

PLANNING ACT 2008

INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE)
RULES 2010

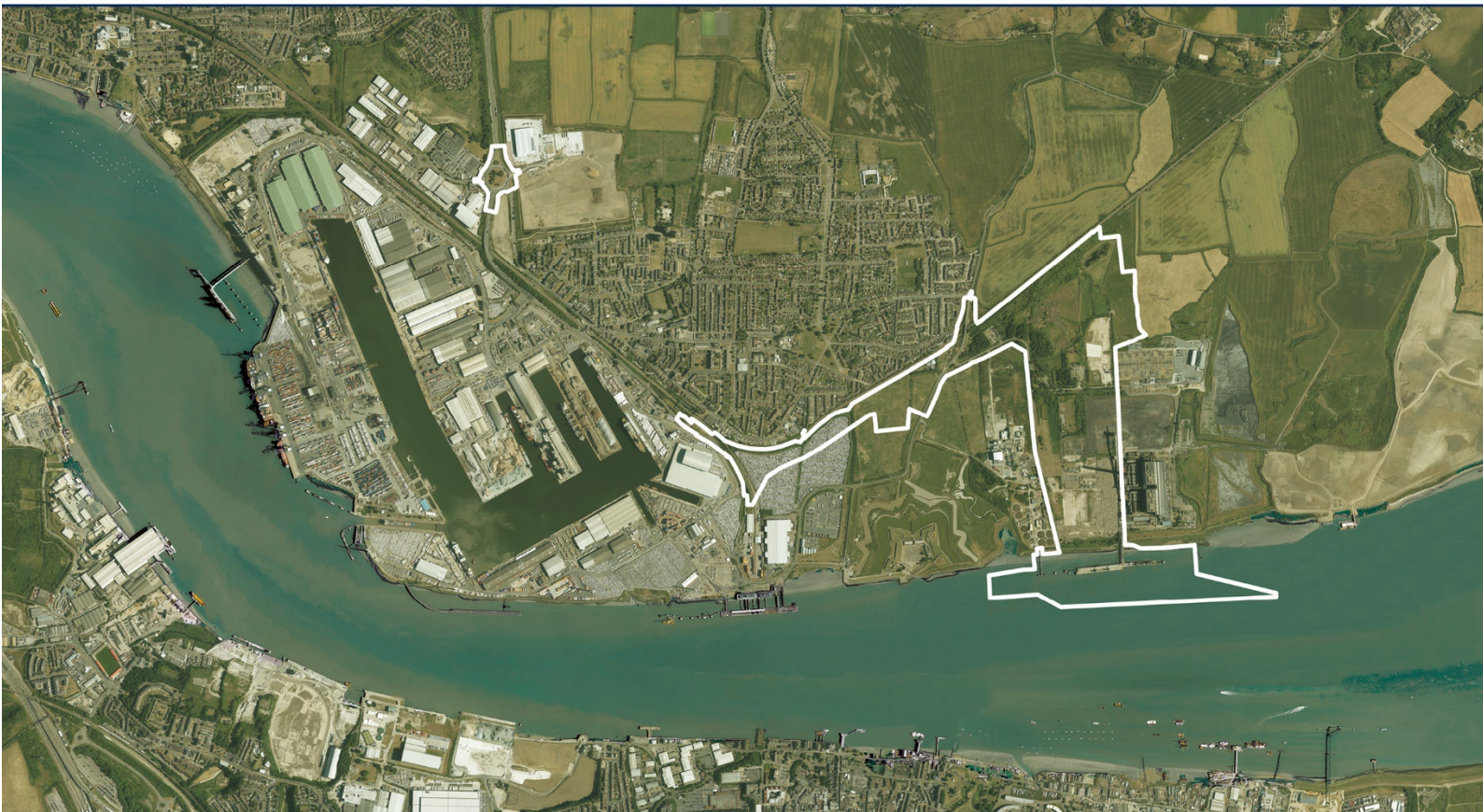
PROPOSED PORT TERMINAL AT
FORMER TILBURY POWER STATION

TILBURY2

TRO30003

STATEMENTS OF COMMON GROUND
UPDATE REPORT FOR DEADLINE 3

DOCUMENT REF : PoTLL/T2/EX/93



PORT OF TILBURY

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

STATEMENTS OF COMMON GROUND UP-DATE REPORT

FOR DEADLINE 3

Revision	Date	Description of new version
1.0	30/04/18	Final Issue to ExA

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SOCGS ATTACHED AS APPENDICES
(SEE LIST OVERLEAF)

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1.0 PURPOSE OF THIS DOCUMENT

- 1.1 This report has been submitted at Examination Deadline 3 (Monday 30 April 2018) pursuant to the DCO application by Port of London Tilbury Limited (PoTLL - “the Applicant”) to construct a new port terminal known as Tilbury2.
- 1.2 The application was accepted on 21 November 2017 by the Planning Inspectorate on behalf of the Secretary of State. The examination commenced on 20 February 2018.
- 1.3 This report and the Statements of Common Ground (SoCGs) appended hereto are submitted in response to the Examining Authority’s (ExA) ‘Rule 6’ letter of 22 January 2018, which requested that the Applicant prepare a number of SoCGs with various stakeholders. This request was reiterated and built upon in the ExA’s ‘Rule 8’ letter dated 26 February 2018, with Annex B to that letter identifying a number of additional Interested Persons with whom SoCGs should be produced. This letter also confirmed that updates of the SoCGs should be provided at a number of future deadlines in the Examination Timetable including Deadline 1 (already provided [REP1-021]) and Deadline 3 (this document). Further up-date reports will therefore be submitted as the Examination progresses, in accordance with that timetable. Statements of Common Ground will be annexed to each update report.
- 1.4 Where common ground has not been reached for Deadline 3 PoTLL will continue to work with stakeholders to seek agreement for future deadlines. As such, the SoCGs submitted at this Deadline should, where matters remain under discussion, not be treated as final as engagement with stakeholders will continue during the examination process to seek to resolve these matters. Updated SoCGs will be submitted into the examination to document where those discussions result in agreement being reached between the parties.
- 1.5 It is noted that whilst not requested by the ExA, PoTLL considers that it may assist the Examination if further revisions to some SoCGs are submitted at Deadline 4 (Tuesday 22 May 2018) in order to update the ExA on discussions being held between PoTLL and some stakeholders. This would provide a more up-to-date position to the ExA prior to the publication by the ExA of the Agendas for the June Hearings on 19 June and the Hearings themselves on 26 and 27 June 2018.
- 1.6 Guidance about the purpose and possible content of SoCGs is given in paragraphs 57-62 of the Department for Communities and Local Government’s *“Planning Act 2008: examination of applications for development consent”* (March 2015 version). Paragraph 58 indicates that *“A statement of common ground is a written statement prepared jointly by the applicant and another party or parties, setting out any matters on which they agree. As well as identifying matters which are not in real dispute, it may also be useful if a statement identifies those areas where agreement has not been reached. The statement should include references to show where those matters are dealt with in the written representations or other documentary evidence.”*

- 1.7 PoTLL has been mindful of this guidance in preparing and developing SoCGs with stakeholders.

2.0 TOPICS COVERED BY SOCGS

- 2.1 At the Preliminary Meeting on 20 February 2018 it was agreed that SoCGs would be provided 'by Stakeholder' rather than by Principal Issue. PoTLL advised that a table would be provided to cross reference the Principal Issues that the ExA have identified in its Rule 6 letter with each SoCG. Table 1 (replicated below from the Update Report from Deadline 1 [REP1-021] is provided on this basis. This table accords with the requested SoCGs in Annex E of the ExA's Rule 6 letter, together with the additional SoCGs identified in Annex B of the ExA's Rule 8 letter (with the exception of SoCG010 and SoCG011 – see section 3.0 below). There has been some refinement of issues covered resulting from discussions with individual stakeholders.

Table 1 : List of SoCGs and Principal Issues

Document Reference	Stakeholder	Air quality	Biodiversity	Construction	Contamination/Waste/minerals	Dredging and navigation	Health	Historic Environment	Landscape and Visual	Noise and Vibration	Socio-economics	Transportation and Traffic	Water/flood risk/WFD	Development plan compliance	Cumulative impacts	Protective Provisions	Aquisition
SOCG001	Thurrock Council																
SOCG002	Gravesham Borough Council																
SOCG003	Essex County Council																
SOCG004	Environment Agency																
SOCG005	Natural England																
SOCG006	Historic England																
SOCG007	Port of London Authority																
SOCG008	Marine Management Organisation																
SOCG009	Highways England																
SOCG010	Cole Family & Common Land Conservator	SoCG unlikely to be needed															
SOCG011	Gothard Family	SoCG unlikely to be needed															
SOCG012	Network Rail																
SOCG013	Kent County Council																
SOCG014	Buglife																
SOCG015	English Heritage																
SOCG016	London Gateway Port Limited																
SOCG017	Public Health England																
SOCG018	London Resort Holdings																
SOCG019	Cadent																

3.0 CURRENT STATUS OF SOCGS

3.1 Table 2 below shows the current status of each SoCG. The latest versions (as of Deadline 2, Monday 30 April 2018) of all SoCGs where both parties have agreed to share the current drafting are submitted to the ExA as appendices to this statement.

3.2 For many of the SoCGs, discussions are still ongoing between the Applicant and the stakeholder. Some of these are SoCGs signed as an agreed record of the current position with discussions; others are not signed but do report the current agreed position on specific matters. These discussions will continue during the examination period and the SoCGs will continue to be updated throughout this process, with issues moving between the categories agreed/under discussion/not agreed.

3.3 For clarity the definitions for each SoCG classification are as follows:

SoCG submitted signed – the stakeholder has signed the SoCG report to agree that matters discussed are represented correctly. There may be later discussions and amendments depending on issues that may arise as the examination progresses.

SoCG submitted unsigned – the SoCG has been reviewed by the parties and content broadly agreed. However the SoCG remains unsigned and therefore, is submitted as an update on progress to the ExA at Deadline 3. Both parties have agreed for this version to be provided to the ExA on a without prejudice basis.

No SoCG – a SoCG has not been submitted between PoTLL and this stakeholder at this time, please see below for more details.

3.4 The following points in respect of the SoCGs are made to assist the ExA.

3.5 The following SoCGs are resubmitted as part of this report but have not changed since the versions submitted at Deadline 1 as they are considered final versions of each SoCG:

SoCG016 – London Gateway Port Limited : no matters under discussion

SoCG017 – Public Health England : no matters under discussion

SoCG018 – London Resort Company Holdings Limited : no matters under discussion

3.6 The SoCG with **Kent County Council** is also resubmitted unchanged from Deadline 1, although discussions are on-going. In particular, discussions regarding the impact of the Tilbury2 proposals on the Kent Highway Network have been held following submissions to Kent County Council by PoTLL regarding clarification of HGV movements. Shortly before Deadline 3 KCC confirmed that they accept that Tilbury2 will not result in a significant impact on Kent's road network, although insufficient time was available for the relevant

KCC officer to secure approval for the necessary revisions to the SoCG. PoTLL will seek to provide an updated SoCG for Deadline 4.

- 3.7 The SoCG with **Cadent Gas** is also resubmitted unchanged from Deadline 1, although discussions are on-going. The same applies to the SoCG with **Network Rail**.
- 3.8 The following SoCGs have not been provided at Deadline 3.

Cole Family and Common Land Conservator

- 3.9 As explained at the Issue Specific Hearing on 20 April 2018, PoTLL can confirm that it is in detailed discussions with the Cole Family and Common Land Conservator regarding their land. As acquisition is the only matter under discussion, it is considered that a SoCG is unlikely to be needed. An update on negotiations with land interests is provided to the ExA in the Update to Appendix F submitted at Deadline 3 (PoTLL/T2/EX/91).

Gothard Family

- 3.10 As explained at the Issue Specific Hearing on 20 April 2018, PoTLL can confirm that it is in detailed discussions with the Gothard Family regarding their land. As acquisition is the only matter under discussion, it is considered that a SoCG is unlikely to be needed. An update on negotiations with land interests is provided to the ExA in the Update to Appendix F submitted at Deadline 3 (PoTLL/T2/EX/91).

Natural England

- 3.11 Efforts have been made by POTLL to produce a revision of the Statement of Common Ground with Natural England for Deadline 3. The Panel will be aware from the ISH on 18 April 2018 that in order to progress this, POTLL were awaiting responses from NE on various matters, including questions that have arisen out of NE's Written Reps and answers to the FWQs (Examination document ref REP2-007). These include:
1. Natural England's technical response to the 'bird notes' issued on 19 March and 09 April (the latter appended at Appendix 1 of the Written submission of Case at ISH of 18 April, (document reference PoTLL/T2/EX/94) and in particular whether it can be agreed that together with the ES, the contextual information within these provides an adequate basis for HRA of likely significant effects on bird populations using habitats functionally linked to the Thames Estuary and Marshes SPA/Ramsar.
 2. Natural England's response on POTLL's search criteria/terms of reference for the continuing pursuit of sites for off-site compensation for brownfield interests, as sent to NE on 17th April 2018, and in lieu of full details of such sites after NE confirmed that it did not wish to enter into an NDA to protect POTLL's commercial interests and allow full and open discussions with the statutory authority on this issue, and in particular whether there is agreement that these represent appropriate terms of reference for that search;

3. A response to POTLL's request for information on how the Lytag Site invertebrate interests sit within the dataset for other Thames Estuary brownfields, in particular those subject to equivalent survey effort;
 4. A response to POTLL's query about the NE request to reference 'shingle/cobble' beach in discussions over intertidal habitats, as set out in their FWQ responses
 5. Confirmation of whether NE's comments in their WR and response to FWQ on risks to intertidal habitats from dredging activities have been made with regard to the HR Wallingford study on sediment circulation and hydrodynamics (for avoidance of doubt this will be appended to the next revision of the HRA).
 6. Response to POTLL's request for project-specific noise and temporally aligned bird use data from the Goshem's Farm jetty piling which supports NE's assertion that the 300m zone of influence used in PoTLLs assessments is not adequate to avoid significant disturbance to birds of the SPA and Ramsar Site assemblage.
- 3.12 As at 30th April these matters are still outstanding and this prevents meaningful progress on providing an SOCG at this stage.

Port of London Authority

- 3.13 No SoCG with the PLA can be provided at this time as discussions are continuing. A meeting is scheduled to take place on 3rd May 2018 and a SoCG will be prepared following this meeting. PoTLL hope to provide this to the ExA at Deadline 4.
- 3.14 Table 2 below provides a summary of the current position with all SoCGs

TABLE 2 : SCHEDULE OF STATEMENTS OF COMMON GROUND

Document Reference	Stakeholder	Comments	Status at Deadline 1
SOCG001	Thurrock Council	Drafts have been exchanged and progress has been made. Updated SoCG submitted.	SoCG Submitted signed
SOCG002	Gravesham Borough Council	Drafts have been exchanged and progress has been made. Updated SoCG submitted.	SoCG Submitted signed
SOCG003	Essex County Council	Drafts have been exchanged and progress has been made. Updated SoCG submitted..	SoCG Submitted signed
SOCG004	Environment Agency	Drafts have been exchanged and discussions are progressing. Updated SoCG submitted.	SoCG Submitted unsigned
SOCG005	Natural England	Drafts have been exchanged and discussions are progressing with the objective of submission of an SoCG at Deadline 4.	Not submitted
SOCG006	Historic England	Drafts have been exchanged and discussions are progressing. Updated SoCG submitted.	SoCG Submitted unsigned
SOCG007	Port of London Authority	Drafts have been exchanged and discussions are progressing with the objective of submission at Deadline 4	Not submitted
SOCG008	Marine Management Organisation	Drafts have been exchanged and discussions are progressing. Updated SoCG submitted.	SoCG Submitted unsigned
SOCG009	Highways England	Drafts have been exchanged and discussions are progressing. Updated SoCG submitted.	SoCG Submitted signed
SOCG010	Cole Family and Common Land Conservator	A SoCG is unlikely to be needed.	Not submitted
SOCG011	Gothard Family	A SoCG is unlikely to be needed.	Not submitted
SOCG012	Network Rail	Drafts have been exchanged and discussions are progressing. No change since Deadline 1.	SoCG Submitted unsigned

Document Reference	Stakeholder	Comments	Status at Deadline 1
SOCG013	Kent County Council	Drafts have been exchanged and agreed. No change since Deadline 1 but discussions have continued.	SoCG Submitted unsigned
SOCG014	Buglife	Drafts have been exchanged and agreed. No change since deadline 1.	SoCG Submitted signed
SOCG015	English Heritage	Drafts have been exchanged and discussions are progressing. Updated SoCG submitted.	SoCG Submitted unsigned
SOCG016	London Gateway Port Limited	Drafts have been exchanged and agreed. The SoCG is unchanged since Deadline 1 and is considered to be the final version.	SoCG Submitted signed
SOCG017	Public Health England	Drafts have been exchanged and agreed – letter from PHE. The SoCG is unchanged since Deadline 1 and is considered to be the final version.	Letter - signed
SOCG018	London Resort Company Holdings	Drafts have been exchanged and agreed. The SoCG is unchanged since Deadline 1 and is considered to be the final version.	SoCG Submitted signed
SOCG19	Cadent Gas Limited	Drafts have been exchanged and discussions are progressing. No change since Deadline 1.	SoCG Submitted unsigned

4.0 DEMONSTRATING PROGRESS IN DISCUSSIONS

- 4.1 In order to demonstrate where updates have been made since the previous SoCG report submitted, any new or amended text has been **highlighted in blue**.
- 4.2 In order to demonstrate where an item has moved from ‘under discussion’ to either ‘agreed’ or ‘not agreed,’ the border of that item has been **highlighted in blue** and the relevant updated text has been **highlighted in blue**. See Figure 1 for an example.
- 4.3 Where an entire topic (and therefore table) has been moved from ‘under discussion’ or added to a SoCG, the border and header of that table and text has been **highlighted in blue**. See Figure 2 for an example.

Ref	Description of matter	Details of agreement
4.1	Topic	
4.2.1	Issue	Lorem ipsum dolor sit amet, per cu exerci vivendo, mei prima tamquam copiosae ei. Nec te nisl minim offendit, pri an affert fabellas, vel amet nullam ut. Et quas honestatis vel, ex porro inani regione per.
4.2.2	Issue	. Has ei choro vocibus occurreret, ullum aperiam duo no, duo ei accusamus abhorreant. Mea alii fugit debitis et, ea quot elit usu, ad sea enim equidem. Omnis deseruisse vel cu, at est brute melius. Et solet graeco iriure eos.

Figure 1 : Example of an item moved from ‘under discussion’ to ‘agreed’ and amended text into existing topic

Ref	Description of matter	Details of agreement
4.1	Topic	
4.1.1	Issue	Elit quaestio consulatu ut mei, nobis assentior reprehendunt pri ea, malorum consetetur mei ea. No nemore quaeque vel, harum impetus eos ei, rebum vivendo sed cu. Unum novum nostro ut per, nec no errem evertitur, mea magna dolore at. Nec scaevola posidonium at, enim tincidunt sit ex, sea omnes lucilius mediocritatem ex.
4.1.2	Issue	Augue exerci populo et duo. Cu quo illud aeterno utroque. Has feugiat lobortis in. Ea primis verear mea. Id tale paulo laboramus ius, at usu dicunt honestatis.

Figure 2 : Example of a new topic table included within an SoCG

APPENDIX 1**SOCG001****DRAFT STATEMENT OF COMMON GROUND WITH
THURROCK COUNCIL**

PLANNING ACT 2008
INFRASTRUCTURE PLANNING
(APPLICATIONS: PRESCRIBED FORMS AND PROCEDURE)
REGULATIONS 2009

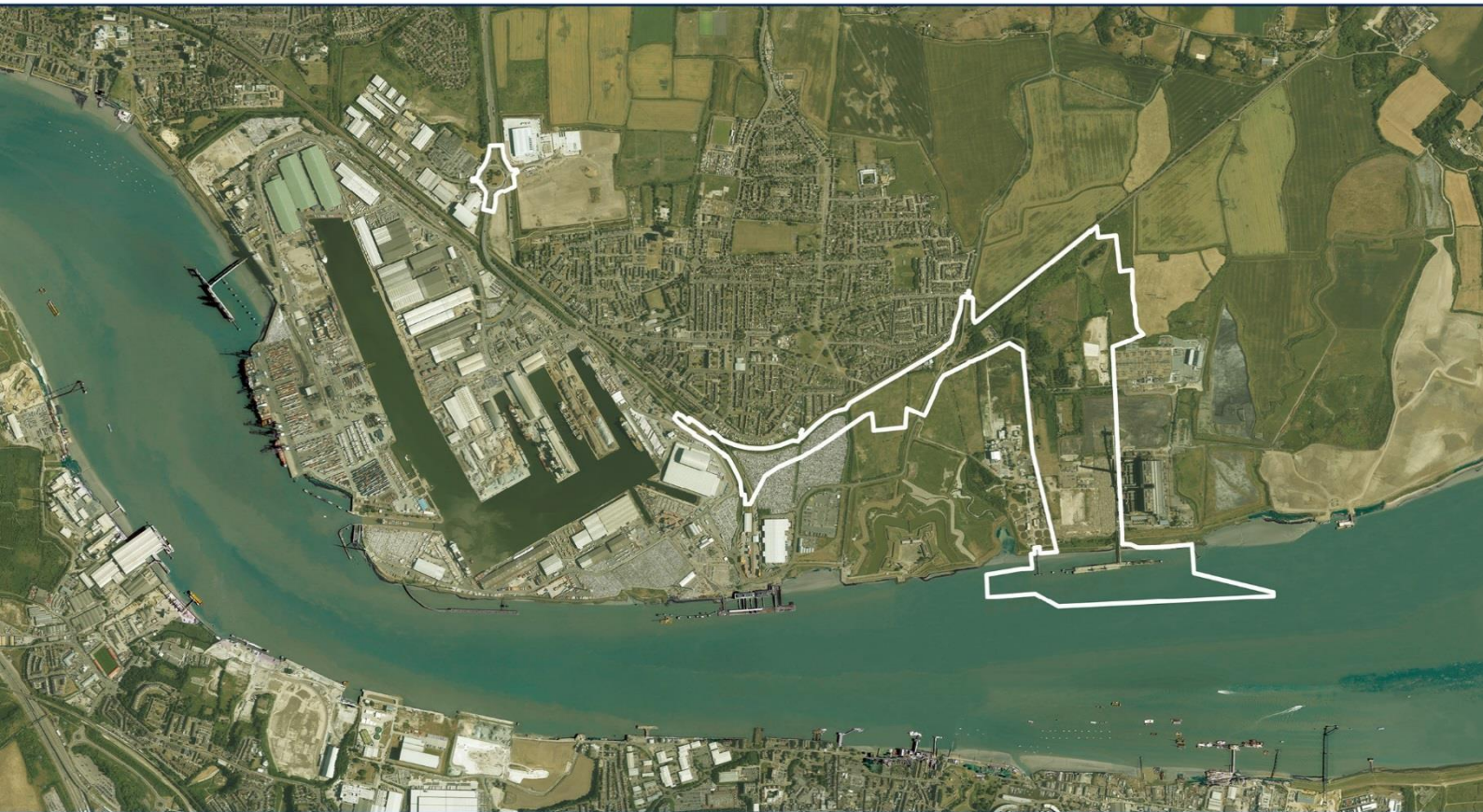
PROPOSED PORT TERMINAL AT
FORMER TILBURY POWER STATION

TILBURY2

TRO30003

STATEMENT OF COMMON GROUND
BETWEEN PORT OF TILBURY LONDON LIMITED AND THURROCK
COUNCIL

DOCUMENT REF : SOCG001



PORT OF TILBURY

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

STATEMENT OF COMMON GROUND

**BETWEEN PORT OF TILBURY LONDON LIMITED AND
THURROCK COUNCIL**

Revision	Date	Description of new version
1.0	13/12/17	Partial Draft including planning, socio-economics, ecology, archaeology, Built Heritage,
2.0	29/01/18	Second draft with updated sections
3.0	6/02/18	Third draft taking on board comments by TC and discussion at meeting on 3/02/18
4.0	13/02/18	Fourth draft with changes agreed reflecting position on 13/02/18
5.0	19/03/18	Fifth Draft with changes reflecting position at Deadline 1
6.0	20/03/18	Signed by PoTLL and TC for Deadline 1
7.0	24/04/17	Draft with changes reflecting position at Deadline 3

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1.0 INTRODUCTION

Purpose of this document

- 1.1 This Statement of Common Ground ("SoCG") has been prepared in relation to the application by Port of Tilbury London Limited ("PoTLL") under section 37 of the Planning Act 2008 ("the Act") for an order granting development consent ("DCO") for the construction, operation and maintenance of a new port terminal and associated facilities in Tilbury, Essex known as 'Tilbury2' ("the proposals").
- 1.2 The aim of this SoCG between PoTLL and Thurrock Council ("TC") is to provide a clear record of engagement between the parties, including of the issues discussed between the parties and the current status of those discussions. The SoCG can be used as evidence of engagement for the purposes of the examination into the DCO application.

Structure of this Statement of Common Ground

- 1.3 This structure of this SoCG is as follows:

Section 1 – Introduction

Section 2 – Consultation to date

Section 3 – Summary of topics covered by the SoCG

Section 4 – List of matters agreed

Section 5 – List of matters under discussion

Section 6 – List of matters not agreed

Overview of the proposals

- 1.4 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 land that formed the western part of the now redundant Tilbury Power Station and is bounded to the west by a waste water treatment works and to the east by the Tilbury B power station that is presently being demolished.
- 1.5 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.
- 1.6 It will require works including, but not limited to:

- creation of hard surfaced pavements;
- improvement of and extensions to the existing river jetty including creation of a new RoRo berth;
- associated dredging of berth pockets around the proposed and extended jetty and dredging of the approaches to these berth pockets;
- new and improved conveyors;
- erection of welfare buildings;
- erection of a single 10,200 sqm. 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
- formation of a rail spur and sidings.

1.7 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).

1.8 The application essentially seeks a DCO to approve an operational port and to allow PoTLL to benefit from its permitted development rights within the boundaries of the new port. The application seeks to establish a 'Rochdale Envelope' of development based upon the description within the DCO. In this context, the DCO will contain a framework through which environmental impacts will be controlled and managed.

Introduction to Thurrock Council

1.9 Thurrock Council is the host authority for the Tilbury2 proposals and has the following roles .

- A key partner and service provider promoting economic development, regeneration, infrastructure delivery, new development and tourism;
- The planning authority with responsibility for determining planning applications and preparing and reviewing the statutory development plan; as part of this function the Council has responsibility for the following matters : housing and economic growth, ecology (and the wider green grid), cultural heritage and landscape;
- The highway and transportation authority, with responsibility for the delivery of the Thurrock Local Transport Plan;

- Waste Planning Authority;
- Local Lead Flood Authority;
- Environmental Health Advisor with responsibility for noise and air quality;
and
- Contaminated land adviser with responsibility for ground conditions and hydrogeology

2.0 CONSULTATION TO DATE

2.1 This section provides a summary of the engagement between PoTLL and Thurrock Council that has taken place to date.

Pre-application meetings directly with Thurrock Council

Date	Activity
26 July 2016	Meeting between PoTLL and TC Planning to provide overview of Tilbury2 project and planning process
08 November 2016	Meeting between PoTLL and TC Planning to provide overview of wider Vision for Tilbury and how it relates to Tilbury2 scheme in preparation for meeting with Members Update on environmental work Presentation of surface access proposals
08 December 2016	Update meeting between PoTLL and TC Planning to review presentation to Members
05 January 2017	Presentation by PoTLL to Overview and Scrutiny Committee on their plans for the Tilbury2 site and the wider vision to improve the area around the Port
06 February 2017	Meeting between PoTLL and TC Planning. Update on the scheme Discussion on NSIP process Discussion on consultation arrangements
17 February 2017	Briefing of the CEO for Thurrock Council on the T2 project
07 April 2017	NSIP Training session for officers
18 April 2017	Meeting between PoTLL and TC Planning Summary of existing Port operations; Detail of the DCO process; Proposed Development; Infrastructure Corridor; Summary of the proposed Scoping Note; and Suggestion to hold joint meeting with Highways England.
04 May 2017	Discussion between Helen Horrocks (Thurrock Council Public Health) and Charlotte Clark (ARUP) to discuss Health Impact Assessment

11 May 2017	Meeting between PoTLL and TC Planning, Highways and Environmental Health; to discuss noise and AQ
16 May 2017	Discussion between Maria Payne (Health Intelligence Thurrock Council) and Charlotte Clark (ARUP) on Health Impact Assessment
26 May 2017	Meeting between PoTLL and TC Planning, PROW officer and landscape adviser on rights of way and socio-economic impacts
12 June 2017	Meeting between PoTLL and TC Planning, pollution officer, heritage adviser to discuss landscape and visual impact; heritage and waste issues.
14 June 2017	Meeting between PoTLL and TC Highways, Essex Highways, and Highways England to discuss proposals, baseline and modelling
18 July 2017	Follow up meeting between PoTLL and TC Highways, Essex Highways, and Highways England to discuss proposals, baseline and modelling
01 August 2017	Meeting between PoTLL and TC Planning General update Active travel study S106 agreement
15 August 2017	Meeting between PoTLL and LLFA to discuss proposals, drainage strategy, flood wall interaction and flood risk generally.
23 August 2017	Heritage meeting with PoTLL and TC, Historic England and English Heritage to discuss potential improvements to Tilbury Fort..
31 August 2017	Meeting between PoTLL and TC Planning:- Active travel study S106 agreement
07 September 2017	A teleconference between PoTLL (Atkins) and Thurrock Council (Richard Hatter) to discuss the waste and materials elements of the Environmental Statement.
13 September 2017	Meeting between PoTLL and TC Highways, and Highways England to discuss development traffic impact; ASDA roundabout mitigation; Travel Plan (Sustainable Distribution); Link Road; and Active Travel Measures;

03 October 2017	Teleconference between PoTLL (Bioscan) and TC and ECC to discuss ecology surveys
12 October 2017	Meeting between PoTLL and TC Highways and Highways England impact at A126 Marshfoot Road Interchange; ASDA roundabout; Link Road; and Active Travel Measures;

Pre-application heritage meetings with ECC Place Services acting for Thurrock Council

12 th June 2017	PoTLL's Built Heritage consultant at CgMs Ltd met with Thurrock Council (Matt Gallagher and Nicolas Page, Place Services) to discuss built heritage and landscape and visual impact considerations. This meeting was held to update the Council on the proposals and outline the baseline assessment undertake to date. This included discussing the identified viewpoint locations.
14 th August 2017	Thurrock Council (Nicolas Page, Place Services) provided a response on the PEIR [this was issued to PoTLL's planning consultants at Vincent and Goring on 18 th August 2017].
18 th August 2017	PoTLL's Built Heritage consultant at CgMs Ltd emailed Thurrock Council (Nicolas Page, Place Services) a full set of the wireline
23 rd August 2017	PoTLL's Built Heritage consultant at CgMs Ltd met with Thurrock Council (Matt Gallagher and Nicolas Page, Place Services), Historic England and English Heritage to discuss potential improvements to Tilbury Fort.
25 th September 2017 and 2 nd October 2017	PoTLL's Built Heritage consultant at CgMs Ltd emailed Thurrock Council (Matt Gallagher and Nicolas Page, Place Services) a selection of the Draft ES documents including the Built Heritage Assessment (September 2017) (sent 25 th September 2017) and Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement (sent 2 nd October 2017).

13 th and 16 th October 2017	Thurrock Council (Nicolas Page, Place Services) provided an email response on the draft submission documents (ES Chapter 12 and Draft Built Heritage Assessment).
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Post-application

<u>Date</u>	<u>Activity</u>
15 December 2017	Discussion between Sarah Horrocks (Atkins, on behalf of PoTLL) and Dean Page (TC) regarding air quality assessment and clarification regarding PM ₁₀ outputs
13 December 2017	Meeting between PoTLL and TC Highways to discuss Transport Assessment ASDA roundabout; Link Road; and Active Travel Measures
4 January 2018	Meeting between PoTLL and TC Economic Development officer to discuss economic impact assessment
18 January 2018	Meeting held between PoTLL and TC and ECC to discuss Waste issues
2 February 2018	Meeting held between PoTLL and TC with focus on Landscape and ecological issues
19 February 2018 28 February 2018 5 March 2018 12 March 2018 19 March 2018 26 March 2018 9 April 2018 23 April 2018	Weekly conference calls to discuss outstanding matters by theme;
14 March 2018	Meeting between PoTLL and Thurrock Council to discuss Active Travel Study

Post application heritage meetings with ECC Place Services acting for Thurrock Council

14 th November 2017	DCO Application documentation (Archaeology and Cultural Heritage ES Chapter and supporting Technical Appendices) were sent to Richard Havis
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	and Nicolas Page, Essex County Council Places Services post-submission
12 th December 2017	POTLL's archaeological and built heritage consultants at CgMs Ltd met with Richard Havis and Nicolas Page, Place Services, Essex County Council to discuss the SoCG
23 rd January 2018	PoTLL, and CgMs Ltd met with Historic England, the Principal Historic Environment Consultant, Essex County Council and Historic Building Consultant, Essex County Council to discuss the first draft of the Historic England Statement of Common Ground
13 th February 2018	Telephone call between CgMs Ltd and Richard Havis, Place Services regarding comments received from Pace Services relating to Terrestrial Archaeology

- 2.2 The parties continue to actively engage on those matters which are not yet agreed. A further iteration of this SoCG will be submitted into the examination in due course to document the progress that is expected to be made.

3.0 SUMMARY OF TOPICS COVERED BY THE SOCG

3.1 The following topics discussed between PoTLL and TC are commented on further in this SoCG:

- General support for the scheme given overall economic implications
- Development Plan compliance
- Land side Transport
- Impact on the Tilbury-Gravesend Ferry
- Noise
- Air Quality
- Economic Impacts and Skills and Employment Strategy
- Landscape and Visual Amenity
- Terrestrial Ecology
- Cultural Heritage
- Health
- Hydrogeology and Ground Conditions
- Waste
- Water Resources and Flood Risk
- Cumulative Assessment Projects
- S106 Agreement
- Operational Management Plan
- Community Operational Engagement Plan
- Construction Environment Management Plan

4.0 LIST OF MATTERS AGREED

Ref	Description of matter	Details of agreement
4.1 General Support for the Scheme		
4.1.1	Importance of the future of the Port of Tilbury to the growth of Thurrock as part of the sub-region and region.	It is agreed that the proposals are of crucial importance in securing on-going economic growth of Thurrock and will contribute significantly to sub-regional and regional economic success. Paragraph 3.10 of the adopted development plan (considered in more detail below) notes that an expanded Port of Tilbury will be one of the UK's leading ports, providing employment, investment and facilities that benefit Thurrock as well as the sub-region.
4.2 Development Plan Compliance		
4.2.1	Overall compliance with economic and regeneration objectives of the development plan.	It is agreed that the proposals accords with the economic and regeneration objectives of the development plan. Tilbury is identified as a Regeneration Area and key location for employment in the Borough, providing additional jobs in logistics, port and riverside industries (paragraph 3.34). Tilbury is also defined as a Key Strategic Economic Hub by Spatial Policy CSSP2 (Sustainable Employment Growth). This Core Strategy policy identifies Tilbury's core economic sectors as including port and logistics related facilities. Support for Port facilities is also embraced in Thematic Policy CSTP17 (Strategic Freight Movement and Access to Ports). The proposal is also consistent with Thematic Policy CSTP28 (River Thames) which prioritises riverside development sites for uses that require access to the river frontage. This policy also safeguards existing and promotes new jetties for the transport of goods and materials.

4.2.2	Land use designations	It is agreed that the site is covered by a number of designations including 'white land' (absent any site specific designation), primary employment, and local wildlife sites. A small area in the northeast corner of the main site is designated as Green Belt. It is agreed that none of the land within the Order limits is designated as proposed or existing Open Space or Public Open Space within the development plan.
4.2.3	Green Belt	It is agreed that the alignment of the proposed railway line through part of the Green Belt comprises necessary transport infrastructure which would be compatible with paragraph 90 of the NPPF. Although comprising 'inappropriate development' the intrusion of part of the CMAT site into the Green Belt will cause limited harm to the Green Belt in practice. The Council agree with the analysis in Planning Policy Compliance Statement (Document Reference 6.2.1.A) at paras. 4.154 – 4.159. It is agreed that 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 factors which clearly outweigh harm such that it is considered that very special circumstances exist for development to take place in the Green Belt.
4.3 Transport		
4.3.1	Scope of Assessments	It is agreed that the Scope of the assessments as set out in the Transport Assessment and the Traffic and Transport Chapter of the ES is appropriate.
4.3.2	Traffic Generation	It is agreed that the estimates of traffic generation as set out in the Transport Assessment (Document Reference

		6.2.13A) are robust and based upon worst case assumptions.
4.3.3	Traffic Distribution	It is agreed the distribution of traffic as set out in the Transport Assessment (Document Reference 6.2.13A) provides a reasonable estimate for assessment purposes.
4.3.4	Traffic modelling	It is agreed that the methodology and software used for undertaking traffic modelling as set out in the Transport Assessment (Document Reference 6.2.13A) is appropriate and provides a reasonable prediction of the impacts.
4.3.5	Tilbury – Gravesend Ferry	It is agreed that the proposals will have no adverse impact on the Tilbury -Gravesend Ferry and have the potential to introduce additional patronage.
4.3.6	Infrastructure Corridor Link Road Design	<p>Following further discussions it is agreed that the highway and access proposals in the infrastructure corridor are fit for purpose subject to the agreement to the relevant Protective Provisions in the DCO.</p> <p>At set out in TC's LIR (para. 7.8.9 – 7.8.14) it was considered by the local highways authority that the design of the junction between Ferry Road and the new link road should be reviewed and upgraded to a signalised junction, with Toucan crossing facilities, due to the traffic impact at this junction and the cycle path which crosses the road at this point.</p> <p>Since Deadline 1 further discussions on the details of the Active Travel measures have taken place with amendments agreed to respond to the concerns of TC, with a meeting held on 14 March 2018. At this meeting discussions included the location of the Toucan crossing and the form of the junction between St Andrews Road/Ferry</p>

		<p>Road and Link Road - it was agreed that a Toucan crossing will be placed on St Andrews Rd between the Hairpin bridge and Ferry Road but form of the St Andrews Road/Ferry Road and Link Road junction was acceptable..</p>
4.3.7	S106 active travel measures	<p>The Active Travel Measures to be included in the S106 are now agreed.</p> <p>Following further discussions since Deadline 1 a number of amendments have been agreed. These include</p> <ul style="list-style-type: none"> - relocation of the proposed Toucan crossing on St Andrews Road - inclusion of footpath FP146 between Bill Melroy Creek and Fort Road in the enhancement proposals - enhancement to the crossing of the FP146 across the flood defence at Bill Melroy Creek - provision a shared pedestrian/cycling facility from the Fort Road railway bridge north to Brennen Road to allow for an improved cycle link with improvements being planned by TC.
4.3.6	Lower Thames Crossing (LTC)	<p>It is agreed that Tilbury2 does not rely on the delivery of the Lower Thames Crossing.</p> <p>It is agreed that the cumulative impact of the proposals with the LTC within Thurrock requires impacts to be modelled and mitigated for and responsibility for this assessment should not fall between the two projects. It is agreed that as LTC has identified Tilbury2 as a cumulative project</p>

		<p>within its scoping report, this means that the LTC project will carry out this exercise.</p> <p>It is further agreed that as there is no traffic modelling for the LTC available at present it would be impossible for PoTLL to model the impact of Tilbury2 on traffic in Thurrock were the LTC be constructed, and it is therefore appropriate for this not to have been included within the ES and for it not to be carried out during the Examination process.</p>
4.4 Noise		
4.4.1	Method of assessment	It is agreed that the standards and guidance used in the Environmental Statement (ES) (document reference 6.1) are appropriate for predicting and assessing noise and vibration impacts from the proposed scheme.
4.4.2	Thresholds for significance and mitigation	<p>It is agreed that the thresholds for significance and mitigation measures expressed in the ES are appropriate for assessing the noise impacts of the scheme.</p> <p>It is agreed that the Policy Significance Criteria with respect to effect thresholds, LOAEL and SOAEL, are acceptable and these are summarised in Table 17.16 for both construction and operational phases.</p>
4.4.3	Baseline Conditions	It is agreed that the identified receptors in the ES are representative of all of the nearest sensitive receptors to the Tilbury2 site and the infrastructure corridor. It is also agreed that the baseline measurements are representative of typical conditions at those receptors.
4.4.4	Construction Assessment	It is agreed that the plant and equipment used in the calculations in the ES provide for the assessment of a reasonable worst

		case including the assumptions for operating periods and mitigation measures.
4.4.5	Road Traffic Assessment	It is agreed that the noise assessments are based on reasonable traffic forecasts.
4.4.6	Railway Traffic Assessment	It is agreed that the operational noise assessment within the ES is based on a realistic worst case assessment of train types, flows and speeds.
4.4.7	Operational Assessment	It is agreed that the source noise data set out in the ES is representative of the operations described in the assessment and the acoustic penalties that have been taken into account for these sources are appropriate for the application design.
4.4.8	Operational assessment	It is agreed that the assessment of operational impacts within the ES is sufficient.
4.4.9	Operational Mitigation	The approach to operational mitigation set out in the noise ES chapter is agreed.
4.4.10	CEMP and OMP	<p>It is agreed that the Construction Environment Management Plan (CEMP) covers the necessary environmental issues that need to be controlled as part of the mitigation of environmental impacts during construction.</p> <p>It is agreed that the Operational Management Plan (OMP) lays out an appropriate basis for control of future operation of the Port.</p>
4.5 Air Quality		
4.5.1	Study Area	It is agreed that the assessment considers the most relevant locations for public exposure in relation to the impacts generated by the proposals, and all modelled receptors in this assessment are appropriate.

4.5.2	Baseline	It is agreed that the ES chapter accurately identifies the current and future baseline air quality conditions in the area.
4.5.3	Methodology	<p>It is agreed that the assessment methodology and significance criteria described in the ES provides an appropriate basis for the assessment of atmospheric emissions and air quality, in particular the modelling of transport emissions.</p> <p>It is agreed that the model used in the Environmental Statement is appropriate, and it is used in accordance with the criteria laid out in the Defra TG(16) Technical Guidance.</p> <p>It is agreed that the assessment represents a worst case scenario, and the model verification process is robust, and limits any uncertainties associated with the model.</p>
4.5.4	Assessment of effects	<p>It is agreed that all the modelled results fall either below or well below the relevant air quality objectives for NO₂, PM₁₀, and PM_{2.5}.</p> <p>While slight to moderate impacts were modelled for NO₂ at some “worst case” receptor locations, it is agreed that these results are not significant, as the air quality objective of 40 µg/m³ for annual mean NO₂ is met at all locations</p> <p>It is agreed that the PM₁₀ and PM_{2.5} impacts are negligible at all receptors and concentrations are all below the air quality objectives.</p> <p>It is agreed that the operation of the proposals will not have significant adverse long-term effects on air quality at the closest residential receptors.</p>

4.5.5	Mitigation	<p>It is agreed that the Construction Environment Management Plan (CEMP) covers the necessary environmental issues that need to be controlled as part of the mitigation of environmental impacts during construction.</p> <p>It is agreed that the Operational Management Plan (OMP) lays out an appropriate basis for control of future operation of the Port.</p>
4.5.6	Shore Power	<p>TC agree with PoTLL that the approach of the proposals to providing the infrastructure to facilitate the future use of shore power should vessels become equipped to use this and should electrical power capacity become available, will future proof the site in this regard. TC and PoTLL agree that it would not be reasonable to impose any further controls in this regard through the DCO.</p> <p>Both parties note that paragraph 7.4 of the Operational Management Plan refers to this matter.</p>
<p>4.6 Socio-Economic Impacts</p>		
4.6.1	Appropriate recognition of policies and legislation	<p>It is agreed that Table 7.1 of the ES and its application throughout the assessment provide a sound framework for the impact assessment, referencing Council strategies and evidence where relevant.</p>
4.6.2	Appropriate methodology	<p>It is agreed that the methodology used in the ES is appropriate and robust.</p>

4.6.3	Appropriate baseline	It is agreed that the baseline expressed in the ES provides sufficient and robust context for the impact assessment, referencing Council strategies and evidence where relevant.
4.6.4	Identification and estimation of impacts	It is agreed that the scope and extent of the impact assessment in the ES together provide the necessary information to Thurrock Council to inform their view on the impacts of Tilbury2, referencing other technical evidence where relevant to the assessment.
4.6.5	Identification and assessment of cumulative impacts	It is agreed that the scope and content of the cumulative assessment provide the necessary information to Thurrock to inform their view on the cumulative impacts of Tilbury2 with other developments.
4.6.6	Appropriate (both embedded and further) mitigation	It is agreed that the mitigation measures proposed within the ES are appropriate and proportionate.
4.6.7	Overall assessment	It is agreed that there is nothing of significance within the impact assessment and the conclusions reached that is challenged or disagreed with.
4.6.8	Overall effect	It is agreed that Tilbury2 is likely to have a positive socio-economic effect for Thurrock, forming a clear narrative across different geographic scales.
4.7 Skills and Employment Strategy		
4.7.1	Approach	It is agreed that the key principles, and overall approach to the SES are robust, proportionate and appropriate to the development proposals but further discussions are being held on some aspects (see matters under discussion)

4.8 Landscape and Visual Amenity		
4.8.1	<p>Methodology</p> <p>Concern over one omitted viewpoint.</p>	<p>It is agreed that the LVIA has been carried out using appropriate methodology. All viewpoints are agreed as acceptable accept one.</p> <p>TC consider that there should have been an additional viewpoint from south of West Tilbury. PoTLL provided additional information showing visibility from West Tilbury church and this was considered a satisfactory clarification of the visibility of the proposals from this location.</p>
4.8.2	Baseline	It is agreed that the ES properly portrays the existing and future landscape baseline
4.8.3	Predicted Effects	It is agreed that the ES properly portrays the predicted effects of the development
4.8.4	Infrastructure Corridor Landscape proposals	PoTLL have provided further details on the effectiveness of the landscape proposals alongside the Infrastructure Corridor (submitted to the ExA as Appendix E to POTLL/T2/EX/49). It is agreed that these proposals can provide an effective visual screen and through additional detailed design this can be achieved this whilst respecting the local landscape character and minimising adverse effects on the setting of Tilbury Fort
4.9 Terrestrial Ecology		
4.9.1	Assessment of ecological value	It is agreed that the ecological value of the area is well-understood and significant detail has already been provided within the ES. The surveys that have been undertaken are considered appropriate and deal with all the plants, animals and

		habitats likely to be affected in an appropriate level of detail.
4.9.2	LoWS boundaries	It is agreed that the revised draft LoWS boundaries are correctly shown in the ES.
4.9.3	Past records for dormouse and a residential record for great crested newt, which are in doubt.	It is agreed that these records are likely to be erroneous; confirmed by further survey work in 2017. It is agreed that both species can now confirmed assumed to be absent.
4.9.4	Water vole	It is agreed that water vole translocation will be required. The population can be wholly retained on site. Standard capture and translocation techniques are agreed to be applicable as set out in the draft Ecological Mitigation and Compensation Plan (EMCP) and as indicated in the LONI issued by NE
4.9.5	Reptiles	It is agreed that reptile translocation will be required. A proportion of the population can be retained on site. Standard capture and translocation techniques are agreed to be applicable, as set out in the draft Ecological Mitigation and Compensation Plan (EMCP).
4.9.6	Bats and badger	It is agreed that an artificial badger sett and replacement roosts will be provided on-site to compensate for losses of the existing badger setts and pipistrelle roost. Standard licensed mitigation techniques will apply, as set out in the draft Ecological Mitigation and Compensation Plan (EMCP) and as indicated in the LONI issued by NE.
4.9.7	Ecological compensation: on-site delivery	It is agreed that the principles of the on-site mitigation as set out within the Construction Environmental Management Plan (CEMP) and Landscape and Ecology Management Plan (LEMP) and draft EMCP are appropriate.

4.9.8	Ecological compensation: location and extent of off-site delivery area. Compensation site should be found within Thurrock if at all possible.	It is agreed that off-site compensation is also necessary given the scale of the proposals. The aim is for off-site compensation to be located as close to Tilbury2 as practicable. However, options for a compensation site within Thurrock are limited and thus if a site is secured outside of the Borough it is agreed that it is an appropriate aim for it to be located in an ecologically compatible area of similar ecological/geographical character (i.e. coastal fringe if possible).
4.9.9	Recommendation that Defra metric should be used in calculating biodiversity offsets.	It is agreed that the Defra metric is suitable to be employed in defining the extent and nature of off-site compensation.
4.9.10	Cumulative effects of the loss of important Open Mosaic Habitat and other unmanaged sites in the vicinity likely to be particularly significant for invertebrates.	It is agreed that Open Mosaic Habitat creation and retention will form part of the Tilbury2 proposals with some off-site creation necessary, as set out in the EMCP .
4.9.11	Ecological Mitigation and Compensation Plan (EMCP)	A draft EMCP (as enshrined at Schedule 2, Part 1, S5 of the draft DCO) has been provided by PoTLL to TC. It is agreed that the contents in respect of protected species mitigation (for eels and nesting birds, in addition to protected species referred to at 4.9.4-4.9.6 above), INNS management, and the principles of on-and off-site habitat creation are acceptable whilst noting that that further information on off-site compensation will need to be provided.
4.9.12	HRA report considering possible effects on Thames Estuary & Marshes	An HRA report has been produced which concludes no likely significant effect on nearby SPAs/Ramsar Sites/SSSIs (or on features of qualifying interest) during

	SPA/Ramsar Site/SSSI	construction and operation. The conclusions of this report are agreed.
4.10 Archaeology		
4.10.1	Study Area	It is agreed that the study area used to inform the assessment of the Project on Terrestrial Archaeology (see Table 12.4 of Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement) is appropriate.
4.10.2	Methodology	It is agreed that the approach adopted in Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement (12.63-12.77 and matrices in Tables 12.5, 12.6 and 12.7) is appropriate to assess the magnitude and range of impacts from the proposed project on archaeological receptors.
4.10.3	Baseline Environment	It is agreed that the Terrestrial archaeological baseline environment has been adequately described in the Environmental Statement and supporting Technical Appendices 12A.
4.10.4	Mitigation	It is agreed that the measures presented in paragraphs 12.217-12.222 and Table 12.15 a and b of Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement and as set out in Appendix 12D: Terrestrial WSI are sufficient to minimise impacts to terrestrial archaeology during the construction and operation of the proposed project.
4.10.5	Impact Assessment	<p>It is agreed that as detailed design is not yet finalised the realistic worst case impact from the proposed development on terrestrial archaeology has been suitably assessed on a precautionary conservative basis in the Environmental Statement and supporting Technical Appendices.</p> <p>It is agreed that the direct impact on potential archaeological assets preserved</p>

		<p>within the buried peat deposits will be from piling only and the realistic worst case impact from piling will sit within or close to Historic England's acceptable zone of disturbance (Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement paragraphs 12.156-12.158 and 12.160 and Technical Appendix 12A).</p> <p>It is agreed that indirect impacts on potential archaeological assets preserved within buried peat deposits have been suitably assessed in Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement paragraphs 12.156-12.158 and 12.160 and Technical Appendix 12A.</p> <p>It is agreed that, in accordance with the outcome of the assessment presented in Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement, the residual impacts on potential terrestrial archaeological assets at the surface of the upper alluvial sequence during construction and operation will be neutral, assuming that the measures presented in Table 12.15a and b of Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement and the Terrestrial WSI are implemented.</p>
4.10.6	Cumulative Impact Assessment	It is agreed that Chapter 12 paragraph 12.243 has given attention to what cumulative impacts might occur and that any potential adverse cumulative effects on the archaeological resource should be mitigated through the delivery of approved mitigation strategies
4.10.7	Draft Development Consent Order	It is agreed that the draft DCO Schedule 1 paragraph 6 sets out the requirement that the authorised development must be carried out in accordance with the Terrestrial Written Scheme of Investigation (WSI). It is agreed that this

		<p>requirement is necessary to ensure that all archaeological work is conducted with the appropriate level of specialist expertise under and in accordance with a scheme approved by the local planning authority.</p> <p>It is agreed that the WSI pursuant to Schedule 1 paragraph 6 of the draft DCO provides the appropriate mechanisms by which mitigation (a summary of which is provided in Table 12.15 a and b of ES chapter) is to be agreed prior to the construction of the project to safeguard against any adverse effect on archaeological receptors.</p> <p>It is agreed that details of specific mitigation measures and their implementation, summarised in paragraphs 12.217-12.222 of Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement are set out in Technical Appendix 12D the Terrestrial Written Scheme of Investigation.</p>
4.11 Built Heritage		
4.11.1	Study Area	<p>It is agreed that the study area of 2km from the Site boundary for the built heritage assessment is appropriate.</p> <p>It is further agreed that the inclusion of Coalhouse Fort (Scheduled Monument), Cliffe Fort (Scheduled Monument) and Shornemead Fort (non-designated heritage asset) which lie beyond the 2km search radius is appropriate.</p> <p>This is detailed in Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement (para. 12.61 and 12.62), Appendix 12.B Built Heritage Assessment (Document Reference 6.2 12.B) (page 28 – 29) and shown in Figures 12.1 and 12.2 (Document Reference 6.3 Figure 12.1 and 6.3 Figure 12.2).</p>
4.11.2	Methodology	<p>The approach to assessing the significance and settings of the identified built heritage assets, and the potential</p>

		<p>impacts of the proposals upon their significance, is outlined in Technical Appendix 12.B Built Heritage Assessment (Document Reference 6.2 12.B) (page 28 – 31) and paragraphs 12.63 – 12.69 of Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement. The assessment has been informed by industry-standard guidelines including the English Heritage/Historic England guidance, ‘<i>Historic Environment Good Practice Advice in Planning: Note 3: The Setting of Heritage Assets</i>’ (2015), and <i>Conservation Principles, Policies and Guidance</i>’ (English Heritage 2008). It is agreed that this approach is appropriate.</p> <p>It is agreed that the use of tables and matrices within Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement (Table 12.5, 12.6 and 12.7) have been used as supporting material to the detailed assessment of setting included within the Technical Appendix 12.B Built Heritage Assessment (Document Reference 6.2 12.B).</p> <p>It is agreed that the wireline images of the proposals (Document Reference 6.2 9.F) illustrate the potential maximum visual parameters of the scheme and are appropriate for the purpose of assessing potential impacts on the settings of built heritage assets,</p> <p>It is agreed that the indicative visual effect from the top deck of a cruise liner (Document Reference 6.2 9.H) is appropriate.</p>
4.11.3	Baseline Environment	It is agreed that there are no designated or non-designated built heritage assets within the Site boundary..
4.11.4	Impact Assessment	The Applicant has provided a detailed assessment of the potential impacts of the

		<p>proposals on the settings of surrounding heritage assets. This is contained within Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement and Technical Appendix 12.B Built Heritage Assessment (Document Reference 6.2 12.B).</p> <p>It is agreed that the proposals will result in less than substantial harm to heritage significance in NPS terms.</p> <p>The magnitude of the residual impacts on the settings of the identified built heritage assets assessed in the built heritage assessment are agreed. This ascribes 'Moderate Adverse' impact on both Tilbury Fort and the Officers Barracks and 'Minor Adverse' impacts on the remaining Thurrock heritage assets described within the assessment.</p>
4.12 Hydrogeology and Ground Conditions		
4.12.1	Ground Investigation	It is agreed that an additional ground investigation (including soil, groundwater and gas monitoring), will be undertaken at a later stage as part of the detailed design.
4.12.2	Principal Receptor	It is agreed that the principal receptor from Tilbury2 would be controlled waters, including the Chalk Principal Aquifer underling the Tilbury site.
4.12.3	Piling Risk Assessment	It is agreed that a piling risk assessment will be undertaken at a later stage, once piling design is sufficiently detailed to determine a construction method which is protective of groundwater.
4.12.4	Assessment of Effects	It is agreed that the effects of the proposals on the hydrogeology and ground conditions in relation to physical effects, effects on geology and effects associated with ground contamination and

		waste assessment have been satisfactorily considered within the ES.
4.12.5	Methodology	It is agreed that the methodology utilised in the ES addresses the known existing ground conditions and potential impacts of the proposed development on ground contamination.
4.12.6	Mitigation Measures	It is agreed that the proposed approach to mitigating potential and existing contamination during the construction and operation of the new port (through the CEMP and OMP) is satisfactory.
4.13 Waste		
4.13.1	Methodology within the Environmental Statement to determine significance of waste arisings from the proposals	<p>It was been agreed by all parties that further assessment of the capacity in Thurrock would be required to be undertaken. It is also agreed that using a sequential approach the capacity data within Essex is also relevant in order to determine the significance of the impact of the quantity of waste predicted to be produced during construction/demolition.</p> <p>The assessment of waste capacity in Thurrock has been undertaken and the methodology and the conclusions of this have been agreed. The assessment has been submitted to the ExA as Appendix E to PoTLL's response to Written Representations [PoTLL/T2/EX/60].</p>
4.13.2	Significance of waste arisings	It is agreed that the worst case scenario tonnage of waste to be produced by the proposals is likely to have a moderate impact on waste infrastructure within Thurrock.
4.13.3	Destination of waste	It is agreed that the destination of the waste produced is an issue for the contractors involved with the construction of the proposals in the development and given transport costs and the worst case

		scenario tonnage this is likely to be to available capacity within Thurrock.
4.14 Water Resources and Flood Risk		
4.14.1	Assessment of Flood Risk	<p>It is agreed that the application comprehensively assesses the risk of surface water flooding associated with the proposals.</p> <p>Once the requirements for the CMAT area are known the design will be undertaken by the operator to the principles set out in section 6.4.3 of the drainage strategy and subject to approval by the LLFA via their protective provisions.</p>
4.14.2	Culverting of existing watercourses	<p>It is agreed that the size of culverts should not reduce the cross-sectional area of the watercourse and it has been agreed the proposals will look to make the size of proposed culverts larger than existing culverts on the network.</p> <p>The final design of culverts in ordinary watercourses would be subject to LLFA via their protective provisions</p>
4.14.3	Surface water discharge into ordinary watercourses	<p>It is agreed that flows higher than those stated in the drainage strategy (Q1 greenfield run-off rate) could be discharged if it could be demonstrated that there was no increased flood risk</p> <p>Approval of this discharge will be controlled through the operation of the 'Discharge of Water' article in the DCO</p>

4.14.4	Water Quality - Administration and General Storage area	<p>It is agreed that the measure set out in section 6.4.2 of the drainage strategy are acceptable.</p> <p>This includes the use of pre-fabricated buildings which will be pre-fitted with green roofs and the use of porous paving.</p>
4.15.5	Water Quality - Infrastructure Corridor	<p>Although the existing design is compliant with DMRB, it is agreed that further mitigation is provided to comply with CIRIA 753. Based on the concept design it is agreed that Micro Pollutant Filters are provided to meet this requirements.</p> <p>The final drainage design and Water Quality provisions are subject to detailed design. Any Water Quality provisions will also needs to be agreed with the local highways authority, as the system will be adopted.</p>
4.14.5	Water Quality Refuelling system	<p>It is agreed that the measures set out in section 6.4.2 of the drainage strategy are acceptable. These state that the refuelling area will consist of concrete hardstanding and will be drained using a traditional piped drainage system, which will pass through a Full Retention Oil Interceptors to BS EN 85820, and will be constructed and maintained in accordance with the Control of Pollution (Oil Storage) (England) Regulations 2001.</p>
4.15 Cumulative Assessment Projects		
4.15.1	List of projects identified	<p>It is agreed that the list of projects identified is appropriate for the</p>

		purposes of Cumulative Effects Assessment
4.15.2	Assessment of Cumulative Projects	It is agreed that the assessment of cumulative impacts contained within the Environmental Statement is fit for purpose.
4.15.3	Potential Tilbury Energy Centre	It is agreed that the lack of any description of the Tilbury Energy Centre (TEC) at this stage means that a cumulative assessment of Tilbury2 with TEC is inappropriate but that TEC should take account of Tilbury2 when it undertakes its own Environmental Impact Assessment.
4.15.4	Lower Thames Crossing	<p>It is agreed that access to Tilbury2 does not rely on the delivery of the Lower Thames Crossing.</p> <p>It is agreed that Tilbury2 does not rely on the delivery of the Lower Thames Crossing.</p> <p>It is agreed that the cumulative impact of the proposals with the LTC within Thurrock requires impacts to be modelled and mitigated for and responsibility for this assessment should not fall between the two projects. It is agreed that as LTC has identified Tilbury2 as a cumulative project within its scoping report, this means that the LTC project will carry out this exercise.</p>
4.16 Operational Management Plan (Document reference 6.10)		
4.16.1	Minimising operational environmental impacts	It is agreed that the Operational Management Plan will minimise environmental effects of the proposals during operation and is fit for purpose.
4.17 Community Operational Engagement Plan (Document Reference 5.4)		

4.17.1	Keeping the community informed and ensuring open communication between the community and PoTLL	It is agreed that the Community Operational Engagement Plan is fit for purpose and will help keep the local community informed during operation and sets out how any complaints can be voiced and dealt with. (subject to some discussion on the Council's corporate engagement strategy – see matters under discussion)
4.18 Construction Environment Management Plan (Document Reference 6.9)		
4.18.1	Ensuring that the impact of the proposals during construction is minimised	It is agreed that the Construction Environment Management Plan (CEMP) covers the necessary environmental issues that need to be controlled as part of the mitigation of environmental impacts during construction. It is agreed that it is fit for purpose.
4.19 Public Health		
4.19.1	Methodology	It is agreed that methodology underlying the Health Assessment is satisfactory and that the key health effects of Tilbury2 have been identified.
4.19.2	Lighting	It is agreed that in respect of health issues, the mitigation for lighting impacts are acceptable.
4.19.3	Air Quality	It is agreed that the methodology underlying the assessment of health effects of air quality.

5.0 LIST OF MATTERS UNDER DISCUSSION

Ref	Description of stakeholder position	Current issue
5.1 Land side Transport		
5.1.1	Traffic Impact on Thurrock Highway Network	<p>TC remain concerned about the impact of the proposals on the ASDA roundabout and how the mitigation measures proposed impact the local road network.</p> <p>PoTLL has sought to deal with this matter in the response to FWQ 1.18.10 (c). The TA demonstrates that the Tilbury2 development would not adversely affect the operation of the Local Road Network (Sections 7.4 and 7.5 of the Transport Assessment (Document Reference: APP-072)).</p> <p>PoTLL remain in discussion with both TC and HE on this matter.</p>
5.2.2	Development Consent Order	TC and PoTLL are discussing further the DCO and in particular the protective provisions for the Highways Authority.
5.2 Noise		
5.2.3	Receptor based mitigation - it is not defined who would become eligible / receive an assessment and the geographical boundaries of this – more information is required on this and how this will be funded.	Clarification on this issue will be provided by PoTLL but in the first instance would refer to Schedule 2 of the DCO
5.3 Air Quality		
5.3.1	None	

5.4 Socio-Economic Impacts		
5.4.1	None	
5.5 Skills and Employment Strategy		
5.5.1	Detailed wording of SES	An updated SES has been provided since the SoCG at deadline 1. In particular, this seeks to ensure that PoTLL encourage their tenants to participate in the various initiatives with which PoTLL are involved in order to maximise the social and economic benefits of the Tilbury2 proposals. Discussions on the detailed wording are being held.
5.6 Landscape and Visual Amenity		
5.6.1	Landscape Mitigation	TC consider that it may be possible to achieve wider landscape improvements as mitigation for the proposals although accept that land ownership issues will arise. PoTLL will consider this matter further and discuss with TC.
5.7 Terrestrial Ecology		
5.7.1	Details of the location and adequacy of the off-site ecological mitigation and compensation scheme are required.	The draft Ecological Mitigation and Compensation Plan (EMCP) has been provided to Thurrock Council (see 4.9.11 above) and will be discussed with stakeholders, including Thurrock Council, as it is developed. An interim draft The EMCP will be expanded include further details of the precise location and extent of the off-site receptor(s), the nature of habitat creation/enhancement, the translocation techniques to be used, and the future management of the receptor(s).

5.8 Built Heritage		
5.8.1	Methodology	No outstanding matters
5.8.2	Impact Assessment	<p>It is agreed that the viewpoint locations as shown within Document Reference 6.3 Figure 9.8 are appropriate in order to aid the assessment of potential impacts on the settings of identified built heritage assets on both the north (Essex) and south (Kent) sides of the River Thames.</p> <p>However, an additional viewpoint has been requested by Place Services on behalf of Thurrock Council (see under matters under discussion).</p>
5.8.3	Draft Development Consent Order	<p>The appropriateness of the mitigation requirement set out in draft DCO Schedule 2 paragraph 3, that the external materials to be used in the construction of the facilities in 3(1) will be approved in writing by Thurrock Council in consultation with Historic England, remains under discussion.</p> <p>TC considers this will reduce visual impact but will not mitigate against the harm.</p> <p>The requirement set out in draft DCO Schedule 2 paragraph 3(3), outlining the maximum heights that each building, structure or operation must not exceed, remains under discussion.</p> <p>The appropriateness of the mitigation requirement set out in draft DCO Schedule 2 paragraph 12(1), that a written scheme of the proposed operational lighting to be approved in writing by Thurrock Council in consultation with Historic England, remains under discussion</p>

5.8.4	Mitigation	<p>The Applicant has proposed further mitigation and enhancements in paragraphs 12.228-12.236 of Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement and welcomes Thurrock Council's comments on this. Agreement on further mitigation and enhancement measures above and beyond those set out in the ES remain a matter under discussion</p> <p>Embedded mitigation measures presented in paragraphs 12.144-12.150 and 12.152 of Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement and their appropriateness to help minimise potential impacts on built heritage assets remain under discussion.</p> <p>PoTLL has provided a technical note to detail of the effectiveness of the proposed landscape mitigation along the infrastructure corridor (Appendix E to Document Reference PoTLL/T2/EX/49) which is currently under consideration by Thurrock Council.</p>
5.8.5	<p>Baseline Environment</p> <p>Stakeholder has requested additional wireline view from the interior of the Tilbury Fort Chapel to St James Church at West Tilbury.</p>	<p>PoTLL have provided additional information showing visibility from West Tilbury church and will consider further the request for a wireline view from inside Tilbury Fort Chapel to St James Church.</p>
5.8.6	<p>Cumulative Impact Assessment</p> <p>Stakeholder considers there is not sufficient detail in other proposals to afford adequate cumulative assessment.</p>	<p>The Applicant is currently preparing a high level, qualitative and proportionate Cumulative Effects Assessment of Tilbury2, with the Tilbury Energy Centre and Lower Thames Crossing. This will consider the possible cumulative effects on Built Heritage assets.</p> <p>TC will consider this document further</p>


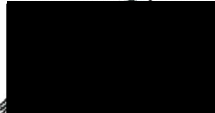
5.9 Hydrogeology and Ground Conditions		
5.9.1	None	
5.10 Waste		
5.10.1	None	
5.11 Water Resources and Flood Risk		
5.11.1	Water Quality - RoRo Terminal	<p>For the RoRo Terminal area PoTLL have concluded that no further water quality enhancement is deemed to be practicable within the RoRo Area.</p> <p>TC appreciate the difficulties associated with delivering an acceptable strategy for this area, and acknowledges that SUD systems have been included elsewhere within the scheme, but are not in a position to fully withdraw their objections unless this is an issue that can be resolved.</p> <p>Further discussions on this matter will continue.</p>
5.12 Cumulative Assessment Projects		
5.12.1	None	
5.13 S106 Agreement		
5.13.1	Scope of S106 Agreement	The Council are presently considering the scope of the Heads of Terms of the S106 submitted with the application in order to assess whether it is fairly and reasonably related to the development.

5.14 Operational Management Plan		
5.14.1	None	
5.15 Community Operational Engagement Plan		
5.15.1	Consistency of COEP with TC's corporate engagement strategy	The parties will discuss whether any changes are necessary as a result of this.
5.16 Construction Environment Management Plan		
5.16.1	None	
5.17 Public Health		
5.17.1	Noise and vibration	Further discussions are being held on the mitigation of the identified residual health impacts from noise and vibration.
5.17.2	Promoting physical activity	Further discussions are being held on the mitigation of health impacts by the promotion of physical activity in the Active Travel Study and S106 agreement.
5.17.2	Neighbourhood quality – visual impact/landscape	Further joint discussions are being held on the identified residual health effects for neighbourhood quality in relation to landscape/visual amenity.
5.17.4	Cumulative Impacts	Cumulative impacts of the proposed Tilbury Energy Centre and Lower Thames Crossing are now being considered. The health impacts of these additional proposed developments should be discussed and factored in to the assessment. Thurrock Council reserve the right to comment on cumulative health impacts.

6.0 LIST OF MATTERS NOT AGREED

6.1 None.

7.0 AGREEMENT

Signed	
Name	Matthew Gallagher
Position	Principal Planning Officer
Organisation	Thurrock Council
Date	30.4.18.
Signed	 30/4/18.
Name	Peter Ward
Position	Commercial Director
Organisation	Port of Tilbury London Limited
Date	30/4/18

APPENDIX 2

SOCG002

**DRAFT STATEMENT OF COMMON GROUND
WITH GRAVESHAM BOROUGH COUNCIL**

PLANNING ACT 2008
INFRASTRUCTURE PLANNING
(APPLICATIONS: PRESCRIBED FORMS AND PROCEDURE) REGULATIONS 2009

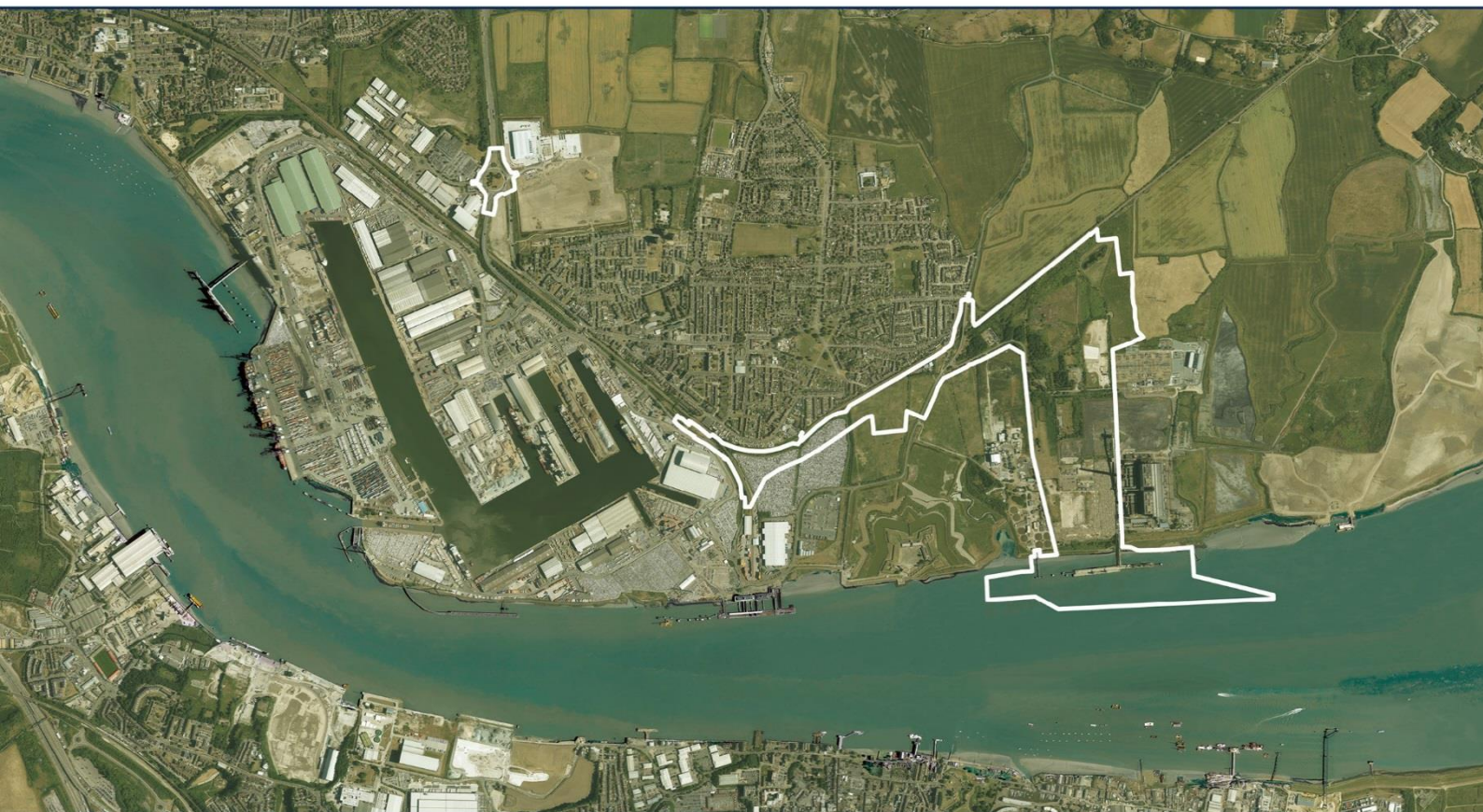
PROPOSED PORT TERMINAL AT
FORMER TILBURY POWER STATION

TILBURY2

TRO30003

STATEMENT OF COMMON GROUND
BETWEEN PORT OF TILBURY LONDON LIMITED AND
GRAVESHAM BOROUGH COUNCIL

DOCUMENT REF : SOCG002



PORT OF TILBURY

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

STATEMENT OF COMMON GROUND

**BETWEEN PORT OF TILBURY LONDON LIMITED AND
GRAVESHAM BOROUGH COUNCIL**

Revision	Date	Description of new version
1.0	30 January 2018	First composite draft following sections on noise and heritage sent separately.
2.0	9 February 2018	Second draft exchanged following meeting on 9 February 2018
3.0	30 April 2018	Third draft following on-going discussions and ISHs

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5.0	LIST OF MATTERS UNDER DISCUSSION.....	18
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TILBURY2 PROJECT TEAM
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1.0 INTRODUCTION

Purpose of this document

- 1.1 This Statement of Common Ground ("SoCG") has been prepared in relation to the application by Port of Tilbury London Limited ("PoTLL") under section 37 of the Planning Act 2008 ("the Act") for an order granting development consent ("DCO") for the construction, operation and maintenance of a new port terminal and associated facilities in Tilbury, Essex known as 'Tilbury2' ("the proposals").
- 1.2 The aim of this SoCG between PoTLL and Gravesham Borough Council ("GBC") is to provide a clear record of engagement between the parties, including of the issues discussed between the parties and the current status of those discussions. The SoCG can be used as evidence of engagement for the purposes of the examination into the DCO application.

Structure of this Statement of Common Ground

- 1.3 This structure of this SoCG is as follows:
- Section 1 – Introduction
 - Section 2 – Consultation to date
 - Section 3 – Summary of topics covered by the SoCG
 - Section 4 – List of matters agreed
 - Section 5 – List of matters under discussion
 - Section 6 – List of matters not agreed

Overview of the proposals

- 1.4 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 land that formed the western part of the now redundant Tilbury Power Station and is bounded to the west by a waste water treatment works and to the east by the Tilbury B power station that is presently being demolished.
- 1.5 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.
- 1.6 It will require works including, but not limited to:

- creation of hard surfaced pavements;
- improvement of and extensions to the existing river jetty including creation of a new RoRo berth;
- associated dredging of berth pockets around the proposed and extended jetty and dredging of the approaches to these berth pockets;
- new and improved conveyors;
- erection of welfare buildings;
- erection of a single 10,200 sqm. 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
- formation of a rail spur and sidings.

1.7 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).

1.8 The application essentially seeks a DCO to approve an operational port and to allow PoTLL to benefit from its permitted development rights within the boundaries of the new port. The application seeks to establish a 'Rochdale Envelope' of development based upon the description within the DCO. In this context, the DCO will contain a framework through which environmental impacts will be controlled and managed.

Introduction to Gravesham Borough Council

1.9 Gravesham Borough Council is a neighbouring local authority within the definition of the Duty to Co-operate ~~under the~~under the Planning & Compulsory Purchase Act 2004. Tilbury2 is a strategic cross-boundary matter and GBC wish to engage with this process as an interested party.

1.10 Gravesham Borough Council has the following relevant roles and functions:-

- A key partner and service provider promoting economic development, regeneration, infrastructure delivery, new development and tourism;
- The planning authority with responsibility for determining planning applications and preparing and reviewing the statutory development plan within its administrative area; as part of this function the Council has responsibility for the following matters : regeneration, cultural heritage, landscape and ecology.

- Environmental Health Advisor with responsibility for noise and air quality.

2.0 CONSULTATION TO DATE

2.1 This section provides a summary of the engagement between PoTLL and Gravesham Borough Council that has taken place to date.

Pre-application

Date	Activity
27 February 2017	PoTLL provide Gravesham Borough Council with a draft of their Scoping Report
17 March 2017	Gravesham Borough Council provide written response to the draft Scoping Report to PoTLL
4 April 2017	PoTLL provide a written response to GBC's Scoping response
4 April 2017	Wendy Lane of Gravesham Borough Council attends a workshop with PoTLL and PINS at which the proposals and the NSIPs planning process are outlined
28 July 2017	Response of Gravesham Borough Council to S42 statutory consultation
18 August 2017	Telephone conference call held with Wendy Lane of GBC, Peter Ward (PoTLL) and Martin Friend (V&G).
18 August 2017	PoTLL's Built Heritage consultant at CgMs Ltd emailed Gravesham Borough Council (Allan Cox, Geoff Baker and Wendy Lane) a full set of the draft wirelines.
4 September 2017	PoTLL's heritage consultants meet with GBC Heritage Advisers to review response to PEIR.
30 th August 2017	PoTLL's Built Heritage consultant at CgMs Ltd emailed Gravesham Borough Council (Allan Cox, Geoff Baker and Wendy Lane) a revised set of the draft wirelines which included labels for Tilbury Fort, as per Gravesham Borough Council's (Allan Cox) email request on 21 st August 2017.

22 September 2017	<p>The following documents were sent to GBC for comment:-</p> <p>Draft Works Plans; Draft General Arrangement Plans; Draft Engineering Section Drawings and Plans; Draft Chapters 1-6 of the Environmental Statement; Draft Masterplanning Statement.</p>
25 th September 2017 and 2 nd October 2017	<p>PoTLL's Built Heritage consultant at CgMs Ltd emailed Gravesham Borough Council (Allan Cox, Geoff Baker and Wendy Lane) a selection of the Draft ES documents including the Built Heritage Assessment (September 2017) (sent 25th September 2017) and Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement (sent 2nd October 2017).</p>
26 th September 2017	<p>PoTLL's Built Heritage consultant at CgMs Ltd emailed Gravesham Borough Council (Allan Cox, Geoff Baker and Wendy Lane) further Draft ES documents, including the Noise and Vibration Chapter, Air Quality Chapter and Landscape and Visual Impact Assessment documents, following a telephone discussion with Allan Cox.</p>
12 th September	<p>Gravesham Borough Council (Allan Cox) provided PoTLL's Built Heritage consultant at CgMs Ltd with further comments following the meeting on the 4th September 2017.</p>
2 October 2017	<p>The following documents were sent to GBC for comment:-</p> <p>Draft DCO (including deemed marine licence); draft elements of the ES namely;</p> <p>Chapter 9 – Landscape and Visual Assessment;</p> <p>Chapter 11 – Marine Ecology</p> <p>Chapter 12 – Archaeology and Historic Environment;</p> <p>Chapter 16 – Water resources and flood risk</p> <p>Chapter 17 – Noise and Vibration</p>

	Chapter 18 – Air Quality Lighting Strategy CEMP, Operational Management Plan, Draft DCO
9 October 2017	Meeting to discuss noise issues.
13 October 2017	GBC provides a response to the pre-application engagement material
11 th October 2017	Gravesham Borough Council provided draft comments on the draft Built Heritage Assessment (September 2017).
14 th October 2017	Gravesham Borough Council provided informal comments on a selection of the Draft ES documents via email. This included comments on the draft Built Heritage Assessment (September 2017) and ES Chapter 12.
16 th October 2017	PoTLL's Built Heritage consultant at CgMs Ltd provided an email response to Gravesham Borough Council's comments on the draft Built Heritage Assessment (September 2017). Gravesham Borough Council (Geoff Baker and Allan Cox) provided email responses to this.

Post-application

<u>Date</u>	<u>Activity</u>
21 November 2017	Gravesham Borough Council confirmed the locations of the viewpoints from which they require night time views. PoTLL agree to provide night time views from all five locations in an email dated 22 nd November 2017.
2 nd November 2017	PoTLL letter to Gravesham Borough Council with draft DCO for review.
13 th and 14 th November 2017	DCO Application documentation (Archaeology and Cultural Heritage ES Chapter, Technical Appendix 12.B Built Heritage Assessment (October 2017) and

	the final set of wirelines) were sent to Gravesham Borough Council post-submission.
1 December 2017	Following a site visit Gravesham Borough Council (Geoff Baker) confirm in an email to PoTLL's Built Heritage consultant at CgMs Ltd that the Council no longer require an additional viewpoint from West Tilbury Conservation Area.
6 December 2017	PoTLL provide draft SoCG on heritage to GBC
7 December 2017	PoTLL provides draft planning obligation to GBC
14 December 2017	Meeting held to discuss SoCG in relation to Noise and Heritage topics
20 December 2017	Draft noise section of SoCG provided
30 January 2018	Composite Draft SoCG v1 provided
9 February 2018	Meeting held between GBC and PoTLL to discuss SoCG following provision of Aggregate Vessel Noise Assessment and 24/7 Working Note.
9 April 2018	Conference call to discuss SoCG
25 April 2018	Conference call to discuss SoCG

- 2.2 The parties continue to actively engage on those matters which are not yet agreed. A further iteration of this SoCG will be submitted into the examination in due course to document the progress that is expected to be made.

3.0 SUMMARY OF TOPICS COVERED BY THE SOCG

3.1 The following topics discussed between PoTLL and Gravesham Borough Council are

- General support for the scheme given overall economic implications
- Cultural Heritage with particular reference to impact on heritage assets in Gravesend
- Noise impacts
- Air Quality

3.2 For the avoidance of doubt, the matters covered in this SoCG are the only matters raised by Gravesham Borough Council that relate to its statutory functions identified above.

4.0 LIST OF MATTERS AGREED

Ref	Description of matter	Details of agreement
4.1 General Support for the Scheme		
4.1.1	Importance of the future of the Port of Tilbury to the sub-region	It is agreed that the Tilbury2 proposals are acceptable and bring benefits in terms of sustainable transport and employment; it is further agreed that the heritage of Gravesend is best appreciated in the context of a working and evolving river.
4.2 Built Heritage		
4.2.1	Study Area	<p>It is agreed that the study area of 2km from the Site boundary for the built heritage assessment is appropriate.</p> <p>It is further agreed that the inclusion of Coalhouse Fort (Scheduled Monument), Cliffe Fort (Scheduled Monument) and Shornemead Fort (non-designated heritage asset) which lie beyond the 2km search radius is appropriate.</p> <p>This is detailed in Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement (para. 12.61 and 12.62), Appendix 12.B Built Heritage Assessment (Document Reference 6.2 12.B) (page 28 – 29) and shown in Figures 12.1 and 12.2 (Document Reference 6.3 Figure 12.1 and 6.3 Figure 12.2).</p> <p>It is agreed that the viewpoint locations as shown within Document Reference 6.3 Figure 9.8 are appropriate in order to aid the assessment of potential impacts on the settings of identified built heritage assets on both the north (Essex) and south (Kent) sides of the River Thames. No viewpoint is required from West Tilbury Conservation Area.</p> <p>The location of night time viewpoints have been agreed.</p>

4.2.2	Methodology	<p>The approach to assessing the significance and settings of the identified built heritage assets, and the potential impacts of the proposals upon their significance, is outlined in Technical Appendix 12.B Built Heritage Assessment (Document Reference 6.2 12.B) (page 28 – 31) and paragraphs 12.63 – 12.69 of Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement. The assessment has been informed by industry-standard guidelines including the English Heritage/Historic England guidance, '<i>Historic Environment Good Practice Advice in Planning: Note 3: The Setting of Heritage Assets</i>' (2015), and '<i>Conservation Principles, Policies and Guidance</i>' (English Heritage 2008). It is agreed that this approach is appropriate.</p> <p>It is agreed that the use of tables and matrices within Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement (Table 12.5, 12.6 and 12.7) have been used as supporting material to the detailed assessment of setting included within the Technical Appendix 12.B Built Heritage Assessment (Document Reference 6.2 12.B).</p> <p>It is agreed that the wireline images of the proposals (Document Reference 6.2 9.F) illustrate the potential maximum visual parameters of the scheme and are appropriate for the purpose of assessing potential impacts on the settings of built heritage assets.</p>
4.2.3	Baseline Environment	<p>It is agreed that the relevant built heritage assets that have the potential to experience significant effects as a result of the proposals have been appropriately identified and assessed within Sections 5.3 – 5.6 of Technical Appendix 12.B Built Heritage Assessment (Document Reference 6.2 12.B) and Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement.</p>
4.2.4	The magnitude of impact on the settings	<p>PoTLL has provided a detailed assessment of the potential impacts of the</p>

	of the identified built heritage assets and the degree of harm.	<p>proposals on the settings of surrounding heritage assets. This is contained within Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement and Technical Appendix 12.B Built Heritage Assessment (Document Reference 6.2 12.B).</p> <p>It is agreed that intensification of the use in the area which would have historically been open marshland, in a baseline without the power station development, will impact on Gravesend as a riverside heritage town and particularly its inter-relationship with Tilbury2 Fort and the downstream forts. This impact does require mitigation (see below). GBC agrees that the harm is less than significant, and within the spectrum of harm, for south of the river, is at the lower end of that spectrum.</p>
4.2.5	Mitigation	<p>It is agreed that the embedded mitigation measures presented in paragraphs 12.144-12.150 and 12.152 of Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement are appropriate to help minimise potential impacts on built heritage assets.</p> <p>It is agreed that the detailed design of the colour and surfacing of the silo and other tall structures, and the waterside lighting strategy will be finalised and approved by Thurrock Council in consultation with Gravesham Borough Council, and that that these are appropriate mitigation measures.</p>
4.2.6	Cumulative Impact Assessment	<p>It is agreed that the Applicant has adequately considered the impacts on built heritage from the project, together with other projects within the Gravesend and Thurrock areas, as identified in detail within Technical Appendix 12.B Built Heritage Assessment (Document Reference 6.2 12.B) (page 82-83).</p>
4.2.7	Draft Development Consent Order	<p>It is agreed that the requirement set out in draft DCO Schedule 2 paragraph 3(3) outlines the maximum heights that each</p>

		building, structure or operation must not exceed.
4.2.8	Lighting	GBC considers that the issue of lighting has been addressed to their satisfaction. This is because of the clarity of likely impact as provided by the night-time visuals and GBC's explicit inclusion in the requirements concerned with the future lighting strategy and the agreement of materials.
4.2.9	S106 Agreement	GBC and PoTLL agree that the S106 DCO Obligation between TC and PoTLL will include a financial contribution to heritage enhancements on the south side of the river (the sum to be determined in future discussions) based on a schedule forming part of the obligation outlining the nature of these enhancements. The agreement will include an obligation on TC to transfer this contribution to GBC. It is agreed that (subject to legal drafting) this will be an acceptable mechanism for both parties and has the support in principle of TC
4.3 Noise		
4.3.1	Method of assessment	It is agreed that the standards and guidance used within the Environmental Statement (ES) are appropriate for predicting and assessing noise and vibration impacts from the proposed scheme.
4.3.2	Thresholds for significance .	<p>It is agreed that the thresholds for significance within the ES are appropriate for assessing the noise impacts of the scheme subject to further discussions regarding practicable mitigation between LOAEL (Lowest Observed Adverse Effect Level) and SOAEL (Significant Observed Adverse Effect Level).</p> <p>It is agreed that impacts over SOAEL must be avoided.</p>

4.3.3	Baseline Conditions	<p>It is agreed that the identified receptors within Gravesham are representative of all of the nearest sensitive receptors to the Tilbury2 site although GBC considers an additional receptor in Mark Lane should be added (see Matters Under Discussion).</p> <p>It is also agreed that the baseline measurements within the ES are representative of typical conditions at those receptors measured to date.</p>
4.3.4	Construction Assessment	<p>It is agreed that the list of indicative plant and equipment used in the construction noise calculations in the ES is a reasonable worst case assessment; as are the assumptions for operating periods for that equipment and the mitigation measures that will be applied in respect of their operation.</p>
4.3.5	Road Traffic Assessment	<p>It is agreed that the noise assessments for the infrastructure corridor are based on appropriate traffic forecasts.</p>
4.3.6	Railway Traffic Assessment	<p>It is agreed that the noise assessment for rail traffic on the infrastructure corridor is based on a realistic worst case assessment of train types, flows and speeds.</p>
4.3.7	Operational Assessment	<p>It is agreed that the source noise data in the ES is representative of the operations described in the assessment and acoustic penalties for these sources are appropriate for the level of design as set out in the DCO application.</p>
4.3.8	Operational assessment	<p>It is agreed that the assessment of operational impacts of Tilbury2 within the ES is sufficient.</p>
4.3.9	Operational Mitigation	<p>It is agreed that the approach to operational noise mitigation should be based on the principle of ensuring that noise impacts are mitigated at source</p>

		wherever possible based on using best practicable means and the mitigation measures set out in the Operational Management Plan, in order to avoid the need for receptor based mitigation controlled by Requirement 10.
4.3.10	Construction Environmental Management Plan (CEMP) – Noise and Vibration	It is agreed that the noise and vibration section of the CEMP is sufficient and contains best practice methods to limit noise impacts during construction.
4.3.11	Operation Environmental Plan (OMP)– Noise and Vibration	It is agreed that the noise and vibration section of the OMP is sufficient and contains best practice methods to limit noise impacts during operation.
4.3.12	Aggregate Vessel Noise Assessment	<p>PoTLL provided a technical note entitled Aggregate Vessel Noise Assessment [as now attached as Appendix 3 to PoTLL’s ‘Response to Relevant Representations Document’ (Document Reference PoTLL/T2/EX/32)].</p> <p>GBC have reviewed this and it is agreed that this provides a robust assessment of the likely effect of vessel noise on Gravesend. The conclusions of the assessment, that noise generated during the stay of an aggregate vessel at Tilbury2 will have a low impact on the acoustic amenity of residential properties in Gravesend is agreed.</p>
4.4	Air Quality	
4.4.1	Effects of air pollutants	It is agreed that Table 18.1 is comprehensive in setting out the effects of Air Pollutants
4.4.2	Parameters for worst case scenario	It is agreed that the ES defines the “reasonably likely worst case scenario” for air quality assessment with GBC being particularly interested in shipping emissions and fugitive emissions of dust,

		particulate matter and odour from the CMAT facilities and aggregate handling areas once operational.
4.4.3	Baseline Data	It is agreed that the ES has used the air quality information currently available in Gravesham but GBC considers further survey work is needed (see Matters Under Discussion)
4.4.4	SoS Scoping opinion	GBC agrees that the SoS Scoping Opinion relating to air quality accepted that no further assessment of operational rail and shipping emissions was necessary. GBC remains concerned about vessel emissions (see Matters Under Discussions)
4.5 Cumulative effects		
4.4.1	Lower Thames Crossing	It is agreed that the cumulative impact of the proposals with the LTC in relation to traffic within Gravesham need to be modelled and mitigated for and responsibility for this assessment should not fall between the two projects. It is agreed that as LTC has identified Tilbury2 as a cumulative project within its scoping report, this means that the LTC project will carry out this exercise. It is further agreed that as there is no traffic modelling for the LTC available at present it would be impossible for PoTLL to model the impact of Tilbury2 on traffic in Gravesham were the LTC be constructed, and it is therefore appropriate for this not to have been included within the ES and for it not to be carried out during the Examination process.

5.0 LIST OF MATTERS UNDER DISCUSSION

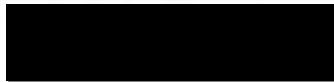
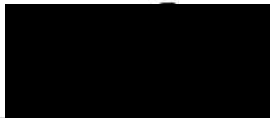
Ref	Matter under discussion	Current issue
5.1 Noise		
5.1.1	Baseline Conditions	<p>GBC considers an additional receptor in Mark Lane needs further work so it can be understood whether the noise climate at that location is sufficiently different from other Gravesham receptors particularly at night to justify it being a separate monitoring location.</p> <p>PoTLL do not consider that this is required now as it would not change the conclusions of the Environmental Assessment. As part of the noise monitoring and mitigation scheme to be agreed with Gravesham Borough Council and the Local Planning Authority under requirement 10, it is agreed that further monitoring of the cottages in Mark Lane will be undertaken.</p>
5.1.2	GBC are concerned about the proposed 24/7 working of the CMAT	<p>PoTLL have provided a document to GBC explaining the commercial and operational imperative for 24/7 working at Tilbury2 [as now attached as Appendix 2 to PoTLL's 'Response to Relevant Representations Document' (Document Reference PoTLL/T2/EX/32)].</p> <p>GBC have considered this and understand and appreciate this imperative and consider that PoTLL have provided a robust justification in this regard. GBC are considering further the implications of this for the</p>

		<p>residential environment of Gravesend.</p> <p>GBC remain concerned about 24/7 working.</p>
5.2 Air Quality		
5.2.1	Baseline data	<p>As GBC only currently monitors NOx and PM10, GBC does not currently agree that this is sufficient and wishes to discuss the need for additional site survey work.</p> <p>PoTLL will consider this and discuss the matter further with GBC.</p>
5.2.2	Shipping Emissions	<p>Whilst GBC agrees that the SoS Scoping Opinion relating to air quality accepted that no further assessment of operational rail and shipping emissions was necessary, GBC remains concerned about shipping emissions.</p> <p>PoTLL will consider this matter further.</p>
5.3 Operation – shore power		
	<p>Each party has made representations regarding shore power at the Issue Specific Hearings and no further discussion is considered necessary.</p>	

6.0 MATTERS NOT AGREED

Ref	Description of stakeholder position	Current issue
6.1 NOISE		
6.1.1	Operational Mitigation	<p>GBC consider that limiting some operations at night if Lowest Observed Adverse Effect Level (LOAEL) to SOAEL and above is identified through the re-assessment of predicted noise impacts required by Requirement 10 of the DCO as opposed to offering receptor based mitigation as set out in Requirement 10</p> <p>PoTLL cannot agree to such an approach given the constraint this could impose on operations and productivity at the Tilbury2 site.</p> <p>Each party has made representations to the ExA in this regard.”</p>

7.0 AGREEMENT

Signed	
Name	Wendy Lane
Position	Assistant Director (Planning)
Organisation	Gravesham Borough Council
Date	27/04/18
Signed	 30/4/18
Name	Peter Ward
Position	Commercial Director
Organisation	Port of Tilbury London Limited

APPENDIX 3

SOCG003

DRAFT STATEMENT OF COMMON GROUND WITH ESSEX COUNTY COUNCIL

PLANNING ACT 2008
INFRASTRUCTURE PLANNING
(APPLICATIONS: PRESCRIBED FORMS AND PROCEDURE) REGULATIONS 2009

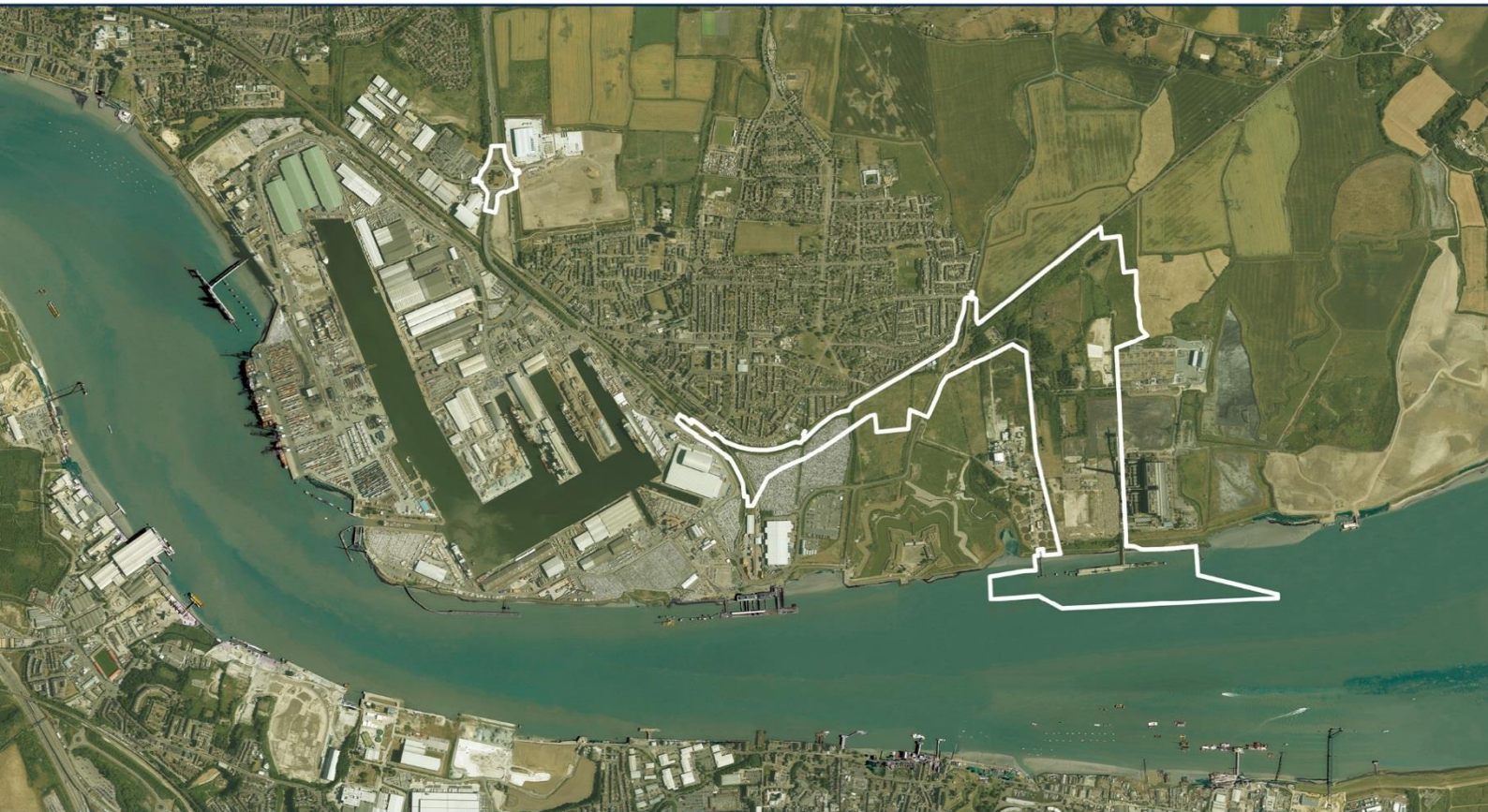
PROPOSED PORT TERMINAL AT
FORMER TILBURY POWER STATION

TILBURY2

TRO30003

STATEMENT OF COMMON GROUND
BETWEEN PORT OF TILBURY LONDON LIMITED AND
ESSEX COUNTY COUNCIL

DOCUMENT REF : SOCG003



PORT OF TILBURY

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

STATEMENT OF COMMON GROUND

**BETWEEN PORT OF TILBURY LONDON LIMITED AND
ESSEX COUNTY COUNCIL**

Revision	Date	Description of new version
1.0	7 December 2017	Outline SoCG
2.0	30 January 2018	Updated to reflect on-going discussions
3.0	12 February 2018	Updated by ECC and agreed by PoTLL.
4.0	12 April 2018	Draft provided by PoTLL to ECC
5.0	26 April 2018	Agreed for submission at Deadline 3

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3.0	SUMMARY OF TOPICS COVERED BY THE SOCG	10
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5.0	LIST OF MATTERS UNDER DISCUSSION.....	17
6.0	AGREEMENT	18

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1.0 INTRODUCTION

Purpose of this document

- 1.1 This Statement of Common Ground ("SoCG") has been prepared in relation to the application by Port of Tilbury London Limited ("PoTLL") under section 37 of the Planning Act 2008 ("the Act") for an order granting development consent ("DCO") for the construction, operation and maintenance of a new port terminal and associated facilities in Tilbury, Essex known as 'Tilbury2' ("the proposals").
- 1.2 The aim of this SoCG between PoTLL and Essex County Council ("ECC") is to provide a clear record of engagement between the parties, including of the issues discussed between the parties and the current status of those discussions. The SoCG can be used as evidence of engagement for the purposes of the examination into the DCO application.

Structure of this Statement of Common Ground

- 1.3 This structure of this SoCG is as follows:

Section 1 – Introduction

Section 2 – Consultation to date

Section 3 – Summary of topics covered by the SoCG

Section 4 – List of matters agreed

Section 5 – List of matters under discussion

Section 6 – List of matters not agreed [this will be added at the end of the process if any outstanding issues persist]

Overview of the proposals

- 1.4 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 land that formed the western part of the now redundant Tilbury Power Station and is bounded to the west by a waste water treatment works and to the east by the Tilbury B power station that is presently being demolished.
- 1.5 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.
- 1.6 It will require works including, but not limited to:

- creation of hard surfaced pavements;
- improvement of and extensions to the existing river jetty including creation of a new RoRo berth;
- associated dredging of berth pockets around the proposed and extended jetty and dredging of the approaches to these berth pockets;
- new and improved conveyors;
- erection of welfare buildings;
- erection of a single 10,200 sqm. 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
- formation of a rail spur and sidings.

1.7 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).

1.8 The application essentially seeks a DCO to approve an operational port and to allow PoTLL to benefit from its permitted development rights within the boundaries of the new port. The application seeks to establish a 'Rochdale Envelope' of development based upon the description within the DCO. Whilst future use of the site may change it would necessarily be based on the "Not Environmentally Worse Than" (NEWT) approach within the Rochdale Envelope defined by this application, given that any development outside of this would require a separate planning application, as it would fall beyond the scope of permitted development powers.

Introduction to Essex County Council

1.9 Essex County Council is a neighbouring strategic authority within the definition of the Duty to Co-operate under the Planning & Compulsory Purchase Act 2004. Tilbury2 is a strategic cross-boundary matter and ECC wish to engage with this process as an interested party.

1.10 Essex County Council is a relevant strategic authority, with the following roles:

- A key partner and service provider within Essex promoting economic development, regeneration, infrastructure delivery and new development;
- The highway and transportation authority, with responsibility for the delivery of the Essex Local Transport Plan;

- Minerals and Waste Planning Authority, Local Lead Flood Authority and Public Health Advisor for the County of Essex; and
- The local education authority for Essex.

2.0 CONSULTATION TO DATE

2.1 This section provides a summary of the engagement between PoTLL and Essex County Council that has taken place to date.

Pre-application

Date	Activity
27 February 2017	PoTLL provide Essex County Council with a draft of their Scoping Report
17 March 2017	Essex County Council provide written response to the draft Scoping Report to PoTLL
4 April 2017	Graham Thomas of Essex County Council attends a workshop with PoTLL and PINS at which the proposals and the NSIPs planning process are outlined
6 April 2017	PoTLL's transport consultants send Transport Assessment scoping note to ECC Highways for comment
10 April 2017	PoTLL respond by letter to matters raised by Essex County Council in their response to the draft Scoping Report
24 May 2017	PoTLL's transport consultants meet with two officers from ECC Transportation (Mark Lawrence and Beverley Gould). The scope of the TA is agreed.
14 June 2017	Joint meeting with PoTLL's transport consultants, Highways England, Thurrock Council and ECC Transportation (Mark Lawrence & Alastair Southgate). Baseline traffic conditions, Tilbury2 proposals and link road matters discussed.
30 June 2017	PoTLL's transport consultants issue baseline highway conditions technical note to ECC Transportation
4 July 2017	PoTLL's planning consultants e-mail Essex County Council following publication of PEIR to offer any further clarification

14 July 2017	PoTLL's transport consultants send technical note on Development Traffic Profiles to ECC Transportation
28 July 2017	Response of Essex County Council to S42 statutory consultation
1 August 2017	PoTLL's transport consultants send updated technical note on baseline and TA modelling to ECC Transportation
4 August 2017	PoTLL's transport consultants email Essex County Council Strategic Planning in response to S42 letter to explain nature of agreement reached on highways modelling. Agreed that no sensitivity testing of the Lower Thames Crossing was required due to the limited information and unknown likelihood of delivery
30 August 2017	PoTLL's transport consultants send draft Framework Travel Plan to ECC Transportation

Note – ECC officers have attended meetings as advisers to Thurrock Council in relation to flood risk/drainage and heritage

Post-application

<u>Date</u>	<u>Activity</u>
7 December 2017	PoTLL's planning consultants email first draft of SoCG to ECC
8 December 2017	Meeting held to discuss Waste and Transportation Issues
8 January 2018	ECC submit Relevant Representation
18 January 2018	Meeting held to discuss Waste issues
15 March 2018	ECC emailed POTLL the additional clarification requested on ECC's Relevant Representation regarding Highways and Transportation.
16 March 2018	Telephone call to update all discussions

20 March 2018	ECC emailed POTLL revisions to the SOCG as part of the ongoing dialogue
10 April 2018	Telephone conference to discuss highways and transportation issues
17 April 2018	Telephone conference to discuss Skills and Employment Strategy
20 th April 2018	ECC emailed POTLL comments in respect of the working draft revised versions of the Skills and Employment Strategy, Travel Framework Plan and SOCG.
24 April 2018	Telephone conference to discuss outstanding issues.
24 April 2018	Updated Framework Travel Plan Provided by PoTLL
25 April 2018	Updated Skills and Employment Strategy provided

- 2.2** The parties continue to actively engage on those matters which are not yet agreed. A further iteration of this SoCG will be submitted into the examination in due course to document the progress that is expected to be made.

3.0 SUMMARY OF TOPICS COVERED BY THE SOCG

- 3.1 The SoCG covers matters raised by Essex County Council in its Relevant Representations. Some of these matters relate to its statutory functions as adjoining highways authority, minerals and waste authority and education authority. These matters are as follows :-
- General support for the scheme given overall economic implications
 - Traffic forecasting and modelling
 - Minerals planning matters
 - Waste matters
- 3.2 Other matters are outside of ECC's statutory function but are matters on which ECC, as a neighbouring authority has an interest in, concerning Landscape and visual impact and Ecology. ECC is minded that Thurrock Council has also raised these issues and is pursuing these matters as the host authority. ECC supports the approach being developed by Thurrock Council and the inclusion of these matters within their SoCG, therefore ECC has no further comments to make on these matters.
- 3.3 ECC has a service level agreement with Thurrock Council for the provision of advice as: Lead Local Flood Authority and on Historic Environment. Water resources and flood risk issues; as well as Terrestrial Archaeology and Built Heritage issues are therefore dealt with in the SoCG with Thurrock Council.

4.0 LIST OF MATTERS AGREED

Ref	Description of matter	Details of agreement
4.1	General Support for the Scheme and Economic Benefits	
4.1.1	Importance of the future of the Port of Tilbury to the sub-region	It is agreed that the proposals are of paramount importance for securing on-going growth in the London and south east and eastern regions, of which Essex is a part.
4.2	Highways and transportation	
4.2.1	Scope of Transport Assessment	It is agreed that the scope of the Transport Assessment accords with guidance and provides a comprehensive basis for the preparation of the Transport Assessment.
4.2.2	Detailed assessment of junctions in Essex that form part of the County Council highways network	It is agreed that detailed assessments of junctions that form part of the Essex County Council highways network are not required as they lie outside of the scope of the Transport Assessment due to the expected number of development related trips.
5.2.2	Framework Travel Plan : clarification, information and mitigation needs further discussion	<p>ECC provided further clarification on their comments on the Framework Travel Plan with regard to staff numbers, shifts, public transport and pedestrian/cycle infrastructure.</p> <p>A further draft of the FTP was provided to ECC on 17 April 2018 and a telecon held on 24 April to discuss this draft, after which further changes were made by PoTLL -</p>

		<p>ECC has reviewed the revised version dated 24/4/2018, and are now satisfied with the revised draft as proposed subject to these being incorporated into the FTP. PoTLL will include these changes in the update of the FTP to be submitted to the ExA.</p>
4.2.3	Tilbury2 and LTC	<p>It is agreed that in the absence of traffic data it is impossible to consider the cumulative traffic impact of Tilbury2 with LTC and that it falls to Lower Thames Crossing proposals to take account of Tilbury 2 as likely foreseeable development. ECC have confirmed this view in their response to FWQ 1.18.6. It is further noted by both parties that Highways England have now confirmed that no data will be available.</p>
4.2.4	Rail Freight capacity	<p>PoTLL have explained to ECC that they have existing train paths that would be utilised at Tilbury2 as the proposals include the relocation of an existing railhead. They have also provided ECC with the letter from Network Rail that paths exist. ECC do not dispute this evidence.</p> <p>Moreover, it is agreed that ECC's request is for clarification from Network Rail (NR), as the responsible authority, that it is considering the cumulative impacts of freight growth (PoTLL growth plus other planned freight growth) and passenger growth both on the Essex Thameside line and North London Lines (including Gospel Oak to Barking),</p>

		<p>including reflecting the aspirations for increased passenger services contained within the Draft London Plan and Mayor’s Transport Strategy.</p> <p>ECC has reviewed the NR response to FWQ 1.18.3, dated 19 March 2018 and recognise that the Port of Tilbury and Network Rail have continued to discuss rail freight requirements related to the application and ECC accepts the NR position as the responsible authority, and their statement that “NR does not believe there will be any significant impact on capacity, connectivity and or network resilience caused by the proposed development and that there is sufficient capacity in the relevant lines so that the envisaged level of traffic could be accommodated through better path utilisation and where required departures managed to avoid peak times”.</p> <p>It is further noted by ECC and PoTLL that the SoCG with London Gateway Port Limited (LGPL) indicates agreement between PoTLL and LGPL that there needs to be a long term strategy in relation to rail freight access across the wider UK network and that Network Rail need to give consideration to wider routing of freight trains destined for or originating from the Thameside Corridor as part of their long term strategy for freight and that both PoTLL and LGPL should work with</p>
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		Network Rail to ensure sufficient capacity in the future. ECC agree that this collaborative approach is important in the future.
4.3 Minerals		
4.3.1	Availability of minerals wharves and mineral resources	It is agreed that the adopted Essex Minerals Local Plan (July 2014) seeks to ensure a local supply of aggregates in the County and that Tilbury2 would assist in this objective given that (i) there are no wharves for landing minerals in Essex and (ii) mineral resources in the south of the County are extremely limited.
4.4 Waste		
4.4.1	Methodology within the Environmental Statement to determine significance of waste arisings from the proposals	It is agreed that the use of the waste capacity data within Essex as a proxy (given the lack of available data for Thurrock) in order to determine the significance of the impact of the quantity of waste predicted to be produced during construction/demolition is appropriate. ECC therefore withdraw their objections to the scheme in relation to waste issues made in their Relevant Representation.
4.4.2	Destination of waste	It is agreed that the destination of the waste produced is an issue for the contractors involved with the construction of the proposals in the


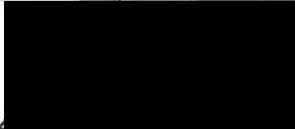
		development but that waste is unlikely to be taken into Essex due to costs of haulage and availability of sites within Thurrock.
4.5 Landscape and visual impact		
4.5.1	Methodology for assessment	It is agreed that methodology used to assess the potential effects on landscape and visual amenity is acceptable.
4.5.2	Principles of Landscape and Visual Impact Issues	ECC is minded that Thurrock Council has also raised these issues and is pursuing these matters as the host authority. ECC supports the approach being developed by Thurrock Council and the inclusion of these matters within their SoCG, therefore ECC has no further comments to make on these matters.
4.5 Ecology		
4.5.1	Methodology for assessment	It is agreed that the methodology used to assess the potential effects on ecology is acceptable and that the suite of studies undertaken is acceptable.
4.5.2	Assessment of effects	It is agreed that the aim of the proposals is for only temporary net loss in biodiversity with potential neutral or net gains over time.
4.5.3	Principle of off-site compensation	The principle of off-site habitat compensation for invertebrates is agreed.
4.5.4	Habitats Regulations Assessment	It is agreed that the shadow HRA for likely impacts on European Sites is acceptable.
4.5.5	Principles of Ecological Issues	Now that there is ecological information on designated sites

		<p>(both statutory and non-statutory) and protected & priority species and habitats, the principles of ecological issues are included within the Thurrock Council Statement of Common Ground, ECC support the approach being developed by Thurrock Council and has no further comments to make</p>
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5.0 LIST OF MATTERS UNDER DISCUSSION

Ref	Description of stakeholder issue	Current position
5.1 General Support for the Scheme and Economic Benefits		
5.1.1	ECC require clarification on how the benefits and use of the local supply chain and economy would be realised.	A revised version of the Skills and Employment Strategy was sent to ECC on 9 April for consideration and a telecom held on 17 th April and comments supplied on the 20 th April. Following a telecon on 24 April 2018, a further draft of the SES has been provided and ECC has supplied comments.. Discussions are on-going with the aim of ensuring this document is agreed.
5.2 Highways and Transportation		
5.2.1	Wider strategic network	ECC accept that M25 J30 forms part of the Strategic Road Network which is the responsibility of Highways England. Although as an important strategic interchange, the performance can effect part of the ECC network. ECC awaits confirmation that Highways England are satisfied regarding the analysis of the impact on this junction. PoTLL are discussing this junction further with HE but do not consider that any detriment to the operation of the junction is caused by Tilbury2 that would warrant any form of mitigation..

6.0 AGREEMENT

Signed	
Name	Lesley Stenhouse
Position	Principal Planner
Organisation	Essex County Council
Date	26/04/2018
Signed	
Name	<i>Peri REWARD - 30/4/18</i>
Position	<i>COMMERCIAL DIRECTOR</i>
Organisation	Port of Tilbury London Limited

APPENDIX 4

SOCG004

**DRAFT STATEMENT OF COMMON GROUND WITH
ENVIRONMENT AGENCY**

PLANNING ACT 2008
INFRASTRUCTURE PLANNING
(APPLICATIONS: PRESCRIBED FORMS AND PROCEDURE) REGULATIONS 2009

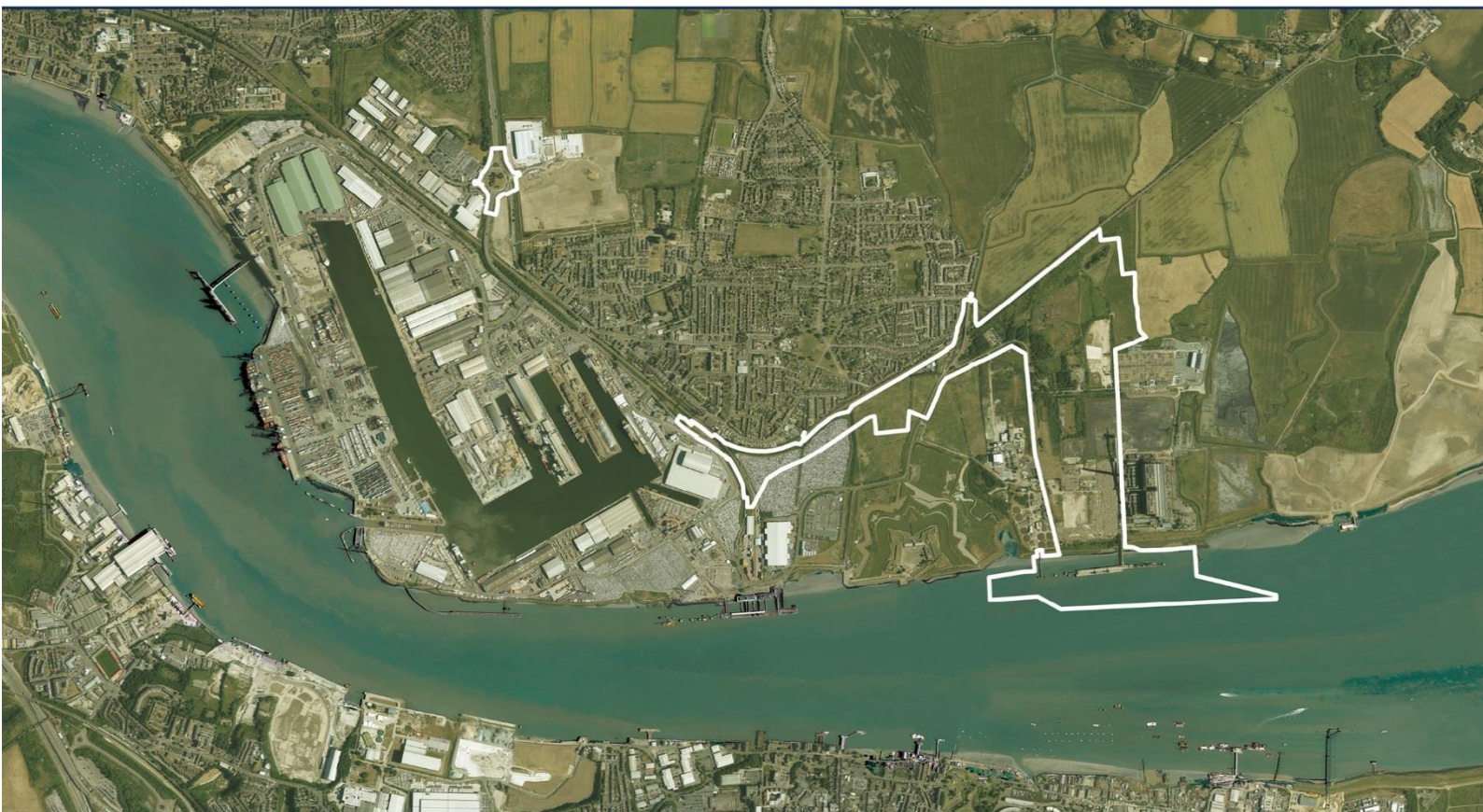
PROPOSED PORT TERMINAL AT
FORMER TILBURY POWER STATION

TILBURY2

TRO30003

STATEMENT OF COMMON GROUND
BETWEEN PORT OF TILBURY LONDON LIMITED AND
THE ENVIRONMENT AGENCY

DOCUMENT REF : SoCG004



PORT OF TILBURY

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

STATEMENT OF COMMON GROUND

BETWEEN PORT OF LONDON AUTHORITY AND THE ENVIRONMENT AGENCY

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5.0 LIST OF MATTERS UNDER DISCUSSION..... 18

6.0 LIST OF MATTERS NOT AGREED.....22

Revision	Date	Description of new version
1.0	1 st Feb 2018	Second draft with updated text
2.0	8 th Feb 2018	Third draft with minor amendments to text
3.0	30 th April 2018	Agreed for submission at Deadline 3

TILBURY2 PROJECT TEAM
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1.0 INTRODUCTION

Purpose of this document

- 1.1 This Statement of Common Ground ("SoCG") has been prepared in relation to the application by Port of Tilbury London Limited ("PoTLL") under section 37 of the Planning Act 2008 ("the Act") for an order granting development consent ("DCO") for the construction, operation and maintenance of a new port terminal and associated facilities in Tilbury, Essex known as 'Tilbury2' ("the proposals").
- 1.2 The aim of this SoCG between PoTLL and the Environment Agency ("EA") is to provide a clear record of engagement between the parties, including of the issues discussed between the parties and the current status of those discussions. The SoCG can be used as evidence of engagement for the purposes of the examination into the DCO application.

Structure of this Statement of Common Ground

- 1.3 The structure of this SoCG is as follows:

Section 1 – Introduction

Section 2 – Consultation to date

Section 3 – Summary of topics covered by the SoCG

Section 4 – List of matters agreed

Section 5 – List of matters under discussion

Section 6 – List of matters not agreed

The Proposals

- 1.4 The proposals comprises a new port terminal and associated facilities on the north bank of the River Thames at Tilbury in Essex, a short distance to the east of the existing Port of Tilbury. The proposed port terminal will be constructed on land that formed the western part of the now redundant Tilbury Power Station. The Scheme is known as 'Tilbury2'.
- 1.5 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.
- 1.6 The proposals will require works including, but not limited to:
- creation of hard surfaced pavements;

- improvement of and extensions to the existing river jetty including creation of a new RoRo berth;
- associated dredging of berth pockets around the proposed and extended jetty and dredging of the approaches to these berth pockets;
- new and improved conveyors;
- erection of welfare buildings;
- erection of a single 10,200 sqm. warehouse and 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
- formation of a rail spur and sidings.

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

Introduction to Environment Agency

1.8 The Environment Agency is an executive non-departmental public body, sponsored by the Department for Environment, Food and Rural Affairs. The Environment Agency works to create better places for people and wildlife, and support sustainable development. Within England the Environment Agency is responsible for:

- Regulating major industry and waste;
- Treatment of contaminated land;
- Water quality and resources;
- Fisheries;
- Inland river, estuary and harbour navigations; and
- Conservation and ecology.

1.9 The Environment Agency is also responsible for managing the risk of flooding from main rivers, reservoirs, estuaries and the sea.

2.0 CONSULTATION TO DATE

- 2.1 This section provides a summary of the engagement between PoTLL and the EA that has taken place to date.
- 2.2 Copies of key letters and minutes of meetings referred to below are provided in Appendix A of this SoCG for reference.

Pre-application

Date	Activity
10 th February 2017	Meeting held to discuss Flood Risk Assessment, Flood Protection, Surface Water Drainage and Environmental Permitting / Pollution.
27 th February 2017	PoTLL provide EA with an early draft of their Scoping Report.
1 st March 2017	Meeting held to seek EA views of the scope of assessments for the EIA. This meeting covered all aspects of the EA's input into the scheme, including marine.
23 rd March 2017	Response on the draft Scoping Report received from the EA.
25 th March 2017	A scoping report was submitted to the Planning Inspectorate on 25th March 17 to request a scoping opinion.
30 th March 2017	Proposed specification for the benthic survey distributed by PoTLL consultants.
7 th April 2017	Teleconference held to agree proposal for benthic survey.
10 th April 2017	Finalised benthic survey specification circulated.
25 th April 2017	EA provide written response to the Scoping Report to PINSL.
6 th July 2017	Email to agree methodology for flood breach modelling.
28 th July 2018	Response of EA to S42 statutory consultation (letter reference AE/2017/121765/01-L01).

Date	Activity
2 nd August 2017	Email to confirm that information relating to the additional hydrogeology & ground conditions ground investigation will be provided at the detailed design stage, i.e. post DCO submission.
9 th August 2017	Teleconference to discuss the results of the dredge sediment contamination analysis and the approach to assessing and mitigating for tentacled lagoon worm.
10 th August 2017	Request to EA for WFD water quality sampling data from Thames Middle of the last five years to support WFD Assessment. Data received from EA on 17/09/2017.
15 th August 2017	Meeting to discuss drainage strategy, flood breach modelling and proposals for watercourse crossings and river realignments.
23 rd August 2017	Email to confirm that the Alluvium is considered to have negligible groundwater resource value and its sensitivity as a controlled waters receptor is also negligible and it is therefore not considered further in the hydrogeology and ground conditions assessment.
29 th August 2017	Meeting to discuss interaction between the proposed RoRo access bridge and the existing flood defence.
4 th September 2017	Meeting to discuss tentacled lagoon worm and appropriate 'reasonable precautions' that can be put forward to prevent committing an offence under the Wildlife and Countryside Act.
5 th September 2017	A meeting was held with the EA and HR Wallingford to discuss further the high perylene concentrations in the sediments to be dredged and modelling to understand the impact on water quality as part of the WFD assessment post data gathering and research as no EQS is available for perylene.

Date	Activity
12 th September 2017	A further meeting was held with the EA to discuss the high perylene contamination results after review of other available sediment data from the Thames.
26 th September 2017	Telecom to discuss proposed watercourse crossings and enhancements.
12 th October 2017	Pre-application agreement advice letter issued by EA (letter reference AE/2017/122064/01-L01).
18 th October 2017	Pre-application agreement advice letter issued by EA (letter reference AE/2017/122092/01-L01).
19 th October 2017	Meeting with EA to discuss issues related to future Thames barrier and potential impact on port.

Post-application

<u>Date</u>	<u>Activity</u>
21 December 2017	Meeting with EA to discuss flood risk and culvert design
5 th January 2018	Relevant Representations letter issued by EA (letter reference AE/2017/122299/01-L01)
08 February 2018	Call with EA to discuss SoCG matters
12 March 2018	PoTLL position on eels and saltmarsh matters presented to EA via email. Response received from EA on saltmarsh (13 March) and eels (21 March 2018). Further information has since been provided by PoTLL and both matters are back with the EA for further consideration.
29 th March 2018	Call with EA to discuss their initial thoughts on the FRA addendum issued on 15 th March and submitted at Deadline 1.
25 th April 2018	Call with the EA to discuss updates to the SoCG matters.

- 2.3** The parties continue to actively engage on those matters which are not yet agreed. A further iteration of this SoCG will be submitted into the examination in due course to document the progress that is expected to be made.

3.0 SUMMARY OF TOPICS COVERED BY THE SOCG

3.1 The following topics discussed between PoTLL and EA are commented on further in this SoCG:

- Marine Ecology (including Water Framework Directive Assessment)
- Terrestrial Ecology (including Water Framework Directive Assessment)
- Hydrogeology and Ground Conditions
- Flood Risk
- Flood Risk Management
- Protective Provisions

3.2 For the avoidance of doubt, the matters covered in this SoCG are the only matters raised by the EA that relate to its statutory functions. The EA therefore has no comment to make on any other issues relating to its statutory functions.

4.0 LIST OF MATTERS AGREED

Ref	Description of matter	Details of agreement
4.1	Marine Ecology	
4.1.1	Dispersive dredging conditions.	It is agreed that dispersive dredging methods will not be utilised during the months of June to August inclusive. It is also proposed to restrict WID to the ebb tide only. This will be secured through the operation of the DML.
4.1.2	WFD Assessment	It is agreed that the WFD Assessment submitted with the Tilbury2 application is acceptable.
4.2	Marine and Terrestrial Ecology	
4.2.1	Loss and replacement of wetland habitat (ditches and ponds)	It is agreed that losses of ditch (measured in metres) and losses of ponds (measured in surface area of standing water) will be fully compensated within the DCO Boundary (Order limits) to ensure no net loss of these habitats.
4.2.2	Eels	It is agreed that measures to ensure continued and/or future eel passage will be incorporated into the detailed design of realigned and new watercourses and that the Environment Agency will be able to control this through the operation of their protective provisions on 'Main rivers.' Critically, fish and eel passage will be retained under any crossing installed as part of the works.
4.2.3	Riparian mammals	It is agreed that measures to ensure continued and/or future passage of riparian mammals (e.g. water voles) will be incorporated into the detailed

Ref	Description of matter	Details of agreement
		design of realigned and new watercourses where possible, and that the Environment Agency will be able to control this through the operation of their protective provisions on 'Main rivers.'
4.2.4	Invasive non-native species (INNS)	It is agreed that the measures incorporated in the CEMP are appropriate. If pre-construction surveys identify INNS, a method statement as part of a biosecurity plan, will be produced and EA agreement sought. Post-construction surveys and control of INNS are secured via the LEMP and EMCP.
4.2.5	Fish, Eels and protected species along watercourse and ditch network	It is agreed that the measures incorporated in section 6.0 of the CEMP and section 7.0 of the draft EMCP are appropriate.
4.2.6	Eels – Suggests that Eel specific surveys should take place with mitigation measures put in place if eels are found, and further fish passage measures such as flaps should be considered.	Both fish and eel passage will be retained under any crossing installed as part of the works, and protective provisions within the DCO allow for the EA to see and agree eel-friendly control structure designs for the proposed Thames outfall. There are also provisions in the CEMP to ensure that eels will be protected during construction phase, and compensatory wet ditches, and coastal and floodplain grazing marsh habitat provision will be provided (see 5.3.1 above) as part of the EMCP. The potential presence of eels has therefore already been addressed by suitable mitigation. PoTLL contends that additional eel

Ref	Description of matter	Details of agreement
		surveys would carry an attendant high risk of false negatives for one or more watercourses, and thus are of very limited value. The EA agree with the PoTLL that additional eel surveys will not be required.
4.2.7	The River Thames Wall poses a hard defence, posing a barrier to inward migration of foreshore habitats, including saltmarsh, in the event of sea level rise.	<p>The Environment Agency have queried the effect of the proposals on saltmarsh post construction and in the event of sea level rise.</p> <p>The effects caused by the seawall to saltmarsh in relation to sea level rise would occur irrespective of the Tilbury development, which does not envisage any changes to the existing seawall and as such, these effects are not caused by the proposal.</p> <p>Different are the effects to saltmarsh caused by the installation of new structures (e.g. outfall) which will be mitigated by PoTLL.</p>
4.3 Hydrogeology and Ground Conditions		
4.3.1	Ground investigation & quantitative risk assessment	It has been agreed that information from the proposed additional ground investigation, along with quantitative risk assessment, will be submitted at a later stage as part of the detailed design and will be controlled through the protective provisions for the EA's benefit within the DCO.
4.3.2	Piling Risk Assessment	It has been agreed that a piling risk assessment will be undertaken at a later stage, once

Ref	Description of matter	Details of agreement
		piling design is sufficiently detailed to determine a construction method for the protection of groundwater and that this is secured in the CEMP.
4.3.3	Alluvium as a controlled waters receptor	It has been agreed that the Alluvium is considered to have negligible groundwater resource value and its sensitivity as a controlled waters receptor is also negligible and it is therefore appropriate that it is not considered further in the hydrogeology and ground conditions assessment. The EA is satisfied that the assessment has, however, considered potential migration of contamination from the Alluvium into underlying aquifers and surface watercourses.
4.3.4	Options appraisal and remediation strategy	Following completion of the additional site investigation, if the findings of the GQRA determine that a Detailed Quantitative Risk Assessment, remediation strategy and verification report are required, these will also be completed and submitted to Environment Agency Groundwater and Contaminated Land Officer for approval, as secured through the CEMP.
4.4 Flood Risk		
4.4.1	Flood Risk Assessment – clarity on flood depths	An addendum to the FRA has been submitted which provides clarity on the specific flood levels and depths in these fields, both with the baseline scenario and the

Ref	Description of matter	Details of agreement
		<p>proposed works, and therefore provides more clarity of the precise increase in flood depths, not just the depth bands as shown on the maps.</p>
4.4.2	Flood Breach Modelling Methodology	<p>It is agreed that the breach methodology outlined; the location, breach width, duration, roughness values, simulations and use of LIDAR and topographical survey are all appropriate.</p> <p>It is agreed that Tilbury East and West Flood Storage Area embankments are now included within the breach model.</p> <p>New national breach modelling guidance and River Thames flood levels have been released. It was agreed that the updated levels and guidance will be reviewed and compared in relation to the levels used in the existing breach model.</p> <p>It is agreed that as the previous guidance and data used in the FRA provides a precautionary approach the model does not need updating.</p>
4.4.3	Climate Change allowance	<p>It is agreed that Tilbury2 is not considered 'Safety Critical Infrastructure' and therefore it is not appropriate to apply the NPSP H++ climate change guidance to this scheme. This has been clarified in the addendum to the FRA.</p>
4.4.4	Surface water discharge directly into River Thames	<p>It is agreed that surface water can be discharged directly to the River Thames unattenuated, in line with UK legislation, that allows unrestricted peak flow discharges to large tidal water bodies.</p>

Ref	Description of matter	Details of agreement
4.4.5	Surface water discharge into watercourses other than the River Thames	It is agreed that flows could be discharged to the existing watercourses at rates higher than greenfield peak flows if it could be demonstrated that there would be no increased flood risk.
4.5 Flood Risk Management		
4.5.1	In line with the TE2100 Plan, there is the future requirement to raise the flood defences to either 7.40 m AOD or 8 m AOD in the Tilbury reach.	It is agreed that the EA would not expect the flood wall to be raised to 8mOD along the entire frontage or where the flood defence is being replaced/alterd as part of the Tilbury2 proposals, but that the proposed design for any replaced/alterd flood defence is sufficient to provide for future raising if this is required. Impact on the existing flood defence will be dealt with at the detailed design stage through the EA's proposed plan approval role under protective provisions in the DCO.
4.5.2	Permanent non-moveable aspects of the proposal within 16m of the flood defence	It is agreed that moveable aspects of the proposals (such as fencing) can be located less than 16m away from the landward toe of the flood defences. Impact on the existing flood defence will be dealt with at the detailed design stage through the EA's proposed plan approval role under protective provisions in the DCO.
4.5.3	Condition of existing flood defence	It is agreed that some of the existing flood defence panels either side of the proposed bridge abutment may need to be replaced to address possible future differential settlement and the new structure tied in with the

Ref	Description of matter	Details of agreement
		<p>existing defence. Impact on the existing flood defence, and determination of responsibility for any panel replacement will be dealt with at the detailed design stage through the EA's proposed plan approval role under protective provisions in the DCO.</p>
4.5.4	Crossing of existing watercourses	<p>It is agreed that the crossing of watercourses by the infrastructure corridor is generally accepted and that this will be done through box culverts where possible.</p> <p>It is agreed that such design will ensure no reduction in the size of the culverts to ensure that the capacity to carry peak flow is maintained and where possible enhanced – i.e. where possible largest possible culvert size will be used</p> <p>The Applicant has agreed with the EA to undertake some further work to provide clarity on how the concept design was developed.</p> <p>Detailed design of such culverts will be approved by the EA pursuant to their protective provisions within the DCO.</p>
4.5.5	Outflows from the Tilbury Flood Storage Area to be not interrupted and that any potential interruption to these flows must be subject to review by a Reservoir Construction Engineer	<p>It is agreed that as long as any additional culverts are of equal or greater capacity to the existing culverts there should not be an issue. This would be able to be confirmed in detailed design through the operation of the EA's protective provisions.</p>

Ref	Description of matter	Details of agreement
4.5.6	Drainage Strategy – water quality	<p>Water Quality enhancements have been provided as documented in the drainage strategy and have been maximised as far as reasonable practical, throughout the project. There are significant restraints on the RoRo pavement (as discussed in the Drainage Strategy (Document Reference 6.2.16.E)), and a zoned approach has been proposed with oil interceptors and pollution control valves, to treat hydrocarbons and to control accidental pollution releases.</p> <p>Any fuel storage will need to be constructed and maintained in accordance with the Control of Pollution (Oil Storage) (England) Regulations 2001</p>
4.5.7	Safeguarding for a future Thames Barrier	<p>A Memorandum of Understanding between the Environmental Agency and PoTLL regarding the inter-relationship between the proposals for Tilbury2 and the potential new Thames Flood Barrier has been drafted independent of this agreement. As a result, the Environment Agency's concerns in respect of this issue are being addressed.</p>
4.6 WFD assessment		
4.6.1	Terrestrial habitats.	<p>It is agreed that the WFD assessment is satisfactory from a terrestrial habitat perspective.</p>

Ref	Description of matter	Details of agreement
4.6.2	Channel realignments design	Channel realignments will be designed using natural channel design avoiding hard protection wherever possible. Hard protection shall only be used when there is a threat to an asset through erosion or bank instability. A multi-stage channel will be designed accordingly. This will be able to be confirmed at detailed design through the operation of the EA's protective provisions.
4.6.3	Culvert length	A new light well will be installed where practicable for any new culverts which are greater than 30m in length. This will be able to be confirmed at detailed design through the operation of the EA's protective provisions.
4.78	Combination effects	
4.7.1	Suspended sediment from dredging at Tilbury2 and the London Gateway Port could act in combination and interfere with each other's operations.	<p>It is agreed that currently there are too many uncertainties and assumption to make a meaningful judgement on how Tilbury2 maintenance dredging which is some time away, could affect LGP's currently unknown annual dredging programme which could in itself change in time.</p> <p>It is agreed that pre-approval for maintenance dredging will be required under the DML from the MMO or from the PLA, who will be aware of what LGP is planning at that point, and could thus impose restrictions on Tilbury2 (or indeed LGP) as necessary.</p>

5.0 LIST OF MATTERS UNDER DISCUSSION

Ref	Description of stakeholder issue	Current position
5.1 Marine and Terrestrial Ecology		
5.1.1	<p>The development must consider likely losses of productive inter-tidal habitats from additional shading and/or erosion as a consequence of the development including from:</p> <ul style="list-style-type: none"> - piling for the jetty - a new outfall to the Thames. 	<p>Piling: The marine ecology section of the EIA has assessed losses of priority mudflat habitat from piling and concluded that there will be no net loss. This is due to the removal of the Anglian Water Jetty which creates a greater gain than the loss from piling. Further consideration of this issue can be found at paragraph 11.179-11.180 and 11.199 of the ES.</p> <p>Outfall: PoTLL has undertaken further calculations and has determined that the installation of the new outfall from the site will result in a limited extent of permanent physical loss of saltmarsh due to the excavation works and installation of concrete piles, headwall and access. Measures to investigate how this loss can be mitigated against are currently being investigated and are being discussed with the Environment Agency.</p>
5.2 Specific pollutants and priority hazardous substances		
5.2.1	<p>The practise of using zinc sacrificial anodes for marine corrosion protection of metal structures needs review and possible alternatives should be investigated with a view to replacing zinc with other</p>	<p>The detail of corrosion protection of metal marine structures will be agreed with the Environment Agency in detailed design, pursuant to the Agency's protective provisions in the DCO.</p>

Ref	Description of stakeholder issue	Current position
	materials less close to their EQS limits.	
5.3	Terrestrial Ecology	
5.3.1	Off-site mitigation – the Environment Agency requested further details on this.	The Environment Agency is being consulted on the emerging details of the mitigation and compensation plans, including off-site compensation for loss of coastal and floodplain grazing marsh and open mosaic habitat; as set out in the draft Ecological Mitigation and Compensation Plan (EMCP).
5.3.2	Phasing Plan – the Environment Agency suggested new habitats will need to be phased (including water voles) and requested further detail on this.	A chapter relating to phasing is included within the draft EMCP (Chapter 10). The Environment Agency will be invited to comment on the phasing plan which will be presented within future iterations of the EMCP.
5.3.4	<p>Riparian mammals:</p> <p>The Environment Agency has requested cross sections of watercourses and plans are needed to ensure that the biodiversity function of drainage ditches is maximised. The developer should produce detailed designs for the concentric rings of open ditches needed to provide enhanced water vole habitat.</p>	Indicative cross-sections of proposed watercourses/ditches will be provided to ensure the Environment Agency is happy with the proposed approach for riparian mammal mitigation. Full detailed designs will be able to be considered by the Environment Agency pursuant to their protective provisions. Designs for the concentric rings of open ditches, including details regarding optimisation for water voles, are available, and the EA has responded as a consultee on that application (Thurrock Council planning reference 18/00448/FUL).

Ref	Description of stakeholder issue	Current position
5.4	Flood Risk Management	
5.4.1	Flood Emergency Plan	<p>It is not possible to provide definitive finished floor levels or a final Flood Emergency Plan given the stage of the development proposals. However, it is noted that the draft DCO requires PoTLL to comply with the FRA, which includes the requirement to produce a Flood Emergency Plan.</p> <p>The FRA addendum clarifies some of the principles of Flood Risk Management to be incorporated on the site.</p>
5.5	WFD assessment	
5.5.1	Detail on channel realignments, culverts and light wells.	Discussions are ongoing with the additional clarifications that the Environment Agency requires to close off the various elements on the WFD assessment.
5.5.2	Natural channel and diverted ditches design	Natural channel design is specified in the WFD assessment. Indicative cross-sections of proposed watercourses will be provided to ensure the Environment Agency is happy with the proposed approach. Full detailed designs will be able to be considered by the Environment Agency pursuant to their protective provisions.
5.5.3	Watercourse and ponds design, compensation and enhancement - the Environment Agency suggest a greater length of watercourse	Compensation plans are being developed (see Figure 1 of the EMCP) that would meet these requirements.

Ref	Description of stakeholder issue	Current position
	and a number of ponds should be established.	
5.5.4	<p>The potential uplift in water temperature near the new port, when the proposed power station is built, could cause sufficient changes in solubility of EQS substances to alter the conclusions of WFD compliance. Thermal discharges from the proposed power station, assuming it is built, should be considered within this stage of consultations, prior to issue of DCO.</p>	<p>It is agreed that there is currently insufficient detail available from the Tilbury Energy Centre for a detailed cumulative assessment to be able to be made. The high level cumulative environmental assessment undertaken by PoTLL [REP1-016] suggested a limited interaction between the potential discharge of cooling water and the maintenance dredging operations.</p> <p>It is agreed that if the TEC project were to be given consent, the potential effects on the marine ecology and water quality of the Thames Estuary, could be appropriately mitigated by, and should be assessed by, that project.</p> <p>This matter is under discussion with the Environment Agency</p>

6.0 LIST OF MATTERS NOT AGREED

Ref	Description of stakeholder issue	Current position
6.1	Flood Risk Management	
6.1.1	The supporting wall of East Dock Sewer (where the infrastructure corridor joins the Dock Road), is in very poor condition and will need to be replaced to allow the construction of the new road connections	The impact on the supporting wall of East Dock Sewer will be further investigated during detailed design once the full impact that specifically arises from the Tilbury2 proposals has been assessed. This will ultimately be able to be determined as part of the operation of the Environment Agency's protective provisions.

7.0 AGREEMENT

Signed	
Name	
Position	
Organisation	Environment Agency
Date	
Signed	
Name	
Position	
Organisation	Port of Tilbury London Limited

APPENDIX 5

SOCG006

**DRAFT STATEMENT OF COMMON GROUND
WITH HISTORIC ENGLAND**

Planning Act 2008
Infrastructure Planning (Examination Procedure)
Rules 2010

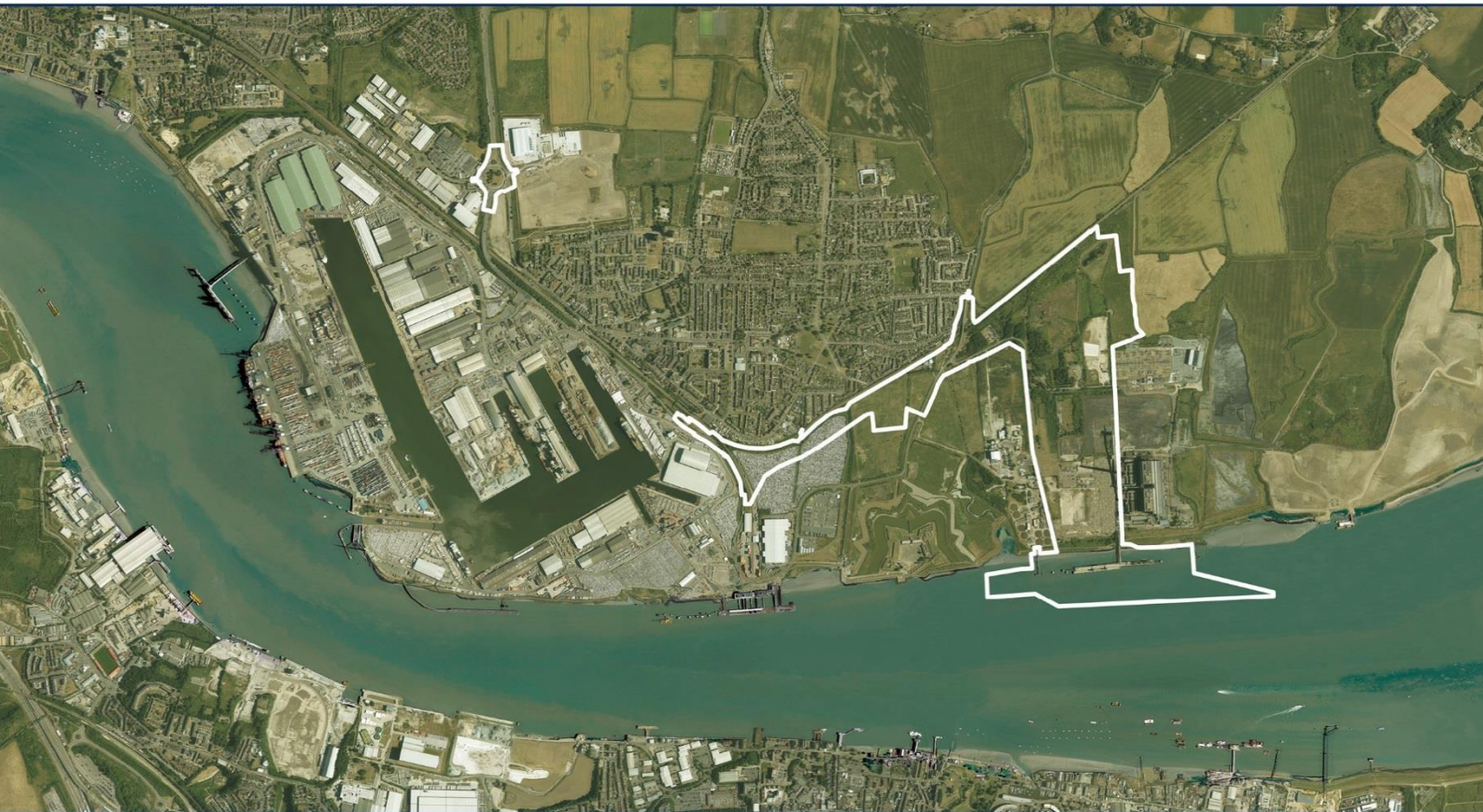
PROPOSED PORT TERMINAL AT
FORMER TILBURY POWER STATION

TILBURY2

TRO30003

STATEMENT OF COMMON GROUND
BETWEEN PORT OF TILBURY LONDON LIMITED AND
HISTORIC BUILDINGS AND MONUMENTS COMMISSION
FOR ENGLAND (HISTORIC ENGLAND)

DOCUMENT REF: SOCG006



PORT OF TILBURY

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

STATEMENT OF COMMON GROUND

**BETWEEN PORT OF TILBURY LONDON LIMITED AND HISTORIC BUILDINGS
AND MONUMENTS COMMISSION FOR ENGLAND (HISTORIC ENGLAND)**

Revision	Date	Description of new version
1.0	6 th December 2017	First draft for Historic England comments.
2.0	13 th February 2018	Second draft following comments from Historic England
3.0	8 th March 2018	Third draft following comments from Historic England
4.0	16 th March 2018	4 th draft for submission at Deadline 1
5.0	5 th April 2018	5 th draft following Historic England's Written Reps
6.0	23 April 2018	6 th Draft Following Historic England comments received by email 17/4/2018

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1.0 INTRODUCTION

Purpose of this document

- 1.1 This Statement of Common Ground ("SoCG") has been prepared in relation to the application by Port of Tilbury London Limited ("PoTLL") under section 37 of the Planning Act 2008 (as amended) ("PA2008") for an order granting development consent ("DCO") for the construction, operation and maintenance of a new port terminal and associated facilities in Tilbury, Essex known as 'Tilbury2' ("the proposals").
- 1.2 The aim of this SoCG between PoTLL and Historic Buildings and Monuments Commission for England (Historic England) is to provide a clear record of engagement between the parties, including of the issues discussed between the parties and the current status of those discussions. The SoCG can be used as evidence of engagement for the purposes of the examination into the DCO application.

Structure of this Statement of Common Ground

- 1.3 The structure of this SoCG is as follows:

Section 1 – Introduction

Section 2 – Consultation to date

Section 3 – Summary of topics covered by the SoCG

Section 4 – List of matters agreed

Section 5 – List of matters under discussion

Section 6 – List of matters not agreed

Overview of the proposals

- 1.4 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 land that formed the western part of the now redundant Tilbury Power Station and is bounded to the west by a waste water treatment works and to the east by the Tilbury B power station that is presently being demolished.
- 1.5 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.
- 1.6 It will require works including, but not limited to:

- creation of hard surfaced pavements;
- improvement of and extensions to the existing river jetty including creation of a new RoRo berth;
- associated dredging of berth pockets around the proposed and extended jetty and dredging of the approaches to these berth pockets;
- new and improved conveyors;
- erection of welfare buildings;
- erection of a single 10,200 sqm. 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
- formation of a rail spur and sidings.

1.7 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 (PA2008) for throughput per annum. The Tilbury2 project therefore constitutes a Nationally Significant Infrastructure Project (NSIP).

1.8 The application essentially seeks a DCO to approve an operational port and to allow PoTLL to benefit from its permitted development rights within the boundaries of the new port. The application seeks to establish a 'Rochdale Envelope' of development based upon the description within the DCO. In this context, the DCO will contain a framework through which environmental impacts will be controlled and managed.

Introduction to Historic England

1.9 [Historic Buildings and Monuments Commission for England](#) (Historic England) is a non-departmental public body of the British Government sponsored by the Department of [Digital, Culture, Media and Sport](#) (DCMS). Historic England provides statutory advice on behalf of the UK government on matters relating to all aspects of the historic environment including both terrestrial and marine archaeology and built heritage.

1.10 PoTLL undertook a formal statutory consultation as part of the DCO process which ended on 28th July 2017. As part of this process PoTLL and their consultants at CgMs Ltd undertook a programme of both statutory and non-statutory on-going pre-application consultation with Historic England in their role as statutory advisors to the Planning Inspectorate (PINS) and the Marine Management Organisation (MMO), in accordance with the Planning Act 2008 and the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended). This engagement continues and will be

ongoing throughout examination, determination and as far as relevant any implementation.

2.0 CONSULTATION AND ENGAGEMENT TO DATE

- 2.1 This section provides a summary of the engagement between PoTLL and Historic England that has taken place to date.
- 2.2 Copies of key letters and minutes of meetings referred to below are provided in Appendix A of this SoCG for reference.

Pre DCO Application - Archaeology

Date	Activity
24 th April 2017	Statutory Response to Scoping Report from Historic England (within PINS Scoping Opinion of May 2017).
23 rd May 2017	PoTLL's archaeological consultant at CgMs Ltd met with Historic England and the Principal Historic Environment Consultant, Essex County Council to discuss submission of the PEIR, baseline assessments and approach to work to date.
26 th May 2017	Historic England sent letter to archaeological consultant at CgMs Ltd following consultation meeting with initial response to baseline assessments completed to that date.
5 th June 2017	Historic England sent an email to archaeological consultant at CgMs Ltd following consultation meeting with initial response to baseline assessments completed to that date.
11 th July 2017	PoTLL's archaeological consultant at CgMs Ltd met with Historic England and the Principal Historic Environment Consultant, Essex County Council following PEIR submission to discuss the PEIR documentation, baseline investigations undertaken to that date and future mitigation.
21 st July 2017	Historic England provided a response to the archaeological consultant at CgMs Ltd relating to the draft Marine WSI originally circulated 14 th June 2017.

27 th July 2017	Historic England provided a formal response on the PEIR to PoTLL's planning consultants at Vincent and Gorbing.
30 th August 2017	PoTLL's archaeological consultant at CgMs Ltd met with Historic England and the Principal Historic Environment Consultant, Essex County Council to discuss in detail Historic England's response to the PEIR, to address actions undertaken and addressed in the PEIR response table circulated by CgMs prior to the meeting and to highlight emerging areas of common ground.
13 th October 2017	Historic England response letter to the PoTLL's planning consultants at Vincent and Gorbing on the draft submission documents (ES chapter and Technical Appendices) prior to DCO application submission.

Pre DCO Application – Built Heritage

29 th November 2016	Initial informal meeting held with Historic England and English Heritage at Tilbury Fort to introduce the forthcoming proposals and to discuss potential preliminary opportunities to enhance Tilbury Fort as a visitor attraction.
24 th April 2017	Statutory Response to Scoping Report from Historic England (within PINS Scoping Opinion of May 2017).
23 rd May 2017	PoTLL's Built Heritage consultant at CgMs Ltd met with Historic England) to review baseline information to date and the approach to the heritage assessment prior to publication of the PEIR. This included discussing the viewpoint locations map prepared to inform the LVIA. A number of additional viewpoints were requested by Historic England from both the north and south side of the river from which HE required visualisations. The locations of the viewpoints on the south side of the river were provided to Historic England via email on 18 th May

	2017 and had been agreed in consultation with Gravesham Borough Council.
2 nd June 2017	Historic England provided an email response endorsing the minutes of the meeting held on 23 rd May 2017 and confirming acceptance of the locations of additional viewpoints that were circulated by PoTLL's Built Heritage consultant at CgMs Ltd on 31 st May 2017 and 1 st June 2017.
11 th July 2017	<p>PoTLL's Built Heritage consultant at CgMs Ltd met with Historic England following the PEIR submission. The purpose of this meeting was to go through the PEIR and baseline Built Heritage Assessment (June 2017) and to discuss any key issues. Queries were raised in regard to some elements of the proposals, including the extension of the jetty to the west in proximity to Tilbury Fort. It was specifically noted that the Computer Generated Views submitted with the PEIR were not of a sufficient level of detail to inform an assessment of potential visual impacts upon built heritage assets. It was explained that these would be updated to form full wireline views in due course and would be issued to statutory consultees accordingly.</p> <p>On 8th August 2017 Historic England confirms the meeting minutes issued on 20th July 2017.</p>
27 th July 2017	Historic England provided a formal response on the PEIR to PoTLL's planning consultants at Vincent and Gorbing.
15 th August 2017	Historic England provided comments on the first five wireline images that were issued via email by PoTLL's Built Heritage consultant at CgMs Ltd on 24 th July 2017.
18 th August 2017	PoTLL's Built Heritage consultant at CgMs Ltd emailed Historic England a full set of the wirelines.
23 rd August 2017	PoTLL's Built Heritage consultant at CgMs Ltd met with Historic England English Heritage and Thurrock Council to discuss potential improvements to Tilbury Fort.

25 th September 2017 and 2 nd October 2017	PoTLL's Built Heritage consultant at CgMs Ltd emailed Historic England a selection of the Draft ES documents including the Built Heritage Assessment (September 2017) (sent 25 th September 2017) and Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement (sent 2 nd October 2017).
13 th October 2017	Historic England response letter to the POTLL's planning consultants at Vincent and Gorbong on the draft submission documents (ES chapter and archaeology and built heritage Technical Appendices) prior to submission of the DCO.

Post-DCO Application – Archaeology and Built Heritage

<u>Date</u>	<u>Activity</u>
7 th November 2017	PoTLL letter to Historic England with draft DCO for review
7 th November 2017	PoTLL met with Historic England, English Heritage and members of the Historic England Advisory Committee to present the proposals. A digital copy of the presentation was sent to Historic England following this meeting, as well as additional copies of the final wirelines as per Historic England's request.
13 th November and 14 th November 2017	DCO application documentation (Archaeology and Cultural Heritage ES chapter and supporting Technical Appendices) were sent to Historic England post-submission.
23 rd January 2018	PoTLL, and CgMs Ltd met with Historic England, the Principal Historic Environment Consultant, Essex County Council and Historic Building Consultant, Essex County Council to discuss the first draft of the Statement of Common Ground
12 th February 2018	Conference Call between Historic England, POTLL, CgMs Ltd and Vincent and Gorbong to discuss comments received from Historic England on the first draft of the Statement of Common Ground relating to Terrestrial Archaeology and Built Heritage

5th March 2018	Email from HE to POTLL, Vincent and Gorbing and CgMs Ltd to progress this SoCG.
6 th March 2018	Meeting between Historic England, POTLL and CgMs Ltd to discuss Built Heritage matters relating to mitigation
22 nd March 2018	Written Reps received from Historic England relating to Archaeology and Built Heritage

- 2.3 The referenced parties continue to actively engage on those matters which are not yet agreed. A further iteration of this SoCG will be submitted into the examination in due course to document the progress that is expected to be made.

3.0 SUMMARY OF TOPICS COVERED BY THE SOCG

3.1 The following topics discussed between PoTLL and Historic England are reported and commented on further in this SoCG:

- Terrestrial archaeology
- Marine archaeology
- Built heritage

4.0 LIST OF MATTERS AGREED

Ref	Description of matter	Details of agreement
4.1	Terrestrial Archaeology	
4.1.1	Study Area	It is agreed that the study area used to inform the assessment of the Project on Terrestrial Archaeology (see paragraphs 12.34, 12.61 and 12.62 and Table 12.4 of Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement) is appropriate.
4.1.2	Methodology	<p>It is agreed that the approach adopted in Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement (12.63-12.64, 12.70-12.76 and matrices in Tables 12.5, 12.6 and 12.7) is appropriate to assess the magnitude and range of impacts from the proposed project on archaeological receptors.</p> <p>In addition it is agreed that the criteria for establishing the importance of heritage assets (Table 12.5 of Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement) also considers that undesignated assets of recognised international importance have a very high value</p>
4.1.3	Baseline Environment	<p>It is agreed that the Terrestrial archaeological baseline environment has been adequately described in the Environmental Statement and supporting Technical Appendices 12A.</p> <p>It is agreed that the remains of a late Mesolithic skeleton found at Tilbury Docks approximately 1500m west of Tilbury2 is a rare find and consequently is considered to be national or international importance (high or very high value). As presented in ES paragraph 12.90 of Chapter 12: Archaeology and Cultural Heritage and in the Technical Appendix 12A</p>

		<p>For clarification it is agreed that the peat deposits at Tilbury2 are diachronous as presented in Technical Appendix 12A AS2.</p>
4.1.4	Mitigation	<p>It is agreed that the measures presented in paragraphs 12.217-12.222 and Table 12.15 a and b of Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement and as set out in Appendix 12D: Terrestrial WSI are sufficient to minimise impacts to terrestrial archaeology during the construction and operation of the proposed project and has taken into account the diachronous nature of the peat and the potential effect of compression on Relative Sea Level (RSL) fluctuations.</p>
4.1.5	Impact Assessment	<p>It is agreed that as detailed design is not yet finalised the realistic worst case impact from the proposed development on terrestrial archaeology has been suitably assessed on a precautionary conservative basis in the Environmental Statement and supporting Technical Appendices.</p> <p>It is agreed that compression caused by shallow foundations could effect evidence of RSL fluctuations. However the large amount of sediment currently overlying the peat deposits will already be causing some level of compression. Consequently the indirect effect is likely to be negligible but has been considered within the Mitigation Strategy as discussed above.</p> <p>It is agreed that although the effect of compression on the alluvial sequence may not be uniformly distributed across the entire site, the relative difference in stress induced by the construction within a small area will not be so great to cause a shear failure in the deposits. Thus this will not have a significant impact on the affected deposits.</p> <p>It is agreed that, in accordance with the outcome of the assessment presented in Chapter 12: Archaeology and Cultural</p>

		Heritage of the Environmental Statement, the impacts on terrestrial archaeology during construction and operation are unlikely to be significant, assuming that the measures presented in Table 12.15a and b of Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement and the Terrestrial WSI are implemented.
4.1.6	Cumulative Impact Assessment	Chapter 12 paragraph 12.243 has given attention to what cumulative impacts might occur and that any potential adverse cumulative effects on the archaeological resource should be mitigated through the delivery of approved mitigation strategies.
4.1.7	Draft Development Consent Order	Currently in Matters under Discussion
4.2	Marine Archaeology	
4.2.1	Study Area	It is agreed that the study area used to inform the assessment of the Project on Marine Archaeology (see paragraphs 12.34, 12.61 and 12.62 and Table 12.4 of Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement) is appropriate.
4.2.2	Methodology	It is agreed that the approach adopted in Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement (12.63-12.64, 12.70-12.76 and matrices in Tables 12.5, 12.6 and 12.7) is appropriate to assess the magnitude and range of impacts from the proposed project on archaeological receptors.
4.2.3	Baseline Environment	It is agreed that the marine archaeological baseline environment has been adequately described in the Environmental Statement in Chapter 12 paragraphs 12.87, 12.88, 12.95-12.98.
4.2.4	Mitigation	It is agreed that the measures presented in paragraphs 12.223-12.226 of Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement are sufficient in principle and subject to delivery, to reduce impacts to marine archaeology during the

		construction (and operation) of the proposed project
4.2.5	Impact Assessment	It is agreed that as detailed design is not yet finalised the realistic worst case impact from the proposed development on marine archaeology has been suitably assessed in the Environmental Statement.
4.2.6	Cumulative Impact Assessment	It is agreed that Chapter 12 paragraph 12.243 has given attention to what cumulative impacts might occur and that any potential adverse cumulative effects on the archaeological resource should be mitigated through the delivery of approved mitigation strategies.
4.2.7	Draft DML	Currently in Matters Under Discussion
4.3 Built Heritage		
4.3.1	Study Area	<p>It is agreed that the study area of 2km from the Site boundary for the built heritage assessment is appropriate.</p> <p>It is further agreed that the inclusion of Coalhouse Fort (Scheduled Monument), Cliffe Fort (Scheduled Monument) and Shornemead Fort (non-designated heritage asset) which lie beyond the 2km search radius is appropriate.</p> <p>This is detailed in Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement (para. 12.61 and 12.62), Appendix 12.B Built Heritage Assessment (Document Reference 6.1 12.B) (page 28 – 29) and shown in Figures 12.1 and 12.2 (Document Reference 6.3 Figure 12.1 and 6.3 Figure 12.2).</p> <p>It is agreed that the viewpoint locations as shown within Document Reference 6.3 Figure 9.8 are appropriate and have been agreed in consultation with Historic England in order to aid the assessment of potential impacts on the settings of identified built heritage assets on both the north (Essex) and south (Kent) sides of the River Thames.</p>

4.3.2	Methodology	<p>The approach to assessing the significance and settings of the identified built heritage assets, and the potential impacts of the proposals upon their significance, is outlined in Technical Appendix 12.B Built Heritage Assessment (Document Reference 6.1 12.B) (page 28 – 31) and paragraphs 12.63 – 12.69 of Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement. The assessment has been informed by industry-standard guidelines including the English Heritage/Historic England guidance, ‘<i>Historic Environment Good Practice Advice in Planning: Note 3: The Setting of Heritage Assets</i>’ (2015), and ‘<i>Conservation Principles, Policies and Guidance</i>’ (English Heritage 2008). It is agreed that this approach is appropriate.</p> <p>It is agreed that the use of tables and matrices within Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement (Table 12.5, 12.6 and 12.7) have been used as supporting material to the detailed assessment of setting included within the Technical Appendix 12.B Built Heritage Assessment (Document Reference 6.1 12.B).</p> <p>It is agreed that the wireline images of the proposals (Document Reference 6.1 9.F) illustrate the potential maximum visual parameters of the scheme and are appropriate for the purpose of assessing potential impacts on the settings of built heritage assets.</p> <p>It is agreed that two usages of the term ‘significance’ are adequately defined in the ES at paragraph 12.63.</p>
4.3.3	<p>Baseline Environment</p> <p>Historic England have requested further information in relation to ES paragraphs:</p> <p>12.99 /100 12.102</p>	<p>It is agreed that there are no designated or non-designated built heritage assets within the Site boundary.</p> <p>It is agreed that the relevant built heritage assets that have the potential to experience significant effects as a result of the proposals have been appropriately identified and assessed within Sections 5.3 – 5.6 of Technical Appendix 12.B Built Heritage Assessment (Document Reference 6.1</p>

		<p>12.B) and Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement. This includes Scheduled Monuments, Listed Buildings</p> <p>It is agreed that the assessment of significance and sensitivity of the identified built heritage assets contained within the Sections 5.3 – 5.6 of Technical Appendix 12.B Built Heritage Assessment (Document Reference 6.1 12.B) and Table 12.9 of Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement is appropriate.</p>
4.3.4	<p>Mitigation</p> <p>Historic England have requested further information in relation to ES paragraphs:</p> <p>12.228 12.23</p>	<p>It is agreed that preparation of the development proposals has been informed by measures to minimise the impact on the setting of heritage assets, and that this contributes to embedded mitigation.</p> <p>It is agreed that the embedded mitigation measures presented in paragraphs 12.144-12.150 and 12.152 of Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement are sufficient to help minimise will contribute towards minimising potential impacts on built heritage assets.</p> <p>It is agreed that EH will be added to the parties for consultation and agreement of mitigation proposals, in particular with respect of Tilbury Fort as a visitor attraction. This will be secured under a separate SoCG.</p>
4.3.5	<p>Impact Assessment</p> <p>Historic England have requested further information in relation to ES paragraphs:</p> <p>12.191- 12.196</p>	<p>It is agreed that the potential impacts on the built heritage assets surrounding the Site during the construction and operational phase include impacts on the settings of designated heritage assets including Scheduled Monuments, Listed Buildings and Conservation Areas. This has been assessed in detail within Technical Appendix 12.B Built Heritage Assessment (Document Reference 6.1 12.B) and Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement.</p> <p>It is agreed that the harm which proposed development would cause to the</p>

		<p>significance of the designated and non-designated heritage assets would be less than substantial in NPS terms.</p> <p>It is agreed that the principal impacts on the historic environment are related to the setting of Tilbury Fort.</p> <p>It is agreed that the principal impacts on the historic environment are related to the setting of Tilbury Fort, but that there will also be impacts on other designated heritage assets as assessed and recorded in the Applicant's submissions.</p> <p>It is agreed that the degree of impact, in NPPF terms, will result in less than substantial harm to the significance of the Scheduled Monument, Tilbury Fort.</p> <p>It is agreed that there will also be impacts on other designated heritage assets as assessed in detail within Technical Appendix 12.B Built Heritage Assessment (Document Reference 6.1 12.B) and Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement.</p> <p>It is agreed that the assessment of impact has been undertaken with appropriate consideration of the future baseline where Tilbury B and its twin chimneys are no longer extant.</p> <p>A number of elements relating to assessments remain under discussion including:</p> <p>The application of the future baseline for all assessments of impact; the locations of principal visual impact; visibility of the proposed silo; impact of berthed vessels on setting; contribution of marshland to the setting of Tilbury Fort; description of activity within the Rochdale envelope.</p>
	Repeated	
	Repeated	
	Moved to Matters Not Agreed	
4.3.6	Cumulative Impact Assessment	<p>It is agreed that the Applicant has considered the impacts on built heritage from the project, together with other projects within the Thames, Thurrock and Gravesham areas, as identified in detail</p>

		within Technical Appendix 12.B Built Heritage Assessment (Document Reference 6.1 12.B) (page 82-83).
4.4	General	
4.4.1	NPS for Ports	<p>NPS for Ports (NPSP) starts with a presumption in favour of granting consent for ports development, unless any more specific and relevant policies set out in the NPSP (or another NPS) clearly indicate that consent should be refused (para. 3.5.2).</p> <p>The application has sought to set out the public benefits it is considered will arise from the proposals and so in accordance with para 5.12.14 of the NPS, the decision-maker will need to assess the harm to heritage assets (taking into account the proposed mitigation) and balance the level of that harm against the public benefits suggested by PoTLL in its application in order to determine whether these benefits outweigh the harmful impact identified</p>

5.0 LIST OF MATTERS UNDER DISCUSSION

Ref	Description of stakeholder position	Current issue
5.1	Terrestrial and Marine Archaeology	
5.1.1	Draft Development Consent Order	The wording of the terrestrial and marine WSIs and their relationship with the draft DCO and draft DML are in discussion with both parties
5.2	Marine Archaeology	
5.2.1	Baseline Environment Historic England would like to review Technical Appendices before confirming position	The marine archaeological baseline environment has been adequately described in the supporting Technical Appendices 12A and 12C.
5.2.2	Mitigation Historic England has provided comments back on the draft Marine WSI	The wording of the Marine WSI is the subject of discussion with both parties
5.2.3	Impact Assessment Historic England would like to consider this matter further	As the detailed design is not yet finalised the realistic worst case impact from the proposed development on marine archaeology has been suitably assessed in the supporting Technical Appendices. In accordance with the outcome of the assessment presented in Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement, the impacts on marine archaeology during construction and operation are unlikely to be significant, assuming that the measures presented in Table 12.15a and c of Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement and the Marine WSI are implemented.

5.3 Built Heritage		
5.3.1	<p>Baseline Assessment</p> <p>Historic England have requested further information in relation to ES paragraphs:</p> <p>12.99 & 12.100</p> <p>12.102</p>	<p>The applicant is undertaking further research to, and engaging with the ECC Place Services' study to more fully describe the marshland and its mediaeval and post-mediaeval use as grazing marshland. This was addressed through the Tilbury Fort Paper submitted at Deadline 1.</p>
5.3.2	<p>Impact Assessment</p> <p>Historic England have requested further information in relation to ES paragraphs:</p> <p>12.177 & 12.178</p> <p>12.182, and;</p> <p>Table 12.12 Potential Likely Significance of Effects on Built Heritage Assets during Construction);</p> <p>Table 12.16 Residual Significance of Effects on Built Heritage Assets;</p> <p>Table 12.13 Built Heritage— Likely Significance of Effects during Operation.</p> <p>12.204-12.206</p> <p>Moved to Matters Not Agreed</p>	<p>The Applicant has provided a detailed assessment of the potential impacts of the proposals on the settings of surrounding heritage assets. This is contained within Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement and Technical Appendix 12.B Built Heritage Assessment (Document Reference 6.1 12.B).</p> <p>The magnitude of impact on the settings of the identified built heritage assets and the degree of harm (or otherwise) to their significance remains a matter under discussion.</p> <p>Some terminology for assessment remains under discussion, including the degree of effect that proposed tree screening offers.</p> <p>The description of the construction phase remains under discussion. The ES identifies increased activity, structure and vehicle traffic.</p> <p>PoTLL will in particular discuss the contents of the GEMP and CTMP with Historic England.</p> <p>Historic England considers the impact of construction on Tilbury Fort to be major adverse. The Applicant has identified the effects</p>

		<p>to be temporary in nature and likely to be of medium adverse magnitude of impact. The significance of effect is considered, by PoTLL to be Moderate to Major Adverse</p> <p>Historic England considers the Significance of Effect on Tilbury Fort to be Major Adverse during the operational phase of the proposals. The Applicant considers the Magnitude of Effect on Tilbury Fort to be Moderate to Major Adverse.</p> <p>Historic England and PoTLL are continuing discussion regarding the assessment of effects during operation.</p> <p>The Summary Table 12.16 identifies that the Residual Significance of Effects on Built Heritage Assets will be moderate adverse in relation to Tilbury Fort. This assessment remains under discussion.</p> <p>These conclusions are the subject of further discussion between PoTLL and Historic England, as part of the wider discussion of built heritage issues set out in this SoCG.</p>
5.3.3	<p>Mitigation</p> <p>Historic England have requested further information in relation to ES paragraphs:</p> <p>12.181</p> <p>12.240-12.242</p>	<p>It is agreed that minimisation of potential impacts has contributed to the preparation of the development proposals and that this affords a certain degree of embedded mitigation which is worthy of consideration in decision-making. (Moved to Matters Agreed)</p> <p>Agreement on further mitigation and enhancement measures</p>

	<p>Stakeholder notes no input on Noise and Vibration Monitoring proposals to date.</p>	<p>above and beyond those set out in the ES remains a matter under discussion. The Applicant has presented proposed further mitigation and enhancements in paragraphs 12.228-12.236 of Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement and welcomes Historic England's comments on this.</p> <p>Noise monitoring and mitigation through the construction phase at Tilbury Fort has been offered by PoTLL in consultation with both HE and EH. The nature of this is currently being discussed between PoTLL and Historic England.</p> <p>A suitable palette of materials and finishes for buildings within the envelope, but not nominated in the DCO, is under discussion in consultation with Thurrock Council as the local planning authority.</p>
5.3.4	<p>Draft Development Consent Order</p> <p>Moved to Matters Under Discussion</p>	<p>It is agreed that the requirement set out in draft DCO Schedule 2 paragraph 3 that the external materials to be used in the construction of the facilities in paragraph 3(1) to be approved in writing by the relevant planning authority in consultation with Historic England is an appropriate mitigation measure.</p> <p>It is agreed that the requirement set out in draft DCO Schedule 2 paragraph 3(3) outlines the maximum heights that each building, structure or operation must not exceed.</p> <p>It is agreed that the requirement set out in draft DCO Schedule 2 paragraph 12(1) that a written scheme of the proposed operational lighting to be approved in writing by the relevant planning authority in consultation with</p>

		Historic England is an appropriate mitigation measure.

6.0 LIST OF MATTERS NOT AGREED

Ref	Description of stakeholder position	Current issue
6.1	Terrestrial Archaeology	
6.1.1	There are currently no matters of disagreement in terms of Terrestrial archaeology.	
6.2	Marine Archaeology	
6.2.1	There are currently no matters of disagreement in terms of marine archaeology.	
6.3	Built Heritage	
6.3.1		<p>The Magnitude of Impact is not agreed. Historic England considers the impact of construction on Tilbury Fort to be major adverse. The Applicant has identified the effects to be temporary in nature and likely to be of medium adverse magnitude of impact. The significance of effect is considered, by PoTLL to be Moderate to Major Adverse</p> <p>Historic England considers the Significance of Effect on Tilbury Fort to be Major Adverse during the operational phase of the proposals. The Applicant considers the Magnitude of Effect on Tilbury Fort to be Moderate to Major Adverse.</p> <p>Historic England and PoTLL are continuing discussion regarding the assessment of effects during operation.</p>

		The Summary Table 12.16 identifies that the Residual Significance of Effects on Built Heritage Assets will be moderate adverse in relation to Tilbury Fort. This assessment remains under discussion is not agreed.
6.3.2		It is not agreed that the assessment of impact has been undertaken with appropriate consideration of the future baseline where Tilbury B and its twin chimneys are no longer extant.

The Statement of Common Ground has been reviewed by the parties and content broadly agreed. However the SoCG remains unsigned and therefore, is submitted as an update on progress to the ExA at Deadline 3. Both parties have agreed for this version to be provided to the ExA on a without prejudice basis

APPENDIX 6

SOCG008

**DRAFT STATEMENT OF COMMON GROUND WITH MARINE
MANAGEMENT ORGANISATION**



PORT OF
TILBURY
LONDON

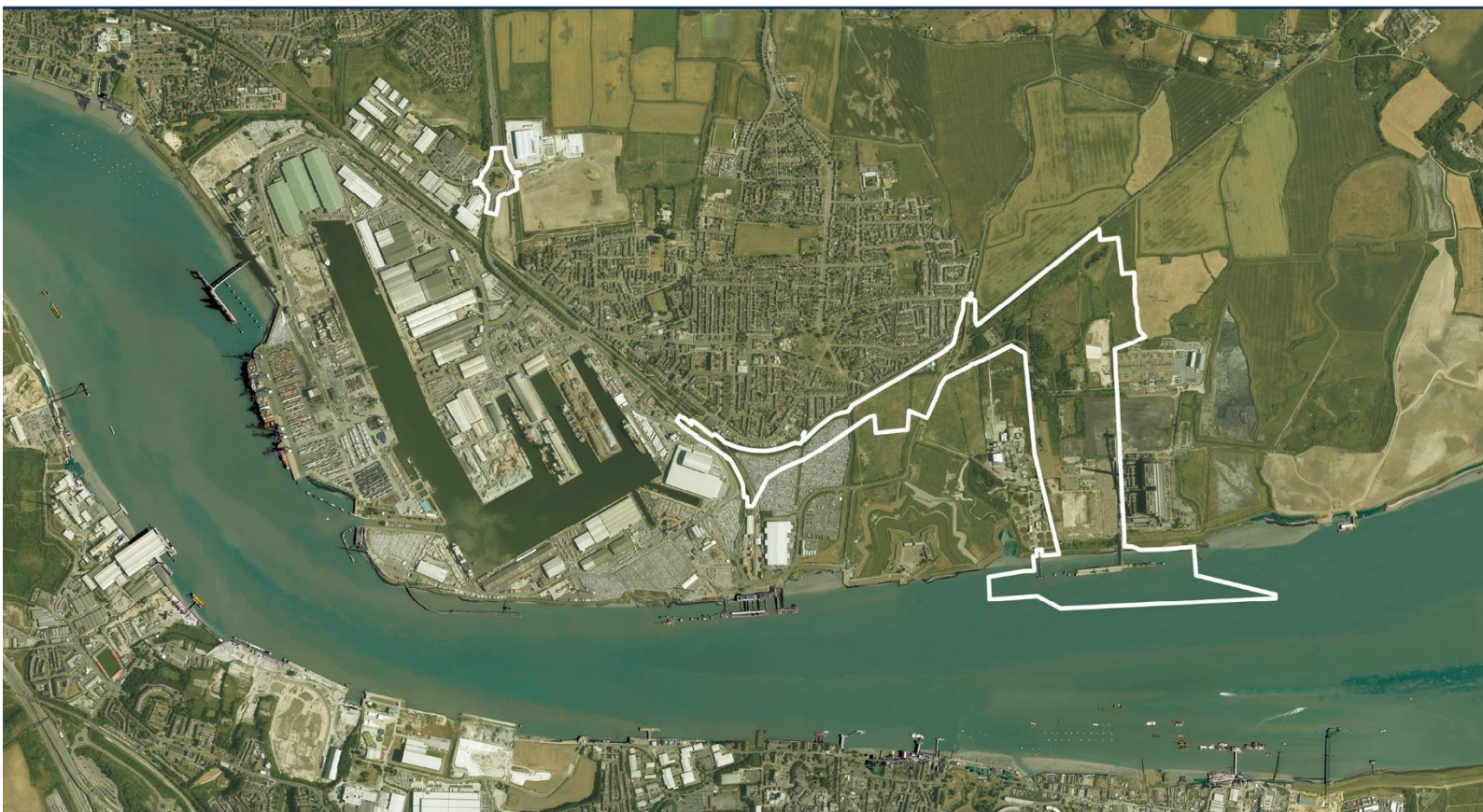
PLANNING ACT 2008

INFRASTRUCTURE PLANNING
(APPLICATIONS: PRESCRIBED FORMS AND PROCEDURE) REGULATIONS 2009

PROPOSED PORT TERMINAL AT
FORMER TILBURY POWER STATION

TILBURY2

STATEMENT OF COMMON GROUND WITH
THE MARINE MANAGEMENT ORGANISATION
DOCUMENT REF: SOCG008



PORT OF TILBURY

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

STATEMENT OF COMMON GROUND

**BETWEEN THE PORT OF TILBURY LONDON LIMITED AND THE MARINE
MANAGEMENT ORGANISATION**

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7.0 **AGREEMENT** 19

Revision	Date	Description of new version
1.0	13 February 2018	Agreed with MMO for draft submission to Deadline 1
2.0	25 April 2018	Agreed with MMO for draft submission to Deadline 3

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1.0 INTRODUCTION

Purpose of this document

- 1.1 This Statement of Common Ground ("SoCG") has been prepared in relation to the application by Port of Tilbury London Limited ("PoTLL") under section 37 of the Planning Act 2008 ("the Act") for an order granting development consent ("DCO") for the construction, operation and maintenance of a new port terminal and associated facilities in Tilbury, Essex, known as 'Tilbury2' ("the Scheme").
- 1.2 The aim of this SoCG between PoTLL and the Marine Management Organisation ("MMO") is to provide a clear record of engagement between the parties, including of the issues discussed between the parties and the current status of those discussions. The SoCG can be used as evidence of engagement for the purposes of the examination into the DCO application.

Introduction to the Marine Management Organisation

- 1.3 The MMO is an executive non-departmental public body (NDPB) established and given powers under the Marine and Coastal Access Act (MCAA) 2009. The MMO was established to make a significant contribution to sustainable development in the marine area and to promote the UK government's vision for clean, healthy, safe productive and biologically diverse oceans and seas.
- 1.4 The MMO is the competent authority for the UK Marine Area as defined by section 42 of the MCAA. Within this area, the MMO is responsible for licensing any works as defined by section 66 of the MCAA.
- 1.5 Under the Harbours Act 1964 (Delegation of Functions) Order 2010, the Secretary of State delegated the exercise of specified functions to the MMO, including, but not limited to, functions exercisable under section 14 and 16 of the Harbours Act 1964. Through these functions, the MMO is responsible for processing applications for Harbour Revision and Harbour Empowerment Orders respectively.
- 1.6 The MMO has a statutory responsibility under the MCAA for monitoring compliance and enforces the conditions within the Deemed Marine Licences consented through the DCO.
- 1.7 PoTLL has engaged with the MMO on the Scheme during the pre-application process, including both non-statutory engagement and formal statutory consultation carried out pursuant to section 42 of the Act.

Structure of this Statement of Common Ground

- 1.8 The structure of this SoCG is as follows:

Section 1 – Introduction

Section 2 – Consultation to date

Section 3 – Summary of topics covered by the SoCG

Section 4 – List of matters agreed

Section 5 – List of matters under discussion

Section 6 – List of matters not agreed

Section 7 – Agreement

The Scheme

1.9 The Scheme comprises a new port terminal and associated facilities on the north bank of the River Thames at Tilbury in Essex, a short distance to the east of the existing Port of Tilbury. The proposed port terminal will be constructed on land that formed the western part of the now redundant Tilbury Power Station. The Scheme is known as 'Tilbury2'.

1.10 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.

1.11 The Scheme will require works including, but not limited to:

- erection of a single 10,200 sqm. warehouse and a number of storage and production structures associated with the CMAT;
- creation of hard surfaced pavements;
- new and improved conveyors;
- erection of welfare buildings;
- the construction of a new link road from Ferry Road to Fort Road; and
- formation of a rail spur and sidings.

The marine works of the Scheme, and to which this document specifically relates to, include:

- improvement of and extensions to the existing river jetty including creation of a new RoRo berth; and
- associated dredging of berth pockets around the proposed and extended jetty and dredging of the approaches to these berth pockets.

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

2.0 CONSULTATION TO DATE

2.1 This section provides a summary of the engagement between PoTLL and the MMO that has taken place to date.

Pre-application

Date	Activity
14 th February 2017	Meeting to provide the MMO with an overview of the project, enquire about licensing requirements for surveys and discuss the environmental assessments to support the DCO application.
March 2017	An early draft of the Tilbury 2 scoping report was distributed to the MMO to seek initial views on the content of the report ahead of its submission to the Secretary of State.
7 th March 2017	A sampling plan requested was submitted to the MMO and PLA for the dredge sediment sampling and analysis requirements.
24 th March 2017	Meeting to update the MMO on the progress of the project and seek initial comments on the Tilbury 2 scoping report, ahead of submission of the report to the Planning Inspectorate.
30 th March 2017	The proposed specification for the benthic survey was distributed to the MMO, the Environment Agency (EA) and the Port of London Authority (PLA) on 30 th March 2017.
7 th April 2017	A teleconference was held to discuss and agree the benthic survey proposal.
10 th April 2017	The finalised specification for the benthic survey was circulated on 10 th April 2017.
12 th April 2017	Exemption notification submitted to the MMO providing notice of intention to carry on geotechnical investigations under The Marine Licensing (Exempted Activities) Order 2011 (as amended) (MMO Exemption ref number: EXE_2017_00105).

Date	Activity
	Acknowledgement of the notification received from the MMO on 18/04/2017.
2 nd May 2017	Dredge sediment sampling plan received from the MMO/PLA.
28 th July 2017	The MMO provided a section 42 response covering the following topics: benthic ecology, conservation, fisheries, coastal processes, underwater noise, and dredge and disposal.
6 th July 2017	The results of the benthic survey were provided to the MMO for review.
20 th July 2017	Confirmation received from the MMO that the benthic survey report adequately characterises the Tilbury2 area.
3 rd August 2017	In response to a comment received in the MMO's section 42 response regarding assessing the disposal site, an email was sent to Heather Hamilton on 03/08/2017 stating that as outlined in the PEIR, the would EIA assess the capacity of the disposal site to receive the material from Tilbury2. A response was received from Heather Hamilton dated 4/8/2017 stating that this would be sufficient and that no further assessment of the disposal site would be required.
9 th August 2017	A teleconference was held on 9th August 2017 with the MMO, Cefas, EA and PLA to discuss the results of the dredge sediment contamination analysis and tentacled lagoon worm.
15 th August 2017	Freedom of Information Request submitted to the MMO to obtain information relating to conditions that have been placed on previous licences to protect tentacled lagoon worm. Responses to the request, providing

Date	Activity
	information were received on 22 nd August 2017 and 23 rd August 2017.
4 th September 2017	Teleconference with the EA, NE and MMO to discuss tentacled lagoon worm and appropriate 'reasonable precautions' that can be put forward to prevent committing an offence under the Wildlife and Countryside Act.
2 nd October 2017	Draft of ES chapters (incl. Marine Ecology, Noise), DCO, DML, CEMP, OMP, and Dredging Plan were sent to the MMO for comments.
16 th October 2017	The MMO provided comments on the draft DCO and DML, which included additional conditions.

Post-application

<u>Date</u>	<u>Activity</u>
20 th December 2017	<p>A draft DML was sent to the MMO for comments together with a 'signpost' document which explains how the applicant considers certain conditions sought by the MMO in the DML are already dealt with via the various PLA-related provisions in the DCO.</p> <p>To this the MMO requested clarification (11/01/2018), for which a meeting and site visit at Tilbury2 was agreed for 15th February 2018.</p>
15 th February 2018	<p>MMO site visit to Tiblury2 followed by meeting between MMO and PoTLL at Tilbury, to discuss the DML. MMO was awaiting comments from Cefas to comment on the SoCG draft and related marine ecology matters.</p>
9 th March 2018	<p>MMO provided comments from Cefas on the final ES relating to marine ecology.</p>
13 th March 2018	<p>MMO provided additional comments from Cefas regarding marine benthic receptors.</p>
16 th March 2018	<p>PoTLL issued to the MMO:</p> <ul style="list-style-type: none"> - a set of responses to the comments received 9th and 13th March; and - a revised version of the DML and draft meeting notes (February).
21 st March 2018	<p>MMO issued comments to the revised version of the DML for PoTLL to consider.</p>
4 th April 2018	<p>MMO issued their comments to the 16th March set of responses on marine ecology.</p>

- 2.2 The parties continue to actively engage on those matters which are not yet agreed. A further iteration of this SoCG will be submitted into the examination in due course to document the progress that is expected to be made.

3.0 SUMMARY OF TOPICS COVERED BY THE SOCG

3.1 The following topics discussed between PoTLL and the MMO are commented on further in this SoCG:

- Marine Ecology – Approach to assessment
- Marine Ecology – Baseline data
- Marine Ecology – Assessment of potential effects
- Marine Ecology – Mitigation
- Coastal Processes
- Deemed Marine Licence

3.2 For the avoidance of doubt, matters not covered in this SoCG have not been discussed between the parties as they have not been raised by the MMO in its capacity as regulator for Marine Licence applications in English waters. As such, the MMO has no comment to make on those issues.

4.0 LIST OF MATTERS AGREED

Ref	Description of matter	Details of agreement
4.1 Marine Ecology – Approach to assessment		
4.1.1	Topics covered	It is agreed that the Environmental Statement (ES) covers the appropriate marine ecology topics.
4.1.2	Maintenance Dredging <i>(new matter added to this version of SoCG)</i>	It is agreed that paragraph 5.12 of the ES should read: 'Maintenance dredging will be needed, which has been assumed to require the removal of up to 100,000 cubic meters of material <i>per annum</i> '. This is correctly described in Table 11.1 of the same ES.
4.1.3	Benthic Ecology <i>(previously listed at 5.1.2 in matters under discussion)</i>	MMO / Cefas requested further justification for the value classification of the 'intertidal community' receptor group, to which PoTLL provided a response [see page 10, Annex I, REP2-012] and the following was concluded: It is agreed that the approach and assessment methodology for benthic ecology is appropriate.
4.1.4	Marine Conservation Zone Assessment <i>(previously listed at 5.1.3 in matters under discussion)</i>	It is agreed that the approach and assessment methodology of the MCZ assessment is appropriate.
4.2 Marine Ecology - Baseline data		
4.2.1	Benthic Ecology	It is agreed that additional survey work was required to inform the benthic ecology baseline. The specification of the survey was agreed prior to its commencement and it is agreed that the results of the survey are appropriate to characterise the benthic environment for the project.
4.2.2	Tentacled lagoon worm	It is agreed that tentacled lagoon worm are not present at Tilbury2 and there is a low risk of this species colonising the area in the future. It is agreed that it was appropriate for the environmental assessments that support the Tilbury2

Ref	Description of matter	Details of agreement
		DCO application to be undertaken on the basis that tentacled lagoon worm is not present at Tilbury2.
4.2.3	Chemical analysis of dredge sediment	<p>It is agreed that the chemical analysis of dredge sediments undertaken in line with the sampling plan provided by the MMO and PLA is sufficient to characterise the baseline environment for the environmental assessments.</p> <p>It is agreed that no further testing of the 2017 samples is required.</p>
4.2.4	Fish Ecology <i>(previously listed at 5.2.1 in matters under discussion)</i>	<p>It is agreed that sufficient existing data has been utilised to characterise the baseline environment for fish ecology in the environmental assessments, and no further survey work is required.</p>
4.2.5	Plankton data <i>(previously listed at 5.2.2 in matters under discussion)</i>	<p>It is agreed that the plankton data used as baseline for the assessment is a few years old, but it is the most up to date information available. The assessment concluded that the impacts to plankton will not be significant and that the species composition is unlikely to have changed as to render the assessment obsolete [see paragraph 8.1, Annex I, REP2-012]. After discussion between PoTLL, the MMO and Cefas, the following was concluded on this matter:</p> <p>It is agreed that the species composition is unlikely to have changed and no further action is required on this point.</p>
4.3 Marine Ecology – Assessment of potential effects		
4.3.1	Assessment of effects at the sediments disposal site	<p>It is agreed that it was appropriate for the assessment of the effect of disposing of dredged material from Tilbury2 at a designated sea disposal site within the ES only covers the capacity of the site to receive the material and an assessment of the level of contamination in the dredged material, relative to Cefas Action levels.</p>
4.3.2	Dredged sediment contamination	<p>It is agreed that no water injection dredging will take place within the exclusion zone (approach channel at</p>

Ref	Description of matter	Details of agreement
		<p>sample no.8), as indicated in the relevant co-ordinates table of the DML.</p> <p>It is agreed that the material in the exclusion zone can be removed by backhoe dredging, and that this material will not be disposed of at sea.</p> <p>It is agreed that should PoTLL wish to narrow down the exclusion zone, further sampling and analysis of sediment in the approach channel should be undertaken. The sampling plan for this should be agreed with the MMO and PLA.</p> <p>It is agreed that dredge sediment contamination sampling shows that the material from within the berth pockets is acceptable for WID or backhoe dredging and disposal at sea.</p> <p>It is agreed that these measures are secured through the operation of the DML.</p>
4.3.3	<p>Benthic ecology receptors</p> <p><i>(previously listed at 5.3.1 in matters under discussion)</i></p>	<p>Following clarification provided by PoTLL to MMO/Cefas on the assessment of effects from WID to benthic ecology receptors [see pages 11-12, Annex I, REP2-012], the MMO considers that this matter has been sufficiently addressed.</p> <p>It is agreed that the assessment of potential effects from WID to benthic species is appropriate.</p>
4.3.4	<p>Benthic Sensitivity</p> <p><i>(previously listed at 5.3.3 in matters under discussion)</i></p>	<p>Following a review by PoTLL of the ecological 'value' of the intertidal and subtidal community of invertebrates, a re-assessment concluded that the residual effects are not expected to be significant, and the MMO/Cefas considers that this matter has been sufficiently addressed [see paragraph 7 Annex I, REP2-012].</p> <p>It is agreed that the assessment of potential effects to the intertidal community and subtidal community of marine invertebrates is appropriate.</p>
4.3.5	<p>Plankton Sensitivity</p> <p><i>(previously listed at 5.3.7 in matters under discussion)</i></p>	<p>It is agreed that the sensitivity value of ichthyoplankton described originally in the ES should be changed to medium.</p> <p>It is agreed that following this change and the implementation of the mitigation measures outlined in</p>

Ref	Description of matter	Details of agreement
		<p>the ES, the effects are unlikely to be significant [see paragraph 8.2, Annex I, REP2-012].</p> <p>It is agreed that no further action is required.</p>
4.3.6	<p>Seawall ecological features</p> <p><i>(previously listed at 5.3.8 in matters under discussion)</i></p>	<p>Following clarification provided by PoTLL to MMO/Cefas on the assessment of ecological features on the seawall [see page 8, Annex I, REP2-012], it is agreed that this matter has been sufficiently addressed.</p>
4.3.7	<p>Spatial extent of baseline</p> <p><i>(previously listed at 5.3.9 in matters under discussion)</i></p>	<p>Following figures and information provided by PoTLL to MMO/Cefas on the habitats and spatial extent affected by the dredge, it is agreed that this evidence is sufficient to support the notion that the habitats extend over the spatial area of impact resulting from the dredge [see page 9, Annex I, REP2-012].</p> <p>It is agreed that this matter has been sufficiently addressed.</p>
4.3.8	<p>Suspended sediments and dissolved oxygen background conditions</p> <p><i>(previously listed at 5.3.10 in matters under discussion)</i></p>	<p>Following clarification provided by PoTLL to the MMO/Cefas on the suspended sediment and dissolved oxygen levels in relation to background condition expected to arise from WID [see page 10, Annex I, REP2-012], it is agreed that this matter has been sufficiently addressed.</p> <p>It is agreed that WID will not result in significant increases in suspended sediments and levels of dissolved oxygen in respect to background conditions.</p>
<p>4.4 Marine Ecology - Mitigation</p>		
4.4.1	<p>Mitigation/reasonable precautions for tentacled lagoon worm.</p>	<p>It is agreed that restricting water injection dredging to being undertaken on the ebb tide only (controlled through the DML) will provide suitable mitigation/reasonable precautions to protect tentacled lagoon worm, and no further mitigation for this species is necessary.</p>

Ref	Description of matter	Details of agreement
4.5 Coastal Processes <i>(previously listed at 5.5 in matters under discussion)</i>		
4.5.1	Coastal processes approach to assessment <i>(previously listed at 5.5.1 in matters under discussion)</i>	It is agreed that the approach and assessment methodology for coastal processes contained within the ES is appropriate.
4.5.2	Suitability of coastal processes baseline data <i>(previously listed at 5.5.2 in matters under discussion)</i>	It is agreed that the coastal processes baseline data contained within the ES and in the relevant appendices is suitable and appropriate.
4.5.3	Coastal processes mitigation <i>(previously listed at 5.5.3 in matters under discussion)</i>	It is agreed that mitigation measures are not required for coastal processes as any changes to coastal process from the construction and operation of the scheme will be minimal and very localised.

5.0 LIST OF MATTERS UNDER DISCUSSION

Ref	Description of stakeholder issue	Current position
5.1 Marine Ecology – Assessment of potential effects		
5.1.1	Fish Ecology	<p>The MMO / Cefas requested clarification on the methodology and modelling approach used to assess effects of underwater noise to fish ecology receptors (i.e. far-field propagating parameters, and pile strike conversion factors), to which PoTLL provided a response [see paragraphs 4-5, Annex I, REP2-012] and the following was concluded:</p> <p>It was agreed that the approach and assessment methodology for fish ecology is appropriate.</p> <p>However, following comments made during the Issue Specific Hearing (18 April 2018) that PoTLL will submit an update on the piling details, the MMO would like to review this information before agreeing on this matter.</p> <p>This is being discussed further with the MMO.</p>
5.1.4	Underwater noise	<p>Following clarification provided by PoTLL to Cefas on the noise assessment methodology, the following was concluded:</p> <p>It was agreed that the approach and assessment methodology for underwater noise is appropriate.</p> <p>However, following comments made during the Issue Specific Hearing (18 April 2018) that PoTLL will submit an update on the piling details, the MMO would like to review this information before agreeing on this matter.</p> <p>This is being discussed further with the MMO.</p>
5.3.2	Marine Invertebrates	<p>The MMO welcomes the response from PoTLL regarding the assessment of potential impact to marine invertebrates and related peer-review literature, and considers their comments have been</p>

		<p>appropriately addressed by the Applicant [see paragraph 3, Annex I, REP2-012].</p> <p>It was agreed that the assessment of potential effects from underwater noise to marine invertebrates is appropriate.</p> <p>However, following comments made during the Issue Specific Hearing (18 April 2018) that PoTLL will submit an update on the piling details, the MMO would like to review this information before agreeing on this matter.</p> <p>This is being discussed further with the MMO.</p>
5.3.4	Fish Ecology receptors	<p>Following clarification provided by PoTLL to MMO/Cefas on the timing and methodology of the marine piling works [see paragraph 2, Annex I, REP2-012], the following was concluded:</p> <p>It was agreed that establishing a daily 14-hour non-piling window is an effective mitigation approach against impacts from underwater noise to fish, particularly during the more sensitive months in the River Thames of April to September.</p> <p>The MMO notes that a daily 14-hour non-piling window has been added to the draft DML. If this changes the DML/CEMP should be updated to reflect this.</p> <p>Furthermore, following comments made during the Issue Specific Hearing (18 April 2018) that PoTLL will submit an update on the piling details, the MMO would like to review this information before agreeing on this matter.</p> <p>This is being discussed further with the MMO.</p>
5.3.5	Effect of Underwater Noise to fish	<p>Following a review by PoTLL of the potential effects from underwater noise to fish behaviour, a re-assessment concluded that the impacts to fish receptors are expected to be limited to a relatively short temporal disturbance, and the effects are expected to be minor and therefore not significant [see paragraph 11, Annex I, REP2-012].</p> <p>It was agreed that the assessment of effects to fish ecology is appropriate.</p>

		<p>However, following comments made during the Issue Specific Hearing (18 April 2018) that PoTLL will submit an update on the piling details which could affect fish through underwater noise, the MMO would like to review this information before agreeing on this matter.</p> <p>This is being discussed further with the MMO.</p>
5.3.6	Marine mammals receptor	<p>It was agreed that the assessment of effects to marine mammals contained in the ES is appropriate.</p> <p>However, following comments made during the Issue Specific Hearing (18 April 2018) that PoTLL will submit an update on the piling details which could affect marine mammals through underwater noise, the MMO would like to review this information before agreeing on this matter.</p> <p>This is being discussed further with the MMO.</p>
5.3.11	Cumulative Impact Assessment	<p>The MMO considers that PoTLL should carry out a cumulative effect assessment (CEA) of the project with the proposed Lower Thames Crossing (LTC) and the proposed Tilbury Energy Centre (TEC).</p> <p>PoTLL carried out a CEA of the TEC and submitted this to Deadline 1 of the Examination. The MMO welcomed this assessment, but noted that they would like to see a CEA of the proposed LTC.</p> <p>PoTLL will submit a CEA which will include the TEC and the LTC proposals to Deadline 3 of the Examination.</p> <p>The MMO would like to review this information before agreeing on this matter.</p> <p>This is being discussed further with the MMO.</p>
5.4 Marine Ecology - Mitigation		
5.4.1	Mitigation for benthic ecology receptors	<p>It was agreed that the embedded mitigation proposed in the ES and contained in the CEMP and through the operation of the DML, are suitable and no further mitigation measures for benthic ecology are required.</p> <p>However, following comments made during the Issue Specific Hearing (18 April 2018) that PoTLL will submit an update on the piling details, the MMO</p>

		<p>would like to review this information before agreeing on this matter.</p> <p>This is being discussed further with the MMO.</p>
5.4.2	Mitigation for fish ecology receptors	<p>It was agreed that the embedded mitigation proposed in the ES and contained in the CEMP and through the operation of the DML (including the 14-hour non-piling window referenced in s 5.3.4 of this table) are suitable and no further mitigation measures for fish receptors are required.</p> <p>However, following comments made during the Issue Specific Hearing (18 April 2018) that PoTLL will submit an update on the piling details which could affect fish through underwater noise, the MMO would like to review this information before agreeing on this matter.</p> <p>This is being discussed further with the MMO.</p>
5.4.3	Mitigation for marine mammal receptors	<p>It was agreed that the embedded mitigation proposed in the ES and contained in the CEMP and through the operation of the DML, are suitable and no further mitigation measures for marine mammals are required.</p> <p>However, following comments made during the Issue Specific Hearing (18 April 2018) that PoTLL will submit an update on the piling details which could affect marine mammals through underwater noise, the MMO would like to review this information before agreeing on this matter.</p> <p>This is being discussed further with the MMO.</p>
5.6 Deemed Marine Licence		
5.6.1	DCO and Structure DML	PoTLL and the MMO are in ongoing discussions as to the interaction between the DCO and DML and relevant Harbour Powers.

6.0 LIST OF MATTERS NOT AGREED

Currently no matters not agreed.

7.0 AGREEMENT

Signed	
Name	
Position	
Organisation	Marine Management Organisation
Date	
Signed	
Name	
Position	
Organisation	Port of Tilbury Limited
Date	

APPENDIX 7

SOCG009

**DRAFT STATEMENT OF COMMON GROUND WITH
HIGHWAYS ENGLAND**

PLANNING ACT 2008
INFRASTRUCTURE PLANNING
(APPLICATIONS: PRESCRIBED FORMS AND PROCEDURE) REGULATIONS 2009

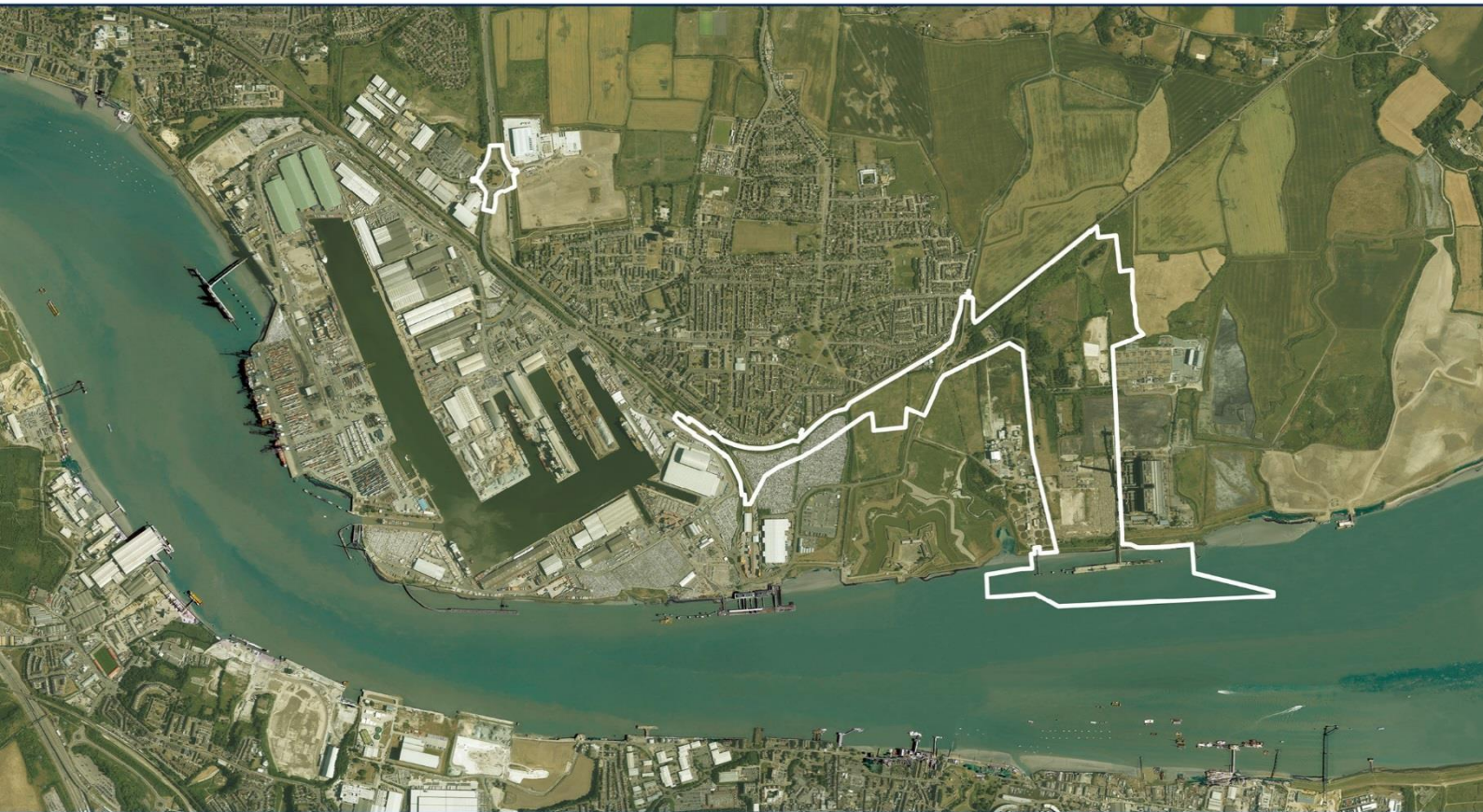
PROPOSED PORT TERMINAL AT
FORMER TILBURY POWER STATION

TILBURY2

TRO30003

STATEMENT OF COMMON GROUND
BETWEEN PORT OF TILBURY LONDON LIMITED AND
HIGHWAYS ENGLAND

DOCUMENT REF : SOCG009



PORT OF TILBURY

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

STATEMENT OF COMMON GROUND

**BETWEEN PORT OF TILBURY LONDON LIMITED AND
HIGHWAYS ENGLAND**

Revision	Date	Description of new version
1.0	19/3/18	First Draft
2.0	30/4/18	Second Draft

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TILBURY2 PROJECT TEAM
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1.0 INTRODUCTION

Purpose of this document

- 1.1 This Statement of Common Ground ("SoCG") has been prepared in relation to the application by Port of Tilbury London Limited ("PoTLL") under section 37 of the Planning Act 2008 ("the Act") for an order granting development consent ("DCO") for the construction, operation and maintenance of a new port terminal and associated facilities in Tilbury, Essex known as 'Tilbury2' ("the proposals").
- 1.2 The aim of this SoCG between PoTLL and Highways England ("HE") is to provide a clear record of engagement between the parties, including of the issues discussed between the parties and the current status of those discussions. The SoCG can be used as evidence of engagement for the purposes of the examination into the DCO application.

Structure of this Statement of Common Ground

- 1.3 The structure of this SoCG is as follows:

Section 1 – Introduction

Section 2 – Consultation to date

Section 3 – Summary of topics covered by the SoCG

Section 4 – List of matters agreed

Section 5 – List of matters under discussion

Section 6 – List of matters not agreed

Overview of the proposals

- 1.4 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 land that formed the western part of the now redundant Tilbury Power Station and is bounded to the west by a waste water treatment works and to the east by the Tilbury B power station that is presently being demolished.
- 1.5 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.
- 1.6 It will require works including, but not limited to:

- creation of hard surfaced pavements;
- improvement of and extensions to the existing river jetty including creation of a new RoRo berth;
- associated dredging of berth pockets around the proposed and extended jetty and dredging of the approaches to these berth pockets;
- new and improved conveyors;
- erection of welfare buildings;
- erection of a single 10,200 sqm. 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
- formation of a rail spur and sidings.

1.7 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).

1.8 The application essentially seeks a DCO to approve an operational port and to allow PoTLL to benefit from its permitted development rights within the boundaries of the new port. The application seeks to establish a 'Rochdale Envelope' of development based upon the description within the DCO. In this context, the DCO will contain a framework through which environmental impacts will be controlled and managed.

Introduction to Highways England

1.9 Highways England is a strategic road authority appointed by the Secretary of State for Transport as highway authority, traffic authority and street authority for the strategic road network. For the Tilbury2 proposals Highways England interest is the strategic road network extending from the existing Port of Tilbury entrance including the A1089 and A13 trunk roads and J30 of the M25 Motorway.

2.0 CONSULTATION TO DATE

2.1 This section provides a summary of the engagement between PoTLL and Highways England that has taken place to date.

Pre-application

Date	Activity
21 February 2017	Meeting between PoTLL and HE to present the proposals and discuss the DCO process
6 April 2017	PoTLL issued Transport Assessment Scoping Note to HE
19 April 2017	Meeting between PoTLL and HE to review the submitted TA Scoping report
9 May 2017	PoTLL issued updated Transport Assessment Scoping Note to HE
16 May 2017	Meeting between PoTLL and HE to review revised TA Scoping report and agree parameters.
11 May 2017	PoTLL issued final Transport Assessment Scoping Note to HE
14 June 2017	Meeting between PoTLL and TC Highways, Essex Highways, and HE to discuss proposals, baseline and modelling methodology
30 June 2017	PoTLL issued Baseline Traffic Conditions and Modelling Note to HE detailing assessment year traffic and base traffic modelling.
14 July 2017	PoTLL issued Development Traffic Profiles Note to HE providing details of traffic generation across the day.
18 July 2017	Follow up meeting between PoTLL, TC Highways and HE to discuss proposals, baseline traffic conditions and development traffic profiles.
1 August 2017	PoTLL issued Baseline Traffic Conditions and Modelling Addendum to HE.
10 August 2017	PoTLL issued Development Scenario Note to HE detailing modelling of the development impact within study network.
24 August 2017	Follow up meeting between PoTLL, TC Highways and HE to discuss proposals, offsite traffic impact and Active Travel measures.
30 August 2017	PoTLL issued draft Framework Travel Plan to HE.
13 September 2017	Meeting between PoTLL and TC Highways, and HE to discuss development traffic impact; ASDA roundabout mitigation; Travel Plan (Sustainable Distribution); Link Road; and Active Travel Measures;
22 September 2017	PoTLL issued to HE: <ul style="list-style-type: none"> • Draft CTMP; • Updated M25 J30 forecasts with HGV's;

	<ul style="list-style-type: none"> • Assessment of Marshfoot Interchange; • Summary of ASDA roundabout modelling;
25 September 2017	PoTLL issued to HE draft of Landside Transport Chapter of ES.
29 September 2017	PoTLL issued to HE draft of Sustainable Distribution Plan.
12 October 2017	Meeting between PoTLL and TC Highways and Highways England to discuss impact at A126 Marshfoot Road Interchange; ASDA roundabout; Link Road; and Active Travel Measures;

Post-application

<u>Date</u>	<u>Activity</u>
5 January 2018	Meeting between PoTLL and HE to discuss progress on consideration of application
28 February	Meeting between PoTLL and HE to discuss traffic generation
January – April 2018	Weekly telecons between PoTLL and HE to monitor progress of ongoing technical discussions

- 2.2 The parties continue to actively engage on those matters which are not yet agreed.
- 2.3 A further iteration of this SoCG will be submitted into the examination in due course to document the progress that is expected to be made.

3.0 SUMMARY OF TOPICS COVERED BY THE SOCG

3.1 The following topics discussed between PoTLL and HE are commented on further in this SoCG:

- NPS compliance
- Land side Transport
 - o Transport Assessment (TA)
 - o Framework Travel Plan (FTP)
 - o Sustainable Distribution Plan (SDP)
- Construction Environment Management Plan (CEMP)
 - o Construction Traffic Management Plan (CTMP)
- Draft Development Consent Order

4.0 LIST OF MATTERS AGREED

Ref	Description of matter	Details of agreement
4.1 Policy Compliance		
4.1.1	Transport Assessment	It is agreed that the submitted TA has been prepared in accordance with DfT Planning Practice Guidance Travel Plans, Transport Assessments and Statements which supersedes the previous DfT WebTAG methodology in the "Guidance on TA".
4.2 Landside Transport		
4.2.1	Scope of Transport Assessment	It is agreed that the Scope of the assessments as set out in the Transport Assessment Scoping Note (Appendix A of TA – document reference 6.2.13A) is appropriate.
4.2.2	Policy	It is agreed that the policy basis set out in the Transport Assessment (Document Reference 6.2.13A) is applicable
4.2.3	Traffic Distribution	The distribution of traffic as set out in the Transport Assessment (Document Reference 6.2.13A) provides a reasonable estimate of the routes that future Tilbury2 traffic will use.
4.2.4	Asda Roundabout Design Compliance	It is agreed that mitigation improvements should be designed in accordance with DMRB.
4.3 Framework Travel Plan		
4.3.1	Framework Travel Plan	It is agreed that the Framework Travel Plan submitted prior to Deadline 3 provides a suitable framework for the preparation of

		future full Travel Plans in consultation with HE.
4.4 Sustainable Distribution Plan		
4.4.1	Sustainable Distribution Plan	It is agreed that the Sustainable Distribution Plan submitted prior to Deadline 3 provides a suitable framework for preparation of future full Sustainable Distribution Plans in consultation with HE.
4.5 Construction Environment Management Plan		
4.5.1	Construction Environment Management Plan	The contents of this document are agreed between PoTLL and HE.
4.5.2	Construction Traffic Management Plan	The contents of this document are agreed between PoTLL and HE.


5.0 LIST OF MATTERS UNDER DISCUSSION

Ref	Description of stakeholder position	Current issue
5.1 Land side Transport		
5.1.1	Traffic Generation	Traffic generation is not yet agreed. Ways of resolving the lack of agreement are under discussion between PoTLL and HE.
5.1.2	Traffic Modelling & Impact	The details of the analysis are under discussion between PoTLL and HE.
5.1.3	Mitigation on strategic road network	The conclusions of the TA on this point are under discussion between PoTLL and HE.
5.2 Draft Development Consent Order		
5.2.1	Draft DCO	The detail of this document is under discussion between PoTLL and HE.

6.0 LIST OF MATTERS NOT AGREED

Currently no matters not agreed.

7.0 AGREEMENT

Signed	
Name	Paul Harwood
Position	Regional Lead Spatial Planning
Organisation	Highways England
Date	27 April 2018
Signed	
Name	
Position	
Organisation	Port of Tilbury London Limited

APPENDIX 8

SOCG012

**DRAFT STATEMENT OF COMMON GROUND
WITH NETWORK RAIL**

PLANNING ACT 2008
INFRASTRUCTURE PLANNING
(APPLICATIONS: PRESCRIBED FORMS AND PROCEDURE) REGULATIONS 2009

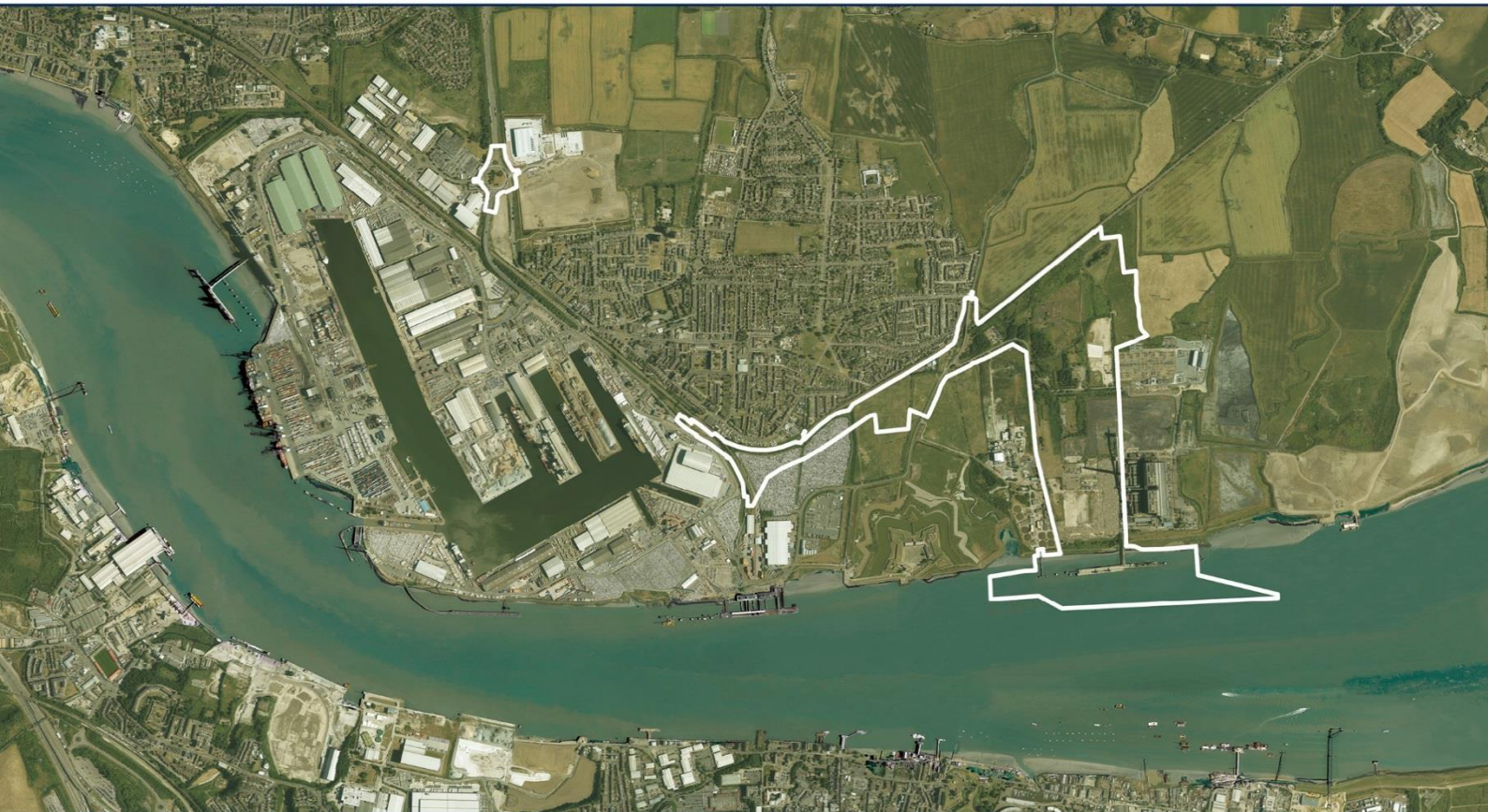
PROPOSED PORT TERMINAL AT
FORMER TILBURY POWER STATION

TILBURY2

TRO30003

STATEMENT OF COMMON GROUND
BETWEEN PORT OF TILBURY LONDON LIMITED
AND NETWORK RAIL

DOCUMENT REF : SOCG012



STATEMENT OF COMMON GROUND

BETWEEN PORT OF TILBURY LONDON LIMITED AND NETWORK RAIL

PORT OF TILBURY (EXPANSION) ORDER

1. INTRODUCTION AND PURPOSE

- 1.1 Application for Development Consent for a proposed port terminal at the former Tilbury Power Station ("the Application") was made by the Port of Tilbury London Limited ("PoTLL") on 31st October 2017 and was accepted for examination by the Planning Inspectorate on 21st November 2017 (reference number:TR03003).
- 1.2 This Statement of Common Ground ("SoCG") has been prepared by PoTLL and Network Rail Infrastructure Limited ("Network Rail") in accordance with the guidance published by the Department of Communities and Local Government.
- 1.3 The purpose of the SoCG is to set out agreed factual information about the Application. It is intended that the SoCG should identify matters on which PoTLL and Network Rail agree. As well as identifying matters which are not in dispute, the SoCG may also identify areas where agreement has not been reached. Where relevant, the SOCG will include references to show where these matters are dealt with in the Application, written representations or other documentary evidence.
- 1.4 PoTLL and Network Rail are collectively referred to in this SoCG as "the parties". The parties have been, and continue to be, in direct communication in respect of the interface between the proposed port terminal at the former Tilbury power station ("Tilbury2") and Network Rail's land ownership interests.
- 1.5 It is envisaged that the SoCG will evolve during the Examination. Subsequent drafts will be agreed and issued.

2. OVERVIEW OF THE PROPOSALS

- 2.1 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 land that formed the western part of the now redundant Tilbury Power Station and is bounded to the west by a waste water treatment works and to the east by the Tilbury B power station that is presently being demolished.
- 2.2 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.
- 2.3 It will require works including, but not limited to:
 - creation of hard surfaced pavements;
 - improvement of and extensions to the existing river jetty including creation of a new RoRo berth;
 - associated dredging of berth pockets around the proposed and extended jetty and dredging of the approaches to these berth pockets;

- new and improved conveyors;
- erection of welfare buildings;
- erection of a single 10,200 sqm. 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
- formation of a rail spur and sidings.

2.4 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.

2.5 The application essentially seeks a DCO to approve an operational port and to allow PoTLL to benefit from its permitted development rights within the boundaries of the new port. The application seeks to establish a 'Rochdale Envelope' of development based upon the description within the DCO. Whilst future use of the site may change it would necessarily be based on the "Not Environmentally Worse Than" approach within the Rochdale Envelope defined by this application, given that any development outside of this would require a separate planning application, as it would fall beyond the scope of permitted development powers.

3. **THE ROLE OF NETWORK RAIL AND THE APPLICATION**

3.1 Network Rail is the owner and operator of Great Britain's railway infrastructure. It is a statutory undertaker in respect of its railway undertaking, with statutory and regulatory obligations in respect of it.

3.2 The Application includes provisions which would, if granted, allow PoTLL to (i) acquire Network Rail land permanently; (ii) possess Network Rail land temporarily; and (iii) acquire rights over network Rail land permanently.

3.3 Tilbury2 involves the following interfaces with Network Rail:

- The proposed re-routing of the existing railhead serving PoTLL's Tilbury riverside Terminal to the Tilbury2 site;
- The proposed closure of a public footpath (Footpath 144) and unmanned pedestrian level crossing over the London, Tilbury and Southend line; and
- The extension of a road overbridge at Fort Road that will cross the London, Tilbury and Southend line.

4. **MATTERS AGREED IN PRINCIPLE**

4.1 This section of the SOCG describes the matters agreed in principle between the parties.

4.2 These matters are:

- that Network Rail, having reviewed the Application documents, has no objection in principle to Tilbury2 subject to paragraph 4.3 and sufficient protections being secured for the benefit of the railway, as described in the bullet points below;

- that the draft Development Consent Order should contain provision for the protection of Network Rail and a commitment not to exercise, in relation to Network Rail land, Development Consent Order powers without Network Rail's consent, including the compulsory purchase of land, the compulsory purchase of rights and the acquisition of subsoil;
- that Network Rail is able to obtain any necessary regulatory consents and satisfy all necessary internal processes;
- that the parties should enter into a framework agreement to make further provision for their respective interests so far as the construction and operation of Tilbury2 interfaces with Network Rail's operational railway; and
- that the parties should enter into a form of an asset protection agreement to govern the construction of those parts of Tilbury2 which are located on operational railway land.

4.3 Whilst each of the above matters is agreed in principle, the parties are in continuing discussions regarding the detailed wording required in each case.

4.4 The parties will update the examining Authority as soon as detailed terms have been agreed between them to address each of the above matters.

APPENDIX98

SOCG013

**DRAFT STATEMENT OF COMMON GROUND WITH
KENT COUNTY COUNCIL**

PLANNING ACT 2008
INFRASTRUCTURE PLANNING
(APPLICATIONS: PRESCRIBED FORMS AND PROCEDURE) REGULATIONS 2009

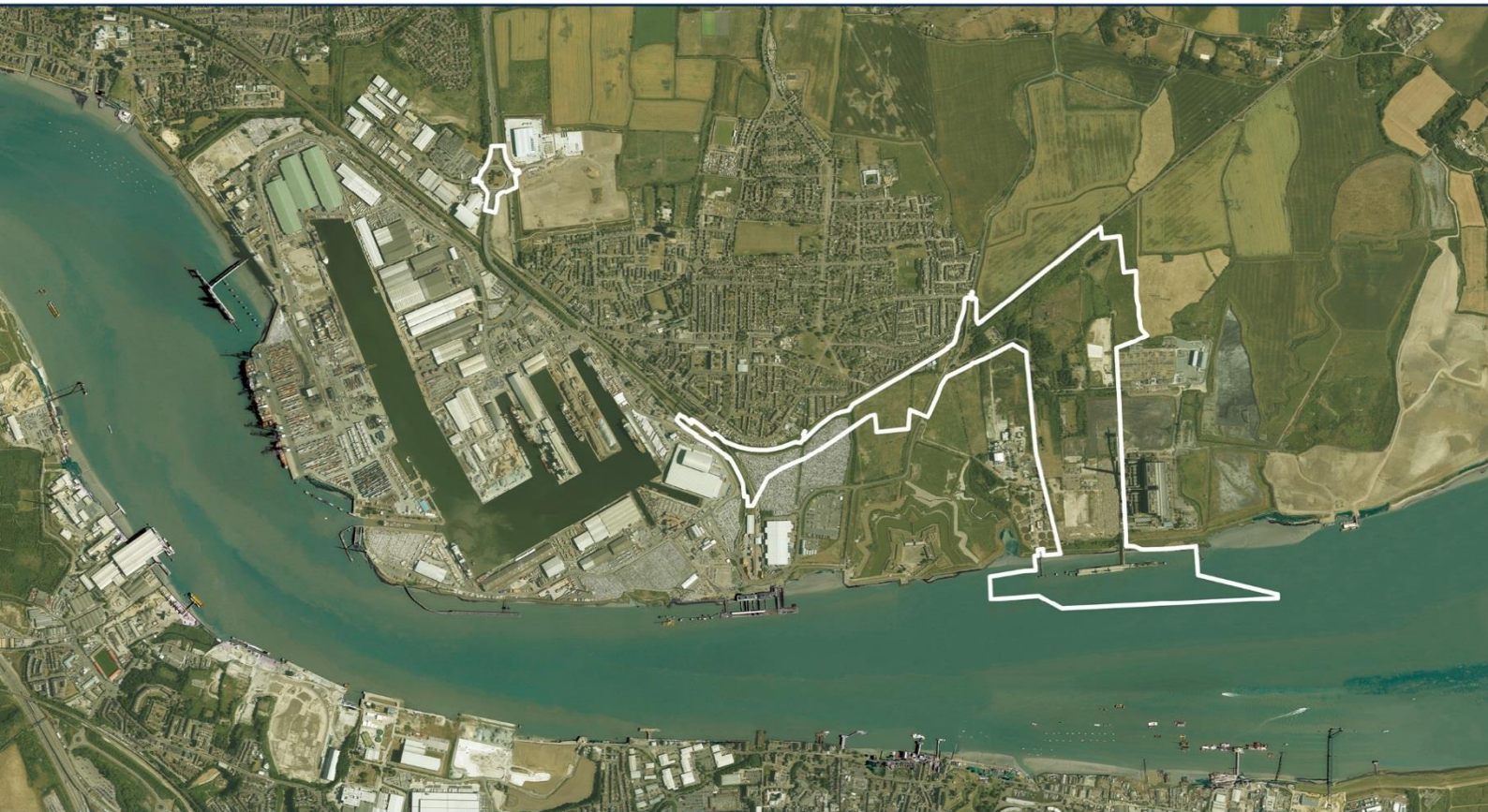
PROPOSED PORT TERMINAL AT
FORMER TILBURY POWER STATION

TILBURY2

TRO30003

STATEMENT OF COMMON GROUND
BETWEEN PORT OF TILBURY LONDON LIMITED AND
KENT COUNTY COUNCIL

DOCUMENT REF : SOCG013



PORT OF TILBURY

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

STATEMENT OF COMMON GROUND

**BETWEEN PORT OF TILBURY LONDON LIMITED AND
KENT COUNTY COUNCIL**

Revision	Date	Description of new version
1.0	8 February 2018	First draft provided to KCC following their relevant representations.
2.0	22 February 2018	Second draft issued with addition of socio economic section
3.0	16 March 2018	Third Draft issued by PoTLL following comments by KCC
4.0	19 March 2018	Agreed for submission at D1

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TILBURY2 PROJECT TEAM
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1.0 INTRODUCTION

Purpose of this document

- 1.1 This Statement of Common Ground ("SoCG") has been prepared in relation to the application by Port of Tilbury London Limited ("PoTLL") under section 37 of the Planning Act 2008 ("the Act") for an order granting development consent ("DCO") for the construction, operation and maintenance of a new port terminal and associated facilities in Tilbury, Essex known as 'Tilbury2' ("the proposals").
- 1.2 The aim of this SoCG between PoTLL and Kent County Council ("KCC") is to provide a clear record of engagement between the parties, including of the issues discussed between the parties and the current status of those discussions. The SoCG can be used as evidence of engagement for the purposes of the examination into the DCO application.

Structure of this Statement of Common Ground

- 1.3 This structure of this SoCG is as follows:

Section 1 – Introduction

Section 2 – Consultation to date

Section 3 – Summary of topics covered by the SoCG

Section 4 – List of matters agreed

Section 5 – List of matters under discussion

Section 6 – List of matters not agreed [this will be added at the end of the process if any outstanding issues persist]

Overview of the proposals

- 1.4 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 land that formed the western part of the now redundant Tilbury Power Station and is bounded to the west by a waste water treatment works and to the east by the Tilbury B power station that is presently being demolished.
- 1.5 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.
- 1.6 It will require works including, but not limited to:

- creation of hard surfaced pavements;
- improvement of and extensions to the existing river jetty including creation of a new RoRo berth;
- associated dredging of berth pockets around the proposed and extended jetty and dredging of the approaches to these berth pockets;
- new and improved conveyors;
- erection of welfare buildings;
- erection of a single 10,200 sqm. 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
- formation of a rail spur and sidings.

1.7 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).

1.8 The application essentially seeks a DCO to approve an operational port and to allow PoTLL to benefit from its permitted development rights within the boundaries of the new port. The application seeks to establish a 'Rochdale Envelope' of development based upon the description within the DCO. Whilst future use of the site may change it would necessarily be based on the "Not Environmentally Worse Than" (NEWT) approach within the Rochdale Envelope defined by this application, given that any development outside of this would require a separate planning application, as it would fall beyond the scope of permitted development powers.

Introduction to Kent County Council

1.9 Kent County Council is a neighbouring strategic authority within the definition of the Duty to Co-operate under the Planning & Compulsory Purchase Act 2004. Tilbury2 is a strategic cross-boundary matter and KCC wish to engage with this process as an interested party.

1.10 Kent County Council is a relevant strategic authority, with the following roles:

- A key partner and service provider within Kent, promoting economic development, regeneration, infrastructure delivery and new development;
- The highway and transportation authority for Kent, with responsibility for the delivery of the Kent Local Transport Plan; and

- Minerals and Waste Planning Authority, Local Lead Flood Authority and Public Health Advisor for the County of Kent.

2.0 CONSULTATION TO DATE

2.1 This section provides a summary of the engagement between PoTLL and Kent County Council that has taken place to date.

Pre-application

Date	Activity
27 February 2017	PoTLL provide Kent County Council with a draft of their Scoping Report although no formal response was received at this stage.
28 March 2017	Kent County Council consulted by the SoS as part on PoTLL's Scoping Report
28 April 2017	Kent County Council respond to the SoS on PoTLL's Scoping Report. PoTLL gave consideration to that response.
19 June 2017	PoTLL undertook a statutory consultation under Section 42 of the Planning Act 2008. KCC was invited to respond to the consultation and was provided with a copy of PoTLL's "Preliminary Environmental Information Report (PEIR)"
1 August 2017	Kent County Council responded to PoTLL on the PIER. PoTLL gave consideration to that response.

Note – KCC were also consulted on the Statement of Community Consultation.

Post-application

<u>Date</u>	<u>Activity</u>
8 January 2018	KCC responded with Relevant Representation to the ExA. PoTLL considered this response and contacted KCC in order to explore their comments in further detail.
15 February 2018	KCC attended a briefing meeting with PoTLL and were taken to the site in order to be familiar with the site and its context.

- 2.2 The parties continue to actively engage on those matters which are not yet agreed. A further iteration of this SoCG will be submitted into the examination in due course to document the progress that is expected to be made.

3.0 SUMMARY OF TOPICS COVERED BY THE SOCG

3.1 The SoCG covers matters raised by Kent County Council in its Relevant Representations. Some of these matters relate to its statutory functions as adjoining highways authority, minerals and waste authority and education authority. These matters are as follows:

- Highways and transportation
- Minerals planning matters

3.2 Other matters are outside of KCC's statutory function but are matters on which KCC, as a neighbouring authority has an interest. These matters are:

- Maritime pollution
- Biodiversity

4.0 LIST OF MATTERS AGREED

Ref	Description of matter	Details of agreement
4.1 Highways and transportation		
4.1.1	Scope of Transport Assessment	It is agreed that the scope of the Transport Assessment accords with guidance and provides a comprehensive basis for the preparation of the Transport Assessment.
4.2 Minerals		
4.2.1	Importation of aggregate	<p>It is agreed that there are benefits in providing enhanced aggregate import capacity in Essex to reduce importation of land-won reserves from Kent, reducing the reliance of Essex on these reserves.</p> <p>It is agreed that the future is likely to see an increase in the importance of marine aggregates, and the Tilbury2 proposals will also help satisfy demands in the eastern region in this regard.</p>
4.3 Biodiversity		
4.3.1	Methodology for assessment and range of ecological surveys undertaken	It is agreed by KCC and PoTLL that on this issue KCC defer to the relevant stakeholders in Essex, and KCC have no further comment to make.
4.3.2	Assessment of effects	It is agreed by KCC and PoTLL that on this issue KCC defer to the relevant stakeholders in Essex, and KCC have no further comment to make.

4.3.3.	Ecological mitigation : on-site delivery	It is agreed by KCC and PoTLL that on this issue KCC defer to the relevant stakeholders in Essex, and KCC have no further comment to make.
4.3.4	Use of native species to encourage biodiversity	It is agreed that detailed landscape planting planted pursuant to the Landscape and Ecology Management Plan (LEMP) should be informed by ecological advice on suitable and locally native trees/shrubs, by reference to the biodiversity of Thames Terrace grasslands and coastal floodplain and grazing marsh.
4.3.5	KCC suggest that the scheme ensure that niches for wildlife, such as bat tubes, bricks and swift bricks, are integrated into to new structures at the facility where possible. Further, the significant extent of new highway planned within the site should ensure wildlife-friendly surface water drainage gullies and other infrastructure.	Whilst this matter was raised by KCC, it is agreed by KCC and PoTLL that on this issue KCC defer to the relevant stakeholders in Essex, and KCC have no further comment to make.
4.3.6	KCC consider that if off-site compensatory habitat provision is required, it would be beneficial to work closely with other strategic developments nearby to utilise opportunities that can deliver a more ecologically coherent outcome than that which could be achieved working independently.	Whilst this matter was raised by KCC, it is agreed by KCC and PoTLL that on this issue KCC defer to the relevant stakeholders in Essex, and KCC have no further comment to make.

4.3.7	HRA report considering possible effects on Thames Estuary & Marshes SPA.	KCC is generally supportive of the conclusions. The proposed mitigation and avoidance measures should be outlined in the LEMP and CEMP and fully complied with. KCC defers to the relevant stakeholders in Essex, and KCC have no further comment to make on this matter.
4.4 Project Resilience		
4.4.1	Risk of maritime pollution incidents from vessels using the facility and no reference appears to have been made to this issue.	<p>This was a matter raised by KCC in their relevant representations. PoTLL have discussed this matter further with KCC and highlighted the comments in relation to this matter at Sections 15.155 of the Environmental Statement.</p> <p>No land-based refuelling will take place at the Site, and there will be no planned maintenance of vessels or maintenance facilities. However, there could be river-based refuelling from bunkering vessels. Both the vessel operator and bunkering contractor (licenced by the PLA) would be responsible for ensuring procedures / measures are in place to minimise the potential for spillages / leaks during any refuelling. The refuelling activities would be under the control of the PLA, who would be responsible for dealing with any associated spillages / leaks. Maintenance may be undertaken in emergencies. Spillages / leaks from this would be dealt with by the PLA. Spill kits will be put in place at the jetty for use in the event of accidental spillages / leaks from equipment on the pontoon.</p>

		<p>KCC is pleased to see that the PoTLL has recognised the clean-up response roles of the Port of London Authority licensing and Thames Oil Spill Clearance Association (TOSCA).</p> <p>The availability of Spill Kits in jetty area is also noted and strongly supported by KCC.</p> <p>It is therefore agreed that this matter has been addressed.</p>
<p>4.5 Socio-Economic effects</p>		
<p>4.5.1</p>	<p>Assessment of overarching socio-economic effects</p>	<p>It is agreed that the proposals will secure, through both construction and operational stages, on-going socio-economic benefits and should contribute to sub-regional and regional economic success.</p>

5.0 LIST OF MATTERS UNDER DISCUSSION

Ref	Description of stakeholder issue	Current position
5.1 Highways and Transportation		
5.1.1	Impact on Kent County Council Highways Network	<p>KCC considers that there will be an impact on the highway network and this matter needs further discussion with PoTLL</p> <p>KCC requests that further information is provided as to the forecast number of HGVs on the KCC highway network.</p>
5.1.2	Train paths must be available in order to ensure rail is used as much as possible.	<p>PoTLL has provided further information to KCC on this point. Network Rail (NR) have confirmed to PoTLL there is sufficient capacity on the Essex Thameside corridor and beyond across London (NR letter to P Ward dated 23 May 2017) to accommodate additional rail freight movement from Tilbury2 as cater for other demands along the Essex Thameside corridor. There are in excess of 50 rail freight paths available. Tilbury2 would generate up to 5 freight trains per day. It should be noted that Tilbury2 would use an existing connection to the rail network which currently has freight paths reserved for 3 trains per day, with only two trains per day in regular use. The further information provided is currently being reviewed by KCC.</p>

5.1.3	Consideration needs to be given to HGV Parking as part of the application	PoTLL will discuss this matter further with KCC but in essence the Tilbury2 proposals include sufficient areas within its boundary to accommodate parking of all vehicles associated with its operation as illustrated on the general arrangement plans (Document Reference 2.2).
5.3 Biodiversity		
5.3.1	No outstanding issues for KCC	

6.0 AGREEMENT

Signed	
Name	
Position	
Organisation	Kent County Council
Date	
Signed	
Name	
Position	
Organisation	Port of Tilbury London Limited

APPENDIX 10

SOCG014

**DRAFT STATEMENT OF COMMON GROUND WITH
BUGLIFE**

PLANNING ACT 2008
INFRASTRUCTURE PLANNING
(APPLICATIONS: PRESCRIBED FORMS AND PROCEDURE) REGULATIONS 2009

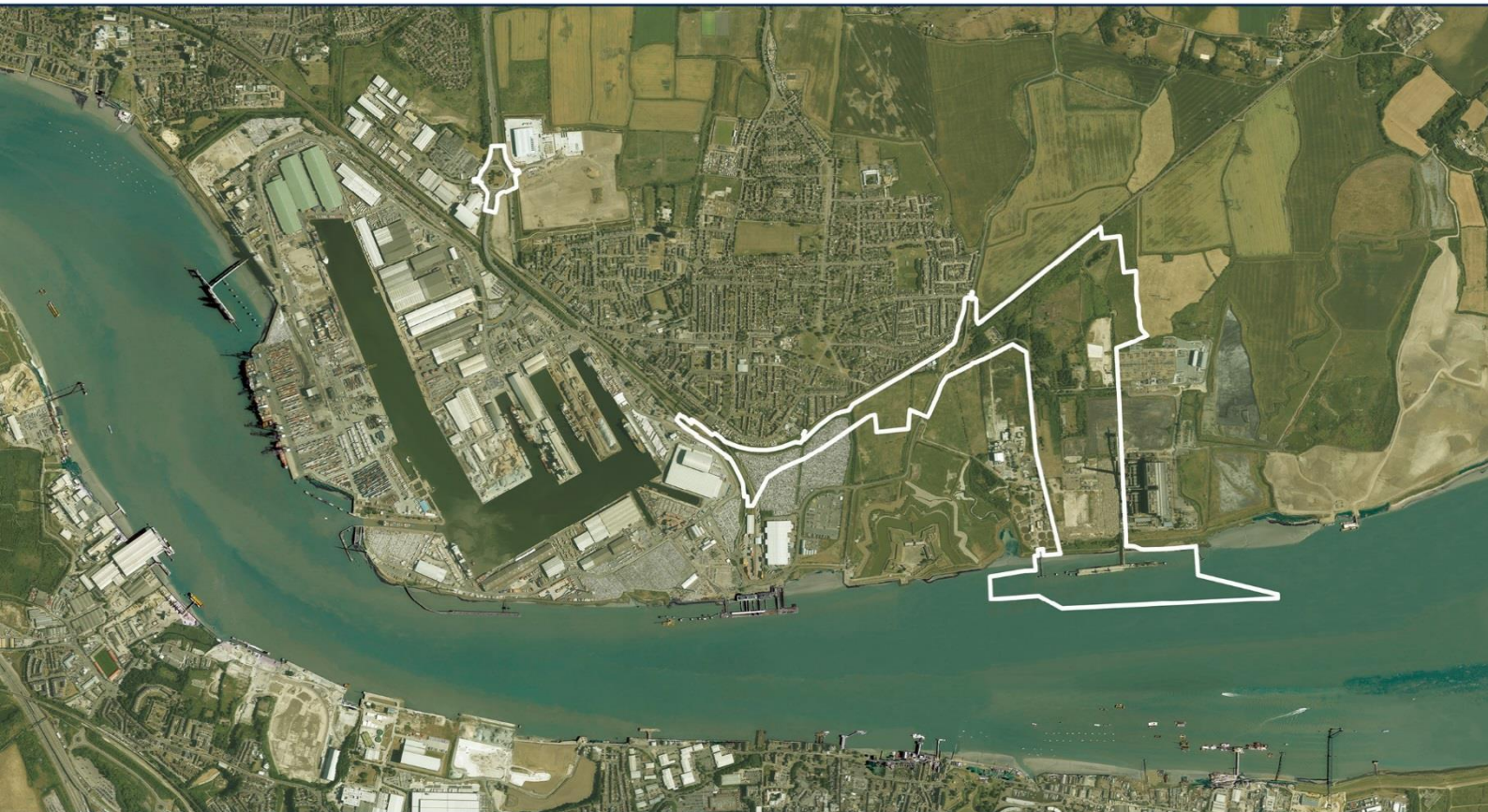
PROPOSED PORT TERMINAL AT
FORMER TILBURY POWER STATION

TILBURY2

TRO30003

STATEMENT OF COMMON GROUND
BETWEEN PORT OF TILBURY LONDON LIMITED
AND BUGLIFE

DOCUMENT REF : SOCG014



STATEMENT OF COMMON GROUND BETWEEN PORT OF TILBURY LONDON LIMITED AND BUGLIFE

1. INTRODUCTION

Purpose of this document

- 1.1 This Statement of Common Ground ("SoCG") has been prepared in relation to the application by Port of Tilbury London Limited ("PoTLL") under section 37 of the Planning Act 2008 ("the Act") for an order granting development consent ("DCO") for the construction, operation and maintenance of a new port terminal and associated facilities in Tilbury, Essex known as 'Tilbury2' ("the Scheme").
- 1.2 The aim of this SoCG between PoTLL and Buglife is to provide a clear record of engagement between the parties, including of the issues discussed between the parties and the current status of those discussions. The SoCG can be used as evidence of engagement for the purposes of the examination into the DCO application.

Structure of this Statement of Common Ground

- 1.3 This structure of this SOCG is as follows:

Section 1 – Introduction

Section 2 – Consultation to date

Section 3 – Summary of topics covered by the SoCG

Section 4 – List of matters agreed

Section 5 – List of matters under discussion

Section 6 – List of matters not agreed

The Scheme

- 1.4 The Scheme comprises a new port terminal and associated facilities on the north bank of the River Thames at Tilbury in Essex, a short distance to the east of the existing Port of Tilbury. The proposed port terminal will be constructed on land that formed the western part of the now redundant Tilbury Power Station. The Scheme is known as 'Tilbury2'.
- 1.5 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.
- 1.6 The Scheme will require works including, but not limited to:
- 1.6.1 creation of hard surfaced pavements;
 - 1.6.2 improvement of and extensions to the existing river jetty including creation of a new RoRo berth;
 - 1.6.3 associated dredging of berth pockets around the proposed and extended jetty and dredging of the approaches to these berth pockets;

- 1.6.4 new and improved conveyors;
 - 1.6.5 erection of welfare buildings;
 - 1.6.6 erection of a single 10,200 sqm. warehouse a number of storage and production structures associated with the CMAT;
 - 1.6.7 the construction of a new link road from Ferry Road to Fort Road; and
 - 1.6.8 formation of a rail spur and sidings.
- 1.7 The proposed volumes of import/export of RoRo units for the terminal exceed the threshold of 250,000 units stated in the Act for throughput per annum. The Tilbury2 project therefore constitutes a Nationally Significant Infrastructure Project ("NSIP").

2. CONSULTATION TO DATE

- 2.1 This section provides a summary of the engagement between PoTLL and Buglife that has taken place to date. Copies of key correspondence and minutes of meetings referred to below are provided in Appendix A of this SoCG for reference.

Pre-application

Date	Activity
24 February 2017	Jamie Robins (JR) issued Buglife scoping consultation response by email.
27 March 2017	In response to Buglife consultation comments, PoTLL invited Buglife (JR) to meet with the team and discuss the project.
24 April 2017	Meeting with Buglife (JR) and PoTLL at Port of Tilbury, to outline the project, confirm that invertebrate issues were recognised and being responded to. Matters discussed include the quality of the habitats on site and invertebrate assemblage supported, feasibility of re-creating brownfield conditions offsite and the factors that needed to be considered to improve chances of success. The suggestion was made to meet with the Land Trust to discuss Canvey Wick and West Thurrock Lagoon & Marshes, and duly followed up. Minutes taken at the meeting were agreed as an accurate record and circulated 9 May 2017 (attached at Appendix A.1).
05 May 2017	JR offered further suggestions via email regarding contributions to habitat enhancements at existing protected sites (Canvey Wick SSSI and West Thurrock Lagoon & Marshes SSSI) by way of off-site compensation.
08 June 2017	Buglife (JR) invited with PoTLL, Natural England and the Land Trust to participate in site visits to Canvey Wick and West Thurrock Lagoon & Marshes, to explore their potential (both SSSI and non-SSSI elements) as locations for off-site compensation delivery. Meeting initially scheduled for 07 July 2017 but ultimately postponed until after the PEIR s.42 consultation due to difficulties with availability.
19 June 2017	Buglife sent PEIR documents as part of s.42 consultation.

Date	Activity
20 July 2017	Following issue of main PEIR document bundle, Appendix 10.K (Invertebrate Survey Report 2016) issued to Buglife directly.
12 September 2017	Meeting with Buglife (JR), Natural England (Jonathan Bustard), The Land Trust, and PoTLL at Canvey Wick and then West Thurrock Lagoon & Marshes to discuss possible options for off-site compensation at these sites. Neither site has yet been progressed as an opportunity by PoTLL.
13 September 2017	Buglife (JR) sent email confirming that although the PEIR s.42 consultation deadline was missed, the previous consultation comments (issued 24 February 2017) continued to stand as a record of Buglife's position, until further survey data and mitigation/compensation proposals were available. JR also confirmed Buglife's intention to continue to engage with the project, in order to maximise the value of the compensation scheme.

Post-application acceptance

Date	Activity
11 December 2017	Buglife register with PINS as an interested party and issue a Relevant Representation as part of the s56 consultation response.
18 January 2018	PoTLL contact Buglife (JR) to request a meeting to discuss issues raised in Buglife's s.56 consultation response.
01 February 2018	Meeting with Buglife (JR) and PoTLL at Port of Tilbury, primarily discussing the site's value and issues around the mitigation/compensation proposals. Draft minutes of this meeting have been agreed.

2.2 [The parties continue to actively engage on those matters which are not yet agreed. A further iteration of this SoCG will be submitted into the examination in due course to document the progress that is expected to be made.]

3. **SUMMARY OF TOPICS COVERED BY THE SOCG**

3.1 The following topics discussed between PoTLL and Buglife are commented on further in this SoCG:

- [1] The value of the terrestrial invertebrate assemblage of the Site;
- [2] The nature of off-site compensation provision;
- [3] Ecological Mitigation and Compensation Plan (EMCP);
- [4] Successional processes and the relative invertebrate value of the components of the Site;

[5] The extent of the Open Mosaic Habitat resource

[6] Effectiveness of proposed re-creation of brownfield habitats

3.2 For the avoidance of doubt, matters not covered in this SoCG have not been discussed between the parties as they have not been raised by Buglife in its capacity as an invertebrate focused charity. As such, Buglife has no comment to make on those issues.

4. **LIST OF MATTERS AGREED**

4.1 Lists of matters agreed, still under discussion and as yet not agreed are provided in the tables overleaf:

Ref	Description of matter	Details of agreement
Terrestrial Ecology		
[1]	The value of the terrestrial invertebrate assemblage	<p>The site supports an outstanding invertebrate assemblage, with 1,397 species recorded in 2017/18, including 159 species of conservation concern and 10 Section 41 invertebrate species. It is agreed that the invertebrate assemblage of the Tilbury 2 site (not including the infrastructure corridor) is measureable as of national importance on the basis of the 2007, 2016 and 2017 datasets and by reference to the geographic terms of reference set out by CIEEM in the 2016 EclA Guidelines.</p> <p>It is agreed that there is no assemblage context in Europe, but given the preponderance of species in the assemblage that are rare or scarce in the UK but widespread in Europe (e.g. <i>Ceratina cyanea</i>), it is unlikely to be of international importance.</p>
[2]	Off-site compensation provision	<p>On-site retention of habitats should always be preferable, as is outlined in the mitigation hierarchy. Where on-site habitat retention isn't possible, off-site compensatory provision of replacement terrestrial habitats will be required. The aim should be for no net loss and the achievement of net gain where possible. The mitigation hierarchy should be followed to adequately assess the environmental assets and the significance of the impacts on these assets, i.e. considering alternatives, avoidance, mitigation and compensation for residual impacts, with priority given to retaining the most high quality areas.</p>
[3]	Ecological Mitigation and Compensation Plan (EMCP)	<p>It is agreed that details of the off-site compensation will be presented in an Ecological Mitigation and Compensation Plan (EMCP), which will be discussed with stakeholders (including Buglife) as it is developed and will be submitted to the Examination process. This plan will fully detail the off-site compensation measures (including methodologies for translocation of substrates). It is expected that the EMCP will form an enforceable part of any DCO (i.e. compliance with it will be a necessary DCO requirement).</p> <p>Buglife have been engaged in discussions about substrate translocation</p>

Ref	Description of matter	Details of agreement
		techniques and brownfield habitat creation principles, but without any specific information on the off-site plans being made available at this stage due to existing NDA constraints with involved landowners. Further information on the proposed site management and compensation plan needs to be available prior to Buglife submitting further comments to the Planning Inspectorate. Without this information, it is not possible for any meaningful decision over the value of the mitigation/compensation scheme to be made.

5. LIST OF MATTERS UNDER DISCUSSION

Ref	Description of stakeholder issue	Current position
Terrestrial Ecology		
[1]	Successional processes and the relative invertebrate value of the components of the Site.	<p>Brownfield sites generally undergo a process of succession which sees their value for early successional species peak and then diminish after a matter of decades.</p> <p>It is PoTLL's view that the Lytag Site (represented by the Lytag Brownfield LoWS), though still of high national value, seems to have declined in condition and is now arguably on a par or even overshadowed by the interest associated with the rest of the Tilbury2 site. The Tilbury Energy and Environment Centre (TEEC) seems to have suffered disproportionately between the survey periods, and without management it looks like it will decline further. The balance of evidence is that both the Lytag and TEEC sites have reached a tipping point in the successional process. It is PoTLL's view that these processes can now be expected to accelerate further, leading in a relatively short timescale (perhaps as little as 5-10 years) to significant suppression of the particular biodiversity interests associated with early successional and open ground habitats. For the infrastructure corridor, the grassland and wetland interest is only of generic quality, but the brownfield resource moves it above the TEEC site in ranking with respect to its assemblage representation. The Coastal Strip supports a number of species of elevated value, albeit this is in the context of forming part of a wider connected resource.</p> <p>Buglife's view is that the site mosaic (including the Lytag Brownfield LoWS) supports a nationally important assemblage of invertebrates, on a site of outstanding habitat quality and diversity. The site's value is in its mosaic of habitats across the entire site, making assessment of individual compartments individually inappropriate, in line with the characterisation of the Open mosaic habitat on previously developed land Priority Habitat description. This is backed up by the 2016 and 2017 invertebrate surveys which identify a site of the highest quality, with assemblages comparable to</p>

Ref	Description of stakeholder issue	Current position
Terrestrial Ecology		
		<p>nearby South Essex brownfield SSSI sites. Aerial assessment of the site suggests that there has been some development of scrub in areas of the site, but this is not indicative of the wider site deteriorating. An absence of activity and management will inevitably lead to succession on ALL sites, regardless of their wildlife value. At present the scrub is likely to be a benefit to the site, providing structural and habitat variety, shelter and additional habitat resources. There is no indication that the currently open areas of the site are suffering from any significant or irreversible scrub invasion, nor that the site is deteriorating in value, albeit that this judgment is made without the benefit of a site visit and solely drawing on the submitted information. Site wide variation in nutrient status, substrates and habitat type underpin the value of such wildlife-rich brownfield sites. Some localised areas of raised nutrient status may have become dense scrub, but this is localised and appears to be having no negative impact on the site's invertebrate assemblage albeit that this judgment is again made without the benefit of a site visit and solely drawing on the submitted information. The suggestion of a 5-10 year period in which the site will lose its interest is without any basis in fact. In addition, it is important to note that should scrub become an issue in future, simple management would be able to manage the open habitats-an absence of current management cannot be used to justify the wholesale loss of a nationally important site.</p> <p>PoTLL and Buglife will continue to discuss the above issues in order to seek an agreed position or narrow down the areas of disagreement.</p>
[2]	The extent of the Open Mosaic Habitat resource	The measured extent of the Open Mosaic Habitat resource has been calculated by specific reference to the S41 criteria, which are reproduced at paragraph 10.192 of the ES, and does include early successional habitats such as: Pulverised Fuel Ash (PFA), Lytag and other substrates, drought stressed grasslands, herb and lichen-rich grasslands, and ruderal resources.



Ref	Description of stakeholder issue	Current position
Terrestrial Ecology		
		<p>It is PoTLL's view that whilst relict grazing marshes (and ditches) are of interest, they do not specifically form part of the Open Mosaic Habitat calculation unless overlain by brownfield substrates/swards. The calculated quantum includes some scattered scrub, but extensive stands are excluded, as per the S41 habitat explanatory notes which state: "<i>scattered scrub (up to 10–15% cover) may be present ... Other communities or habitats might also be present (e.g. reed swamp, open water), but early successional communities should comprise the majority of the area</i>". Thus the quantum of S41 Open Mosaic Habitat and other S41 habitat types set out in the ES have been calculated in accordance with the statutorily recognised definitions.</p> <p>Buglife consider the quantum of Open Mosaic Habitat on Previously Developed Land to be significantly understated, albeit that this judgment is made without the benefit of a site visit. Fig 10.2d shows the submitted map of Section 41 habitats, which wholly fails to include the surrounding areas of vegetated hardstanding, immature scrub, dense scrub neutral and grasslands alongside other grassland types that are part of the site's interest. The actual habitat is a much more complicated mosaic than is suggested by the ES. For example the Mark Telfer Invertebrate Survey 2017 report identifies an extensive area of [coarse] neutral grassland which has developed over PFA, which is entirely missing from Fig 10.2d showing Section 41 habitats. The very principle of Open Mosaic Habitat is that includes a mosaic of habitats, notably those that have developed over introduced substrates. As such, Buglife consider a significantly larger area of the site to be within the Open mosaic habitat on previously developed land criteria. It is worth noting that the Lytag Brownfield site LoWS itself exceeds 12 hectares, and covers only a portion of the site. In summary Buglife disagree that the quantum has been calculated in accordance with the statutorily recognised definitions and is currently underestimated.</p> <p>PoTLL and Buglife will continue to discuss this in order to reach an agreed</p>

Ref	Description of stakeholder issue	Current position
Terrestrial Ecology		
		position or narrow the areas of disagreement.
3	Effectiveness of proposed re-creation of brownfield habitats	<p>Successful off-site habitat creation/re-creation of brownfield habitats is essential in order for no net loss and/or net gain in biodiversity to result from the Tilbury 2 proposals. PoTLL maintain that successful brownfield habitat creation/re-creation is achievable in principle on the basis that brownfield sites are themselves habitats of anthropogenic origin, developed over comparatively short timescales (decades) as opposed to irreplaceable habitats such as ancient woodland which have developed over centuries. It is a logical proposition that putting in place the same processes, substrates and environmental context that have created Thames Estuary brownfields must be possible in other parts of the Thames Estuary. It must also be the case that translocation of brownfield substrates to such locations must carry with it the possibility of transfer of at least a proportion of the associated plant, invertebrate and lichen species, assisting in the process of establishment of new communities of such species at the receptor location.</p> <p>Buglife have discussed habitat creation methods with PoTLL, including providing suggestions for methodologies, considerations and best practice such as re-use of substrates from the application site. However, Buglife is concerned that the main compensation measures for the loss of a nationally important invertebrate site are reliant on untested habitat creation methods. There is very little evidence of the successful recreation of large-scale brownfield habitats, particularly ones with such a fine-scale mosaic and diverse features as those at the former Tilbury Power Station. These concerns were discussed at previous meetings, but Buglife maintains the position that there is insufficient evidence to suggest that the habitats can be reasonably created to ensure that the habitats and features utilised by the invertebrate assemblage are replicated. The habitats at the former Tilbury Power Station have developed over many decades, making their recreation much more complicated than is assumed. Buglife awaits the details of the compensation plan which is currently subject to an NDA, but</p>

Ref	Description of stakeholder issue	Current position
Terrestrial Ecology		
		<p>regardless is concerned that the approach to the loss of the site is based on recreating low nutrient, brownfield habitats on an arable field, a wholly inappropriate starting point for a low nutrient habitat.</p> <p>PoTLL have pointed towards their successful habitat compensation as part of the London Distribution Park, however, the survey data is currently not available, while the application site itself was of a significantly lower level of importance, much simpler in terms of habitats and features, while the newly created habitat is of a much smaller scale and significantly less diverse than what would be required for Tilbury2 compensation.</p>

6. **LIST OF MATTERS NOT AGREED**
- NONE AT THIS STAGE**

7. AGREEMENT

Signed	
Name	Jamie Robins
Position	Projects Manager
Organisation	Buglife
Date	15/03/18
Signed	 15/3/18
Name	Peter Ward
Position	Commercial Director
Organisation	Port of Tilbury London Limited

APPENDIX 11

SOCG015

**DRAFT STATEMENT OF COMMON GROUND WITH
ENGLISH HERITAGE**

Planning Act 2008
Infrastructure Planning (Examination Procedure)
Rules 2010

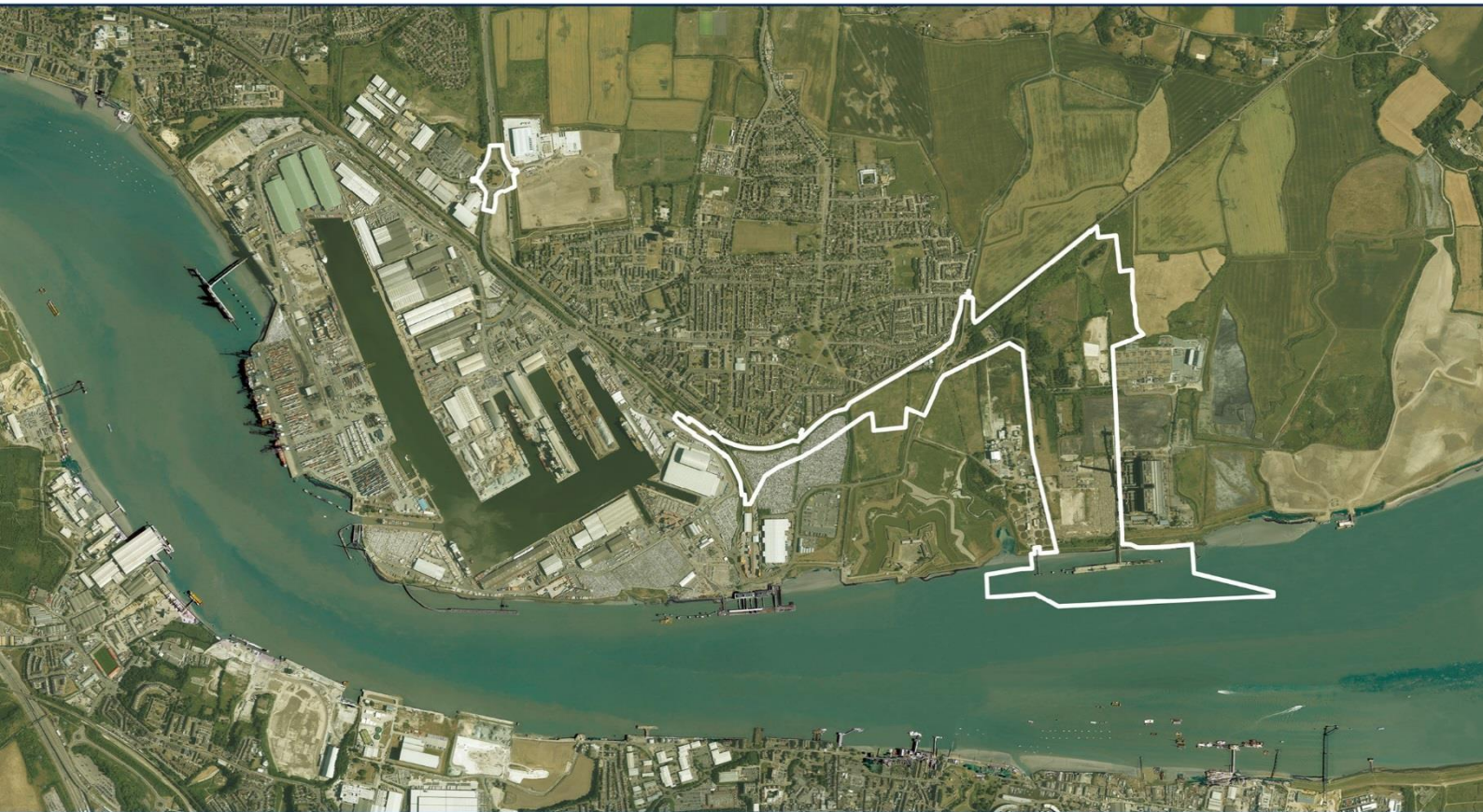
PROPOSED PORT TERMINAL AT
FORMER TILBURY POWER STATION

TILBURY2

TRO30003

STATEMENT OF COMMON GROUND
BETWEEN PORT OF TILBURY LONDON LIMITED AND
ENGLISH HERITAGE

DOCUMENT REF : SOCG015



PORT OF TILBURY

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

STATEMENT OF COMMON GROUND

BETWEEN PORT OF TILBURY LONDON LIMITED AND ENGLISH HERITAGE

Revision	Date	Description of new version
1.0	15 February 2018	V1.0
2.0	28 February 2018	V1.4
3.0	04 April 2018	V1.5
4.0	26 April 2018	V1.6

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1.0 INTRODUCTION

Purpose of this document

- 1.1 This Statement of Common Ground ("SoCG") has been prepared in relation to the application by Port of Tilbury London Limited ("PoTLL") under section 37 of the Planning Act 2008 ("the Act") for an order granting development consent ("DCO") for the construction, operation and maintenance of a new port terminal and associated facilities in Tilbury, Essex known as 'Tilbury2' ("the proposals").
- 1.2 The aim of this SoCG between PoTLL and English Heritage is to provide a clear record of engagement between the parties, including of the issues discussed between the parties and the current status of those discussions. The SoCG can be used as evidence of engagement for the purposes of the examination into the DCO application.

Structure of this Statement of Common Ground

- 1.3 This structure of this SoCG is as follows:
- Section 1 – Introduction
 - Section 2 – Consultation to date
 - Section 3 – Summary of topics covered by the SoCG
 - Section 4 – List of matters agreed
 - Section 5 – List of matters under discussion

Overview of the proposals

- 1.4 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 land that formed the western part of the now redundant Tilbury Power Station and is bounded to the west by a waste water treatment works and to the east by the Tilbury B power station that is presently being demolished.
- 1.5 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.
- 1.6 It will require works including, but not limited to:
- creation of hard surfaced pavements;

- improvement of and extensions to the existing river jetty including creation of a new RoRo berth;
- associated dredging of berth pockets around the proposed and extended jetty and dredging of the approaches to these berth pockets;
- new and improved conveyors;
- erection of welfare buildings;
- erection of a single 10,200 sqm. 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
- formation of a rail spur and sidings.

1.7 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).

1.8 The application essentially seeks a DCO to approve an operational port and to allow PoTLL to benefit from its permitted development rights within the boundaries of the new port. The application seeks to establish a 'Rochdale Envelope' of development based upon the description within the DCO. Whilst future use of the site may change it would necessarily be based on the "Not Environmentally Worse Than" (NEWT) approach within the Rochdale Envelope defined by this application, given that any development outside of this would require a separate planning application, as it would fall beyond the scope of permitted development powers.

Introduction to English Heritage

1.9 On 1 April 2015, English Heritage was divided into two parts: Historic England, the non-departmental public body which provides statutory and protection advice on behalf of the UK government; and the new English Heritage Trust. Known as English Heritage it is a registered charity (no.1140351) and a registered company (no.07447221) that operates and cares for over 400 historic buildings, monuments and sites.

1.10 POTLL undertook a formal statutory consultation as part of the DCO process which ended on 28th July 2017. As part of this process POTLL and their consultants at CgMs Ltd undertook a programme of pre-application consultation with English Heritage in their role as operators and custodians of Tilbury Fort. This consultation will be ongoing until consent is reached.

2.0 CONSULTATION TO DATE

- 2.1 This section provides a summary of the engagement between PoTLL and English Heritage that has taken place to date, above and beyond formal statutory consultation.
- 2.2 Copies of key letters and minutes of meetings referred to below are provided in Appendix A of this SoCG for reference.

Pre-application – Commercial Operation of Tilbury Fort

29 th November 2016	Initial informal meeting held with Historic England and English Heritage at Tilbury Fort to introduce the forthcoming proposals and to discuss potential preliminary opportunities to enhance Tilbury Fort as a visitor attraction.
23 rd August 2017	<p>PoTLL’s Built Heritage consultant at CgMs Ltd met with Historic England, English Heritage and Thurrock Council to discuss:</p> <ul style="list-style-type: none"> • Potential improvements to access to the Fort and wayfinding, including PoTLL’s proposed Active Travel Plan which includes enhancements to the landscape to the north of the Fort. Surfacing of improved footpaths, etc. which require consideration. • Car-parking provisions – existing and desired. • Consideration of a Conservation Management Plan for Tilbury Fort. • Consideration of a water bodies management plan. <p>Further discussion required with all consultees to agree appropriate mitigation measures.</p>
7 th November 2017	<p>PoTLL’s Built Heritage consultant at CgMs Ltd met with Historic England Advisory Committee and English Heritage to discuss:</p> <ul style="list-style-type: none"> • Existing port uses • Ports National Planning Policy Statement (NPS) background • The need for expansion, public benefit and the surrounding context of the Site;

	<ul style="list-style-type: none"> • An explanation of the 'maximum worst case visual envelope' based on the 'Rochdale Envelope'. Each attendee was given a printed pack of wirelines; and • An overview of the engineering reasons why the only option is to extend the jetty to the west.
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Post-application – Commercial Operation of Tilbury Fort

<u>Date</u>	<u>Activity</u>
7 th November 2017	PoTLL letter to Historic England with draft DCO for review
7 th November 2017	PoTLL met with Historic England, English Heritage and members of the Historic England Advisory Committee to present the proposals.
12 th February 2018	PoTLL met with English Heritage to discuss the DCO process and drafting of the SoCG.
29 th March 2018	<p>PoTLL met with English Heritage to:</p> <ul style="list-style-type: none"> • Update on the DCO process • Discuss written responses to the Inspectors' First Written Questions (FWQ) • Continue drafting the SoCG.
27 th April 2018	<p>Conference call held between English Heritage and PoTLL to:</p> <ul style="list-style-type: none"> • Update on the DCO process • Discuss representations made at the ISH • Discuss mitigation & enhancement opportunities • Continue drafting the SoCG.

- 2.3 The parties continue to actively engage on those matters which are not yet agreed. A further iteration of this SoCG will be submitted into the examination at Deadline 1 on 20th March.

3.0 SUMMARY OF TOPICS COVERED BY THE SOCG

3.1 The following topics discussed between PoTLL and English Heritage are commented on further in this SoCG:

- The potential effects of the proposed development on the commercial operation of Tilbury Fort, which comprises tourism, residential lettings and filming – and consequential effect on viability.
- The degree of harm to the setting of Tilbury Fort that will result from the proposed development.
- The appropriate level of mitigation as provided and compensation for any residual effect.

4.0 LIST OF MATTERS AGREED

Ref	Description of matter	Details of agreement
4.1 Commercial Operation of Tilbury Fort		
4.1.1	Study Area	<p>It is agreed that the study area of 2km from the Site boundary for the built heritage assessment is appropriate.</p> <p>It is further agreed that the inclusion of Coalhouse Fort (Scheduled Monument), Cliffe Fort (Scheduled Monument) and Shornemead Fort (non-designated heritage asset) which lie beyond the 2km search radius is appropriate.</p> <p>This is detailed in Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement (para. 12.61 and 12.62), Appendix 12.B Built Heritage Assessment (Document Reference 6.1 12.B) (page 28 – 29) and shown in Figures 12.1 and 12.2 (Document Reference 6.3 Figure 12.1 and 6.3 Figure 12.2).</p> <p>It is agreed that the viewpoint locations as shown within Document Reference 6.3 Figure 9.8 are appropriate and have been agreed in consultation with statutory consultees in order to aid the assessment of potential impacts on the setting of Tilbury Fort.</p>
4.1.2	Methodology	<p>The approach to assessing the significance and settings of the identified built heritage assets, and the potential impacts of the proposals upon their significance, is outlined in Technical Appendix 12.B Built Heritage Assessment (Document Reference 6.1 12.B) (page 28 – 31) and paragraphs 12.63 – 12.69 of Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement. The assessment has been informed by industry-standard guidelines including</p>

		<p>the /Historic England guidance, '<i>Historic Environment Good Practice Advice in Planning: Note 3: The Setting of Heritage Assets</i>' (2015), and <i>Conservation Principles, Policies and Guidance</i>' (2008). It is agreed that this approach is appropriate.</p> <p>It is agreed that the use of tables and matrices within Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement (Table 12.5, 12.6 and 12.7) have been used as supporting material to the detailed assessment of setting included within the Technical Appendix 12.B Built Heritage Assessment (Document Reference 6.1 12.B).</p> <p>It is agreed that the wireline images of the proposals (Document Reference 6.1 9.F) illustrate the potential maximum visual parameters of the scheme and are appropriate for the purpose of assessing potential impacts on the setting of Tilbury Fort.</p>
4.1.3	Baseline Environment	<p>It is agreed that there are no designated or non-designated built heritage assets within the Site boundary.</p> <p>It is agreed that the relevant built heritage assets that have the potential to experience significant harm as a result of the proposals have been appropriately identified and assessed within Sections 5.3 – 5.6 of Technical Appendix 12.B Built Heritage Assessment (Document Reference 6.1 12.B) and Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement.</p> <p>It is agreed that the assessment of significance and sensitivity of the identified built heritage assets contained within the Sections 5.3 – 5.6 of Technical Appendix 12.B Built Heritage Assessment (Document Reference 6.1 12.B) and Table 12.9 of Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement is appropriate.</p>

4.1.4	Mitigation	It is agreed that the Active Travel Study which is in development with Thurrock Council has the potential to increase visitor numbers to the Fort, though EH consider this is only likely when combined with further mitigation and compensation
4.1.5	Impact Assessment	It is agreed that the potential impacts on Tilbury Fort during the construction and operational phase include impacts on the setting and may cause impacts on the commercial operation of Tilbury Fort. English Heritage has provided PoTLL with existing visitor numbers and details of commercial operations over the past ten years to enable further understanding of this matter.
4.1.6	Access	<p>It is agreed that an increase in parking capacity with the improvements and re-surfacing of the existing car park and access road, enhanced parking and access ways at Tilbury Fort would be beneficial to the visitor experience.</p> <p>It is agreed that, as part of the Active Travel Study, wayfinding would be helpful for Tilbury Fort. The importance of this part of the river in relation to the Cruise Terminal Complex and the Fort has been fed into the Cultural and Heritage Strategy prepared by Thurrock Council.</p>
4.1.7	Community	It is agreed that Tilbury Fort is to be included in the PoTLL 2018 Community Day Celebrations and 2019 Carnival.
4.1.87	Tilbury Fort as a commercial operation	It is agreed that the setting of the monument and visitors' ability to understand its form and function are central to the visitor experience. It is agreed that a positive visitor experience drives commercial performance in terms of admission sales, retail sales and sales of English Heritage membership, which is

		<p>essential to the Fort's financial sustainability.</p> <p>It is agreed that the Fort does not only operate as a visitor attraction; it is also a home to three residential tenants and is used as a filming location. Since 2015 filming and residential sources contributed 82% of the Fort's total income (£893k). EH consider that these revenue streams rely on the setting and environment of the Fort to continue their current growth trends and are essential in generating the funds that enable the monument to be maintained.</p> <p>It is agreed that the Fort does not only operate as a visitor attraction; it is also a home to three residential tenants and is an increasingly profitable filming location used for location filming. It is agreed that all these revenue streams rely on the setting and environment of the Fort to continue their current growth trends and are essential in generating the funds that enable the monument to be maintained.</p>
4.1.98	Setting	<p>It is agreed that Historic England is the statutory body responsible for planning matters that may have an impact on heritage assets in England, and that the opinions of English Heritage mirror those of Historic England in respect of impact and effect as assessed in planning and EIA terms.</p>

5.0 LIST OF MATTERS UNDER DISCUSSION

Ref	Description of stakeholder position	Current issue
5.1 Commercial Operation of Tilbury Fort		
5.1.1	Setting	<p>The degree of impact on setting is a matter at issue between the parties, as is the proper engagement of paragraph 134 of the NPPF in the context of the NPS and the timing and results of the balancing exercise of the harm of the proposal versus the public benefit.</p> <p>EH and PoTLL remain in discussion regarding the visitor experience, residential letting, and filming at Tilbury Fort is underpinned by setting and legibility of the heritage asset for the visitor. EH and POTLL remain in discussion about how potential impact on the commercial operation of Tilbury Fort could be addressed. The degree to which the existing setting of the Fort can be characterised as industrial remains at issue.</p> <p>The degree of impact on the Fort's setting is described as 'minor to moderate' in the Built Heritage Assessment and this remains at issue between the parties.</p>
5.1.2	Visitor Experience	<p>Visitor experience at Tilbury Fort is driven by setting and legibility of the heritage asset for the visitor. EH and POTLL remain in discussion about how potential impact on the commercial operation of Tilbury Fort could be addressed. Visitor numbers to the fort could be increased through coordinated fort opening times with ship arrivals. Coordination between EH and PoTLL remains under discussion. Potential for</p>

	<p>PoTLL responded at the ISH.</p>	<p>POTLL to make a contribution to specific repairs to elements within the fort, that could improve the visitor experience and partly offset possible impacts on commercial operation potentially arising from changes to the wider setting of the monument, remains under discussion.</p> <p>The effect of the proposed development on visitor numbers is at issue as EH considers that the proposals will affect the setting and therefore the appeal of the site.</p> <p>EH is concerned that an increase in traffic during both construction and operation is likely to affect access to the Fort. This is subject to further discussion as PoTLL considers that the results of the Transport Assessment indicate that this will not be an issue.</p> <p>The scale of necessary mitigation and compensation to offset impacts is at issue. EH has set out mitigation and compensation within its written representations.</p> <p>PoTLL propose a financial sum that will be secured through a section 106 agreement with Thurrock Council to mitigate the residual impacts of the development which will include an obligation for the monies to be passed to EH. There is discussion between the parties as to the value and specific purposes of a financial contribution to be made from PoTLL to EH in relation to elements within the Fort that could improve the visitor experience to the Fort.</p>
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5.1.3	Commercial Operations at Tilbury Fort	The potential effect of the proposals on the residential, filming and visitor access and amenity at the Fort remains at issue .
5.1.4	Ecology No changes can be made to the moats from an ecological point of view.	Details of ecology, landscape treatment and setting impacts on Tilbury Fort remain under discussion between English Heritage and PoTLL.
5.1.5	Flood risk Atkins report pending. The moats have been included in the breach model in the Level 3 FRA using the LiDAR data. Given the volume of tidal water that would be inundating the Tilbury area in such an event it's unlikely that increasing the capacity in the moats will have any marked impact. In addition, any increase in capacity, through dredging for example, would not alter the standing water level (head) within the moat as this is governed by local hydrology and the water table. The 'dredged' volume would therefore already be replaced by local water (e.g. pluvial or ground water) prior to tidal inundation.	EH & PoTLL remain in discussion regarding whether the moats have been appropriately factored into Flood Risk Assessment and that the dredging of the moats would not change the predicted impact of the model.

	The moats were also included in the Level 2 FRA , as they form part of the EA flood map for the Tilbury area (Appendix A to the Level 2 FRA [APP-087]).	
5.1.6	Impact	<p>The degree of impact that the operation of the new development will have on the Fort as a tourism receptor remains at issue. This is identified as negligible in the Socio-Economic ES chapter. This assessment has been questioned by EH in its written representations.</p> <p>The degree to which the setting of the Fort can be characterised as industrial remains under discussion. The degree of impact on the Fort's setting is described as 'minor to moderate' in the Built Statement of Common Ground with English Heritage SoCG015 Page 14 Heritage Assessment and remains under discussion with English Heritage. The degree of impact that the operation of the new development will have on the Fort as a tourism receptor remains under discussion. This is identified as negligible in the Socio-Economic ES chapter</p>
5.1.6	Mitigation	The degree to which direct benefits of conservation works to the fabric can be implemented through increased visitor ticket sales remains under discussion
5.1.7	Enhancement	<p>Opportunities for improved access, increased visitor numbers and management resulting from the Active Travel Study remain under discussion.</p> <p>Opportunities for English Heritage to contribute to wayfinding and heritage</p>

		<p>interpretation content of the Active Travel Study remain under discussion.</p> <p>Clarity is sought by EH regarding the adoption and maintenance of the works proposed in the Active Travel Plan.</p>
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APPENDIX 12

SOCG016

**FINAL STATEMENT OF COMMON GROUND WITH
LONDON GATEWAY PORT LIMITED**

PLANNING ACT 2008
INFRASTRUCTURE PLANNING
(APPLICATIONS: PRESCRIBED FORMS AND PROCEDURE) REGULATIONS 2009

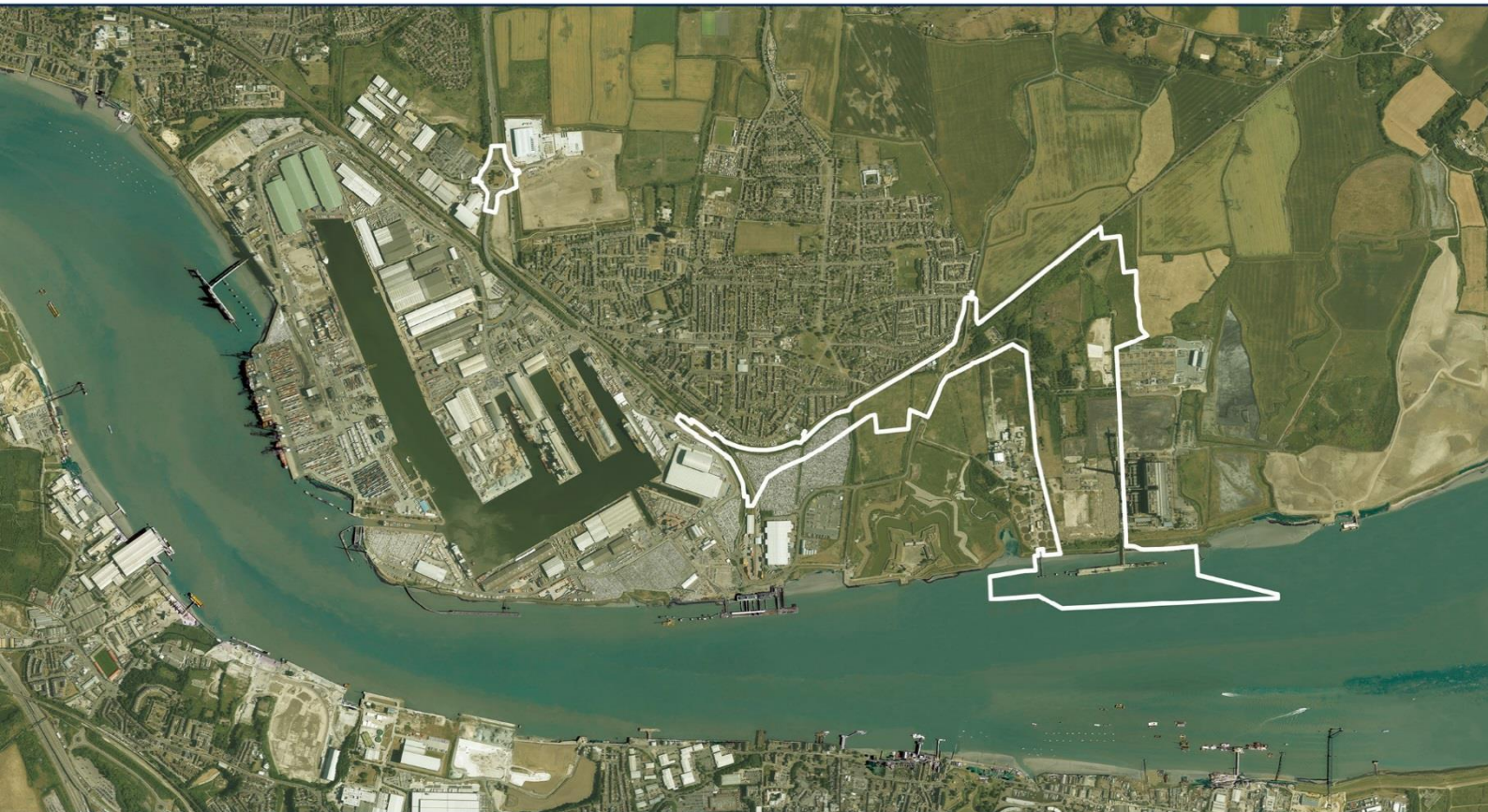
PROPOSED PORT TERMINAL AT
FORMER TILBURY POWER STATION

TILBURY2

TRO30003

STATEMENT OF COMMON GROUND
BETWEEN PORT OF TILBURY LONDON LIMITED AND
LONDON GATEWAY PORT LIMITED

DOCUMENT REF : SOCG016



PORT OF TILBURY

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

STATEMENT OF COMMON GROUND

**BETWEEN PORT OF TILBURY LONDON LIMITED AND LONDON GATEWAY
PORT LIMITED**

Revision	Date	Description of new version
4.0	21/2/18	Revision Draft
5.0	14/2/18	Revision Draft

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TILBURY2 PROJECT TEAM
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1.0 INTRODUCTION

Purpose of this document

This Statement of Common Ground ("SoCG") has been prepared in relation to the application by Port of Tilbury London Limited ("PoTLL") under section 37 of the Planning Act 2008 ("the Act") for an order granting development consent ("DCO") for the construction, operation and maintenance of a new port terminal and associated facilities in Tilbury, Essex known as 'Tilbury2' ("the proposals").

The aim of this SoCG between PoTLL and London Gateway Port Limited (LGPL) is to provide a clear record of engagement between the parties, including of the issues discussed between the parties and the current status of those discussions. The SoCG can be used as evidence of engagement for the purposes of the examination into the DCO application.

Structure of this Statement of Common Ground

This structure of this SoCG is as follows:

- Section 1 – Introduction
- Section 2 – Consultation to date
- Section 3 – Summary of topics covered by the SoCG
- Section 4 – List of matters agreed
- Section 5 – List of matters under discussion
- Section 6 – List of matters not agreed

Overview of the proposals

- 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 land that formed the western part of the now redundant Tilbury Power Station and is bounded to the west by a waste water treatment works and to the east by the Tilbury B power station that is presently being demolished.
- 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 It will require works including, but not limited to:
 - creation of hard surfaced pavements;

- improvement of and extensions to the existing river jetty including creation of a new RoRo berth;
- associated dredging of berth pockets around the proposed and extended jetty and dredging of the approaches to these berth pockets;
- new and improved conveyors;
- erection of welfare buildings;
- erection of a single 10,200 sqm. 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
- formation of a rail spur and sidings.

1.4 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).

1.5 The application essentially seeks a DCO to approve an operational port and to allow PoTLL to benefit from its permitted development rights within the boundaries of the new port. The application seeks to establish a 'Rochdale Envelope' of development based upon the description within the DCO. Whilst future use of the site may change it would necessarily be based on the "Not Environmentally Worse Than" (NEWT) approach within the Rochdale Envelope defined by this application, given that any development outside of this would require a separate planning application, as it would fall beyond the scope of permitted development powers.

Introduction to London Gateway Port

1.6 London Gateway Port (LGP) is the UK's newest deep-sea container terminal, located on the north banks of the River Thames, just 25 miles from Central London and 6 miles down river from The Port Of Tilbury. LGP is permitted pursuant to the London Gateway Port Harbour Empowerment Order (Ref 2008 No.1261) and when fully developed shall comprise six deep water shipping berths providing for an annual throughput of up to 3.5 million TEU (Twenty Foot Equivalent Unit) containers along with landside storage areas and two rail terminals. A logistics Park (LGLP), which is consented under a Local Development Order, is located on land adjacent to LGP. When fully developed this shall provide up to 829,700 square metres of 'B' class floorspace. Currently the port comprises three riverside deep water berths and 1250m of quayside along with landside storage areas and automated rail loading systems, whilst approximately 86,000 square metres of LGLP is occupied and operational.

2.0 CONSULTATION TO DATE

This section provides a summary of the engagement between PoTLL and LGPL that has taken place to date.

Copies of key letters and minutes of meetings referred to below are provided in Appendix A of this SoCG for reference.

Pre-application

Date	Activity
June 2017	Attendance by LGPL representative at statutory consultation events where an overview of the project was given

Post-application

<u>Date</u>	<u>Activity</u>
January 2018	Conference Call between Peter Ward (Commercial Director) POTLL and Trevor Hutchinson Planning advisor to LGPL
January 2018	Conference call between Forth Ports COO / London Gateway CEO where it was agreed POTLL would draft a SOCG regarding the LGPL S56 response submitted to the Planning Inspectorate
February / March 2018	Calls between Peter Ward (Commercial Director) POTLL and Trevor Hutchinson Planning advisor to LGPL to discuss and agree SOCG

The parties continue to actively engage on those matters which are not yet agreed. A further iteration of this SoCG will be submitted into the examination in due course to document the progress that is expected to be made.

3.0 SUMMARY OF TOPICS COVERED BY THE SOCG

The main topics that have been discussed between PoTLL and LGPL are those matters that formed LGPL's relevant representation.


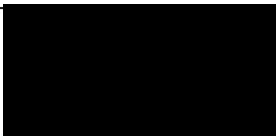
4.0 LIST OF MATTERS AGREED

Ref	Description of matter	Details of agreement
4.1 Freight Destinations		
4.1.1	Some of the rail destinations for aggregates transported from the CMAT will be sent to destinations further afield than a 30 mile radius including destinations in the Midlands	It is agreed that destinations for aggregate will be greater than a 30 mile radius and that to transport aggregates economically in large volumes the use of rail is an important requirement over longer distances. Thus some rail movements associated with Tilbury 2 shall be required to utilise the wider rail network beyond the Thameside corridor including routes across North London
4.1.2	Status of proposals	It is agreed that the proposals are considered sustainable development
4.2 Wider freight network		
4.2.1	LGPL are concerned that the wider freight network beyond East London needs to be considered by Network Rail in terms of potential capacity constraints in the future	It is agreed by POTLL / LGPL that there needs to be a long term strategy in relation to rail freight across the wider UK network and that Network Rail need to give consideration to wider routing of freight trains destined for or originating from the Thameside corridor as part of their long term strategy for freight.
4.3 Future Movements by rail		
4.3.1	LGPL is a committed development in the area and is obligated to transport 33% of port throughput plus 10% of park throughput by rail. On-site handling capacity at LGP is capable of supporting these levels.	It is agreed and understood by POTLL that this is a long term commitment for LGPL and that it is in the interests of both ports that they work together to ensure there is sufficient capacity on the network beyond the Tilbury 2 development.

4.3.2	Assessment of capacity on North London rail routes	It is agreed by both parties there is a future need for Network rail to undertake further assessment to inform understanding of the ability of routes across North London to accommodate the level of freight traffic generated by all committed/ proposed developments as they grow, alongside proposed additional passenger rail paths.
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5.0 LIST OF MATTERS UNDER DISCUSSION

6.0 AGREEMENT

Signed	
Name	Chris Lewis
Position	CEO
Organisation	DP World London Gateway Port Ltd
Date	15 th March 2018
Signed	
Name	Peter Ward

Position	Commercial Director
Organisation	Port of Tilbury London Limited
Date	15 th March 2015

APPENDIX 13

SOCG017

**FINAL STATEMENT OF COMMON GROUND WITH
PUBLIC HEALTH ENGLAND**

PLANNING ACT 2008
INFRASTRUCTURE PLANNING
(APPLICATIONS: PRESCRIBED FORMS AND PROCEDURE) REGULATIONS 2009

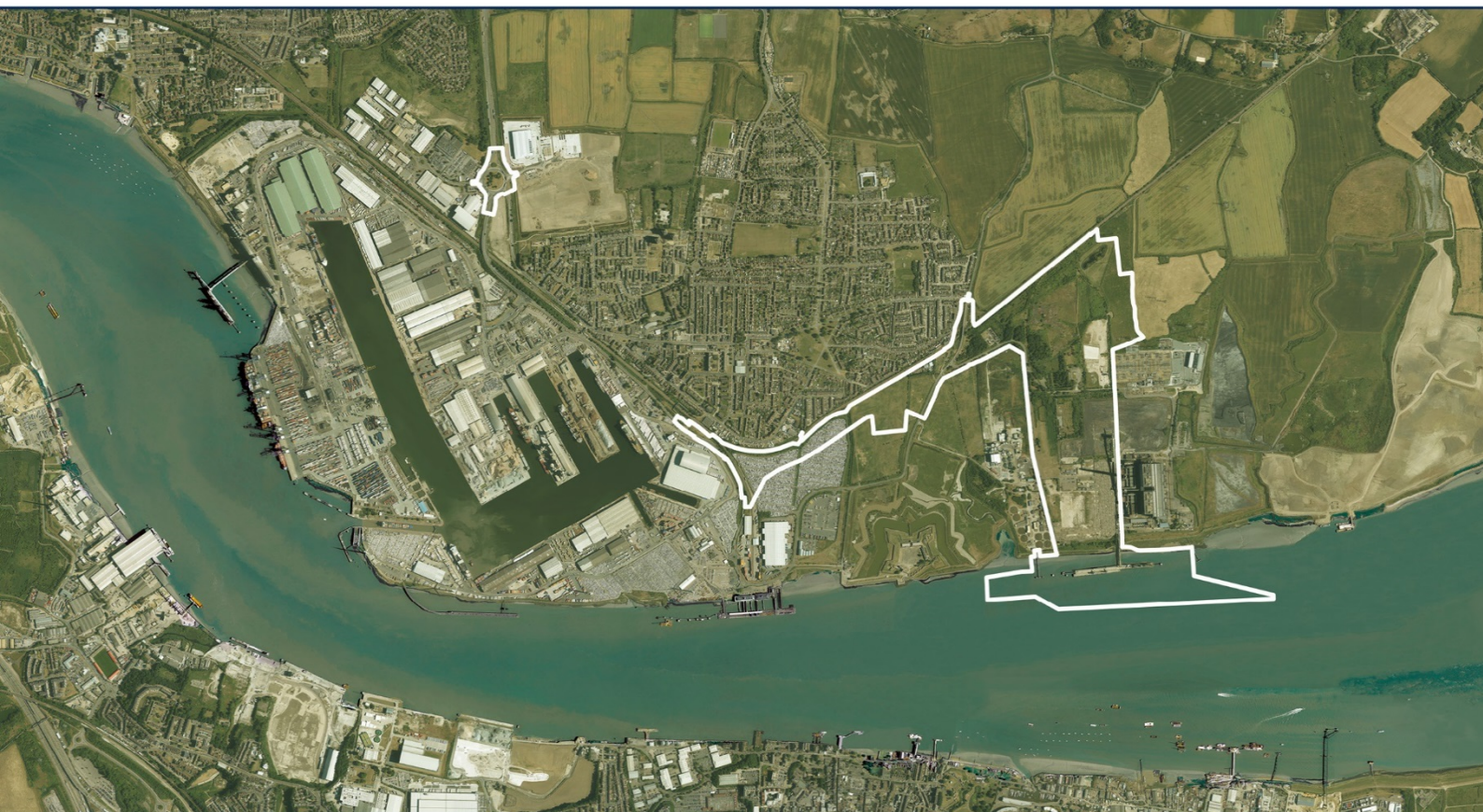
PROPOSED PORT TERMINAL AT
FORMER TILBURY POWER STATION

TILBURY2

TRO30003

STATEMENT OF COMMON GROUND
BETWEEN PORT OF TILBURY LONDON LIMITED AND
PUBLIC HEALTH ENGLAND

DOCUMENT REF : SOCG017





Peter Ward
Port of Tilbury London Limited
Lesley Ford House
Port of Tilbury
Tilbury
Essex RM18 7EH

Your Ref:
Our Ref 43302

15th March 2018

Dear Mr Ward

Nationally Significant Infrastructure Project – Port of Tilbury2 Statement of Common Ground

Thank you for providing a draft statement of common ground (SoCG) relating to the above development. Where possible, Public Health England (PHE) prefers to provide comments in the form of a letter rather than a SoCG.

We replied to earlier consultations as listed below and this response should be read in conjunction with that earlier correspondence.

- Request for Scoping Opinion 24th April 2017
- Section 55 Consultation 9th January 2018

We have discussed the SoCG at a teleconference on the 13th February 2018 and reviewed the draft Statement (received on the 15th February 2018). As discussed at the teleconference our response focuses on chemicals, poisons and radiation. We are unable to comment on noise and would suggest the local authority is contacted in the first instance. We also note that other matters that were not raised in our Section 55 (Registration of Interest) response have been included in the draft SoCG. Hence our response below focuses on the issues highlighted in our Section 55 response:

1) Matters with which PHE is in agreement

Issues specific to the Environmental Statement:

Cumulative Impacts (Section 4.6, pages 15 -16)

Port of Tilbury London Limited (PoTLL) state they have adequately considered the synergistic impacts on health arising from the combination of environmental disciplines assessed in the environmental statement (ES), together with other projects within the Gravesend and Thurrock areas, as identified in detail within Table 8.9 (Document Reference 6.1, 8.173) (page 8-40). PoTLL state that the cumulative impacts of Lower Thames Crossing (LTC) with Tilbury2 will need to be considered by Highways England in their Environmental Impact Assessment of the Lower Thames Crossing proposals.

In addition PoTLL state that as traffic modelling for the LTC is not available at present, it would be impossible for PoTLL to model the impact of Tilbury2 on traffic in Thurrock. It is therefore appropriate for this not to have been included within the ES and for it not to be carried out during the Examination process.

PHE response

We note that where possible, the operator has considered the cumulative impact on air quality from the Tilbury2 development in conjunction with other significant projects within the area and we acknowledge the operator's approach.

Electric and magnetic fields (Section 4.5, page 14 -15)

PoTLL state that "For the general public in the UK exposure should comply with the European Council (1999) and ICNRIP (1998) (International Commission on Non-ionizing Radiation Protection) which recommends 'safe' exposure levels for electric and magnetic fields associated with electrical infrastructure. These are guidelines which are not legally binding and apply to areas where members of the public would be considered to spend a significant amount of time.

PoTLL also state "It is expected that there will be two buried 11KV ring mains for RoRo and CMAT along with the associated HV and LV switchgear for RoRo and CMAT connecting to the UKPN facility. It is expected that the proposed scheme will not result in a significant change in overhead power lines or electrical infrastructure which will be subject to detailed design and which will comply with the existing guidelines for public exposure for electric and magnetic fields via compliance with existing standards for electrical infrastructure including overhead power lines, underground power cables and substations. The proposed scheme will therefore not alter the exposure level for members of the public.

PHE response

We consider that the public health impacts likely to arise as a result of electric and magnetic fields associated with the proposed development have been considered appropriately by the operator.

Please note that there are no matters still under discussion.

Should you have any questions or concerns please do not hesitate to contact us.

Yours sincerely

nsipconsultations@phe.gov.uk

Please mark any correspondence for the attention of National Infrastructure Planning Administration.

APPENDIX 14

SOCG018

**FINAL STATEMENT OF COMMON GROUND WITH
LONDON RESORT COMPANY HOLDINGS**

PLANNING ACT 2008
INFRASTRUCTURE PLANNING
(APPLICATIONS: PRESCRIBED FORMS AND PROCEDURE) REGULATIONS 2009

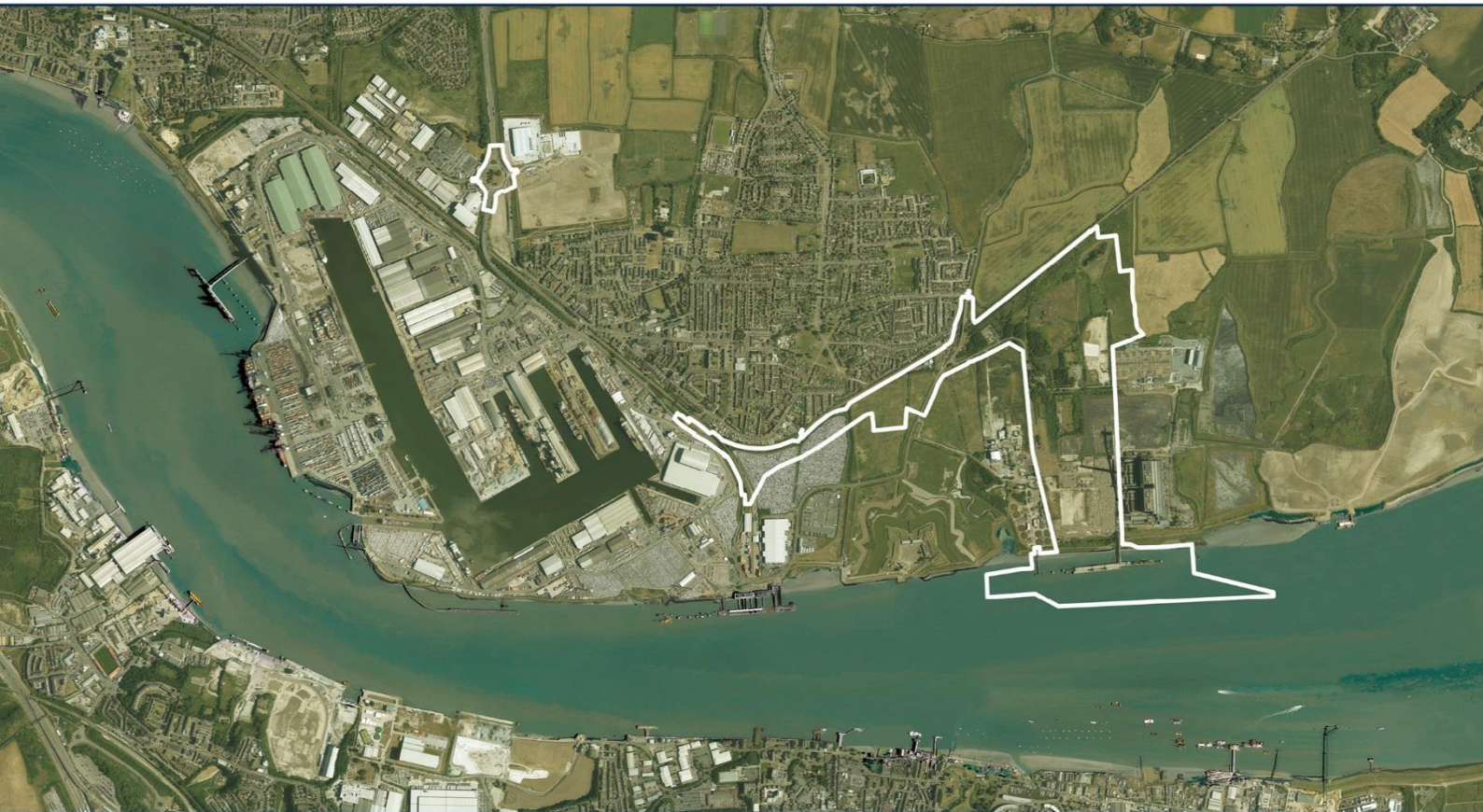
PROPOSED PORT TERMINAL AT
FORMER TILBURY POWER STATION

TILBURY2

TRO30003

STATEMENT OF COMMON GROUND
BETWEEN PORT OF TILBURY LONDON LIMITED AND
LONDON RESORT COMPANY HOLDINGS (LRCH)

DOCUMENT REF : SOCG018



PORT OF TILBURY

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

STATEMENT OF COMMON GROUND

**BETWEEN PORT OF TILBURY LONDON LIMITED AND
LONDON RESORT COMPANY HOLDINGS (LRCH)**

Revision	Date	Description of new version
1.0	14/2/18	Initial draft
2.0	18/02/18	Final agreed version

CONTENTS

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6.0	AGREEMENT	10

TILBURY2 PROJECT TEAM
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1.0 INTRODUCTION

Purpose of this document

- 1.1 This Statement of Common Ground ("SoCG") has been prepared in relation to the application by Port of Tilbury London Limited ("PoTLL") under section 37 of the Planning Act 2008 ("the Act") for an order granting development consent ("DCO") for the construction, operation and maintenance of a new port terminal and associated facilities in Tilbury, Essex known as 'Tilbury2' ("the proposals").
- 1.2 The aim of this SoCG between PoTLL and London Resort Company Holdings ("LRCH") ("the parties") is to provide a clear record of engagement between the parties, including of the issues discussed between the parties and the current status of those discussions. The SoCG can be used as evidence of engagement for the purposes of the examination into the DCO application.

Structure of this Statement of Common Ground

- 1.3 This structure of this SoCG is as follows:

Section 1 – Introduction

Section 2 – Consultation to date

Section 3 – Summary of topics covered by the SoCG

Section 4 – List of matters agreed

Section 5 – List of matters under discussion

Section 6 – List of matters not agreed

Overview of the proposals

- 1.4 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 land that formed the western part of the now redundant Tilbury Power Station and is bounded to the west by a waste water treatment works and to the east by the Tilbury B power station that is presently being demolished.
- 1.5 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.

- 1.6 It will require works including, but not limited to:
- creation of hard surfaced pavements;
 - improvement of and extensions to the existing river jetty including creation of a new RoRo berth;
 - associated dredging of berth pockets around the proposed and extended jetty and dredging of the approaches to these berth pockets;
 - new and improved conveyors;
 - erection of welfare buildings;
 - erection of a single 10,200 sqm. 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
 - formation of a rail spur and sidings.
- 1.7 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).
- 1.8 The application essentially seeks a DCO for an operational port and to allow PoTLL to benefit from its permitted development rights within the boundaries of the new port. The application seeks to establish a 'Rochdale Envelope' of development based upon the description within the DCO. Whilst future use of the site may change it would necessarily be based on the "Not Environmentally Worse Than" (NEWT) approach within the Rochdale Envelope defined by this application, given that any development outside of this would require a separate planning application, as it would fall beyond the scope of permitted development powers.

Introduction to London Resort Company Holdings Limited

- 1.9 LRCH is a UK-registered company established to promote a world-class entertainment resort and visitor attraction. It is advised by a team with experience of delivering some of the world's largest leisure, sports and entertainment developments, and is supported by international investors.
- 1.10 The proposed Entertainment Resort will include a leisure park containing themed rides and attractions, entertainment venues and restaurants; further retail, dining and entertainment attractions outside of the leisure park, hotels, service buildings and a staff training academy, as well as up to 3,550 hotel rooms and substantial improvements to transport

infrastructure. The proposals also include a dedicated people mover transport link between Ebbsfleet International Station and the centre of the Entertainment Resort, a new direct road connection from the A2(T), a coach station and river bus facilities. The landscape strategy for the proposed development will incorporate new habitats, quiet zones for visitors, enhanced river frontages and the extensive restoration of land used in the past for chalk extraction, industrial activities and waste disposal.

- 1.11 The Entertainment Resort will be built on the Swanscombe Peninsula on the south bank of the River Thames, 5 km to the west of Tilbury2. POTLL has agreed a MOU with LRCH to support the construction of the Entertainment Resort through the use of the port for construction consolidation and the supply of construction materials to Swanscombe Peninsula by river transport.

2.0 CONSULTATION TO DATE

- 2.1 This section provides a summary of the engagement between PoTLL and LRCH that has taken place to date.
- 2.2 Copies of key letters and minutes of meetings referred to below are provided in Appendix A of this SoCG for reference.

Pre-application

Date	Activity
09th March 2015	Introductory meeting between PoTLL and LRCH
20th May 2015	Demonstration of barge movement from PoTLL
30th September 2015	Progress meeting between PoTLL and LRCH
27 TH February 2017	Meeting to discuss the T2 project and an update for LRCH on progress on their project
19 th May 2017	Meeting with LRCH to discuss how the port could assist in supporting the construction phase of LRCH and an update on T2
9 TH June 2017	Meeting with CEO Forth Ports / LRCH to discuss MOU and an update on respective projects (MOU was subsequently agreed and signed by both parties)
14 th September 2017	Further meeting to discuss how potential logistics would work in terms of POTLL supporting the LRCH project

Post-application

<u>Date</u>	<u>Activity</u>
January 2018	Conference call to discuss LRCH section 56 submission and how we would deal with through a SOCG (Action POTLL to draft SOCG)

- 2.3 The parties continue to engage actively on those matters which are not yet agreed. A further iteration of this SoCG will be submitted into the examination in due course to document the progress that is expected to be made.


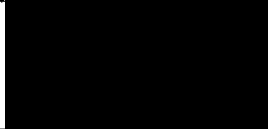
3.0 SUMMARY OF TOPICS COVERED BY THE SOCG

- 3.1 The following topics have been discussed between PoTLL and LRCH and relate only to the section 56 response submitted by LRCH.

4.0 LIST OF MATTERS AGREED

Ref	Description of matter	Details of agreement
4.1	Project Support	
4.1.1	LRCH has been engaged in informal dialogue with PoTLL with regard to the proposed Entertainment Resort since 2014 and both parties have signed an MOU to work together with PoTLL supporting the project from the existing port	It is agreed that LRCH is supportive of the T2 expansion and PoTLL is supportive of the LRCH project and to provide logistical support from the existing port facilities which will be facilitated by the expansion of T2
4.2	Cumulative impacts	
4.2.1	LRCH will consider the T2 project as part of its DCO application	It is agreed that Tilbury2 will be considered by LRCH in relation to predicted cumulative effects as part of its EIA process.
4.4	LRCH / POTLL MOU	
4.4.1	LRCH has plans to utilise the existing port for logistical support during the construction and post operational phase of LRCH's proposed Entertainment Resort	It is agreed and documented in an MOU how the two parties will work together to utilise the river and PoTLL's port facilities.

5.0 AGREEMENT

Signed	
Name	HUMPHREY PERCY
Position	CEO
Organisation	London Resort Company Holdings Limited
Date	20-03-18
Signed	
Name	PETER WARD
Position	COMMERCIAL DIRECTOR
Organisation	Port of Tilbury London Limited
Date	18/3/18



APPENDIX 15

SOCG019

**DRAFT STATEMENT OF COMMON GROUND WITH
CADENT GAS LIMITED**

PLANNING ACT 2008
INFRASTRUCTURE PLANNING
(APPLICATIONS: PRESCRIBED FORMS AND PROCEDURE) REGULATIONS 2009

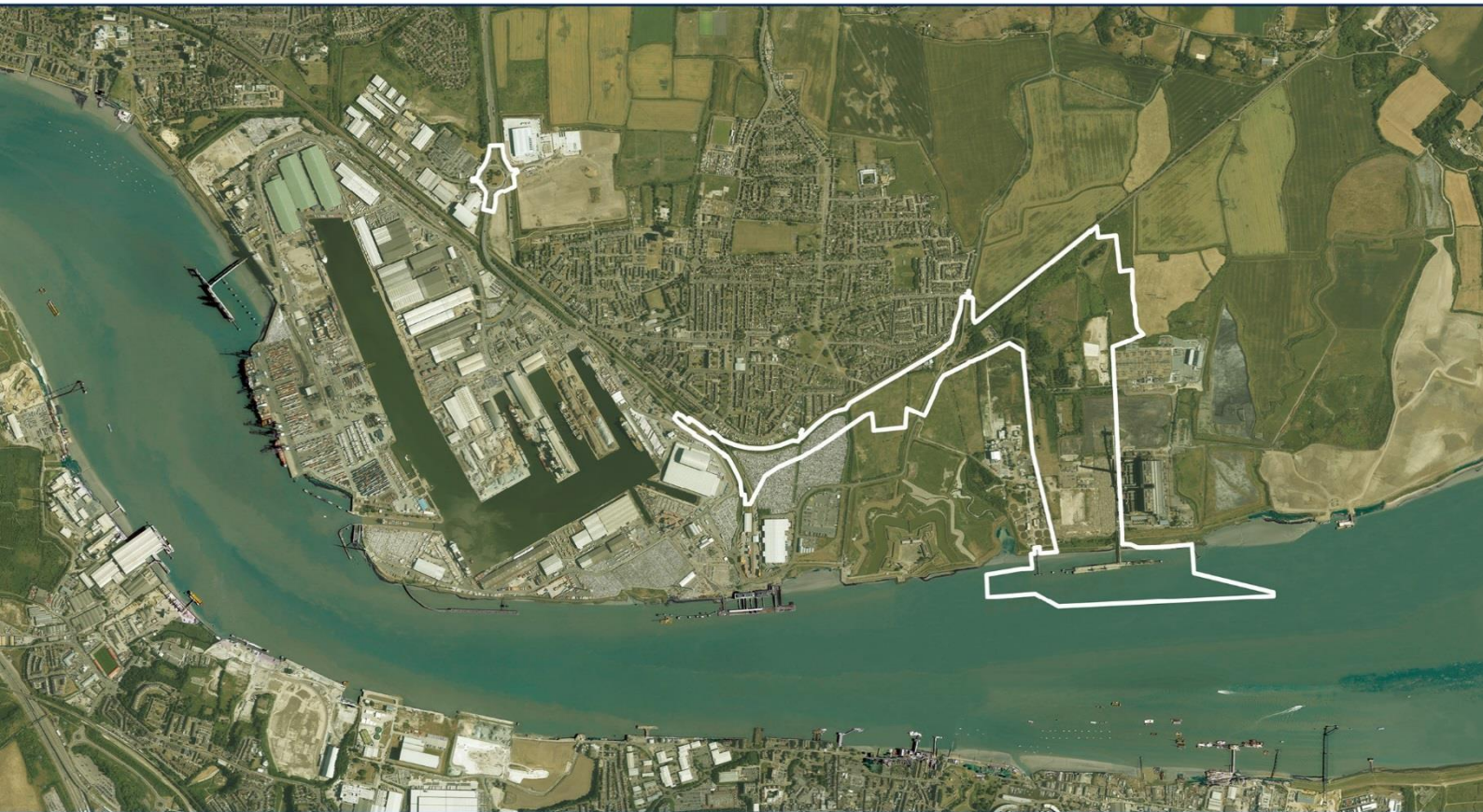
PROPOSED PORT TERMINAL AT
FORMER TILBURY POWER STATION

TILBURY2

TRO30003

STATEMENT OF COMMON GROUND
BETWEEN PORT OF TILBURY LONDON LIMITED
AND CADENT GAS LIMITED

DOCUMENT REF : SOCG019



PORT OF TILBURY (EXPANSION) ORDER

STATEMENT OF COMMON GROUND BETWEEN

PORT OF TILBURY LONDON LIMITED AND CADENT GAS LIMITED

1. INTRODUCTION AND PURPOSE

- 1.1 Application for Development Consent for a proposed port terminal at the former Tilbury Power Station ("the Application") was made by the Port of Tilbury London Limited ("PoTLL") on 31st October 2017 and was accepted for examination by the Planning Inspectorate on 21st November 2017 (reference number:TR03003).
- 1.2 This Statement of Common Ground ("SOCG") has been prepared by PoTLL and Cadent Gas Limited in accordance with the guidance published by the Department of Communities and Local Government.
- 1.3 The purpose of the SOCG is to set out agreed factual information about the Application. It is intended that the SOCG should identify matters on which PoTLL and Cadent agree. As well as identifying matters which are not in dispute, the SOCG may also identify areas where agreement has not been reached. Where relevant, the SOCG will include references to show where these matters are dealt with in the Application, written representations or other documentary evidence.
- 1.4 PoTLL and Cadent are collectively referred to in this SOCG as "the parties". The parties have been, and continue to be, in direct communication in respect of the interface between the proposed port terminal at the former Tilbury power station ("Tilbury2") and Cadent's land ownership interests.
- 1.5 It is envisaged that the SOCG will evolve during the Examination. Subsequent drafts will be agreed and issued.

2. OVERVIEW OF THE PROPOSALS

- 2.1 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 land that formed the western part of the now redundant Tilbury Power Station and is bounded to the west by a waste water treatment works and to the east by the Tilbury B power station that is presently being demolished.
- 2.2 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.
- 2.3 It will require works including, but not limited to:

- creation of hard surfaced pavements;
- improvement of and extensions to the existing river jetty including creation of a new RoRo berth;
- associated dredging of berth pockets around the proposed and extended jetty and dredging of the approaches to these berth pockets;
- new and improved conveyors;
- erection of welfare buildings;
- erection of a single 10,200 sqm. 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
- formation of a rail spur and sidings.

2.4 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.

2.5 The application essentially seeks a DCO to approve an operational port and to allow PoTLL to benefit from its permitted development rights within the boundaries of the new port. The application seeks to establish a 'Rochdale Envelope' of development based upon the description within the DCO. Whilst future use of the site may change it would necessarily be based on the "Not Environmentally Worse Than" approach within the Rochdale Envelope defined by this application, given that any development outside of this would require a separate planning application, as it would fall beyond the scope of permitted development powers.

3. THE ROLE OF CADENT AND THE APPLICATION

3.1 Cadent operates the gas distribution networks in north London and central and north west England.. It is a statutory undertaker for the purposes of the Planning Act 2008 and the provisions in the Draft Development Consent Order submitted within the Application ("the draft order").

3.2 The Application includes provisions which would, if granted and subject to the protective provisions, allow PoTLL to acquire land and rights over land containing Cadent's apparatus permanently and to take powers of temporary possession over land containing Cadent's apparatus.

3.3 Cadent owns apparatus which might be affected by the carrying out of works numbers 9A, 9B and 12 as described in the draft order.

3.4 For the purposes of this SoCG, the term "Authorised Development" has the same meaning as in the draft order.

4. **MATTERS AGREED IN PRINCIPLE**

4.1 This section of the SOCG describes the matters agreed in principle between the parties.

4.2 These matters are:

- that Cadent has no objection in principle to Tilbury2.
- that the draft order should contain appropriately worded protective provisions for the protection of Cadent;
- that the draft order should include sufficient land to allow for agreed diversions of Cadent's apparatus and the grant of new land rights required for such alternative apparatus as is required in light of the impacts of the Authorised Development on Cadent's existing apparatus.

4.3 Whilst each of the above matters is agreed in broad principle, the parties are in continuing discussions regarding the detailed wording required in each case at set out in paragraph 5.1 below.

5. **MATTERS UNDER DISCUSSION**

5.1 The parties are currently still discussing :

- the exact wording of the protective provisions for inclusion in the Order;
- the diversion alignment and the extent of land acquisition necessary to deliver the diversion routes and associated land rights required to lay and maintain the alternative apparatus;
- confirmation of the access arrangements during and after construction of the Authorised Development;and
- any minor amendments required to the wording of the Order to tie in with the Protective Provisions and Compulsory Acquisition and related powers relevant to the impact of the Order on Cadent's existing rights.

5.2 The parties will update the Examining Authority as soon as detailed terms have been agreed between them to address each of the above matters.