evolved.
- 4.29 The design process is explained in the Masterplanning Statement (Document Reference 6.2.5.A). In accordance with the NPS it highlights where different designs were considered, and the reasons why the favoured choice has been selected. The NPS does recognise that the decision-maker should take into account the ultimate purpose of the infrastructure and bear in mind the operational, safety and security requirements which the design has to satisfy. For Tilbury2, these considerations are important, alongside aesthetics and environmental considerations.
- 4.30 The NPS suggests that at an early stage, applicants and the decision-maker should consider seeking professional and independent advice on what constitutes 'good design' of a proposal. PoTLL have engaged with a range of stakeholders that have a role in design issues in discharging their statutory function, particularly Thurrock and Gravesham Councils and Historic England. The design of the marine infrastructure has also been developed in close consultation with the PLA. This would also continue through the operation of the proposed DCO requirements which impose controls on design.

²⁹ Para. 4.9.2

Pollution Control and other environmental regulatory regimes

- 4.31 The NPS advises that in considering an application for development consent, the decision-maker should focus on whether the development itself is an acceptable use of the land and on the impacts of that use, rather than the control of processes, emissions or discharges themselves. They should work on the assumption that the relevant pollution control regime, other environmental regulatory regimes, including those on land drainage, water abstraction and biodiversity will be properly applied and enforced by the relevant regulator. It should act to complement but not seek to duplicate it.³⁰
- 4.32 This is the approach adopted by PoTLL and by the relevant chapters of the Environmental Statement (Document Reference 6.1).
- 4.33 A Construction Environmental Management Plan (CEMP – Document Reference 6.9) has been developed as part of the application to ensure that pollution risks are minimised during the construction process.
- 4.34 Moreover, the Port's current operational area is subject to a range of environmental permitting arrangements and it is assumed that these would apply equally to Tilbury2 as appropriate. However, PoTLL are also proposing adoption of an Operational Management Plan (OMP) (Document Reference 6.10) which explains how the potential impacts of the operation of Tilbury2 will be controlled and monitored once operational and how complaints and corrective actions will be dealt with. It also provides information on how the potential impacts will be mitigated within the day-to-day operations both of PoTLL's direct operations and what requirements will be placed upon any of the tenants operating on the site.
- 4.35 As required by the NPS³¹, PoTLL has consulted the Marine Management Organisation (MMO). The development consent will include a deemed marine licence (DML), and the MMO have advised on what conditions should apply to the deemed marine licence. This will ensure that the proposals are licensed in accordance with the adopted marine plan, as well as environmental legislation, including European directives.
- 4.36 PoTLL has also had detailed discussions with the Environment Agency (EA) and Local Lead Flood Authority (LLFA) (Thurrock Council, albeit Essex County Council perform this role on their behalf) in respect of flood defences, water courses and groundwater to ensure that the proposals are acceptable in relation to statutory environmental quality limitations. Further details are contained in the relevant chapters of the Environmental Statement (Document Reference 6.1) and the Consultation Report (Document Reference 5.1).

Climate change mitigation

- 4.37 The NPS indicates port developments may have an effect on greenhouse gasses. The Carbon and Energy Report (Document Reference 6.7) explains the consistency of the proposals with the Government's goal of

³⁰ Para. 4.11.3

³¹ Para. 4.11.4

reducing greenhouse gas emissions. The NPS does highlight however that there is no need to consider the impact of a new port development on greenhouse gas emissions from ships transiting to and from the port.³²

- 4.38 Minimising emissions from inland transport has been in part addressed in the design of the proposals as a multi-modal hub with rail access designed to maximise the opportunities for freight to be taken from the site by this mode. In addition, berthing capacity allows for the use of river barges to take bulk materials upstream.
- 4.39 The NPS indicates that the provision of shore-side fixed electrical power to replace the use of ships' generators in port ('cold ironing') may reduce carbon emissions, but the effects will be small. The potential installation of infrastructure for future shore power at Tilbury2 has been accounted for by way of future proofing the site. However, at the present time vessels that would be visiting the site would not be equipped to take shore power and, in any event, the lack of availability of electricity on the network would prevent shore power being available in the short to medium term.
- 4.40 In addition, a Sustainable Distribution Plan (SDP) (Document Reference xx) aims to ensure that HGV movements that can be avoided on the network are minimised and that measures are promoted to reduce HGV impact on the network. A Framework Travel Plan (Document Reference 6.2.13.B) has also been prepared to encourage sustainable travel among the staff employed at the proposed development.

Climate Change adaptation

- 4.41 The NPS highlights that Section 10(3)(a) of the Planning Act requires the Secretary of State to have regard to the desirability of mitigating, and adapting to, climate change in designating an NPS.
- 4.42 The proposals are a long-term investment which will need to remain in operation over many decades, in the face of a changing climate. The Environmental Statement (Document Reference 6.1) has considered the impacts of climate change particularly in relation to flood risk. Detailed discussions with the EA have taken place to ensure that the new link span bridge over the existing flood defences is set at a level which allows the flood wall that is located between the landside operational area of Tilbury2 and the jetty to be raised to 8.00m AOD to allow for climate change and the location of a new Thames Barrier upstream of Tilbury.

Common Law Nuisance and Statutory Nuisance

- 4.43 The measures described above will limit the potential for nuisance. In addition, however, a Statement in Respect of Statutory Nuisance (Document Reference 6.5) is submitted as part of the application documentation. That document sets out where a statutory nuisance under the Environmental Protection Act 1990 could be engaged by the proposals but that, with the proposed mitigation in place, it is not expected that there would be a breach of the Act during construction or operational activities.

³² Para. 4.12.3

Hazardous Substances

- 4.44 There is not likely to be any significant quantities of hazardous substances stored on the site. Some containers coming through the port will contain hazardous substances but potential impacts will be mitigated with pollution prevention measures in place, as will be required by the OMP (Document Reference 6.10). Any hazardous substance consent required from the Health and Safety Executive will be dealt with at the necessary time.

Health

- 4.45 The NPS highlights that ports have the potential to affect the health, well-being and quality of life of the population³³. Chapter 8.0 of the Environmental Statement (Document 6.2.8) deals directly with health issues. Quantitative and qualitative assessments have been undertaken and adverse health impacts and measures to avoid, reduce or compensate for these health impacts have been identified where appropriate. A full summary of the assessed effects is set out in Table 8.11 in the Environmental Statement (Document Reference 6.1). During construction, noise effects could be moderate but all other effects will be negligible or minor in their significance. In operation, increased employment opportunities will be a moderate beneficial effect. The proposals include an Active Travel Strategy to increase recreational use and activity within the area that will also have health benefits. The effect of the proposals on air quality is considered negligible and therefore will not impact on health in this regard. The effect of noise during in operation, without additional mitigation, is considered to have the potential for a major negative effect, based on the worst-case scenario considered in the noise assessment, with all operations fully active during night-time hours. The DCO therefore provides for a scheme of re-assessment when further details of tenant operations are known, long term monitoring and the installation of receptor based mitigation if this reassessment and the monitoring suggests that it is required. It also requires compliance with operational good practice as set out in the OMP (Document Reference 6.10), Once further mitigation is included i.e glazing and/or mechanical ventilation for dwellings with high sensitivity to noise this would result in a residual minor significant effect, which is considered to be not significant in EIA terms. These measures will therefore avoid any significant health effects from the proposals arising.

Security Considerations

- 4.46 The NPS indicates that where applications for development consent for infrastructure relate to potentially 'critical' infrastructure, there may be national security considerations.³⁴
- 4.47 Whether or not the proposals are considered 'critical' infrastructure PoTLL will adopt the same security protocols as adopted at the existing port site.
- 4.48 PoTLL are bound by the International Ship and Port Facility Security (ISPS) Code on minimum security arrangements for ships, ports and government

³³ Para. 14.6.1

³⁴ Para. 4.17.3

agencies. Having come into force in 2004, it prescribes responsibilities to governments, shipping companies, shipboard personnel, and port/facility personnel to "*detect security threats and take preventative measures against security incidents affecting ships or port facilities used in international trade.*"³⁵

4.49 For Tilbury2 this will mean *inter alia* :-

- Installation of ISPS compliant security fencing
- Manned 24/7 security cordon
- Border Inspection Post (BIP) facilities
- Installation of CCTV

4.50 In addition, the site will be included in the responsibilities of the Port's own police force, that have the same powers as any other constabulary, with an operating area up to 5 miles from the Port's statutory limits.

GENERIC IMPACTS

Biodiversity and geological conservation

4.51 As a general principle the NPS seeks to ensure development avoids significant harm to biodiversity and geological conservation interests, including through mitigation and consideration of reasonable alternatives. Where significant harm cannot be avoided, then appropriate compensation measures should be sought. In this context, the NPS places particular importance on the biodiversity of internationally and nationally designated sites. Regionally and locally designated sites are important, although the NPS provides that these designations should not be used in themselves to refuse development consent.

4.52 The NPS requires that the ES clearly sets out any effects on internationally, nationally and locally designated sites of ecological or geological conservation importance, on protected species and on habitats and other species identified as being of principal importance for the conservation of biodiversity. The applicant should show how the project has taken advantage of opportunities to conserve and enhance biodiversity and geological conservation interests and include appropriate mitigation measures as an integral part of the proposed development.

4.53 The applicant's terrestrial ecology assessment is set out in Chapter 10 of the Environmental Statement (Document Reference 6.1) and is informed by detailed baseline surveys.

4.54 There are no internationally or nationally designated sites within the Order Limits. The potential for indirect impacts on internationally and nationally designated sites and direct impacts on locally designated sites has been identified and assessed. Potential impacts on international sites within 5km

³⁵ ISPS Code, Part A, 1.2.1

have been assessed, and a shadow Habitats Regulations Assessment (HRA) document produced to accompany the ES (Document Reference 6.2.10), with sufficient information to enable the relevant competent authority/s to assess the likelihood of any potential effects on European Sites being significant. The HRA concludes that there will be no significant effect on these sites

- 4.55 The likely significant ecological impacts arising from the proposals have been identified, assessed and where possible mitigated or compensated with the aim to be compliant with the NPS objective of reducing overall biodiversity loss, supporting healthy well-functioning ecosystems and establishing coherent ecological networks.
- 4.56 In quantitative (area) terms, the losses are assessed as moderate to high magnitude, adverse and significant at Borough/ County level. However, the Lytag Brownfield and Tilbury Centre LoWS harbour biodiversity resources measurable at up to National levels of importance.
- 4.57 A comprehensive Landscape and Ecological Mitigation Plan (LEMP – Document Reference 6.2.10.P) has been prepared to maximise on-site mitigation. In addition, as a requirement of the DCO, provision will be made for an off-site compensation scheme. Although Policy PMD7 of the Thurrock Core Strategy seeks to ensure off-site compensation is in Thurrock, the lack of suitable and available sites are such that in this case a site outside of the Borough but close to it may be necessary. Translocation or licensed displacement will ensure legal compliance for protected water voles, badgers and reptiles and in time compensation will ameliorate and/or offset negative effects on local and wider populations of other species.
- 4.58 Given this approach the proposals will accord with the NPS with regard to terrestrial ecology.
- 4.59 In relation to marine ecology the NPS highlights that construction and operation of port infrastructure can have an adverse impact on biodiversity and/or geodiversity, including through dredging, which can lead to sediment transport, which can in turn affect marine wildlife and can cause remobilisation of toxic substances and nutrients, increased suspended solids, reduced visibility and reduction in dissolved oxygen. It can also cause run-off, spills, or leakages to the marine environment, erosion of habitats resulting from vessel movements, noise, which can have impacts on fish and marine mammalian behaviour patterns; and light, which can alter or hinder the migration of fish through estuaries.
- 4.60 All of these potential impacts on the marine environment have been fully considered.
- 4.61 In regards to dredging, the sediments to be dredged have been tested and analysed against Cefas Action Levels. It has been shown that for the majority of the sediments, mobilisation of these sediments due to Water Injection Dredging will not affect water quality or habitats where the sediments will re-deposit. The only exception to this is the sediments within the Approach Channel. Due to the levels of contaminants found in this area, WID will not be viable without further testing of more samples to define the

area of concern, and removal dredge techniques have also been considered which could re-suspend less sediment into the water column. Controls in this regard will be able to be implemented through the operation of the Deemed Marine Licence within the DCO (Document Reference 3.1). Runoff, spills or leakages and discharge from ship's ballast have been taken into consideration throughout the assessment, and at all times throughout construction and operation the relevant embedded mitigation measures (as set out in the CEMP, OMP and as will be implemented through the DML) will be implemented.

- 4.62 Increased vessel movements have been assessed, however, no operational impacts to habitats have been identified as all vessel movements in the Thames Estuary are confined to the channel maintained by the PLA. Maintenance dredging will be needed in the new berths - however, no impacts on habitats have been identified during this process as the sediment will be tested in line with Cefas Action Levels as the capital dredge would have been, pursuant to the DML.
- 4.63 Noise modelling has been undertaken to assess the impacts to marine mammals and fish. The modelling is outlined in Chapter 17 of the Environmental Statement (Document Reference 6.1), and the full modelling report is available in Document Reference 6.2.17.A. The results of the modelling have been used to assess the impacts to marine mammals and fish as outlined in this chapter and it is concluded that all effects will be negligible. The Preliminary Lighting Strategy is outlined in Document Reference 6.2.9.J and the potential impacts on marine ecology receptors have been assessed as negligible.
- 4.64 In relation to the marine ecology, the proposals will accord with the NPS.

Flood Risk

- 4.65 The NPS contains detailed policies relating to flood risk, consistently with those set out in the Framework. Ports are identified as water compatible development and therefore acceptable in high flood risk areas (para. 5.2.3)
- 4.66 The NPS draws attention to the need for any FRA to take particular account of the projected effect of climate change.
- 4.67 The Level 2 FRA (attached as Appendix 16.A to the Environmental Statement : Document Reference 6.1) indicates that a risk exists for the proposals with regard to tidal, groundwater, fluvial and pluvial flooding. In addition, climate change has been considered to have significant influence on the future flood risk at the Tilbury2 site if defences were breached. There is also an interaction with the existing foul water system.
- 4.68 Risk of groundwater flooding is considered to be moderate during the construction phase and low during the operational phase of the proposals given the shallow perched water table is at the Tilbury2 site. Suitable groundwater management techniques will be employed to avoid any risks. Fluvial flood risk is considered to be low/moderate given that the streams in the area have a small catchment such that no flood zones have been designated by the EA. Pluvial flood risk is considered to be moderate since

the proposed development will be mainly covered by hardstanding in addition to road and railway links. This will cause an increase in run-off and an increase in the associated flooding risk. Surface water attenuation and storage in the form of Sustainable Urban Drainage System (SuDS) have therefore been included as part of the Drainage Strategy (Appendix 16. E)

- 4.69 The risk of flooding caused by overwhelmed sewer systems is considered to be low. Nevertheless, Anglian Water has requested that a number of actions should be taken to ensure that the existing foul water system will not be negatively impacted by the proposals. This will be managed through the processes created by Anglian Water's protective provisions in the DCO.
- 4.70 With respect to tidal flooding risk, this is recognised to be high. Although the proposals are protected by tidal defences for events of up to 1:1,000 years probability of occurrence, a breach and/or overtop of the defence walls might still occur (residual risk). A level 3 FRA (Appendix 16.B of the Environmental Statement : Document Reference 6.1) has therefore been undertaken in order to assess the flood risk in the event of a breach and/or overtop of the flood defences. The results of the modelling, for both the baseline and post development identifies potential impacts and the measures necessary to mitigate these impacts. The FRA also considers the implications for surface water flooding as well as flood risk from groundwater.
- 4.71 For the majority of the Tilbury2 site, the change is positive, i.e. a reduction in flood depth, which is reflective of the proposed increase in site levels compared to the existing, or neutral i.e. there will be no change in flood depth from a future breach. However, these small parts of the site which are shown to have an increase in flood risk are classed as either 'Less Vulnerable' or 'Water Compatible' which is an appropriate land use for Flood Zone 3. To manage the residual risk to the site itself, a Flood Emergency Plan will be developed for the whole site to establish a procedure to reduce the potential for future users of the site being exposed to the flood hazard as a result of a potential breach on the site.
- 4.72 The model results for the areas off-site indicate that there may be a change to the residual risk as a result of the proposals. For the large majority of these areas (Tilbury town and the flood storage areas) the change is positive, i.e. a slight reduction in flood depth, or neutral i.e. there will be no change in flood depth a future breach as a result of the proposed development. The exception is a field located to the east of Fort Road which is shown to experience a minor increase in flood depth (up to 140 mm). Nevertheless, the potential increase in flood depth within this field is not considered significant due to the land use and pre-development flood levels. Given the very localised nature of the minor increase, the predicted change may be a result of residual uncertainty in the model. Mitigation measures are therefore not considered necessary for any off-site areas.
- 4.73
- 4.74 The current flood defences are lower than the future 2100 predicted water levels, so that it may be necessary for the defences to be raised in due course. The proposals will not prohibit the raising of the defences along the river frontage of the site. Where the proposals interact with existing flood

defences they will be designed and constructed to ensure that the structural integrity of existing flood defences is not adversely affected.

- 4.75 Accordingly, the proposals accord with the policies of the NPS in respect of flood risk. .

Coastal Change

- 4.76 The NPS discusses the potential for port infrastructure to impact on coastal change, which is described as meaning physical change to the shoreline, i.e. erosion, coastal landslip, permanent inundation and coastal accretion (para. 5.3.1). It highlights that the construction of a port development may involve, for example, dredging, dredge spoil deposition, marine landing facility construction and flood and coastal protection measures, which could result in direct effects on the coastline, seabed, heritage assets and marine ecology and biodiversity (5.3.2) and that indirect changes to the coastline and sea bed might arise as a result of a hydrodynamic response to some of these direct changes (5.3.3)
- 4.77 The potential for such impacts have been assessed and the results set out in the Environmental Statement (Document Reference 6.1). Potential effects on coastal processes are assessed in the Chapter 16 Water Resources and Flood Risk. This assessment is based on hydrodynamic and sediment modelling which is presented in Appendix 16.D and demonstrates that the effect will negligible.
- 4.78 The effects of the project on marine ecology are assessed in Chapter 11 of the Environmental Statement (Document Reference 6.10). This considers both the installation of marine infrastructure as an extension to the existing jetty, proposed capital dredging to increase the size of the berthing pockets and immediate berth approaches, and required maintenance dredging in the future. The assessment concludes that all effects will be minor or negligible with appropriate mitigation in place.

Traffic and Transport Impacts

- 4.79 The NPS highlights that fundamentally, goods enter and leave ports by various combinations of road, rail and water transport (and in some cases by pipeline). The balance of modes used can have a variety of impacts on the surrounding road, rail and water infrastructure and consequently on the existing users of this infrastructure. It highlights that the most significant impacts relate to unitised traffic on the surrounding road infrastructure and the risk that the impact from increased traffic would, unless mitigating measures are taken, be likely to be an increase in congestion. There are also environmental impacts of road transport as compared with rail and water transport in terms of noise and emissions (5.4.1. and 5.4.2)
- 4.80 The NPS requires the preparation of a transport assessment, demand management measures such as a travel plans. It also provides detailed guidance on mitigation by encouraging use rail and inland shipping (5.4.15) and, particularly in relation to container or ro-ro development provides guidance on a number of matters including *inter alia* sufficient parking and

queueing facilities and space for enforcement agencies to undertake necessary checks (5.4.22 – 5.4.23).

- 4.81 Crucially, the Tilbury2 proposals provide for multi-modal access, affording the opportunity for a sustainable transshipment of goods.
- 4.82 Landside transport is dealt with in the Environmental Statement (Document Reference 6.1) at Chapter 13. A Transport Assessment is appended to the ES (Document Reference 6.2.13.A). A summary of the proposed mitigation measures in relation to transport is included in Table 13-17 in the Environmental Statement (Document Reference 6.1). These include the implementation of a Framework Travel Plan to improve access by walking and cycling (Document Reference 6.2.13.B); a Sustainable Distribution Plan (Document Reference 6.2.13.C) designed to managed the demand for HGV use and encourage rail and barge use, as well as embedded mitigation of improvements to the ASDA roundabout to reduce congestion.
- 4.83 The assessments consider that during construction, the impacts of traffic, controlled through the Construction Traffic Management Plan (CTMP), itself part of the CEMP (Document Reference 6.9), will be negligible.
- 4.84 During operation, the effects of the proposed infrastructure corridor are also concluded to be negligible except in respect of severance and pedestrian delay. Mitigation is proposed through the Active Travel Strategy (appended to the Heads of Terms of the S106 agreement with Thurrock Council : Document Reference 5.3) which includes improvements to pedestrian links around Tilbury, including provision of a Toucan Crossing on A1089(T) St Andrews Road, east of the hairpin bridge and provision of wayfinding signs along the main pedestrian and cycle routes, which will alleviate the effect of severance. As a result of the proposed package of measures, it is expected that the proposals will result in a slight adverse residual impact upon severance. The Active Travel Strategy will alleviate the adverse effect on pedestrian delay of the link road resulting in a negligible residual effect
- 4.85 Increases in average driver delay associated with Tilbury2 traffic at the ASDA roundabout would will result in negligible to minor adverse impact given modest increases. Given the worst-case basis of the highways assessments the actual impact is likely to be closer to negligible.
- 4.86 Nonetheless a mitigation scheme has been developed which seeks to improve capacity which also has safety benefits to the operation of the junction.
- 4.87 Given this comprehensive approach to mitigation it is considered that in relation to traffic and transport effects, the proposals comply with the NPS.

Waste Management

- 4.88 The NPS expects waste arising to be managed in accordance with the Waste Hierarchy. Applicants are required to set out arrangements for waste recovery and disposal, to minimise the amount of waste produced and to minimise the volume sent for disposal. The potential presence of hazardous waste will require particular attention, although applicants should be guided

and regulated by the permitting requirements of the Environment Agency (NPS paragraphs 5.5.1 – 5.5.4).

- 4.89 Waste management is dealt with in Chapter 19 of the Environmental Statement (Document Reference 6.1). There is only likely to be a limited amount of waste arising from the terrestrial works on the site. This will be managed in accordance with the waste hierarchy.
- 4.90 In considering dredging and disposal options the proposals have given due consideration to the waste hierarchy. The project is currently progressing several dredging options (with embedded mitigation where necessary) including Water Injection Dredging (WID), which would retain the sediment within the estuarine system. This prevents the need for disposal and is beneficial for the sediment budget. However, for the purpose of assessing the impact on waste capacity, it has been assumed at this stage that none of the marine or terrestrial excavation material will be reused on-site and as such all will be removed off-site as waste. There are several options being considered regarding the re-use of marine dredgings either on land and/or at sea or a mix of both. Details are set out in Chapter 19 of the Environmental Statement (Document Reference 6.1).
- 4.91 Chapter 19 of the Environmental Statement (ES) explains that detailed design is yet to be undertaken the impact of mitigation in relation to design cannot yet be assessed. Adopting a worst-case means that the residual impact is considered to be the same as potential impact. The impact of the re-use of marine or terrestrial excavation material cannot be assessed at this stage, as appropriate geotechnical and chemical data is not yet available to inform re-use decisions such that impacts could be said to have reduced.
- 4.92 The potential impact is considered to be moderate (construction, demolition and excavation [CD&E]/negligible (hazardous) during the CD&E phase and an overall negligible during the operational phase. The potential moderate impact associated with CD&E waste during the construction phase does however have the potential to be minimised once appropriate geotechnical and chemical data is available to inform re-use decisions regarding dredged and excavated material. In addition, during operation, it is important to note that, the proposals will have a positive impact on the availability of key construction materials.

Water Quality and Resources

- 4.93 The NPS is concerned to protect the quality of the water environment and associated risks to health or the protected species and habitats.
- 4.94 These matters are assessed in detail in Chapters 10 and 16 of the Environmental Statement (Document Reference 6.1), as well as the Water Framework Directive Assessment (document reference 6.2.16.C).
- 4.95 The existing water quality has been taken in consideration in the Environmental Statement (Document Reference 6.1) at Chapter 16, including considering the WFD designation of the watercourses and groundwater bodies, where applicable. The potential for impact to the water quality has been assessed and mitigation measures have been provided.

These include implementation of appropriate working methodologies during the construction phase, to avoid contamination; and implementation of a drainage strategy to avoid potentially contaminated run-off reaching the watercourses and groundwater bodies. Mitigation measures are included in the CEMP (Document Reference 6.9) and the Operational Management Plan (OMP Document Reference 6.10).

- 4.96 The main impact on the existing physical characteristics to the water environment has been recognised as associated to the dredging activities along the River Thames. A sediment plume hydrodynamic model has been prepared and is provided in the Environmental Statement (Document Reference 6.2.16.D). In both the construction phase and in operation the modelling reveals that the impact on River Thames' sediment concentration and tidal hydrodynamics is anticipated to be minor as dredging will not change the fine sediment within the river outside natural variability.
- 4.97 There are no potable groundwater abstractions within 1km of the site and no likelihood of any pollution to any potable water supplies.
- 4.98 Based on the assessment in the ES the proposals are considered to achieve compliance with this aspect of the NPS.

Air Quality and Emissions

- 4.99 The NPS highlights that ports can contribute to local air pollution problems, since they bring together several sources of pollutants through, for example large volumes of HGV traffic and ships. It highlights that certain cargoes such as cements and aggregates can cause local dust pollution. The construction, operation and decommissioning phases can involve emissions to air, which could lead to adverse impacts on human health, on protected species and habitats, or on the wider countryside (para. 4.7.2). The NPS requires that where the project is likely to have adverse effects on air quality, the applicant should undertake an assessment of the impacts of the proposed project as part of the Environmental Statement (ES).
- 4.100 The assessment of the impacts on air quality are contained in the Environmental Assessment (Document Reference 6.1) at Chapter 18.
- 4.101 The ES air quality chapter identifies all potential emission sources including road traffic during construction and operation, dust during construction and operation, and rail and shipping emissions during operation. Those with the potential for significant impacts are assessed further in accordance with accepted good practice. Notably, the air quality assessment includes a detailed modelling study of construction and operational traffic emissions. It also considers rail emissions using the same assessment technique.
- 4.102 Dust emissions have been assessed qualitatively in line with IAQM (2014) construction dust guidance and IAQM (2016) minerals planning guidance.
- 4.103 The ES air quality chapter presents a detailed assessment of traffic emissions, including rail, which takes account of embedded mitigation regarding improvements in emissions in future years. The total concentrations expected to occur at sensitive receptors in the opening year

have been compared with national air quality criteria (including statutory limits). Following the application of appropriate mitigation, which is set out in the CEMP (Document Reference 6.9), the residual effects of construction dust on receptors will not be significant. Construction traffic emissions have been shown to have a negligible impact on local air quality at receptors. Residual effects are therefore deemed not to be significant.

- 4.104 The assessment of operational traffic and rail emissions has shown that the effects will not be significant. Furthermore, the replacement over time of the road and rail fleets with more modern, cleaner engines will provide air quality improvements at all receptors over the longer term.

Dust, odour, artificial light, smoke, steam and insect infestation

- 4.105 Measures to eliminate or limit the potential impacts of dust during construction are principally set out within the CEMP (Document Reference 6.x). Assessments in the light of the proposed construction methodology are set out in Chapters 18 (Air Quality). With the measures proposed in the CEMP (Document Reference 6.9), no significant adverse effects are predicted during construction.
- 4.106 The potential of dust during operation is also contained within Chapter x (Air Quality) and measures to minimise the impact of operations is contained within the Port Operational Management Plan (OMP – Document 6.10). With the measures proposed in the OMP, no significant effects from dust are predicted.
- 4.107 Lighting effects are considered in the Landscape and Visual Amenity chapter of the Environmental Statement (Document Reference 6.1) at Chapter 9.

Biomass/waste impacts – odour, insect and vermin infestation

- 4.108 This section of the NPS (section 5.9) largely relates to storage of fuels from energy from waste (EfW) facilities. No such facilities are planned for Tilbury2; any such facility would be outside of the Port's permitted development regime and require planning permission or DCO consent in its own right in the future.

Noise and Vibration

- 4.109 The NPS highlights that excessive noise can have wide-ranging impacts on quality of human life and health (e.g. owing to annoyance or sleep disturbance), use and enjoyment of areas of value such as quiet places and areas with high landscape quality. It further highlights that noise resulting from a proposed development can have adverse impacts on wildlife and biodiversity.
- 4.110 The NPS provides detailed advice on the assessment of noise and vibration and requires that the decision-maker should be satisfied that the proposals avoid significant adverse impacts on the environment, human health and quality of life from noise, mitigate and minimise other adverse impacts on health and quality of life from noise; and where possible, contribute to

improvements to health and quality of life through the effective management and control of noise.

- 4.111 Noise and vibration is dealt with in Chapter 17 of the Environmental Statement (Document Reference 6.1). A worst-case assessment has been undertaken assuming all operations on the site operating 24/7, albeit hours of construction will be controlled, particularly for noisy operations such as piling and marine works. Mitigation of construction noise is contained within the CEMP (Document Reference 6.9). Construction noise will be temporary and intermittent and vary dependent on the operation. For the nearest existing dwellings during the noisiest construction sequences particularly during road and rail construction the level of noise with mitigation in place would be of minor magnitude for the period which that activity was at the minimum distance. For dwellings with high sensitivity to noise there will be a minor residual minor significant effect which is considered to be not significant in EIA terms.
- 4.112 Predicted operational noise impacts on nearby residential receptors from the operation of plant onsite would result in moderate/ major significant effects, particularly in the night time.
- 4.113 As highlighted above this is on the basis of a worst case scenario of all possible activities occurring on the site at the same time. PoTLL will adopt the following approach to further mitigation. Before the opening of the CMAT and RoRo terminal a noise reassessment will be undertaken on the basis of the finalised detailed design and operational procedures to be implemented for those works and the facilities to be constructed on site. On the basis of that re-assessment if a significant effect is predicted for any receptor, that receptor must be offered a scheme of mitigation that must include the installation of noise insulation or improved glazing at that receptor. Following that reassessment an on-going monitoring and mitigation regime will be agreed with Thurrock Council and Gravesham Council. This regime will also identify measures that will be adopted in the event that operational noise levels exceed agreed noise levels, such as improving the sound insulation of properties i.e offering double or triple glazing and mechanical ventilation.
- 4.114 Once further mitigation is included i.e glazing and/or mechanical ventilation is included for dwellings with high sensitivity to noise this would result in a residual minor significant effect which is considered to be not significant in EIA terms.
- 4.115 Impacts from the permanent movement of operational traffic would remain negligible to minor for nearby residential receptors and therefore it is considered to be not significant in EIA terms.
- 4.116 The proposal transport corridor noise impacts on nearby residential receptors from the road and rail link will result in negligible significance and therefore it is considered to be not significant in EIA terms.
- 4.117 On this basis the proposals will not result in significant adverse impacts on the environment, human health and quality of life from noise and will therefore accord with the NPS.

Landscape and Visual impacts

- 4.118 In relation to landscape and visual impacts, the NPS pays particular attention to ports in nationally designated areas (para. 5.11.7).
- 4.119 In other areas, the NPS seeks the minimisation of adverse landscape and visual effects through careful design (paragraph 5.11.13)) and the provision of reasonable mitigation. (paragraph 5.11.13). Local landscape designation should not be used in themselves as reasons to refuse consent as this may unduly restrict acceptable development (para. 5.11.12). The NPS warns against reducing the scale or otherwise amending the design of a proposed development in response to visual and landscape effects, however, as this may result in significant operational constraints and reduction in function (para. 5.11.16).
- 4.120 The proposals approach to good design is explained at paragraph 4.29 and 4.30 above and in the Masterplanning Statement (Document Reference 6.2.5A) above. The assessment of landscape, townscape and visual impacts is set out in Chapter 9 of the Environmental Statement (Document Reference 6.1).
- 4.121 In compliance with the NPS, the Environmental Statement (Document Reference 6.1) includes a Landscape and Visual Impact Assessment (LVIA) that has been carried out in accordance with current guidance published by the Institute of Environmental Management and the Landscape Institute (GVLIA3), the Countryside Agency and Scottish Natural Heritage. It makes reference to all relevant National, County and District level landscape character assessments. Relevant national and local landscape related planning policy has been identified and has been addressed.
- 4.122 A local landscape character assessment has been carried out to provide more detailed and up to date baseline information to inform the LVIA process.
- 4.123 The assessment defines a core study area (shown on Figure 9.2 of the Environmental Statement), an area of approximately 53 square kilometres which represents the maximum predicted potential extent of significant landscape and visual effects brought about by the proposals.
- 4.124 The core study area forms part of the generally flat landscape of the greater Thames estuary, which extends beyond to the west and east/north east and includes much of the marshland landscape in the locality. To the north-west land rises sharply, forming part of the Chadwell gravel escarpment. To the south the rolling chalk hills of the North Kent Plain rise above the Thames at Gravesend. The area adjoins the town of Tilbury to the north and east as well as flat marshland to the north, east and west. The Environmental Statement (Document Reference 6.1) describes the marshes as in generally moderate to poor condition with a mix of regular geometric arable fields, areas of rough grazing, restored mineral sites and industrial infrastructure as well as Tilbury Fort. Within the Tilbury2 site the original marsh has been very largely removed by development associated with the power station.

- 4.125 It identifies Tilbury Fort as a key feature and the relatively intact area of Tilbury Marshes, forming the immediate setting and context north of Tilbury Fort, is isolated from the remainder of the character area to the north and east, being in effect framed on three sides by industrial and residential development. The northern boundary of the Tilbury2 site adjoins the railway in close proximity to the town.
- 4.126 The existing Port also plays an important role in the character of the area. River traffic and dock activities associated with the port form part of a predominantly industrial riverscape along the north bank, which includes the former Tilbury Power Station (albeit in the process of being demolished) and recently installed large wind turbines. Isolated amongst this modern setting is Tilbury Fort with its own distinct and separate character.
- 4.127 The Environmental Statement (Document Reference 6.1) describes the wider context including the Chadwell escarpment which rises to the north and contrasts sharply in character with the marshland landscape to the south. From this escarpment there are extensive views over the marshes, Tilbury, the port, the remaining structures of Tilbury B power station, the river Thames and beyond to Gravesend.
- 4.128 South of the river the Environmental Statement (Document Reference 6.1) highlights that the landscape is dominated by the settlements of Gravesend and Northfleet with a fully developed waterfront that contains a mix of industry, housing, commercial and open space/recreational uses whilst to the east of Gravesend and immediately south of the Thames lie the Shorne and Higham marshes. The area contains a number of heritage assets including New Tavern Fort, other listed buildings and Conservation Areas, from where views of the proposals could variously be available.
- 4.129 Predicted effects of development on landscape character effects are assessed for the construction period, at completion of construction and 25 years after completion. The assessment also includes consideration of the potential effects of proposed artificial lighting that will be needed as part of the proposals.
- 4.130 The assessment considers the impact on the landscape and the visual amenity of receptors throughout the area, both north and south of the River Thames. It describes a comprehensive mitigation package that is embraced and the Landscape and Ecological Mitigation Plan (LEMP, Document Reference 6.2.10.P) which includes retention of important perimeter planting within the main site and a swathe of new landscape planting along the infrastructure corridor. In addition, the proposed Active Travel Strategy which forms part of a proposed S106 with Thurrock Council will improve amenity and access to the riverside and elsewhere for pedestrians and cyclists to mitigate for the effects on users of public rights of way and the heritage assets in the area.
- 4.131 The landscape setting of Tilbury Fort, will continue to be influenced by the adjoining urban and industrial context but would be affected by the introduction of the infrastructure corridor and associated road and rail traffic adjoining Tilbury and the mainline railway, increased levels of waterfront activity in closer proximity, as well as the re-establishment of industry within

the main site. The effect represents more an increase in established urban industrial influences rather than the introduction of new ones. Mitigation has been devised to offset these influences, both embedded and additional; including retaining perimeter vegetation in the main site and introducing a significant landscape corridor to the south of the proposed road and rail infrastructure.

- 4.132 Inevitably, the proposal will have some residual effects on landscape character, value and visual amenity. However, the proposals have been prepared in order to minimise adverse landscape and visual effects through careful design and the provision of reasonable mitigation, taking into account operational requirements and function of the proposals. Accordingly, the proposals accord with the NPSP in this regard.

Historic Environment

- 4.133 Specific guidance is set out at paragraphs 5.12.1 – 5.12.20 of the NPS for the applicant to describe the significance of any heritage assets affected and an assessment of any likely significant heritage impacts of the proposed project.
- 4.134 These matters are addressed in Chapter 8 (Cultural Heritage) of the Environmental Statement (Document Reference 6.1).
- 4.135 The NPS requires that access to and the condition of heritage assets be maintained. The proposals will accord with this objective. Potential enhancements to heritage assets, such as improved wayfinding, access and interpretation, is included in the ES and Built Heritage Assessment (September 2017) (Appendix 12.B). This has been the subject of direct engagement with HE, EH, Thurrock Council and Gravesham Borough Council and will be secured through S106 agreement(s).
- 4.136 It further requires that non-designated assets of equivalent status should be subject to the same policy considerations as designated heritage assets. In this regard, Shornemead Fort has been identified as a non-designated heritage asset of national importance and has thus been included within the assessment and treated as if it were designated. As also required by the NPS, all non-designated heritage assets that merit consideration have been included in the baseline heritage assessments.
- 4.137 A description of the significance of the heritage assets affected by the proposals and the contribution of their setting to their significance is included within the baseline assessment, with the level of detail proportionate to the importance of the asset, as advised in the NPS (para. 5.12.6). These assessments are contained within the Environmental Statement at appendices 12A Archaeological Statement and 12B Built Heritage Assessment.
- 4.138 The proposals have potential permanent, direct impacts on the settings of built heritage assets surrounding the site. The Built Heritage Assessment (Document Reference 6.2.12.B) provides a detailed narrative and assessment of the likely impacts of the proposals upon the settings and significance of each of the relevant heritage assets. The Built Heritage

Assessment is supported by Visual Representations (wirelines) of the proposals from a set of viewpoint locations agreed in consultation with Historic England.

- 4.139 The most important built heritage asset is Tilbury Fort (Scheduled Monument) which is situated in close proximity to the west of the site and is a designated heritage asset of very high sensitivity. Overall, the assessment in the Environmental Statement (Document Reference 6.1) considers that the proposals will alter the wider setting of Tilbury Fort through increasing the industrial character and activity within its setting, however, this will be experienced as an extension of the existing industrial activity between Tilbury Fort and the Tilbury2 Site provided by the Stobart's aggregates/storage facility and the Anglian Water works and therefore will not fundamentally alter the existing wider context in which the heritage asset is experienced. The proposals include a 100m high silo on the river front that will form a new landmark structure, but this will be slender in appearance and considerably smaller and less bulky than the previous Tilbury 'B' Power Station and its twin chimneys in which the Fort has been experienced for around the past 50 years. The DCO will include a requirement that the detailed design of the surface aspects of the silo are approved subsequent to the grant of the DCO. Whilst shipping activity in proximity will increase as a result of the proposals, this will not fundamentally change the wider setting of Tilbury Fort, where large vessels passing by are already experienced frequently. It is likely that noise and lighting effects will also increase during operational phase, thus altering the setting of Tilbury Fort during night time hours. Therefore, the assessment concludes that the proposals will likely have a potential low to medium adverse magnitude of impact upon the setting of Tilbury Fort prior to further mitigation, resulting in a moderate to major significance of effect.
- 4.140 The assessment further considers other heritage assets on the north side of the river, including the Scheduled Monument of Coalhouse Fort and proximate listed buildings, namely the Worlds End public house, the listed Riverside Railway Station and the buildings Barracks within Tilbury Fort.
- 4.141 The assessment also extends to a consideration of views from the south side of the River Thames and the likely effect on the heritage assets within Gravesend. This includes the potential impact of operations the settings of the Scheduled Monuments of Cliffe Fort, New Tavern Fort and Gravesend Blockhouse, and the non-designated but nationally important Shornemead Fort. Overall, it is thus likely that the proposals would result in potential negligible to low adverse magnitudes of impact upon the settings of Coalhouse Fort, New Tavern Fort, Cliffe Fort, Shornemead Fort and Gravesend Blockhouse prior to further mitigation, resulting in neutral to minor significance of effects.
- 4.142 In terms of archaeology, a number of baseline investigations have been undertaken on the site and the results have been included in Appendix 12.A Archaeological Statement. Proposed mitigation measures are also included in this document and set out in Written Schemes of Investigation (Appendix 12.D Terrestrial WSI and 12.E Marine Archaeological WSI). With this mitigation, the impact of the proposals on archaeological assets is neutral.

- 4.143 The comprehensive information and assessment of the impact of the proposals on heritage assets, and the proposed embedded and additional mitigation are such that the proposals accord with the NPS in this regard.

Land use including open space, green infrastructure and Green Belt

- 4.144 Policies of the NPS are concerned to limit the impact of development on high quality open spaces, Green Belt, agricultural land and the countryside, whilst promoting the use of previously developed land where practical for infrastructure projects. Account also needs to be taken of land use planning policies in the development plan and the effect on land uses generally, including the impact on displaced uses.
- 4.145 The main Tilbury2 site is largely previously-developed land, being part of a site of a former power station. As set out above, a large part of the land either has no specific designation in the development plan or is identified as a 'Primary Employment.' In this respect the proposals are in large part consistent with the objective of the NPS and will contribute to sustainable development by reducing the amount of countryside and undeveloped greenfield land that needs to be used.
- 4.146 The NPS accepts that given the likely locations of port infrastructure projects, there may be particular effects on open space including green infrastructure (para. 5.13.1). Open space should be taken to mean *"all open space of public value, including not just land, but also areas of water such as rivers, canals, lakes and reservoirs which offer important opportunities for sport and recreation and can also act as a visual amenity."*³⁶
- 4.147 The proposals will result in the loss of undeveloped land primarily within the infrastructure corridor. A small area in the north-east corner of the main site is former agricultural land and a part of that is within the Green Belt. The Green Belt extends eastwards from the site beyond the remainder of the power station site.
- 4.148 Parts of the infrastructure corridor cross land which is undeveloped and therefore open in character. The land is primarily use for fly-grazing of horses. As this grazing is not associated with recreational riding it is likely to be considered in land use planning terms to be an 'agricultural use' but the land is poor quality and as referenced below is not identified as being in agricultural use on Agricultural Land Classification (ALC) maps available on the government's MAGIC web resource.
- 4.149 None of the open land within the Order Limits is designated as 'public open space' in the development plan unlike specific recreational areas within the built-up area; and unlike the land to the south of the infrastructure corridor which is specifically shown as 'additional open space'. By implication, none of the land within the Order Limits was 'open space' at the time the development plan was adopted despite it being of the same character as the central field (i.e. open land, used for horse grazing with no lawful or informal public access).

³⁶ Footnote 75, page 69

- 4.150 Map 3 – Location of Greengrid in the Core Strategy (attached in Appendix 3) does show the eastern field as ‘Existing Open Space’ but this appears to witness the fact that it is common land and moreover, the land is not defined as public open space on the Policies Map. However, this field (which coincides with the area of common land) is used on an informal basis for dog walking. If such an activity can be considered ‘recreational’ it has some informal recreational value. Clearly, provision for replacement common land as proposed in the DCO would offer the opportunity for allowing informal access in a similar manner and extent, and for the same purposes, as that presently enjoyed over the existing common land.
- 4.151 The area is also used for unauthorised off-road motorcycling which may be considered of recreational ‘value’ but is unwelcomed and anti-social.
- 4.152 The footpath corridor immediately to the north of Fortland site clearly has recreational value for walkers albeit it traverses a green corridor of limited width between two developed areas. The impact on users of footpaths in the area is considered in Chapter 9 (Landscape and Visual Amenity) and Chapter 13 (Landside Transportation). As part of a proposed S106 agreement with Thurrock Council, PoTLL propose a comprehensive Active Travel Strategy that is aimed at compensating for the closure of this footpath and enhancing opportunities for walking and cycling in the wider area generally, secured through inclusion in the DCO scheme (through Thurrock’s ability to sign off on new highways through their protective provisions) and through a proposed section 106 agreement with the Council, where matters fall outside of the Order limits.
- 4.153 Based on the above analysis, it is considered that the impact on open land and recreation more generally is negligible, both in terms of conflict with actual everyday use of the land and also in relation to planning policy.
- 4.154 The proposals intrude into the Green Belt in the north-east corner of the main Tilbury2 site. The land presently within the Green Belt is former agricultural land immediately adjoining the previously developed parts of the site. The GA plans show that the 1.32ha of the area defined as Green Belt would be used by the rail corridor which runs into the Tilbury2 site along its northern boundary before aligning south along the eastern site of the site. This rail line, in effect, defines the outer limit of the operational area of the site and could, in the future, be a new defensible boundary to the Green Belt, to be defined through the emerging Local Plan.
- 4.155 The reason for the alignment of the rail line is explained in the Masterplanning Statement (Document Reference 6.2.5.A) and its associated appendices. The radii established for the rail line has been based on engineering requirements to appropriately link the corridor along the northern and eastern boundaries of the site; this has made some intrusion into the Green Belt unavoidable.
- 4.156 However, the rail line itself is not considered inappropriate development in the terms of the Framework which stipulates at para. 90 that local transport infrastructure which can demonstrate a requirement for a Green Belt location is not inappropriate development provided they preserve the openness of

the Green Belt and do not conflict with the purposes of including land within in set out in the Framework at para. 80.

- 4.157 The proposals will not lead to unrestricted sprawl given the defining boundary formed by the rail corridor. The proposals will not lead to development being any closer to the nearest settlement to the east (East Tilbury) given the current alignment of the Green Belt boundary and will not therefore result in a risk of neighbouring settlement merging. There will be a minor intrusion into the countryside (considered further below); the intrusion into the Green Belt will have no impact on the character of any historic town, and no effect either way on urban regeneration.
- 4.158 Having defined the rail corridor, the land ‘enclosed’ by that alignment will be used as part of the CMAT for aggregate stockpiles. This use is inappropriate development and whilst limited within the context of the site as a whole, requires a case of very special circumstances to justify the loss of Green Belt, given both the harm in principle by inappropriate development and the harm in practice due to the adverse impact on openness. Very special circumstances are considered to exist given:-
- the need to make efficient use of the site generally;
 - the need to maximise throughput and meet demand for aggregate importation in accordance with the objectives of the NPS to meet rising demand;
 - the need to maximise the socio-economic benefits of the proposals as set out in the Environmental Statement (Document Reference 6.1) and the Outline Business Case (OBC – Document Reference 7.1), which would be restricted by a limitation on the available operational land area;
 - given the alignment of the rail line, no reasonable use could be made of the land to the south west of this corridor segregated from the wider Green Belt and lying between the rail line and the current Green Belt boundary; this land would perform no Green Belt purpose. Its loss to the Green Belt therefore causes no harm in practice.
- 4.159 Thus the combination of the overall need for a port development of national significance combined with the engineering, operational and socio-economic considerations, as well as the limited harm to the Green Belt are such that it is considered that very special circumstances exist.
- 4.160 The proposal will result in no loss of high grade agricultural land. The land within the infrastructure corridor is not defined as agricultural on the “MAGIC” web site. The aforementioned land within the Green Belt is former agricultural land but is not in agricultural use and forms no part of an agricultural land holding. There will be no adverse impact on agricultural land.
- 4.161 As highlighted above, the proposals have taken account of the effects of the proposals on the land use policies in the existing and emerging development plans for Thurrock and Gravesham respectively. There are no immediate proposed changes in land use within the vicinity of the site within the

development plan on the north side of the river. In respect of the regeneration proposals on the south side of the river, it is not considered that the proposals will have any adverse impacts on the prospects of development proposals coming forward, given the mitigation proposals (particularly in respect of noise) highlighted above. The assessments of noise and landscape character and visual amenity have ensured that receptors on the south bank of the river Thames have been appropriately identified. With the mitigation proposed there will be a negligible or minor impact on these receptors.

- 4.162 The proposals therefore accord with the policies of the NPS in this regard. They promote the re-use of previously-developed land and there will be no adverse impacts on high quality open spaces. There will be a limited and justifiable intrusion into the Green Belt, and no loss of agricultural land. The visual effects on the wider countryside have been considered in the LVIA, and the countryside. The proposals cause no displacement of existing uses.

Socio-Economic Impacts

- 4.163 The NPSP highlights that the construction, operation and decommissioning of port infrastructure may have socio-economic impacts at local and regional levels. Where this is the case an assessment of these impacts should be undertaken to consider all relevant socio-economic impacts, which may include the creation of jobs and training opportunities, the provision of additional local services and improvements to local infrastructure, including the provision of educational and visitor facilities; effects on tourism; the impact of a changing influx of workers during the different construction, operation and decommissioning phases. It requires that applicants describe the existing socio-economic conditions in the areas surrounding the proposed development and should also refer to how the development's socio-economic impacts correlate with local planning policies.
- 4.164 The Environmental Statement (Document Reference 6.1) assesses socio economic impacts at Chapter in relation to increases in job opportunities and contributions to GVA. As well as creating some 218 construction jobs, it is expected that Tilbury2, in the operation phase could support 527 net additional jobs in the regional economy. Looking at the wider economy (termed the Tilbury2 UK plc scenario), it is expected that the operation phase could support 868 net additional jobs in the economy. The proposals will also make a significant contribution to the UK economy. Tilbury2 is expected during the construction phase contribute approximately £18.3 million in GVA to the regional economy. In the Tilbury2 UK plc scenario this is expected to increase to approximately £22.4 million in GVA to the UK economy. The socio-economic impacts are significant and positive, and align with the overall NPS objective of contributing to economic growth.

5.0 MARINE POLICY STATEMENT

- 5.1 The Marine Policy Statement should be read alongside and to some degree relies on and cross references to the Ports NPS. Much of the analysis in section 4.0 above is therefore pertinent to the compliance of the proposals with the MPS.
- 5.2 It advises that when decision makers are advising on or determining an application for an order granting development consent in relation to ports, or when marine plan authorities are developing Marine Plans, they should take into account the contribution that the development would make to the national, regional or more local need for the infrastructure, against expected adverse effects including cumulative impacts. In considering the need for port developments in England and Wales, reference should be made to interpretations of need as set out in the Ports National Policy Statement (para. 3.4.11). As highlighted above, the Tilbury2 site sits within the 'south east' marine plan area. A marine plan has not yet been produced for this area and the timescales for this have not been finalised. Furthermore, whilst an 'issues' consultation was carried out in February – March 2017, a consultation draft of the plan has not yet been published. It is therefore only the MPS that falls to be considered here.
- 5.3 Compliance with the policy of the NPS is set out in Section 4.0 above. Particularly relevant to the marine environment is the assessment of the scheme for marine ecology receptors. As highlighted above, for these receptors, Chapter 11 of the Environmental Statement (Document Reference 6.1) concludes that with appropriate mitigation measures in place there will be no significant adverse effects.
- 5.4 The MPS further advises that in considering an application, decision makers should undertake a detailed evaluation of the potential adverse effects of any dredging activity or deposit on the marine ecosystem and others using the sea. This should have full regard to any accompanying environmental statement or additional data that may be requested in support of the application and international obligations under the OSPAR Convention 1992 and London Protocol 1996, as well as any other available guidance. Account should also be taken of the views expressed by other consultees before a decision is taken whether to grant approval (para. 3.6.7).
- 5.5 Dredging and the disposal of dredged material are assessed for potential adverse effects in the Environmental Statement and Water Framework Directive assessment (appendix 16.B of the Environmental Statement Document Reference 6.1). Modelling has been undertaken to understand the fate of dredged material and this is presented in appendix 16.D. The dredge sediment has been chemically analysed in line with OSPAR requirements and the results of this testing are provided in appendix 11.C. The MMO, Cefas, EA and PLA have been consulted on the dredge sediment analysis results.
- 5.6 The sediments to be dredged have been tested and analysed against Cefas Action Levels. It has been shown that for the majority of the sediments,

mobilisation of these sediments due to Water injection dredging (WID) will not affect water quality or habitats where the sediments will re-deposit. The only exception to this is the sediments within the Approach Channel. Due to the levels of contaminants found in this area, WID will not be viable without further testing of more samples to define the area of concern, and removal dredge techniques have also been considered which could re-suspend less sediment into the water column. Controls in this regard will be able to be developed pursuant to the Deemed Marine Licence (DML).

- 5.7 There is a maintenance dredging protocol for the Thames. This document has been used to inform the environmental assessments and it is envisaged that maintenance dredging at Tilbury2 would be added to the next iteration. Controls on maintenance dredging will be able to be developed pursuant to the DML, and on a cumulative basis by the operation of the protective provisions for the PLA.
- 5.8 The approach to the consideration of dredging therefore accords with the policy of the MPS.
- 5.9 The MPS further advise that applications to dispose of wastes must demonstrate that appropriate consideration has been given to the internationally agreed hierarchy of waste management options for sea disposal. As mentioned above, in considering dredging and disposal options the proposals has given due consideration to the waste hierarchy. The project is currently progressing several dredging options including WID, which would retain the sediment within the estuarine system. This prevents the need for disposal and is beneficial for the sediment budget. Where this technique is not appropriate, due to contamination or the physical properties of the material, re-use of the material within the proposals is being considered, with disposal at sea or on land (at licensed facilities) being used if other options are not possible.
- 5.10 Given the above and the further assessment provided in relation to the NPS, the scheme will accord with the guidance of the MPS.

6.0 CONCLUSIONS

- 6.1 This Statement has reviewed the proposals against the policy requirements of the Ports NPS with the benefit of the material prepared to support the DCO application.
- 6.2 It is apparent that the proposals respond positively to the strategic themes and objectives of the NPS. The proposals have an important role to play in meeting the demand for increased throughput that is clearly set out in the NPS. The aggregate terminal will provide a sustainable multi-modal facility for the importation and processing of aggregate to meet the demands of the construction industry in close proximity to markets, particularly London.
- 6.3 The proposals benefit from being supported by policies in national, strategic and local planning policy that encourage port infrastructure and making the best use of the River Thames for transportation purposes. The need for the proposals is compelling.
- 6.4 The proposals have been carefully designed, informed by extensive public consultation, engagement with stakeholders and environmental assessment. The proposals will meet the standards of good design whilst taking account of operational and engineering requirements.
- 6.5 The proposals have been thoroughly assessed against the expectations and prescribed test of the NPS and mitigation measures have been embedded or proposed to address its impacts.
- 6.6 Accordingly, the proposals meet the requirements of Section 104 of the Planning Act 2008 and development consent should be granted, subject to the detailed terms set out in the draft DCO submitted with the application.