

SWQ Ref.	Question to	Question from the Examining Authority	ECC Response to the SWQ
	<b>Cumulative and Combined Impacts</b>		
2.7.1	Natural England (NE), Highways England (HE) and Historic England (Hist E)	NE, HE and Hist E are requested to provide their views on the Qualitative Cumulative Effects Analysis submitted by the Applicant at deadline 3 [REP3-027] a week before the hearings scheduled for the end of June 2018.	<p>ECC notes RWE Generation Scoping Consultation and Notification of the application, and advise that ECC has provided a formal consultation response on the 14<sup>th</sup> May 2018.</p> <p>ECC response raises a number of questions in respect of the overlaps between the three NSIP applications in the area, namely Tilbury 2, Lower Thames Crossing and Tilbury Energy Centre. For completeness please find enclosed a copy of ECC's response on the Tilbury Energy Centre Scoping consultation.</p> <div data-bbox="1429 794 1487 852" style="text-align: center;">  </div> <p style="text-align: center;">Essex County Council Response to T</p>
<b>2.17.</b>	<b>Socio-Economic effects</b>		
2.17.1	Applicant, Essex County Council (GBC)	<p><i>Skills and Employment Strategy</i>. In the SoCG between the Applicant and GBC at deadline 3 [REP3-028], the SoCG identifies the Skills and Employment Strategy as a document that is under discussion.</p> <p>ii. Would the Applicant and ECC update the Examination on the status of their discussions?</p>	<p>ECC can advise that as outlined in the Applicant/ECC deadline 3 SoCG (REP3-028), ECC has been engaged with the draft Skills and Employment Strategy. To date ECC has provided comments on an earlier version and held discussions with the applicant. This work is on-going and to date ECC provided further additional comments on the 26<sup>th</sup> April 2018 on the latest version of the SES and the Applicant is currently considering these points.</p> <p>Furthermore ECC considers the SES should continue to be a live document to support the scheme as it is</p>

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			developed and new workforce requirements are identified.
<b>2.18.</b>	<b>Traffic &amp; Traffic Transportation</b>	<b>&amp; Transportation</b>	
2.18.3	Applicant, Highways England (HE)	<p><i>Strategic Road Network</i>. In the SoCG between the Applicant and HE at deadline 3 [REP3-028], under matters under discussion, the parties state that traffic generation, traffic modelling and its impact, mitigation on the strategic road network, and details in the dDCO are not yet agreed, and that ways of resolving the lack of agreement are under discussion between PoTLL and HE.</p> <p>i. Would the Applicant and HE update the Examination on the status of these discussions?</p>	<p>In respect of SQW's 2.18.3, 2.18.4 and 2.18.5 and the Deadline 3 response by Highways England (second Paragraph) ECC wishes to raise the following concerns:</p> <p>ECC is concerned as to the lack of progress by the Applicant in the assessment of the impact of the Proposed Development on Junction 30 of the M25.</p> <p>It would appear that HE is yet to be assured that the impact on the junction will be insignificant as stated by the applicant.</p> <p>ECC supports HE concerns that this information may not be provided before the end of the Inquiry.</p>
2.18.4	Applicant, Highways England (HE)	<p><i>Strategic Road Network – Overall Position</i>. HE's submission at deadline 3 [REP3-046] states:</p> <ol style="list-style-type: none"> <li>a. that discussions with the Applicant are not proceeding sufficiently quickly to ensure agreement by the end of the Examination;</li> <li>b. that there is a fundamental disagreement between HE and the Applicant in terms of how the works to the Strategic Road Network (SRN) should be carried out;</li> <li>c. that the dDCO should be amended to make it mandatory for the Applicant to enter into an agreement with HE prior to the commencement of works on the SRN;</li> </ol>	Please refer to ECC response under 2.18.3 above

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		<p>d. that the extent of powers sought by the Applicant to take temporary possession and for stopping up in relation to the works to be undertaken on the SRN are not justified.</p> <p>i. As a matter of urgency, would the Applicant give the Examination its response to these matters?</p> <p>ii. Re point c, would HE state why the draft protective provisions in its favour are not sufficient to satisfy this point?</p> <p>iii. Would HE inform the Examination of its response to the Applicant's Note on protective provisions for the Benefit of Highways England [REP3-022]?</p> <p>iv.</p>	
2.18.5	Applicant, Highways England (HE)	<p><i>Strategic Road Network – Transport Assessment.</i> In HE's submission at deadline 3 [REP3-046], HE states that it still has concerns in relation to the SRN, particularly the Asda roundabout (Work No. 11) and M25 J30, but also potentially at other points. HE further states that "<i>the onus is on the Applicant to bring forward sufficient information and modelling and propose appropriate mitigation. If the Applicant has insufficient time to do this within the examination period then HE will continue to seek refusal of the Application</i>". HE also cites concerns regarding the trip generation calculations, the resultant traffic modelling and its impact, and the necessary mitigation.</p> <p>i. Would the Applicant provide its response to the Examination, clearly stating its proposed route for resolving HE's concerns, including a timetable allowing HE sufficient review time?</p>	Please refer to ECC response under 2.18.3 above

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2.18.8	Applicant, Network Rail (NR)	<p><i>Rail</i>. In the SoCG between the Applicant and NR at deadline 3 [REP3-028], under matters agreed in principle, the parties state a number of areas that need to be agreed. NR's submission at deadline 3 [REP3-035] also relates.</p> <p>i. Would the Applicant and NR update the Examination on the status of their discussions on the matters agreed in principle?</p>	<p>In respect of SWQ 2.18.8 and having reviewed the SoCG (REP3-028) between the Applicant and Network Rail, ECC wishes to make the following comment, by way of an update to the Applicant and ECC's SoCG at Deadline 3 (REP3-028):</p> <p>i. ECC is also interested in receiving an update on matters agreed in principle between the Applicant and NR, as these may affect ECC's comments re rail</p>

FAO Ms Emma Cottam  
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Bristol  
BS1 6PN

Our Ref: ECC/TEC/ScopingOpinion

Your Ref: EN010089-000016

Date: 14 May 2018

**Sent by email:** [TilburyEnergyCentre@pins.gsi.gov.uk](mailto:TilburyEnergyCentre@pins.gsi.gov.uk)

Dear Ms Cottam,

**RE: Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) – Regulations 10 and 11**

**Application by RWE Generation UK plc (the Applicant) for an Order granting Development Consent for the Tilbury Energy Centre (the Proposed Development)**

**Scoping consultation and notification of the Applicant's contact details and duty to make available information to the Applicant if requested**

Thank you for the opportunity to respond on behalf of Essex County Council (ECC) as a neighbouring authority and statutory consultee on this Statutory Consultation on the Scoping Report to inform the Environmental Statement (ES) for the proposed development for Tilbury Energy Centre by RWE Generation UK plc (RWE).

ECC is a neighbouring and strategic authority within the definition of the Duty to Co-operate S110 of the Localism Act 2012 and Section 30 of the Planning and Compulsory Purchase Act 2008. The proposed Tilbury Energy Centre is a strategic cross-boundary matter and ECC wish to engage with this process, with the following relevant roles:

- A key partner and service provider within Essex promoting economic development, regeneration, infrastructure delivery and new development for the benefit of Essex and the region;
- The highways and transportation authority for Essex, with responsibility for the delivery of the Essex Local Transport Plan;
- The Minerals and Waste Planning Authority and Lead Local Flood Authority for Essex;
- The Public Health advisor for the county of Essex; and
- The Local Education Authority for Essex and as a key partner in the promotion of employability and skills.

ECC has a long history of close working with Thurrock Council, a neighbouring unitary authority within Greater Essex and as partner authorities in South Essex, within London Thames Gateway; South East Local Enterprise Partnership (SELEP) and the Opportunity South Essex Partnership (OSE). It will be necessary for RWE to have regard to the wider regional priorities, as set out by ECC, SELEP and OSE.

ECC wishes to engage with this ongoing process, to develop the Preliminary Environmental Information Report (PEIR) and inform the ES that will form part of the application for the Development Consent Order (DCO) application for the Tilbury Energy Centre.

ECC has identified a range of issues and comments regarding the Scoping Report, which require further clarification, additional information and actions to be incorporated within the ES. ECC's comments are outlined below.

### **ECC Comments by Service Area:**

The nature and scope of the consultation responses that follow concern:

- Highways and Transportation
- Minerals and Waste Planning
- Lead Local Flood Authority – Flood and Water Management
- Public Health and Wellbeing
- Economic Growth, Regeneration and Skills
- Historic Environment and Archaeology
- Landscape; and
- Natural Environment

### **Highways and Transportation**

#### **General Comments –**

ECC needs to be satisfied that any impacts on the strategic routes connectivity, capacity and resilience are addressed and potential benefits for the Essex economy are optimised. ECC requires further data and analysis on the wider strategic routes to:

- Identify the impact on Essex and surrounding areas;
- Understand employee access to and from the site, job numbers and expected modes of travel (including sustainable access and potential links with London Gateway);
- Evaluate the impact, with regard to TfL transport projects in the vicinity of the scheme and Essex;

- Establish the projected increase in traffic arising from the scheme and the cumulative impact of current planned growth (and transport projects) including London City east and within Greater Essex;
- Establish the implications, sensitivity and inter-relationship on transport movements across the wider strategic network, including the Dartford crossing and the forthcoming Lower Thames Crossing.
- Understand the timescales for project delivery and the cumulative impacts and timing with other major transport infrastructure projects in the vicinity, be it the Lower Thames Crossing (LTC), A13 road widening, A127/A130 Fairglen Interchange improvements, and the A127 route management strategy; and
- Understand the sustainable transport provision for employees and freight during both the construction and operational phases of the development. For example how will employees travel to the site?

ECC would expect these details and proposals to be addressed in the Transport Assessment Report.

LTC is a strategic transport NSIP project which is important to the UK as a whole and is supported by ECC. The road network connecting to the LTC is the responsibility of Highways England (HE). ECC would like to be reassured that both the construction and operational impacts of the proposed Tilbury Energy Centre on the construction and operation of the LTC have been fully considered. This equally applies to the proposed new junction to support the Tilbury 2 NSIP scheme.

ECC seek confirmation from HE and RWE that these discussions have taken place, and that HE have no objections to the Tilbury Energy Centre Scheme.

#### Specific Comments –

Paragraph 269 & Table 7 – ECC considers that operational traffic should also be considered as part of the ES, as there is the potential for impacts on the roads within the ECC highway network. It is not considered that there is sufficient evidence to scope operational traffic out at this stage.

Paragraph 270 - TA consultation - ECC as neighbouring Highway Authority would wish to be consulted on the TA as both construction traffic and operational traffic will have an impact on roads within ECC highway authority control, i.e. A13, A130 A127

Paragraph 273 Point 1 - Review of policies - ECC Local Transport Plan should be included in the review as traffic generated by the development will affect the highway network within ECC area.

Paragraph 273 point 5 - ECC as neighbouring highway authority would wish to be consulted on routes for delivery of materials to site.

Paragraph 273 point 7 – the cumulative impact assessment should also include consideration of the Lower Thames Crossing.

Paragraph 273 – Point 9 - ECC welcomes the proposed formulation of mitigation measures including travel plans for construction workers and operational workers.

ECC recommends that such mitigation measures should seek to link with any mitigation measures proposed to be put in place for Tilbury 2, given the close proximity of the 2 sites.

Paragraph 273 - ECC as neighbouring highway authority would wish to be consulted on all aspects relating to traffic movements and impact on the highway network including points above, along with workers travel planning etc.

Paragraph 274 - Review of road network and key junctions - This assumes that all traffic will only access the site via the M25 and A13 from the west. This assumption is flawed and some traffic will approach from the east via the A13 / A130 / A127 / A128. These links and associated junctions such as A13/130 Sadlers Farm, A127/A130 Fariglen Interchange and A130/A12 Howe Green junction should be included in this assessment, unless it can be robustly demonstrated that these routes / junctions will not be affected.

Section 7.2.9 - Traffic and Transport - No reference is made to the combined impact of Tilbury 2 and Lower Thames crossing construction. There is a risk that these could be constructed at the same time or overlap.

Section 7.2.9 - Traffic and Transport - No reference is made to the operational traffic impact on Lower Thames Crossing or Tilbury 2. Reference is made to using the same access point as Tilbury 2 but not that these access point will be assessed on the capacity to accommodate both developments.

Paragraph 325 - Reference to Lower Thames Crossing - Although LTC is referenced as a DCO/NSIP in the vicinity, no reference is made to the new link road to Tilbury 2 or how this could benefit / be taken into consideration in this application

Page 119 Table 7 Scoped Out Matters - Traffic and Transport – Operation Impacts - This has been scoped out, however, the TA needs to take account of the cumulative effect of traffic from this development and Tilbury 2 as operation staff for both developments will use the same access point. It is ECC's opinion that Operational traffic should be within the scope of the TA or be robustly demonstrated why it should be out of scope.

### **Minerals and Waste Planning**

ECC is a neighbouring Minerals Planning Authority and neighbouring Waste Planning Authority. ECC has no comments to make at this stage in relation to this EIA Scoping Report or the wider proposal.

### **Lead Local Flood Authority – Flood and Water Management**

ECC is a neighbouring Lead Local Flood Authority (LLFA).

Paragraph 203 – The reference to 'flooding from all sources' should be more clearly defined.

Paragraph 207 – reference is made to the implementation of SuDS within the design philosophy 'where feasible'. 'Where feasible' needs to be clearly established. SuDS should be a must not a 'where feasible'

Paragraph 208 – refers to a surface water drainage strategy to be developed in discussions with the Environment Agency and other relevant consultees. ECC as a neighbouring LLFA and Risk Management Authority (RMA) should be included in these discussions. This should be clearly identified and the role that will be played should be transparent from the earliest opportunity.

Paragraph 209 – ECC recommends that surface water and flood risk associated with this is presented as a separate section in the ES as per paragraphs 203, 207 and 208.

Paragraph 226 – ECC wishes to be consulted in relation to water quality.

Section 7.2.4 & Table 5 –The impact on groundwater and groundwater movement should be included in the assessments. The assessments should also consider infiltration potential.

Paragraph 340 – This section should consider pluvial flood risk and be presented as a separate section of the ES. At present it appears to only be focused on fluvial flood risk.

Section 10 – It is recommended that the consultant producing the ES also makes reference to the Flood and Water Management Act, related British Standards, to flooding, surface water and construction, Land Drainage Act as a minimum. These appear to have been overlooked when examining the References provided under Section 10.

### **Public Health and Wellbeing**

ECC is the Public Health advisor in the two tier administrative area of Essex, and is the host authority in respect of the neighbouring authorities in Essex; Basildon, Brentwood, and Castle Point. ECC Public Health wishes to engage with this process in liaison with colleagues in Public Health England and Thurrock Council Public Health advisors (including environmental health). The following comments are made.

ECC welcomes the inclusion of a health impact assessment as part of this proposal.

The wider determinants of health, with reference to any potential socio-economic benefits, should be explored in more depth i.e. employment opportunities including during the construction phase of this project. Discussion of the wording ‘job creation in the study area and beyond’ is ambiguous and ECC would like a clearer definition of ‘beyond’ to ascertain the impacts that this may have on Essex residents.

ECC would request that Environmental Health colleagues in Thurrock Unitary Authority and Public Health England are consulted so to ensure that the potential environmental impacts upon human health are addressed. It is strongly advised that the Public Health England Centre for Radiation, Chemicals and Environmental Hazards (CRCE), with their remit of human health protection, are advised of this scoping document and have the opportunity to advise on their inclusion requirements to the report and the subsequent planning application.

Public Health at Essex County Council wishes to be engaged on the wider public health issues that are identified and may impact upon Essex residents. ECC anticipate engaging with Thurrock Unitary Authority Public Health team on these matters.

### **Economic Growth, Regeneration and Skills**

ECC welcomes reference to consideration of both the construction and operational impacts on the socio-economic status of the region set out in Section 7.2.10, and welcomes engagement with the Thames Gateway Authorities in this respect.

ECC recommend that the following bodies are also directly engaged with this process, namely:

- Association of South Essex Local Authorities (ASELA) (All the South Essex Authorities collectively; Basildon BC, Brentwood BC, Castle Point BC, ECC, Rochford DC and the unitary authorities of Southend on Sea BC and Thurrock Council). The authorities collectively wrote to DCLG on the 9<sup>th</sup> November 2017, to accept an invitation to be a pilot scheme to prepare a “Statement of Common Ground” to support the preparation of a joined Strategic Planning Framework for South Essex.
- South East Local Enterprise Partnership (SELEP)
- Opportunity South Essex Partnership (OSE) –the South Essex federated area of SELEP
- DP World: London Gateway Port
- Port of Tilbury Limited (there is a specific need to engage with the Port of Tilbury and their port expansion Tilbury2 an NSIP project - “Tilbury2” )
- London Southend Airport
- Essex Skills Board
- Essex Chamber of Commerce
- South Essex Growth Partnership
- Haven Gateway Partnership

Consideration should also be made to entering into early discussions with such partners, including ECC, to develop a supplementary planning document to develop a local employment legacy, skills and training needs for both the construction and operational phases. The construction phase could potentially see a number of skills pinch-points and early consideration and engagement is needed to address these skills and local labour challenges. This may include the need for investment in the local skills provision in order to address skills issues and develop a skills legacy.

This should be considered cumulatively with the other NSIP projects within the immediate vicinity of the proposed site, namely LTC and Tilbury 2, which will also generate significant requirements for local employment and development of construction and engineering skills across the area.

Paragraph 287 – Point 2 – this should include consideration of the LTC and Tilbury 2 NSIP schemes, which are in direct proximity of the proposed scheme and will have wider cumulative economic impacts.

## **Historic Environment and Archaeology**

### **General Comments** –

The Cultural Heritage section contains the information relating to assessment of the historic environment. The proposed assessment that is described would be appropriate for the assessment of this development. It should be noted that the proposed development area is situated in a sensitive area of archaeological deposits situated between two scheduled coastal forts.

### **Specific Comments** –

#### Section 7.2.11 –

Paragraph 299 – This section implies that the assessment will comprise the use of existing studies. Considerable recent work has occurred within the area close to the power station and especially the proposed pipeline routes. All of this new data will require reviewing and adding to the existing data.

Paragraph 301 – Although the new power plant will be constructed on the site of the present power station, and is likely to have limited impacts on the below ground deposits, the proposed pipeline routes do have the potential to have major impacts on surviving archaeological deposits.

Paragraph 302 - A field assessment is likely to be needed to understand potential land fill within the area and how this has impacted on the historic ground surface. Even if this has occurred then the historic creeks and field boundaries that survive are likely to contain surviving archaeological deposits

## **Landscape**

### **Specific Comments** –

Paragraph 244 – ECC should also be consulted at this stage of work i.e. the study area for the assessment.

Paragraph 245 - The Zones of Theoretical Visibility (ZTV) should inform the viewpoint locations for the Landscape & Visual Impact Assessment (LVIA). In addition the selection of viewpoints should be informed by fieldwork, and by desk research on access and recreation, including footpaths, bridleways and public access land and tourism including popular vantage points.

ECC should also be party to the proposed location and agreement of viewpoint locations.

The LVIA needs to consider the visual impact of construction traffic accessing the site from the Port Road.

Paragraph 246 - The LVIA needs to inform the colour and design of all above ground installations and in addition the scheme of landscape mitigation required to deal with the adverse impacts identified. This may be best dealt with by way of a Landscape Strategy for the DCO site area and will also need to identify a strategy for other off-site landscape mitigation and enhancement measures.

Paragraph 249 - The impacts arising from the proposed cross country gas pipeline route will also need to be assessed in terms of vegetation loss and the opening up of views.

Measures to reduce impacts from vegetation loss will need to be investigated via the use of horizontal directional drilling and by suitable restoration and mitigation. Long term measures to ensure suitable landscape management of new planting will need to be considered.

Paragraph 330 - The LVIA will need to take full account, in terms of the cumulative landscape and visual impacts, of the neighbouring NSIP developments at Tilbury2 and the LTC. This will be particularly important when considering wider offsite landscape mitigation.

## **Natural Environment**

### **General Comments –**

This proposed NSIP is likely to result in indirect impacts on statutory designated sites both SPA and SSSI and direct impacts on several non-statutory designated sites, such as Local Wildlife Sites (LoWS).

ECC is satisfied that nationally agreed guidelines have been followed for the ecology surveys and all survey work is programmed for the appropriate season by appropriately qualified ecological consultants.

All mitigation and compensation should take place within the red line boundary submitted for the DCO application.

The EIA should thoroughly explore all reasonable options to enhance the development for Protected and Priority species.

Specific Comments –

Paragraph 170 & 270 –

ECC welcomes the proposal that a stage 1 HRA screening exercise will be carried out in order to establish whether a full HRA is required in relation to operational impacts on designated nature conservation sites. It is recommended that this HRA screening needs to identify which Impact Risk Zones (IRZs) the site falls within for Natura 2000 (N2K) sites identified by Natural England on MAGIC website for this type of development which may or may not be 10km. ECC welcomes the assessment of SSSIs and LoWS (within 2km) and Marine Conservation Zones (rMCZ's).

The Shadow HRA needs to consider impact pathways for Likely Significant Effects (LSE) on the Thames Estuary and Marshes SPA/Ramsar and North Downs SAC from **the development alone or in-combination with other plans & projects** eg Lower Thames Crossing and Tilbury2 both NSIPs in the locality.

Paragraph 213 –

It is noted that RWE will consider opportunities to work with adjacent landowners to enable a comprehensive mitigation scheme for the area, but it is not proposing to mitigate the impact of other developments (whose Order limits may overlap with the RWE's) on its power station site.

Paragraph 214 –

It is noted that the existing baseline dataset from previous development projects is being used to inform the EIA for the RWE proposal. However ECC is satisfied that further ecological field work will be undertaken to ensure that up to date information is used as a basis for assessment. These should be supplemented by data from Essex Field Club & Essex Wildlife Trust to inform the survey requirements and ensure that Priority and Protected Species are considered adequately. Records from new or updated surveys undertaken should be shared with both records centres.

Table 4 –

Daytime searches for bats in trees for any tree Potential Roost Assessments should be timetabled for Oct-Mar, not June –July, to ensure canopy does not obscure any Potential Roost Features.

Table 5 –

It is noted that plans for mitigation and enhancement will be developed based on previous survey work and an extensive programme of ecological survey work. The survey work will cover the ecology of the power station site, the gas pipeline route options and where required their surroundings.

**Other**

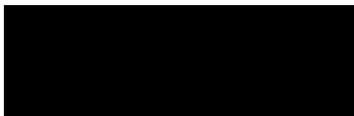
Paragraphs 41 and 44 make reference to the detailed parameters of the project yet to be determined and the preferred route of the pipeline still to be identified. ECC consider that the outcomes of such work may have impacts on matters to be scoped in and/or out, together with any cumulative impacts. Consideration should therefore be given to undertaking a further scoping exercise in order to ensure that all relevant matters have been considered, once the detail has been finalised.

Section 4.11 and Section 5.3 provide detail on the gas pipeline element of the proposal, and acknowledge consideration is required with regard to the potential impacts of its construction on the LTC. ECC recommend that consideration also be given to the operational impacts, together with the potential risk impacts of providing a gas pipeline directly above the tunnel for the LTC.

The “Cumulative and In-Combination Impacts” proposal within Section 7.2.14 is welcomed and could be extended to consider any potential benefits/opportunities and ECC would wish to be engaged in the process of establishing the matters to be considered, as set out in paragraph 323. In respect Section 8.6 it is considered that the proposed structure for the ES should include a dedicated section on the Cumulative and In Combination in Impacts and Benefits, to provide a collective assessment of the Impacts/Benefits and any mitigation.

If you require further information or clarification on any points raised in this response please contact Graham Thomas or Anne Clitheroe, details set out below.

Yours sincerely



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or

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