

PLANNING ACT 2008  
INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE)  
RULES 2010

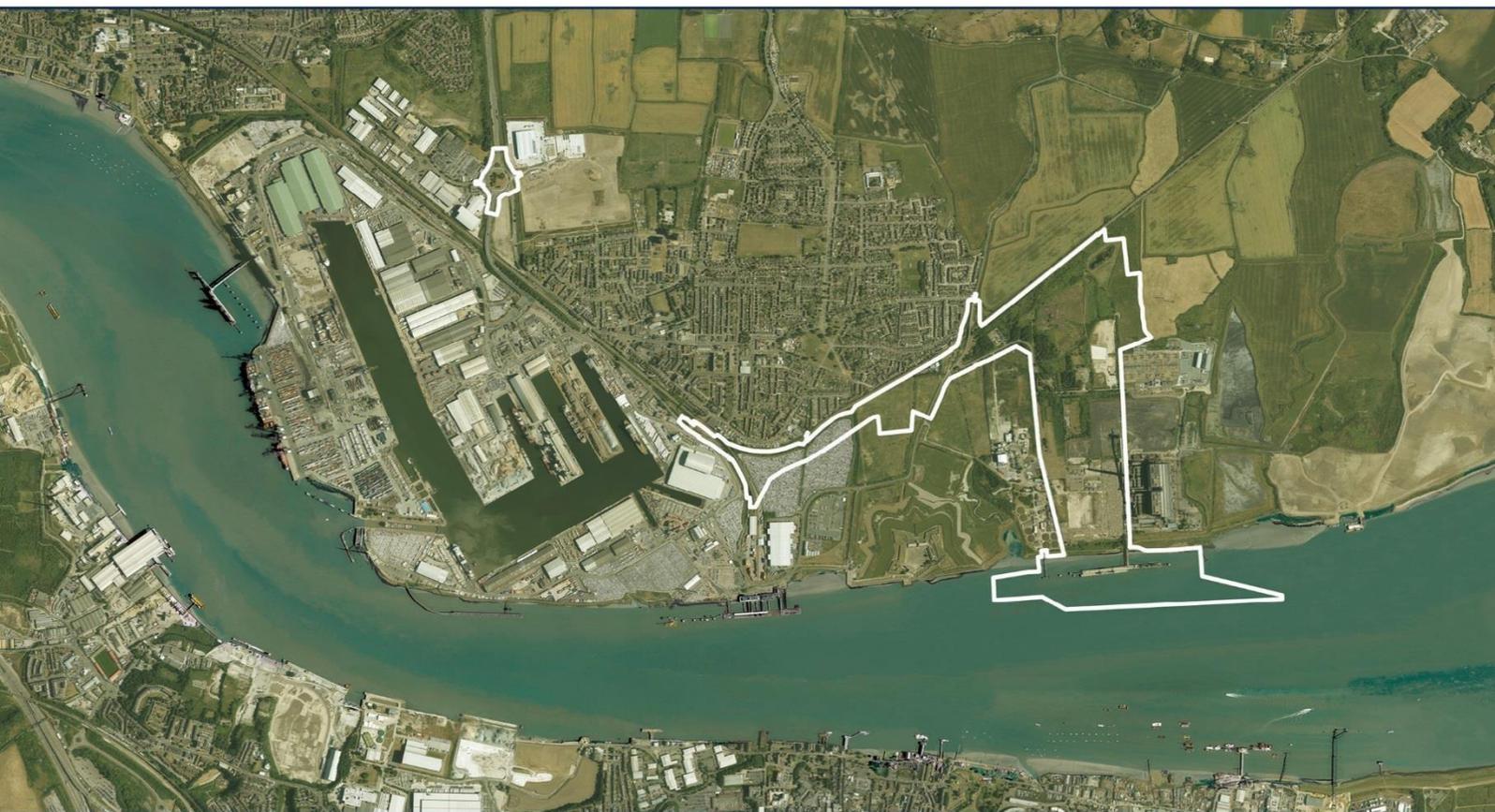
PROPOSED PORT TERMINAL AT  
FORMER TILBURY POWER STATION

**TILBURY2**

TR030003

RESPONSE TO OXFORD BROOKS UNIVERSITY INDEPENDENT  
REVIEW OF TILBURY2 CUMULATIVE IMPACT ASSESSMENT

TILBURY2 DOCUMENT REF:  
PoTLL/T2/EX/172



**POTLL RESPONSE TO OXFORD BROOKS UNIVERSITY**  
**INDEPENDENT REVIEW OF TILBURY2**  
**CUMULATIVE IMPACT ASSESSMENT**

1. Port of Tilbury London Limited (PoTLL) commissioned Oxford Brookes University, Impact Assessment Unit (IAU) to undertake an Independent Peer Review of the Cumulative Effects Assessment (CEA) which formed part of the Environmental Statement (ES) and other Environmental Information submitted by PoTLL (the Applicant) under the Planning Act 2008 (PA2008) for the Tilbury2 Development Consent Order (DCO) application.
2. OBU were provided with a range of documents as itemised in paragraph 2.1 of their report, including the original Environmental Statement and the most recent Update to the Qualitative Cumulative Effects Assessment of Tilbury2 with Tilbury Energy Centre and Lower Thames Crossing (Document Reference PoTLL/T2/EX/172) which is submitted to the ExA as part of these CEA submissions.
3. As part of their review, and before finalising their report, OBU identified some errata that could be easily remedied. In making these submissions, PoTLL provide the following :-
  - Update to the Glossary (Document Reference : PoTLL/T2/EX/178) which ensures that the definition of cumulative effects in the glossary is made clearer and accords with chapters 2 and 20 of the Environmental Statement
  - Update of the Landscape and Ecological Management Plan (Document Reference PoTLL/T2/EX/176) to make reference to monitoring for cumulative effects, specifically in relation to ecology;
  - Update of the Operational Management Plan (Document Reference PoTLL/T2/EX/180) to make reference to the monitoring for cumulative effects more generally;
  - Update to the Qualitative Cumulative Effects Assessment of Tilbury2 with Tilbury Energy Centre and Lower Thames Crossing (Document Reference PoTLL/T2/EX/172) to make reference to the approach to temporal scope of cumulative assessment. This document has also been updated to include a conclusion as requested by the ExA.
  - Update to Environmental Statement Figure 2.1 Cumulative Developments to show the Tilbury Energy Centre and Lower Thames Crossing given that these are now included in the CEA – attached as Appendix 5 to the Qualitative Cumulative Effects Assessment of Tilbury2 with Tilbury Energy Centre And Lower Thames Crossing (Document Reference PoTLL/T2/EX/172).

4. These changes to the documentation were provided to OBU prior to the finalisation of their peer review.
5. The findings of the peer review are that the documentation evaluated is overall graded as B\*/C (i.e. borderline B/C but leaning towards a B) i.e. as generally satisfactory despite some omissions and inadequacies. These are summarised at para. 3.6 of the report and PoTLL comment on these as follows :-

*NTS Table 1.1 failed to mention cumulative effects*

6. An errata Non-Technical Summary is provided with this submission which addresses this point.

*“Paragraph 1.26 of the Environmental Statement (ES) states 2009 IP EIA Regulations apply but paragraph 20.1 states: “The Environmental Impact Assessment (EIA) Directive and the Infrastructure Planning (EIA) Regulations 2017 (‘EIA Regulations’) require an ES to include the assessment of the inter-relationship between environmental topics and an assessment of cumulative effects with other development.”*

7. PoTLL accept that the reference to the 2017 Regulations is an error. Footnote 1 in Chapter 1 the Environmental Statement [APP-031] makes clear that

*“The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 came into force on 16th May 2017. The publication of the Regulations confirmed the position on transitional arrangements. For development requiring EIA, the 2009 EIA Regulations continue to apply if a request for a Scoping Opinion or an Environmental Statement had been submitted before 16th May 2017. The Scoping Report for Tilbury2 was submitted to the Secretary of State on 27 March 2017 and therefore the 2009 Regulations apply.”*

- *Four stage PINS Advice Note 17 process followed but no explicit “long-list” table is produced; and*
- *Lower Thames Crossing (LTC) and Tilbury Energy Centre (TEC) should have been on a “long-list”*

8. It is accepted that Chapter 2 (paras. 2.40 – 2.64) could have been more explicit in identifying a “long list” which would have featured both the Lower Thames Crossing (LTC) and Tilbury Energy Centre (TEC). The fact that these two projects, together with London Resort and the New Thames Barrier, were ruled out of an implied “long list” is made clear from the text in Chapter 2 paras. 2.48 – 2.64 and therefore the process adopted followed PINS Advice Note 17, as accepted by OBU. The LTC and TEC were subsequently scoped in to the Cumulative Effects Assessment following further consideration of the status of these projects as more information became available.