

**From:** [Bustard, Jonathan \(NE\)](#)  
**To:** [Tilbury2](#)  
**Cc:** [Dominic Woodfield](#); [Melvin, Jamie \(NE\)](#); [Fuller, Neil \(NE\)](#); [Heaver, David \(NE\)](#); [Loneragan, Aidan \(NE\)](#); [Ward, Helen \(NE\)](#); [Canning-Trigg, Andrew \(NE\)](#); [Peter Ward](#)  
**Subject:** Tilbury2 Cumulative Environmental Assessment - comments from Natural England  
**Date:** 25 June 2018 19:15:53  
**Importance:** High

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To whom it may concern

Please see attached Natural England's comments on the CEA, with apologies for the delayed issue of these comments.

We note that the response of the applicant to consultation responses on the CEA are invited at the forthcoming Issue Specific Hearing on Wednesday 27<sup>th</sup> June 2018, at 3.7.1 on the agenda provided. We would be grateful if the Panel could confirm whether, in view of our submission attached, Natural England's presence at the Hearing on Wednesday is requested or not. If so, we will do our best to attend. We do plan to attend on Thursday 28<sup>th</sup> June in any event.

Kind regards, Jonathan

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Natural England

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*E-mail is our preferred method of communication. If absolutely necessary, any postal correspondence should be addressed for my attention to Natural England Mail Hub, County Hall, Spetchley Road, Worcester WR5 2NP*

[www.gov.uk/natural-england](http://www.gov.uk/natural-england)

**We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.**

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Date: 25 June 2018  
Our ref: Tilbury 2 CEA  
Your ref: TR030003



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Dear Sir/Madam,

**NSIP Reference Name / Code: Tilbury2**  
**User Code: TR030003**

Thank you for seeking our views on the Cumulative Effects Assessment prepared for the above development.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Paragraph 1.6 of the Qualitative Cumulative Effects Assessment of Tilbury2 with Tilbury Energy Centre ('TEC') and Lower Thames Crossing states *'that it is not possible for a CEA to be undertaken of Tilbury2 with LTC at this stage, nor is it considered possible to undertake an in-combination assessment for the purpose of HRA for the same reasons due to the lack of information.'* Natural England remains of the view that significant information is available for this development and adjacent sites and that some level of quantitative assessment should be possible. We are aware the TEC & LTC have already conducted surveys relating to birds and invertebrates and even if this is not available to the applicant significant historical data exists. Could the Port confirm whether it has requested updated ecological data from TEC and / or LTC to inform the CEA?

Natural England recognises that there may be constraints, such as the absence of accurate traffic modelling for the Lower Thames Crossing ('LTC'), but considers that this would not undermine a Cumulative Effects Assessment ('CEA') in relation to impacts on terrestrial species (notably invertebrates) or on Special Protection Area ('SPA') species.

#### **Qualitative CEA of Tilbury 2 with TEC Impacts qualifying features of the SPA**

We note that the CEA anticipates that there is unlikely to be any overlap between construction of Tilbury2 and Tilbury Energy Centre ('TEC') however current projections indicate that the local estuarine environment could be subject to many successive years of construction over the sensitive overwintering period. The CEA and Habitats Regulations Assessment ('HRA') should consider the potential effect of disturbance of qualifying features using the SPA and functionally linked habitats during this time.

The document identifies concerns relating to loss of functionally-linked habitat and a range of other impacts on functionally linked habitat. Natural England acknowledges that a further iteration of the HRA is now available and will respond to that document in detail in due course. We would expect to see issues such as these considered in detail in the HRA document. Note that Natural England has previously considered the 300m Zone of Influence for disturbance referred to in paragraph 4.46 not to be evidenced and unlikely to be sufficiently precautionary to meet the test of HRA.

## **Invertebrates**

Natural England notes that the document's confirmation that in the 'worst case' scenario, the potential losses of brownfield invertebrate communities could be considerable, with potential cumulative losses of habitat (from the Tilbury2 site, Goshems Farm and the former power station ashfields) potentially leading to **near total elimination of the existing brownfield resource from this part of Thurrock.**<sup>1</sup>

This confirms our position that the effect of multiple large scale developments may compromise the viability or render more vulnerable important meta-populations of invertebrates should large sections of their habitat resource be re-located some distance off-site. We note that the CEA recognises that the TEC could employ avoidance measures to minimise the effect on invertebrates but that it has apparently taken no steps to avoid impacts on the area within its own landholding.

As stated above, we consider that there should be sufficient data available to conduct a more quantitative and detailed assessment. We note that further details regarding the Ecological Mitigation and Compensation Plan are emerging and will comment on this in detail in due course. Nevertheless, the summary in paragraph 4.52 makes it clear that the development at Tilbury2 should not be regarded in isolation, but that it rightly should be considered alongside TEC and LTC, to work collaboratively to achieve a sustainable development solution. We are not aware that T2 has requested ecological survey data to inform a quantitative CEA, even if this information were interim and "best available". It is therefore unclear to us whether the ecological losses arising from the Tilbury2 project result in a compromised and fragmented remnant which may be unviable in the long-term.

## **Marine Ecology/Water Quality**

Natural England recognises that there is a potential in combination/cumulative impact on water quality in the Thames for which the Environment Agency ('EA') are the lead authority. We note in particular the potential interaction of dredging as required by Tilbury 2 and discharge of heated water from the TEC which may have potential impacts on marine ecology and indirectly upon SPA qualifying features. We continue to support the EA's position on this matter.

4.56 recognises that water discharged from the TEC may be warmer than background conditions but provides little discussion on how this might affect species within the estuary. We note from paragraph 4.61 that *'it is considered that the cumulative effects of the two projects on marine ecology due to changes in water quality would not be significant'* but do not consider that the assessment undertaken and the information collected provides enough information to support this statement.

## **Noise and Vibration**

This section should seek to present information in terms of the potential increases of noise and vibration and the effect on protected species, rather than just describing the increases.

## **Qualitative CEA of Tilbury 2 with LTC Impacts qualifying features of the SPA**

We note that the CEA anticipates that there is unlikely to be any overlap between construction of Tilbury2 and the LTC however current projections indicate that the local estuarine environment could be subject to many successive years of construction over the sensitive overwintering period. The CEA and HRA should consider the potential effect of disturbance of qualifying features using the SPA and functionally linked habitats during this time.

The document identifies concerns relating to loss of functional habitat disturbance, air quality and hydrological change. Natural England acknowledges that a further iteration of the HRA is now available and will respond to that document in detail in due course. We would expect to see issues such as these considered in detail in the HRA document.

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<sup>1</sup> Our emphasis in bold

## **Invertebrates**

The CEA acknowledges that LTC could lead to the loss of considerable areas of s41 Open Mosaic Habitat on Previously developed land and that this has the potential to *'compound problems of local habitat fragmentation and affect the survival prospects of local metapopulation of rare and specialist species.'* We agree with this assessment.

This confirms our position that the effect of multiple large scale developments may compromise the viability or render more vulnerable important meta-populations of invertebrates should large sections of their habitat resource be re-located some distance off-site. We note that further details regard the Ecological Mitigation and Compensation Plan are emerging and will comment on this in detail in due course.

We also note that at paragraph 5.44 repeated "double-handling" of protected species is anticipated "under the current proposed alignment". This is regarded to occur for water voles, badgers, reptiles, and bats. It is not clear whether discussions have been held with LTC on these matters, and whether "double-handling" of mitigated protected species can be avoided, and whether if it cannot, the proposed actions would be licensable. Clarification is therefore requested on these points.

## **Combined CEA of TEC and LTC with Tilbury 2**

We note that the CEA anticipates that there is unlikely to be any overlap between construction of Tilbury2 and the TEC/LTC however current projections indicate that the local estuarine environment could be subject to many successive years of construction over the sensitive overwintering period. The CEA and Habitats Regulations Assessment ('HRA') should consider the potential effect of disturbance of qualifying features using the SPA and functionally linked habitats during this time.

The document should also consider more fully the potential impact of changes in water quality and in the nature of the coastal habitats which could lead to a decline in suitability for foraging waders.

## **Invertebrates**

One of the main issues identified in the CEA is that all three site may require land take of s41 Open Mosaic Habitat which are known to be valuable for invertebrate populations in the Thames Estuary region which, as Natural England has already advised, is recognised as being of high importance with conservation efforts and research directed accordingly. We note that *'where practical, the mitigation and enhancements prescribed within the terrestrial ecology chapter will seek to join up with existing or future plans for a landscape scale approach,'* and advise that this should be considered a key measure of the viability of the EMCP.

Given that the document identifies that the cumulative effects of the projects discussed *'could be near total elimination of the existing brownfield resource from this part of Thurrock'* it is important that the schemes collectively deliver mitigation which sustains important meta-populations of inverts within this area. We note that further details regard the Ecological Mitigation and Compensation Plan are emerging and will comment on this in detail in due course.

**Natural England**  
**25<sup>th</sup> June 2018**