

## 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')

---

### Issue Specific Hearing on outstanding Environmental, Planning Policy and Socio-economic issues

---

27 June 2018, following hearing on compulsory acquisition and no earlier than 11:30 am

Thurrock Hotel, Ship Lane, Aveley, RM19 1YN

Issued on 19 June 2018

#### **Agenda**

1. Welcome, introductions, purpose and arrangements for this Issue Specific Hearing.
2. Opportunity for the host Unitary Council and relevant Interested Parties and Affected Persons to comment on their main concerns regarding environmental, planning policy and socio-economic issues.
3. The matters in Annex A, which contains specific questions from the Examining Authority (ExA) Panel. The topics will include, but not necessarily be limited to:
  - air quality;
  - construction;
  - cumulative and combined effects;

- historic environment;
- landscape and visual;
- noise and vibration;
- socio-economic effects.

4. Action points arising from this Issue Specific Hearing.

5. Any other business.

The Applicant, all Interested Parties, and Affected Persons are invited to attend. In particular, the Panel would welcome the attendance and participation of English Heritage, Essex County Council, Gravesham Borough Council, Historic England, Marine Management Organisation, RWE Generation UK Plc and Thurrock Council.

### **Questions in Annex A**

The questions in Annex A indicate to which party or parties each item is directed. The Panel would be grateful if all named parties would prepare themselves to respond to all agenda items directed to them or indicate that the agenda item is not relevant to them for a reason. This does not prevent a response being provided to an agenda item by a party to which it is not directed, should the agenda item be relevant to their interests.

Each agenda item has a unique reference number in which the first part of the number indicates the hearing round (round 3), the second part indicates the topic (which for consistency follows the topic numbers from the first written questions [PD-007]), and the third part is the question number. So, for example, the second question on air quality is 3.1.2.

When you follow-up your oral response to an agenda item at the hearings by your subsequent written response, please start your response by quoting the unique reference number.

If you are responding to a small number of agenda items, responses in a letter will suffice. If you are responding to a larger number of agenda items, it will assist the Panel if you use a table based on the one in Annex A to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact [Tilbury2@pins.gsi.gov.uk](mailto:Tilbury2@pins.gsi.gov.uk) and include 'Tilbury2 ExA Hearings Round 3 Agendas' in the subject line of your email.

**Written responses are due by Deadline 5 – Friday 6 July 2018**

**The Examination Library**

In the questions in Annex A, references in square brackets (for example [REP4-020]) are to documents catalogued in the Examination Library, which can be obtained from the following link:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR030003/TR030003-000523-Tilbury%20%20Examination%20Library.pdf>

The Examination Library is being updated as the Examination progresses.

**Abbreviations used**

<b>DCO</b>	Development Consent Order	<b>SOAEL</b>	Significant Observed Adverse Effect Level
<b>DEFRA</b>	Department for the Environment, Food and Rural Affairs	<b>SWQ</b>	Second Written Questions
<b>ECC</b>	Essex County Council	<b>TC</b>	Thurrock Council
<b>EH</b>	English Heritage	<b>TEC</b>	Tilbury Energy Centre
<b>GBC</b>	Gravesham Borough Council	<b>WSI</b>	Written Scheme of Investigation
<b>LOAEL</b>	Lowest Observed Adverse Effect Level		
<b>MMO</b>	Marine Management Organisation		
<b>NPS</b>	National Policy Statement		
<b>NPSE</b>	Noise Policy Statement for England		
<b>OMP</b>	Operational Management Plan		
<b>RWE</b>	RWE Generation Limited		

## Annex A: Specific questions from the Examining Authority (ExA) Panel (relates to agenda item 3)

### Air Quality

3.1.1	Applicant, Gravesham Borough Council (GBC)	<p><i>Operational Management Plan (OMP) and Clean Air Strategy.</i> With reference to the Applicant's and GBC's responses at deadline 4 [REP4-020, REP4-013] to ExA's SWQs [PD-010], Q2.1.1 ...</p> <ul style="list-style-type: none"> <li>i. Would the Applicant and GBC update the Examination on their discussions with regard to the wording of the OMP, potential air quality monitoring to be undertaken in GBC's administrative area once the facility is operational, and any other outstanding matters?</li> <li>ii. Would the Applicant state its position on DEFRA's Clean Air Strategy, published in May 2018 and cited by GBC, and in particular the Maritime 2050 Vision and the first UK Clean Maritime Plan, and how the Applicant's proposals for shore power infrastructure will be impacted by the Clean Air Strategy?</li> </ul>
3.1.2	Applicant, RWE Ltd (RWE)	<p><i>Dust Impact at Tilbury Energy Centre (TEC) Site.</i> With reference to RWE's response at deadline 4 [REP4-004] to ExA's SWQs [PD-010], paragraphs 2.8-2.10, citing concerns with regard to the potential for dust from the Tilbury 2 Proposed Development to impact on the future operation of the TEC ...</p> <ul style="list-style-type: none"> <li>i. Would the Applicant and RWE update the Examination on their discussions on this matter?</li> </ul>

### Construction/ Engineering and Design

3.5.1	Applicant	<p><i>Piling Timings.</i> With reference to the issue specific hearing on 19 April 2018 [EV-009], question 5.1 iv. <i>“Condition 8 regarding minutes of soft start has been updated in the revised dDCO, although is still incomplete. Would the Applicant confirm that it will include details of no-piling hours and what this detail will be?”</i>. At the hearing, the Applicant confirmed [REP3-030] that these details will be added to the Deemed Marine Licence once discussions on these matters with the Marine Management Organisation have reached an agreed position.</p> <p>Would the Applicant please update the Examination on progress with this matter?</p>
-------	-----------	---

### Cumulative and Combined Effects

3.7.1	Applicant	<p><i>Qualitative Cumulative Effects Analysis.</i> With reference to the submissions requested for 20 June 2018 in response to the Applicant’s Qualitative Cumulative Effects Analysis [REP3-027] ...</p> <p>What is the Applicant’s response to these submissions?</p> <p><i>Note: since the agendas for the hearings will have been issued before the submissions are received, this question does not apply if no submissions are received.</i></p>
-------	-----------	--

## Historic Environment

3.13.1.	Applicant, Council (TC)	Thurrock	<p><i>External Materials, Colour Palettes and Maximum Heights.</i> With reference to Applicant's and TC's responses at deadline 4 [REP4-020, REP4-005] to ExA's SWQs [PD-010], Q2.13.1 ...</p> <ul style="list-style-type: none"> <li>i. Would the Applicant and TC update the Examination on the points stated to be still under discussion – external finishes, colour palettes and maximum heights - and any other outstanding matters?</li> <li>ii. Would the Applicant and TC state how they envisage any agreement reached on external finishes, colour palettes and maximum heights being secured in the dDCO?</li> </ul>
3.13.2.	Applicant, Heritage (EH)	English	<p><i>Tilbury Fort - Impact on Setting and Harm.</i> With reference to the Applicant's and EH's responses at deadline 4 [REP4-020, REP4-014] to ExA's SWQs [PD-010], Q2.13.5 ...</p> <ul style="list-style-type: none"> <li>i. Would the Applicant and EH update the Examination on their positions with regard to the impact of the Proposed Development on the setting of Tilbury Fort, the severity of harm caused to the Fort by the Proposed Development, and the impacts caused to the activities at the Fort?</li> </ul>
3.13.3.	Applicant, Heritage (EH)	English	<p><i>Tilbury Fort - Mitigation and Compensation Measures.</i> With reference to the Applicant's and EH's responses at deadline 4 [REP4-020, REP4-014] to ExA's SWQs [PD-010], Q2.13.4 ...</p> <ul style="list-style-type: none"> <li>i. Would the Applicant and EH update the Examination on progress with the Tilbury Fort Heritage Contribution of the s106 agreement (schedule 2), highlighting matters under discussion and still to be resolved?</li> </ul>

		<ul style="list-style-type: none"> <li>ii. Would the Applicant comment on EH's concern regarding the phraseology used to describe the Tilbury Fort Heritage Contribution and EH's proposed definition?</li> <li>iii. Would the Applicant comment on EH's proposed additions to the s106 agreement, which EH asserts are fair and proportionate as mitigation and compensation measures?</li> </ul>
3.13.4.	Applicant, Historic England, Marine Management Organisation (MMO)	<p><i>Marine Archaeological Written Scheme of Investigation (WSI)</i>. With regard to the Marine Archaeological WSI submitted by the Applicant at deadline 4 [REP4-021]:</p> <ul style="list-style-type: none"> <li>i. Would Historic England, as historic environment advisor and archaeological curator for the marine environment, and the Marine Management Organisation (MMO) as regulator, inform the Examination of their views of the fitness for purpose of the Marine Archaeological WSI, identifying any areas that in their view need to be revised or enhanced?</li> <li>ii. With reference to Section 6 of the Marine Archaeological WSI, which considers potential impacts on the marine archaeology, and Section 7 which considers mitigation, are Historic England and MMO satisfied with these proposed mitigation measures?</li> <li>iii. In the event of an Archaeological Exclusion Zone (Section 7, Table 4) or Temporary Exclusion Zone (Section 9, paragraphs 9.13.18 and 9.13.27) being implemented within the dredging zones, would the Applicant state what its plans are for completing dredging to the necessary depths and completing subsequent works for the Proposed Development, with impacts on the timetable?</li> <li>iv. Would the Applicant state the measures that it proposes to put in place with regard to unexploded ordnance during piling and dredging operations?</li> </ul>

3.13.5.	Applicant, Historic England, Thurrock Council (TC), Essex County Council (ECC)	<p><i>Terrestrial Archaeology Written Scheme of Investigation (WSI)</i>. With regard to the Terrestrial Archaeology WSI submitted by the Applicant at deadline 4 [REP4-023]:</p> <ul style="list-style-type: none"> <li>i. Would Historic England, as historic environment advisor and archaeological curator for the terrestrial environment, TC as local authority, and ECC where appropriate, inform the Examination of their views of the fitness for purpose of the Terrestrial Archaeological WSI, identifying any areas that in their view need to be revised or enhanced?</li> <li>ii. With reference to Section 5 of the Terrestrial WSI, which considers mitigation measures, are Historic England and TC satisfied with these proposed mitigation measures?</li> <li>iii. With reference to Appendix 1 of the Terrestrial WSI, are Historic England and TC satisfied with the WSI for Geoarchaeological and Palaeoenvironmental Assessment?</li> </ul>
---------	--	---

### Landscape and Visual Impacts

3.15.1	Applicant, Thurrock Council (TC)	<p><i>Wider Landscape Improvements</i>. With reference to the Applicant's and TC's responses at deadline 4 [REP4-020, REP4-005] to ExA's SWQs [PD-010], Q2.15.1, in which TC identifies "<i>three issues that could be addressed via the suggested wider landscape improvements</i>" which are under discussion with regard to potential s106 obligations, deliverability, etc – new planting along the infrastructure corridor, enhancements to the area around Tilbury Fort, and landscape enhancement measures within the wider area of Tilbury ...</p> <p>Would the Applicant and TC update the Examination on the progress with their</p>
--------	----------------------------------	--

		discussions, highlighting matters now agreed, still to be resolved and not agreed?
3.15.2.	Applicant, England	Historic <i>Visual Impacts on Tilbury Fort.</i> With reference to the Applicant's and Historic England's responses at deadline 4 [REP4-009] to ExA's SWQs [PD-010], Q2.15.2, in which Historic England cites discussions with the Applicant concerning the scope for further mitigation in relation to Historic England's assessment of residual harm to the significance of Tilbury Fort ...  Would the Applicant and Historic England update the Examination on the progress of their discussions on this matter?

## Noise and Vibration

3.16.1.	Applicant	<i>Noise Monitoring at Mark Lane.</i> In the Applicant's response to ExA's SWQ [PD-010] Q2.16.1, the ExA notes that the Applicant is currently arranging to undertake noise monitoring at Mark Lane as requested by Gravesham Borough Council (GBC) [REP4-013].  Would the Applicant confirm that the monitoring referred to is that required under requirement 10 - or is there any other work being undertaken at this stage, and if so for what purpose?
3.16.2.	Applicant	<i>Adequacy of Operational Management Plan (OMP).</i> In response to the ExA's SWQ [PD-010] Q2.16.3 regarding adequacy of the OMP, GBC puts forward [REP4-013] a number of suggestions for how to limit noise, including:

		<ul style="list-style-type: none"> <li>• Require compliance with a standard;</li> <li>• Specify noise limit conditions/design constraints;</li> <li>• Specify days/hours restrictions (GBC preference in hierarchy of avoidance and mitigation);</li> <li>• Prohibit or restrict certain activities.</li> </ul> <p>GBC also refers to government guidance on minerals operations (<a href="https://www.gov.uk/guidance/minerals">https://www.gov.uk/guidance/minerals</a>) and states that mineral planning authorities should aim to establish a noise limit, through a planning condition, also providing suggested limits and examples of other schemes.</p> <p>Would the Applicant state its response to these proposals?</p>
3.16.3.	Applicant	<p><i>Mitigation between LOAEL and SOAEL.</i> In the Applicant's response [REP4-020] to the ExA's SWQ [PD-010] Q2.16.4 regarding GBC's concerns about sound between the Lowest Observed Adverse Effect Level (LOAEL) and Significant Observed Adverse Effect Level (SOAEL), the Applicant does not address whether there is any mitigation available for LOAEL. The Applicant does acknowledge that the Noise Policy Statement for England (NPSE) requires mitigation and minimisation where LOAEL is exceeded.</p> <p>The ExA also notes that the Applicant states that the National Policy Statement (NPS) for Ports does not consider noise change. However, NPS paragraph 5.10.4 states that the noise assessment should include <i>"a prediction of how the noise environment will change with the proposed development"</i> and <i>"an assessment of the effect of predicted changes in the noise environment on any noise sensitive areas and noise sensitive species"</i>.</p> <p>The ExA also notes paragraph 5.10.8 of the NPS regarding containment of noise within buildings wherever possible and optimisation of plant layout.</p> <p>The ExA further notes that paragraph 5.10.10 of the NPS states: the <i>"decision-maker should consider including measurable requirements or specifying the mitigation"</i></p>

		<p><i>measures to be put in place to ensure that actual noise levels from the project do not exceed those described in the assessment or any other estimates on which the decision-maker's decision was based."</i></p> <p>Would the Applicant demonstrate how it has addressed these matters?</p>
3.16.4.	Applicant	<p><i>BS4142.</i> In Gravesham Borough Council (GBC)'s response [REP4-013] to the ExA's SWQ [PD-010] Q2.16.5, GBC has proposed the method detailed in BS4142 (Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas).</p> <p>What is the Applicant's response to including the BS4142 standard for limiting the noise?</p>
3.16.5.	Thurrock Council (TC)	<p><i>Noise Reassessment.</i> In TC's response [REP4-005] to ExA's SWQ 2.16.7 [PD-010] ...</p> <ul style="list-style-type: none"> <li>i. Can TC confirm that the reassessment referred to by TC is that in Requirement 10 - this is the reassessment of noise as a whole prior to operation?</li> <li>ii. This reassessment does not appear to require sign off from TC. Is TC content with this?</li> </ul>
3.16.6.	Applicant, Marine Management Organisation (MMO)	<p>In the Applicant's response [REP4-020] to EXA's SWQ [PD-010] Q2.16.8, the ExA notes that the Applicant confirms the appendix will form part of the ES, and the definition of the ES in the DCO certification schedule will be amended to reflect this. The MMO has requested a standalone version of the appendix for consultation with Cefas, but was not provided with this.</p> <p>Would the Applicant/MMO please update the Examination on progress on this matter?</p>

**Socio-economic Effects**

3.17.1.	Applicant, Essex County Council (ECC)	<i>Skills and Employment Strategy</i> . With reference to the Applicant's and ECC's responses at deadline 4 [REP4-020, REP4-015] to ExA's SWQs [PD-010], Q2.17.1 ... Would the Applicant and ECC update the Examination on the status of the Skills and Employment Strategy?
---------	---------------------------------------	---