

**APPLICATION BY PORT OF TILBURY LONDON LIMITED FOR AN ORDER GRANTING
DEVELOPMENT CONSENT FOR A PROPOSED PORT TERMINAL AT THE FORMER TILBURY
POWER STATION ('TILBURY2')**

DCO REFERENCE: TR030003

INSPECTORS' SECOND WRITTEN QUESTIONS

Responses on behalf of The English Heritage Trust

May 2018



Carter Jonas

1.0 INTRODUCTION

- 1.1 The English Heritage Trust is licensed to manage Tilbury Fort as part of the National Heritage Collection by the Historic Monuments & Buildings Commission for England.

Carter Jonas LLP acts on behalf of the English Heritage Trust (English Heritage).

- 1.2 English Heritage has been invited by the Inspectors to respond to two of the Second Written Questions. Responses are provided below to questions 2.13.4 and 2.13.5. Should the Inspectors decide to hold further hearing sessions, English Heritage will be available to attend, to take part in discussions and to answer any further questions that the Inspectors may have about its replies.

2.0 INSPECTORS' SECOND WRITTEN QUESTIONS (SWQ)

Question 2.13.4 - Mitigation and compensation measures.

In EH's submission at deadline 3 [REP3- 039], EH presents a range of mitigation and compensation measures.

i. Would the Applicant and EH update the Examination on how they see the s106 agreement being finalised given the latest draft?

- 2.1 English Heritage and the Applicant have held further discussions regarding potential mitigation and compensation measures in association with the Tilbury2 proposals. It is agreed that a "Tilbury Fort Heritage Contribution" is appropriate to include within the s106 agreement. The contribution details the amount of contribution being sought and the specific measures that will be funded. These would be included in a separate schedule (currently drafted as Schedule 2) of the s106.

- 2.2 English Heritage and the Applicant have agreed that it is necessary to include the resurfacing of the Fort driveway – from near the Worlds End pub to the Fort's Watergate – in the s106. English Heritage and the Applicant are also agreed that a scheme for interpretive signage within the Fort will be included in the s106. Further details of the cost breakdowns for the mitigation and compensations measures have been requested by the Applicant. English Heritage is in the process of preparing these and will provide them to the Applicant as soon as is practicable.

- 2.3 Other mitigation and compensation measures that are outlined in English Heritage's previous submissions are currently not proposed to be included within Schedule 2 of the s106. This is a matter of great concern for English Heritage. English Heritage understands, however, that traffic calming on Fort Road remains under discussion with Thurrock Council, and could be included elsewhere within the proposal and obligations. English Heritage remain concerned about the impact on access, and to some extent setting, that a 'downgraded' Fort road could have, if it becomes an informal lorry park.

- 2.4 English Heritage is particularly concerned about the repeated use of the following phrase in the draft s106, which is proposed to define the "Tilbury Fort Heritage Contribution":

"...a contribution for the purpose of implementing measures to realise tourism and heritage benefits."

- 2.5 English Heritage raises the matter of this phraseology now because it represents where there is disagreement between the parties. The phrase is particularly concerning because it does not fully represent the need for the contribution; it also underplays the effects of the impact of the proposal on the setting of the Fort. The need for the contribution is to mitigate impacts on the setting of heritage assets; to compensate for residual effects; and to realise public benefits. Furthermore, as English Heritage has stated previously, the setting of the Fort (that will be adversely impacted) is the setting of the most important type of heritage asset; a Scheduled Monument. This matter cannot be taken lightly. The effects are not only to the

heritage value of the Fort, but also to its viable operation. The effect on setting is also an effect on tourism, education, residential amenity and filming.

2.6 English Heritage suggests that a more appropriate definition for the “*Tilbury Fort Heritage Contribution*” is:

“...a contribution for the purpose of implementing measures to mitigate and compensate for the adverse impacts on the setting of a Scheduled Monument (Tilbury Fort), to protect its viable use, and to realise public and heritage benefits.”

2.7 English Heritage suggests also that the “*Tilbury Fort Heritage Contribution*,” which will include provision for the resurfacing of the driveway to the Watergate, and the instillation for interpretative signage, should include:

- the provision for the resurfacing of the northern car park;
- the reinstatement of the two bridges across the moats; and,
- the dredging of the moats.

2.8 The detail of the necessary mitigation and compensation has been provided in previous submissions during this DCO process. English Heritage has demonstrated that the measures are reasonable and proportionate. English Heritage has used its substantial heritage conservation knowledge and strategies to prioritise projects that can be directly related to the impacts on setting that the proposal will have. It also has a range of relevant procedures to ensure that they can all be delivered.

Question 2.13.5 - Tilbury Fort.

In the SoCG between the Applicant and EH at deadline 3 [REP3- 028], matters under discussion are the degree of impact of the Proposed Development on the setting, the visitor experience, residential letting, filming at Tilbury Fort, the potential impact on the commercial operation of Tilbury Fort, and whether the moats have been appropriately factored into the flood risk assessment.

i. Would the Applicant and HE update the Examination on these matters?

2.9 English Heritage and the Applicant are still some way apart on the matter of setting. The opinion of English Heritage continues to reflect that of Historic England, which is that the impacts of the proposal are severe and will have a radical and harmful effect on the setting of a Scheduled Monument. These matters have been debated through written and oral responses to the Inspectors’ questions: in short, English Heritage suggest that the proposals require additional mitigation and compensation above what has been planned and the Applicant disagrees. It is unlikely that there will be common ground reached on the severity of harm to the Fort.

2.10 There remains fundamental disagreement over the scale and type of affects that the proposal will have, and whether commercial activity can be separated from the heritage value and the setting. As English Heritage has explained previously, visitor experience, residential amenity, filming and the setting of the Fort are not mutually exclusive. All the activities are affected by the same issue i.e. the the impact on the setting of the heritage asset.

2.11 The impact on the setting of the Fort is a loss to its significance. There will be permanent loss of views to and from the Fort that simply cannot be mitigated. As English Heritage has explained previously, the loss of distant and wide views could be compensated by better revealing significance that is physically closer to the Fort. Bringing the bridges back into use will help visitors to understand the significance of the landward defences at the Fort; the moats are, of course, part of those defences.

2.12 The northern car park, is predominantly an access mitigation measure. Access to the Fort will be impacted by the proposals. The Active Travel Plan includes improvements to pedestrian and cycle links particularly between Tilbury railway station and the Fort. English Heritage acknowledge that this will have some positive affect, however there is further scope

to improve access. This will not only offset the adverse impacts on access; it will also help to rebalance visitor numbers lost as a result of the loss of the historic setting of the Fort.

- 2.13 English Heritage acknowledge the filming report submitted by the Applicant (PoTLL/T2/EX/88), but wishes to reiterate that the issue under consideration is not the quality of the filming venue. English Heritage has raised the matter of filming at Tilbury Fort and indeed the residents, because, as is stated in the draft Statement of Common Ground, since 2015, filming and residential sources contributed 82% of the Fort's total income (£893k) that will be effected by the proposals. An effect on setting is an effect on all activities at the Fort that should be mitigated and compensated. The suggestion is not that all losses from filming should be repaid, but that the revenue realised through this enterprise represents a tangible and quantifiable measure of the value of the setting of the Fort that will be significantly and adversely effected.
- 2.14 English Heritage is prepared to accept the assertions of the Applicant regarding the appropriate inclusion of the moats within the flood assessments. It was as a result of the Applicant raising the issue of increased flood risk, with little explanation, that led to English Heritage's concern. English Heritage accept that the specific risk identified was of flood defence breach, and as such, the existing topographical and hydrological situation is largely irrelevant. If the Environment Agency, as the statutory consultee in such matters, is content then English Heritage has no further comment to make in this regard.