

PLANNING ACT 2008  
INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE)  
RULES 2010

PROPOSED PORT TERMINAL AT  
FORMER TILBURY POWER STATION

# TILBURY2

TR030003

ECOLOGY UPDATE

TILBURY2 DOCUMENT REF: PoTLL/T2/EX/81



**PORT OF TILBURY**

**PLANNING ACT 2008**

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

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## 1.0 ON- & OFF-SITE MITIGATION/COMPENSATION PROGRESS UPDATE

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- 1.1 PoTLL's proposals for on-site and off-site mitigation and compensation for protected species are as set out in the EMCP (document reference PoTLL/T2/EX/59 / REP2-009), and for habitats are as set out in the Tabulated Response to the ExA's FWQ 1.2.10 provided at page 23 of the Applicant's submission at Deadline 2 (document reference PoTLL/T2/EX/60 / REP2-007). This note therefore provides a summary of the position and update.

### ON-SITE PROVISION

- 1.2 Mitigation and compensation for the following species will be fully provided within the Order Limits, with Letters of No Impediment (LoNI) having been issued by Natural England for those species requiring licensing:

- Water voles (see section 2.0 of the EMCP);
- Badgers (see section 3.0 of the EMCP);
- Bats (see section 4.0 of the EMCP); and
- Eels (see section 7.0 of the EMCP).

- 1.3 In addition, it is intended that the following habitats will for the most part be compensated for within the Order Limits (see section 8.0 of the EMCP):

- Ponds;
- Wet and dry ditches;
- Reedbed;
- Lowland mixed deciduous woodland / Hedgerows; and
- Intertidal habitats, i.e. saltmarsh and mudflat.

### OFF-SITE PROVISION

- 1.4 **Identified Off-site Compensation Site.** Section 9.0 of the EMCP sets out that agreement has been reached between the Port of Tilbury London Ltd (PoTLL) and the owner of land at Church Hall Farm, Paglesham for the following off-site habitat compensation purposes:

- Reptile habitat creation (see sections 5.0 and 9.0 of the EMCP, noting that additional provision for reptile habitat creation will also be made on-site);
- Coastal and floodplain grazing marsh (see section 9.0 of the EMCP); and

- Scrub (see section 9.0 of the EMCP).
- 1.5 The land may also be suitable for additional wetland habitat creation. This is the subject of ongoing discussion with the landowners.
- 1.6 **Other Off-site Compensation Site(s).** For other species and habitats listed below, it is intended that additional receptor site(s) outside of the Order Limits will provide the majority of the required compensatory habitat, with the remaining proportion to be provided for within the Order Limits:
- Brownfield assemblages of invertebrates and plants; and
  - Open Mosaic Habitat on Previously Developed Land (see section 8.0 of the EMCP).
- 1.7 PoTLL has continued to review potentially suitable off-site compensation sites which meet a defined set of 'search criteria' (as discussed with Natural England) and are within the Thames Gateway landscape frame of reference. PoTLL is continuing to engage and discuss options with a number of potential landowners. It is not yet appropriate for further details to be presented to the ExA, given the inherent commercial sensitivities, but full details will be provided as soon as matters are brought to an appropriate position of settlement with the relevant landowner(s).
- 1.8 The summary provided above is intended, however, to offer additional clarity over the current position, in terms of the intended division of provision of mitigation and compensation between on- and off-site locations.

## 2.0 RATIONALE FOR PRESENTING THE LEMP AND EMCP AS SEPARATE DOCUMENTS

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- 2.1 Consideration has been given, at the Examining Inspectors' request, to whether the Landscape and Ecological Management Plan (LEMP) and Ecological Mitigation and Compensation Plan (EMCP) could be combined into a single document for simplicity, and whether it would be helpful to various parties to do so.
- 2.2 The line of division between the documents can be summarised as follows:
- **EMCP** (PoTLL/T2/EX/59 / REP2-009) – this document deals with mitigation and compensation for protected species and the processes of creation of new habitats both on- and off-site.
  - **LEMP** (PoTLL/T2/EX/42 / REP1-010) – this document deals with on-going on-site landscape and habitat management. It is effectively an operational phase document, as secured in the draft DCO at Requirement 11, dealing with both landscape and ecological management matters.
- 2.3 The EMCP deals, as its title suggests, with matters of mitigation and compensation (other than embedded design mitigation which has been employed to avoid impacts occurring in the first place, which is best considered as 'avoidance'). Mitigation includes the measures that will be taken, under licence where necessary and appropriate, to capture and relocate protected species and/or damage or remove their habitats, or alternatively to prevent the spread of invasive non-native plant species during the disturbance associated with construction activity. Compensation includes the measures that will be taken to provide alternative habitats for species displaced or translocated from the development zones, which in some cases is delivered within the development masterplan, in other cases on adjoining land within the DCO limits, and in still other cases will be delivered at locations that are entirely off-site.
- 2.4 The LEMP deals with the management of landscaping measures and habitats and species on-site (i.e. within the Order Limits) after the completion of any habitats created as compensation for losses, and after the completion of species and habitat translocations.
- 2.5 The intention is for the EMCP to be completed as soon as possible. The requirement for off-site mitigation that it deals with is secured in the draft DCO at Requirement 5 (albeit the EMCP as it stands is not mentioned as being a certified document). Whilst the DCO is not predicated on the off-site compensation being firmly identified prior to the close of the Examination process, draft Requirement 5 sets out that development cannot commence until *“until written details of the proposed off-site ecological mitigation have been submitted to and approved by the relevant planning authority, in consultation with Natural England”*.

- 2.6 As such, the intention is that the EMCP will be 'those written details' required under Requirement 5. If the EMCP is completed prior to Examination, the Requirement wording will be changed to refer to compliance with the EMCP as a certified document. If it is not completed prior to Examination, it is the intention that a further iteration of the EMCP would be submitted to Thurrock to be approved pursuant to Requirement 5 in consultation with Natural England. PoTLL has revised the CEMP at Deadline 3 to remove references to the EMCP to avoid confusion in this regard.
- 2.7 It is therefore considered that the division into two distinct documents is helpful and logical, and for reasons of straightforwardness and clarity in implementation by the relevant parties, should be retained.