



Dr Michael Ebert
The Planning Inspectorate
3/18 Eagle Wing
Temple Quay House
2 The Square
Bristol BS1 6PN

30 July 2018

Dear Sir,

**TR030003: Application by Port of Tilbury London Limited for an Order Granting Development Consent for a Proposed Port Terminal at the Former Tilbury Power Station ('Tilbury2'):
Examining Authority's Response to the Applicant's Draft Development Consent Order (dDCO) Revision 4
Deadline 6**

We offer the following written response to a question set by the Examining Authority as detailed within the above referenced document, dated 13th July 2018.

Question 5.8.15 Schedule 2 Requirements: R3 External Appearance and Height as authorised

Historic England has requested a written methodology to accompany the finishes chart, but this is currently outstanding, therefore there has been no further progress on agreeing this matter to date, although we anticipate further discussions after deadline 6.

Question 5.8.25 Schedule 9: Deemed Marine Licence (DML)

The Panel notes Historic England's position on the DML in its deadline 5 submission (REP5-047), in particular its position regarding a draft or certified Marine Written Scheme of Investigation (WSI) and its representation in the DML through the proposed detailed drafting provided by Historic England.

We appreciate that this question is directed to the Applicant, but we offer the following advice in acknowledgement of the revised draft Marine Archaeological Written Scheme of Investigation V4 – Track Changes (Tilbury2 Document Ref: PoTLL/T2/EX/150) submitted by the Applicant at Deadline 5.





We have responded directly to the Applicant regarding this revised draft (our letter dated 25th July 2018), which we have also copied to you as part of our submission to Deadline 6 (3rd August 2018). In summary, we acknowledge that the revised version offers a number of mitigation strategies which could be delivered depending on the capital dredging scenario(s) enacted. We therefore recognise that this outline (or draft) WSI has adopted a similar format to other outline WSIs produced during National Significant Infrastructure Project (NSIP) examinations. The essential matter here is that any acceptance of this as an outline WSI, as appropriate for the examination of this proposed development, requires enforceable Conditions to be included within the DML to produce a project-specific WSI post-consent, in consultation with national and local Curators, but in agreement with the regulatory authority, the Marine Management Organisation (MMO).

We previously provided draft Conditions for how a marine WSI should be provided for in a DML in our submission at Deadlines 3 and 5 and we hereby continue to request that such Conditions, subject to agreement with the MMO, are included within the draft Deemed Marine Licence, as offered here:

- A written scheme of archaeological investigation in relation to the Order limits seaward of mean low water, which must be submitted at least six months¹ prior to commencement of the licensed activities and should accord with an outline Written Scheme of Investigation and industry good practice, in consultation with Historic England and the relevant planning authority to include—
 - (i) details of responsibilities of the undertaker, archaeological consultant and contractor;
 - (ii) a methodology for further site investigation including any specifications for geophysical, geotechnical and diver or remotely operated vehicle investigations;
 - (iii) archaeological analysis of survey data, and timetable for reporting, which is to be submitted to the MMO within three months of any survey being completed;
 - (iv) any archaeological reports produced in accordance with these conditions are to be agreed with the Historic Buildings and Monuments Commission for England and the relevant planning authority.
 - (v) delivery of any mitigation including, where necessary, identification of archaeological exclusion zones;

¹ Timeframes may be adjusted in agreement with the MMO to accord with their corporate standards for obtaining advice and issuing decisions





(vi) monitoring of archaeological exclusion zones during and post construction;

(vii) a requirement for the undertaker to ensure that a copy of any agreed archaeological report is deposited with the National Record of the Historic Environment, by submitting a Historic England OASIS (Online Access to the Index of archaeological investigations') form with a digital copy of the report within six months of completion of construction of the authorised scheme, and to notify the MMO and the relevant planning authority that the OASIS form has been submitted to the National Record of the Historic Environment within two weeks of submission;

(viii) a reporting and recording protocol, including reporting of any archaeological or historic material during construction and operation of the authorised scheme;

(ix) a timetable for all further site investigations, which must allow sufficient opportunity to establish a full understanding of the historic environment within the Order Limits and the approval of any necessary mitigation required as a result of the further site investigations prior to commencement of licensed activities.

(x) The Consent Holder shall not commence construction of a relevant work until the Consent Holder has appointed the Retained Archaeologist to ensure the delivery of the Scheme; and carried out the pre-construction archaeological work applicable to that relevant work. During delivery of a relevant work, the Consent Holder will secure the implementation of the measures on its part set out in or from time to time agreed pursuant to the Scheme applicable to that relevant work (other than the pre-construction and the post-construction archaeological work).

(xi) Following the completion of construction of a relevant work, the Consent Holder will secure the implementation of all the post-construction archaeological work applicable to that relevant work; and

(xii) Any work executed or undertaken by or on behalf of the Consent Holder in accordance with the Scheme approved or deemed to be approved by MMO shall not relieve the Consent Holder of any liability.

- Plans and documentation:

(i) Pre-construction archaeological investigations and pre-commencement material operations which involve intrusive seabed works must only take place in accordance with a specific written scheme of investigation which has been submitted to and approved by the MMO.

(ii) Each programme, statement, plan, protocol or scheme required to be approved under Condition must be submitted for approval at least four months



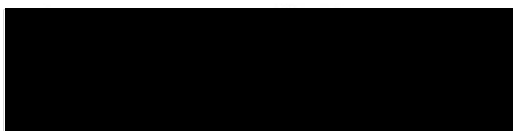


prior to the intended commencement of licensed activities, except where otherwise stated or unless otherwise agreed in writing by the MMO.

It continues to be Historic England's advice that these Conditions in the DML are justified for the following reasons:

1. The Applicant has explained that detailed design for this proposed project will be decided post-consent and therefore the Conditions in the DML will allow for a timely production of a WSI (based on an outline WSI used at time of examination) that is in place prior to commencement (as defined in DCO Art. 2) given that "environmental surveys and investigations" may occur before the project (formally) "commences".
2. It is only through the application of Consent Conditions that there is an explicit and enforceable mechanism to produce an agreed WSI, based on an outline WSI, as part of a coordinated timetable for project delivery. The suggested Conditions in the DML make it clear that no survey, investigation or seabed/foreshore works may commence before the production of a Marine WSI, agreed with the MMO, which allows for the production of subsequent Method Statements that direct the implementation of agreed archaeological mitigation strategies. The inclusion of such provision within the DML is the only identifiable mechanism to address the risks identified by this proposed project and does not duplicate any of the detail provided within the outline WSI or any subsequent project-specific WSI produced post consent, should permission be obtained.
3. Schedule 11 (Documents to be Certified), subject to the inclusion of Conditions such as offered above, should be amended to:
“(c) Outline marine archaeological written scheme of investigation; appendix 12E; contained in document reference...²”

Yours Sincerely



Deborah Priddy BA Grad Dipl Cons (AA) MCIfA IHBC FSA
Inspector of Ancient Monuments

² Reference to be provided by the Applicant for any further revised version of document submitted to the Examination Authority

