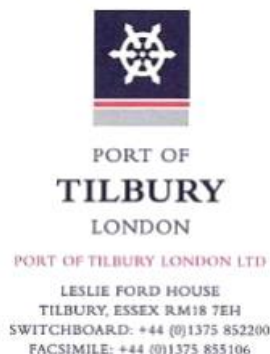


Robert Ranger
Case Manager
The Planning Inspectorate
National Infrastructure
Temple Quay House
Temple Quay
Bristol
BS1 6PN



22 June 2018

Your ref: TR030003
Our ref: PoTLL/T2/EX/117

Dear Mr Ranger,

Planning Act 2008

Draft Port of Tilbury (Expansion) Order for “Tilbury2”

Submissions prior to Hearings

- 1.1 In its submission one week prior to the hearings, dated 18 June 2018, Port of Tilbury London Ltd (PoTLL) provided a Statements of Common Ground Update Report (PoTLL/T2/EX/115).
- 1.2 In providing this document and the appended Statements of Common Ground (“SoCGs”) it was highlighted that updated versions of the SoCG with the PLA, Historic England and the Environment Agency were not available at that time. Extensive discussions have been taking place with these parties in order to reach a position that would enable revised SoCGs to be submitted before the Issue Specific Hearings.
- 1.3 This objective has been achieved in respect of the SoCG with Historic England and the Environment Agency and these documents are now enclosed.
- 1.4 Discussions with the PLA are continuing but we are not in a position to provide an updated SoCG with the PLA at this time. Both parties will update the ExA as to discussions as appropriate at the forthcoming hearings.
- 1.5 In addition, extensive discussions have continued with Highways England. The position with Highways England as of 18th June 2018 was set out in our *Highways England Paper* (PoTLL/T2/EX/116) submitted on that date. Discussions have continued since that time and a further SoCG with Highways England is enclosed.



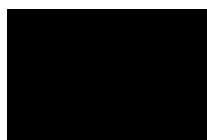
Registered Office:
Leslie Ford House
Tilbury, Essex RM18 7EH
Registered in England (No. 2659118)

1.6 To summarise, the following documents are enclosed :

Document title	Document Reference	Comments
Statement of Common Ground between Port of Tilbury London Limited and Environment Agency SOCG004	PoTLL/T2/EX/118	Updated Statement of Common Ground submitted prior to the hearings reflecting the most up- to-date position of PoTLL and the Environment Agency.
Statement of Common Ground between Port of Tilbury London Limited and Historic England SOCG006	PoTLL/T2/EX/119	Updated Statement of Common Ground submitted prior to the hearings reflecting the most up-to-date position of PoTLL and Historic England.
Statement of Common Ground between Port of Tilbury London Limited and Highways England SOCG009	PoTLL/T2/EX/120	Updated Statement of Common Ground submitted prior to the hearings reflecting the most up to date position of PoTLL and Highways England.

1.7 If you have any questions on any of these matters, please do not hesitate to contact our legal advisers: matthew.fox@pinsentmasons.com or robbie.owen@pinsentmasons.com.

Yours sincerely



PETER WARD
COMMERCIAL DIRECTOR
PORT OF TILBURY LONDON LIMITED



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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
THE ENVIRONMENT AGENCY -
SoCG004

TILBURY2 DOCUMENT REF: PoTLL/T2/EX/118



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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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	30th April 2018	Agreed for submission at Deadline 3
4.0	22 nd June 2018	Agreed for submission ahead of ISHs

TILBURY2 PROJECT TEAM
PORT OF TILBURY LONDON LIMITED
Leslie Ford House
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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.

Date	Activity
28 th July 2017	Response of EA to S42 statutory consultation (letter reference AE/2017/121765/01-L01).
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

Date	Activity
	the WFD assessment post data gathering and research as no EQS is available for perylene.
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 nd May 2018	Call with the EA to discuss intertidal habitats
2 nd May 2018	'Interaction of Tilbury2 and River Thames Flood Defences' report [REP3-024] issued to EA.

- 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
- Terrestrial Ecology ([including intertidal habitats](#))
- Hydrogeology and Ground Conditions
- Flood Risk
- Flood Risk Management
- [Water Framework Directive Assessment](#)
- [Combination effects](#)
- 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.
4.1.3	Specific pollutants and priority hazardous substances 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 materials less close to their EQS limits.	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 or flood risk activity permit in the DCO.
4.2	Terrestrial Ecology (including inter-tidal habitats)	
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 to ensure no net loss of these habitats. It is agreed that the EA will be consulted on the detailed design of pond and reedbed construction

Ref	Description of matter	Details of agreement
4.2.2	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 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.'
4.2.3	<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>	<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.</p> <p>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).</p>
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.

Ref	Description of matter	Details of agreement
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 - precautionary measures	<p>It is agreed that the provisions for eels and their passage set out in the EMCP are appropriate, specifically:</p> <ul style="list-style-type: none"> • Fish and eel passage will be retained under any crossing installed as part of the works, and the Environment Agency will have the opportunity to approve the detailed design of the proposed Thames outfall, including the incorporation of eel-friendly control structures ('eel flaps'), pursuant to their protective provisions; • Compensatory wet ditch habitats will be provided ensuring no net diminution of the quantum of this habitat due to the development. <p>It is agreed that provided these measures are undertaken then there is not anticipated to be any detrimental impact on any eels and further eel surveys are unnecessary.</p>
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</p>

Ref	Description of matter	Details of agreement
		<p>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>
4.2.8	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), Landscape and Ecology Management Plan (LEMP) and draft Ecological Mitigation and Compensation Plan (EMCP) are appropriate. It is agreed that further details will be provided in future revisions of the EMCP.
4.2.9	Ecological compensation: off-site delivery	It is agreed that the off-site compensation proposed in the EMCP for Paglesham provides suitable mitigation/compensation for coastal floodplain grazing marsh, scrub and reptiles. It is agreed that further details of management of the Paglesham site, and details of other off-site receptor/s for brownfield habitats and invertebrates will be provided in future revisions of the EMCP on which EA agreement will be sought.
4.2.10	Intertidal Habitats: mitigation and compensation measures	There is agreement on the principles of measures proposed to mitigate losses of inter-tidal

Ref	Description of matter	Details of agreement
		habitats. In particular, the measures agreed to mitigate proposed construction of a piped outfall to the Thames include: minimisation of temporary incursions during construction; saltmarsh turf collection and re-laying following pipe installation; new saltmarsh generation via installation of groynes and natural accretion, followed by annual monitoring. The EA will be consulted upon the detailed designs of the mitigation, and approval sought pursuant to their protective provisions
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 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

Ref	Description of matter	Details of agreement
		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 proposed works, and therefore provides more clarity of the precise increase in flood depths, not just the depth bands as shown on the maps.
4.4.2	Flood Breach Modelling Methodology	It is agreed that the breach methodology outlined; the location, breach width, duration, roughness values, simulations and

Ref	Description of matter	Details of agreement
		<p>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	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.
4.4.4	Surface water discharge directly into River Thames	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.
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.

Ref	Description of matter	Details of agreement
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.	<p>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.</p> <p>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 or via a flood risk activity permit.</p> <p>Further detail on how the Tilbury2 scheme will interact with the River Thames Flood Defences was submitted at deadline 3 [REP3-024]. The EA are in agreement with the content of this report.</p>
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.
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 existing defence. Impact on the existing flood defence, and determination of responsibility for any panel replacement will be dealt with at the detailed design

Ref	Description of matter	Details of agreement
		<p>stage through the EA's proposed plan approval role under protective provisions in the DCO or via a flood risk activity permit.</p> <p>Further detail on how the Tilbury2 scheme will interact with the River Thames Flood Defences was submitted at deadline 3 [REP3-024]. The EA are in agreement with the content of this report.</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 or via a flood risk activity permit.</p>
4.5.5	Outflows from the Tilbury Flood Storage Area to be not interrupted and that any potential interruption to these flows must	<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</p>

Ref	Description of matter	Details of agreement
	be subject to review by a Reservoir Construction Engineer	through the operation of the EA's protective provisions or via flood risk activity permit .
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	A Memorandum of Understanding between the Environment 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.
4.5.8	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	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

Ref	Description of matter	Details of agreement
	construction of the new road connections	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 or via a flood risk activity permit .
4.5.9	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>
4.6 WFD assessment		
4.6.1	Terrestrial habitats.	It is agreed that the WFD assessment is satisfactory from a terrestrial habitat perspective.
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 or via a flood risk activity permit .

Ref	Description of matter	Details of agreement
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 or via a flood risk activity permit .
4.7	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>
4.7.2	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	<p>It is agreed that there is currently insufficient detail available from the Tilbury Energy Centre (TEC) 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. This is corroborated by the initial</p>

Ref	Description of matter	Details of agreement
	consultations, prior to issue of DCO.	<p>findings of the work being undertaken by the EA in conjunction with the TEC [REP3-034 paragraph 4.1].</p> <p>It is agreed that cumulative effects of Tilbury2 and the proposed power station (including potential effects to water quality) have been considered within this stage of consultation, as far as possible with the existing information.</p> <p>Prior to any future maintenance dredge PoTLL will undertake further consultation with the EA as required by the Deemed Marine Licence. As part of this process PoTLL will need to show that there is no deterioration in water quality by submitting a Water Framework Directive assessment.</p>

5.0 LIST OF MATTERS NOT YET AGREED BUT UNDER DISCUSSION

Ref	Description of stakeholder issue	Current position
5.1 Terrestrial Ecology (including intertidal habitats)		
5.1.2	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.
5.2	WFD assessment	
5.2.1	Watercourse and ponds design, compensation and enhancement - the Environment Agency suggest a greater length of watercourse and a number of ponds should be established.	Compensation plans are being developed (see Figure 1 of the EMCP) that would meet these requirements.
5.3	Protective Provisions	
5.3.1	DCO – Disapplications and Protective Provisions.	Protective Provisions for the protection of the EA are not yet agreed between the parties but both parties aim to reach agreement by the end of the Examination.

6.0 LIST OF MATTERS NOT AGREED

Ref	Description of stakeholder issue	Current position
6.1	None	

7.0 AGREEMENT

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

PLANNING ACT 2008
INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE)
RULES 2010

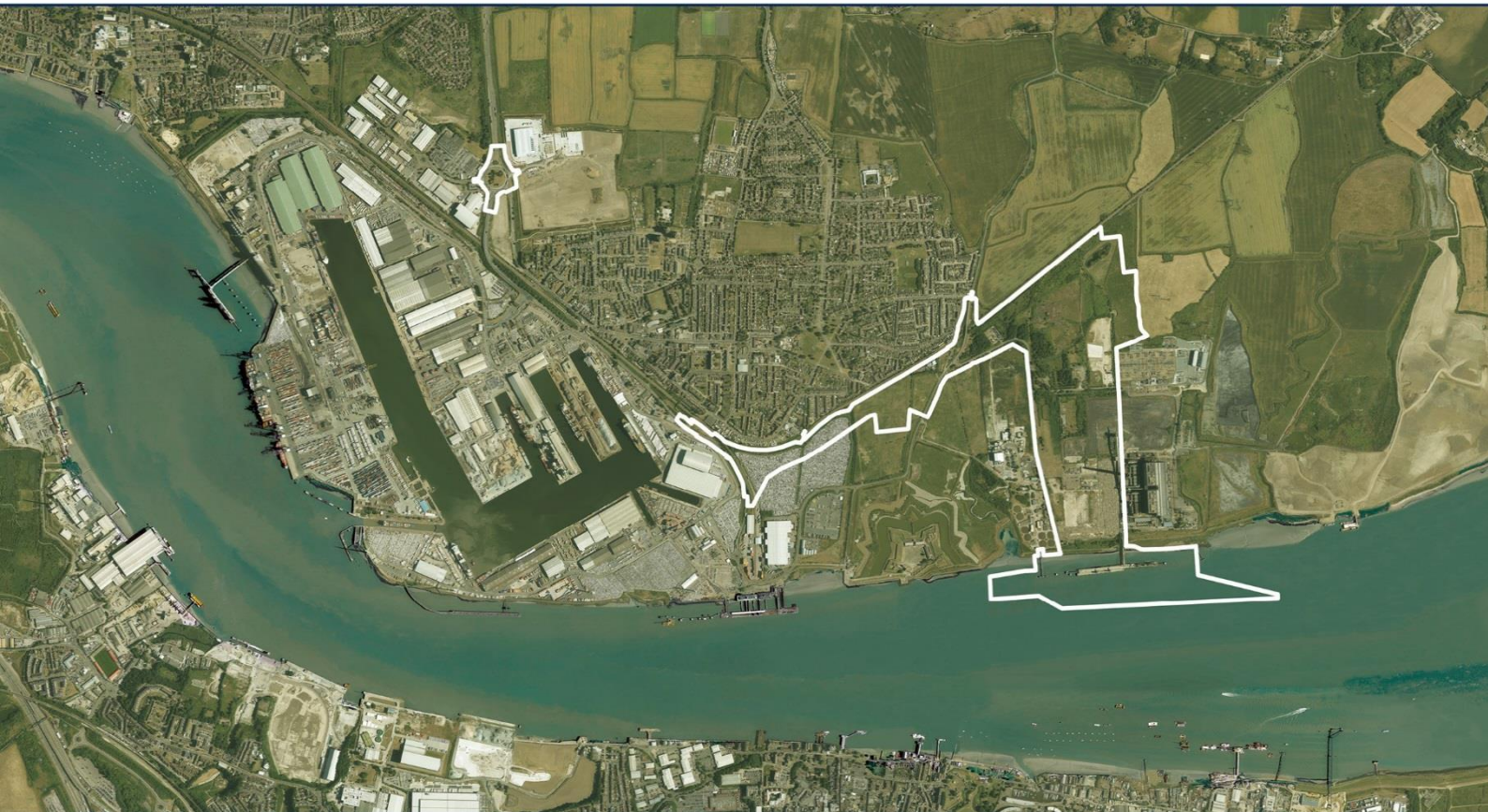
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TILBURY2

TRO30003

STATEMENT OF COMMON GROUND
BETWEEN PORT OF TILBURY LONDON LIMITED AND
HISTORIC BUILDINGS AND MONUMENTS COMMISSION
FOR ENGLAND (HISTORIC ENGLAND)
SOCG006

TILBURY2 DOCUMENT REF: PoTLL/T2/EX/119



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
7.0	3 rd May 2018	7 th Draft for Historic England comment
8.0	22 nd May 2018	8 th Draft following comments from Historic England
9.0	12 th June 2018	9 th draft following meeting with Historic England on 12 th June

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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 Gorbing 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 Gorbing 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
24 April 2018	CgMs Heritage emailed draft Marine Written Scheme of Investigation to Historic England
27 th April 2018	Comments received from Historic England on the draft Marine Written Scheme of Investigation (Wessex Archaeology April 2018)
18 th May 2018	Conference Call with Historic England, POTLL and CGMS Ltd to discuss Built Heritage and potential further mitigation including colour palettes.
12 th June 2018	Con Call with Historic England, POTLL and CgMs Ltd to discuss SoCG

- 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	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 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.</p>
4.1.5	Cumulative Impact Assessment	<p>Chapter 12 paragraph 12.243 has given attention to what cumulative impacts might occur and that any potential adverse cumulative effects on the archaeological</p>

		resource should be mitigated through the delivery of approved mitigation strategies.
4.1.6	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 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> <p>It is agreed that the mitigation strategy will be implemented in accordance with the Terrestrial WSI.</p>
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	<p>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.</p> <p>The marine archaeological baseline environment has been adequately described in the supporting Technical Appendices 12A and 12C.</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). If a similar find was recovered in the intertidal or marine zone it would be considered of equivalent importance but the potential for discovery is very low.</p> <p>It is agreed that the term 'modern debris' used in Chapter 12 Table 12.8a, Table 12.11a and 12.15a refers to debris that can be anticipated relating to recent river bed activity. The term was incorporated in the geophysical survey report (Appendix 12A AS5) and relate to anomalies that have no archaeological interest.</p> <p>It is agreed that any Roman wreck, if discovered, would be of national importance although such discovery is unlikely at this location as presented in Chapter 12 Table 12.8c, Technical Appendix 12A paragraph 1.3.9 and AS3 Table 4.</p>
4.2.4	Impact Assessment	<p>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 and the supporting Technical Appendices</p> <p>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 mitigation measures set out in the draft Marine WSI (as yet to be finalised) are implemented.</p> <p>It is agreed that the calculation to establish the worst case impact from piling (Chapter 12 paragraph 12.166 and Technical Appendix 12A) considers the maximum zone of disturbance across the site in accordance with Historic England's</p>

		<p>guidelines (Piling and Archaeology 2015). The site in this instance is the marine and intertidal zone (the intertidal zone and the area seaward of the low water mark within the order limits).</p> <p>It is understood that the two types of dredging options which are proposed are backhoe and WID. Consequently a programme of mitigation measures in advance of WID and Backhoe dredging will be secured as outlined in the draft Marine WSI (yet to be finalised) and delivered through a task specific method statement.</p>
4.2.5	Cumulative Impact Assessment	<p>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.</p>
4.2.6	Mitigation	<p>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.</p> <p>It is agreed that the mitigation strategy will be implemented in accordance with the draft Marine WSI (yet to be finalised).</p>
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</p>

		<p>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 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>
4.3.6	<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 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>
4.3.7	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 within Technical Appendix 12.B Built Heritage Assessment (Document Reference 6.1 12.B) (page 82-83).</p>

4.3.8		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.
4.3.9		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 Historic England is an appropriate mitigation measure.
4.3.10	<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> <p>It is agreed that a suitable palette of materials and finishes for buildings within the envelope, but not nominated in the DCO, will contribute towards mitigation and that HE will be invited for further comment on the palette when the specification is developed.</p>
4.3.5		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.

		Vibration monitoring and mitigation through the construction phase at Tilbury Fort has been offered by PoTLL and is set out in the CEMP. This process will be undertaken in consultation with both HE and EH, as set out in the CEMP.
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5.0 LIST OF MATTERS UNDER DISCUSSION

Ref	Description of stakeholder position	Current issue
5.1 Marine Archaeology		
5.1.1	Mitigation	The wording of the draft Marine WSI is the subject of discussion with both parties.
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>This was addressed through the Tilbury Fort Paper submitted at Deadline 1 and is now considered to have been satisfied.</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.</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>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</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>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 CEMP 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 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.</p>
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		<p>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>Stakeholder notes no input on Noise and Vibration Monitoring proposals to date.</p> <p>(Moved to Matters Agreed)</p> <p>(Moved to Matters Agreed)</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 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>Moved to Matters Agreed</p> <p>Moved to Matters Agreed</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 Historic England is an appropriate mitigation measure.</p>
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6.0 LIST OF MATTERS NOT AGREED

Ref	Description of stakeholder position	Current issue
6.1 Draft Development Consent Order		
6.1.1	Historic England have provided recommended wording within the DCO and DML to secure the archaeological mitigation strategy	The applicant does not agree to this wording as the both the draft Terrestrial and Marine WSIs address all the requirements set out in Historic England's recommended wording of the DCO. Consequently the Applicant considers it would be unnecessary duplication if the wording within the draft WSI was also used in the DCO.
6.2 Marine Archaeology		
6.2.1	Historic England requested in their letter dated 27 th April 2018 that measures should be taken to establish foreshore elevations at Tilbury Fort as baseline conditions against which any changes can be measured before, during and after completion of the proposed capital dredge programme.	HR Wallingford's model (ES Appendix 16D) shows that there are no hydrodynamic or sedimentation effects shown on Tilbury Fort's foreshore, so any effects will be small and probably not detectable in natural variation. Based on this evidence the applicant does not consider that a monitoring programme is needed along the Tilbury Fort foreshore.
6.3 Built Heritage		
6.3.1		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

		<p>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 is not agreed.</p>
6.3.2		<p>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.</p>

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. Both parties have agreed for this version to be provided to the ExA on a without prejudice basis

PLANNING ACT 2008
INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE)
RULES 2010

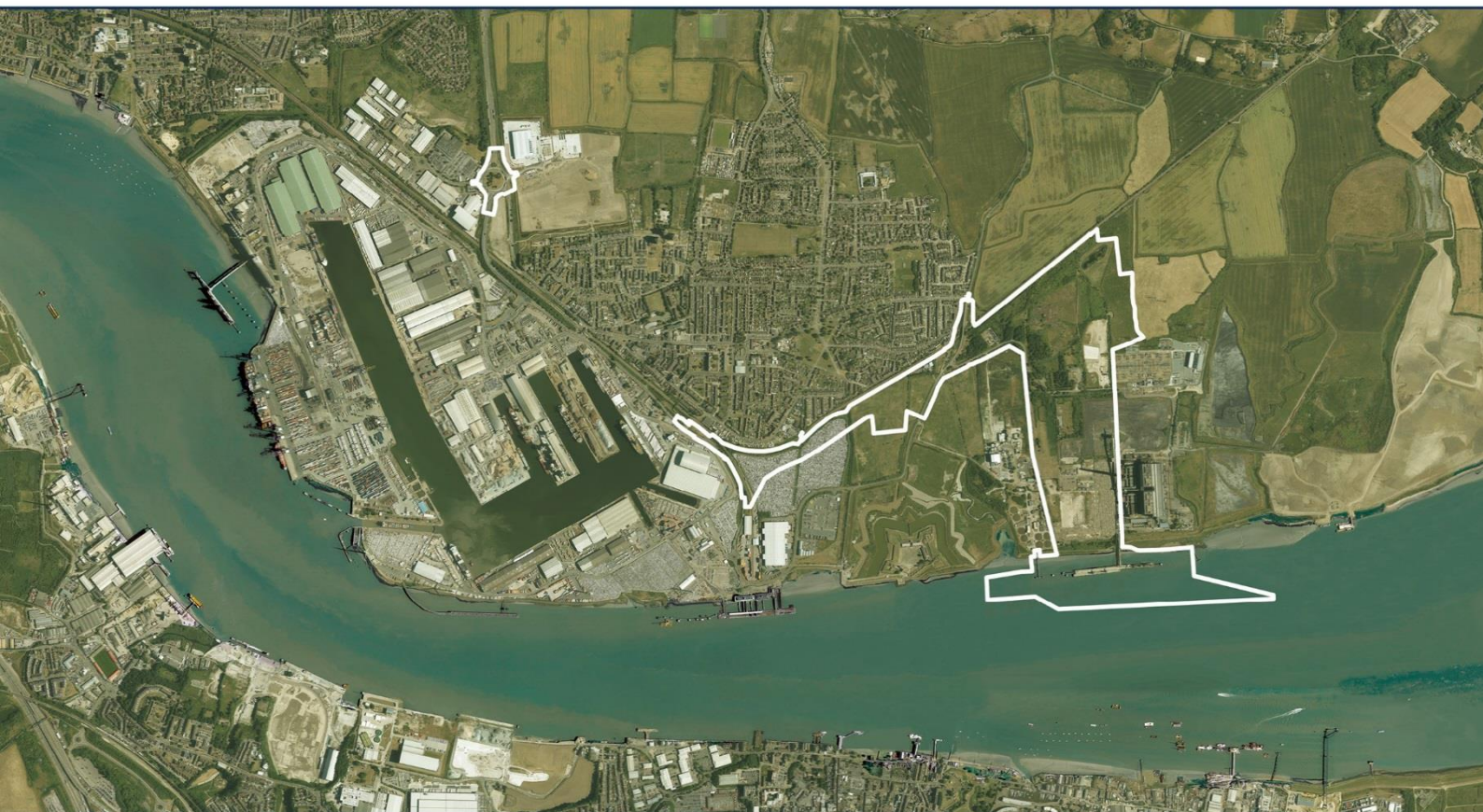
PROPOSED PORT TERMINAL AT
FORMER TILBURY POWER STATION

TILBURY2

TRO30003

STATEMENT OF COMMON GROUND
BETWEEN PORT OF TILBURY LONDON LIMITED AND
HIGHWAYS ENGLAND - SOCG009

TILBURY2 DOCUMENT REF: PoTLL/T2/EX/120



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
3.0	22/5/18	Third Draft
4.0	22/6/18	Fourth Draft

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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

<u>Date</u>	<u>Activity</u>
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 2018	Meeting between PoTLL and HE to discuss traffic generation
10 May 2018	Meeting between PoTLL and HE to discuss traffic generation, M25 J30 and ASDA roundabout
6 June 2018	Meeting between PoTLL and HE to discuss M25 J30
8 June 2018	Meeting between PoTLL and HE to discuss M25 J30 and ASDA roundabout.
18 June 2018	Meeting between PoTLL and HE to discuss the dDCO, including its protective provisions
20 June 2018	Meeting between PoTLL, HE and Thurrock Council to discuss mitigation at ASDA roundabout
21 June 2018	Telecon between PoTLL and HE to discuss the dDCO, including its protective provisions
January – June 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.
4.2.5	Traffic Generation	It is agreed that the predicted traffic generation set out in the TA provides a suitable basis for assessment of the impact of Tilbury2 on the SRN

4.2.6	A1089/A13 interchange & A1089/Marshfoot Road interchange	It is agreed that the operation of these interchanges would not be adversely affected by the Tilbury2 development traffic.
4.2.7	ASDA Roundabout	It is agreed that the traffic modelling of the ASDA roundabout accurately represents the impact of Tilbury2 development traffic and a scheme of measures to mitigate the impact has been agreed in principle.
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.
4.6 Draft Development Consent Order		
4.6.1	Street Works Powers	It is agreed that the various street works and temporary stopping up powers in the dDCO are

		acceptable to HE, subject to the safeguards of HE consent (already provided for in the drafting) and HE protective provisions (as to which, see below) and on the basis of PoTLL's approach and application of these powers as outlined in Section 6 of Highways England Paper TILBURY2 (Document Ref: PoTLL/T2/EX/116)
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5.0 LIST OF MATTERS UNDER DISCUSSION

Ref	Description of stakeholder position	Current issue
5.1 Land side Transport		
5.1.1	M25 J30	The impact of predicted traffic from the proposed development on M25 J30 and the need for any mitigation is under discussion between PoTLL and HE.
5.1.2	ASDA roundabout	An outline design of the mitigation required at ASDA roundabout is under discussion between PoTLL, Thurrock Council and HE.
5.2 Draft Development Consent Order		
5.2.1	Protective Provisions	The Application contained protective provisions for Highways England. Highways England submitted its preferred alternative form of Protective Provisions to PoTLL on Friday 15th June and these are currently being discussed.

6.0 LIST OF MATTERS NOT AGREED

Currently no matters not agreed.

7.0 AGREEMENT

Signed	
Name	
Position	
Organisation	Highways England
Date	
Signed	
Name	
Position	
Organisation	Port of Tilbury London Limited