

PLANNING ACT 2008  
INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES 2010

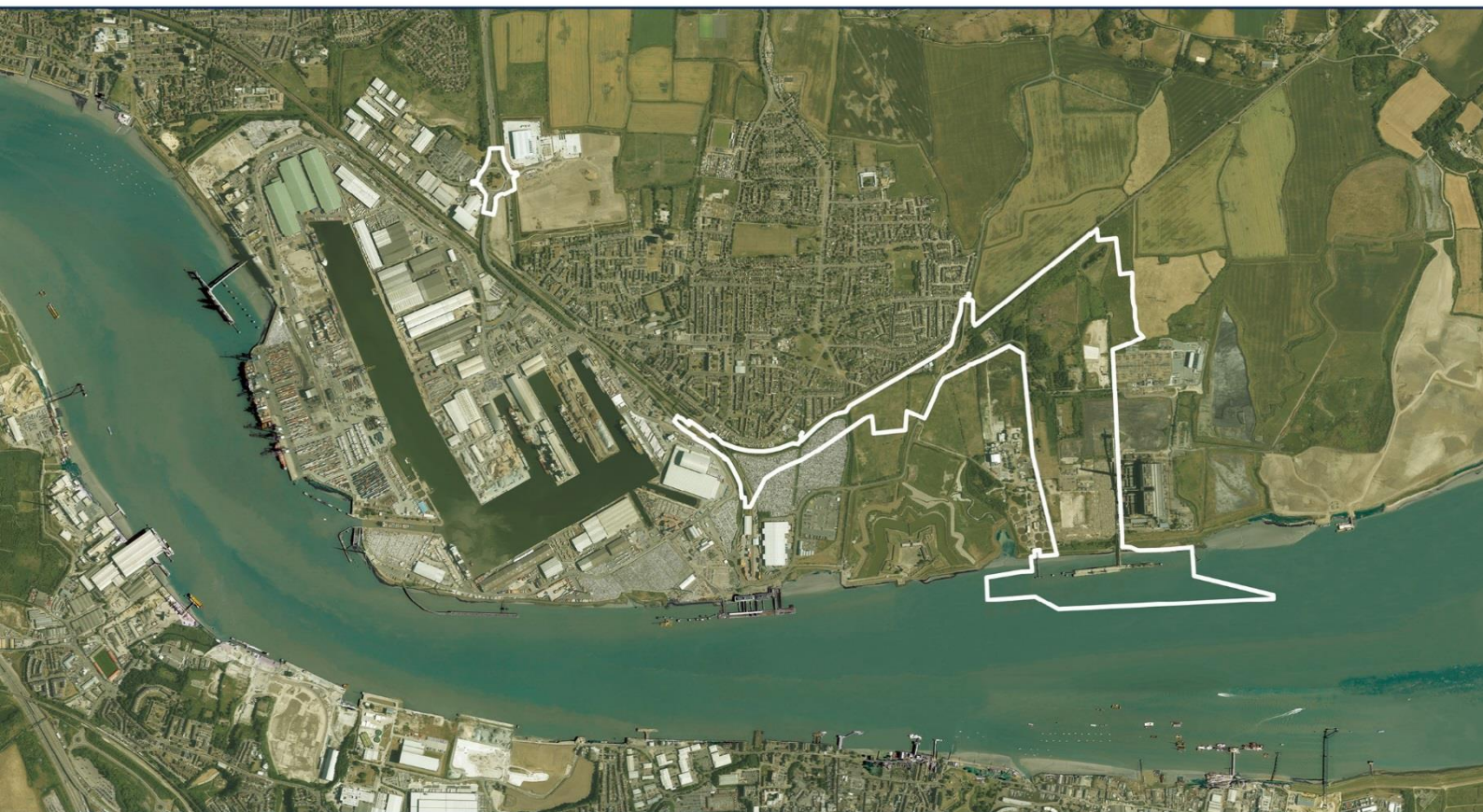
PROPOSED PORT TERMINAL AT  
FORMER TILBURY POWER STATION

**TILBURY2**

TRO30003

STATEMENTS OF COMMON GROUND  
UPDATE REPORT FOR DEADLINE 6

DOCUMENT REF : PoTLL/T2/EX/186



**PORT OF TILBURY**

**PROPOSED PORT TERMINAL AT FORMER TILBURY POWER STATION  
'TILBURY2'**

**STATEMENTS OF COMMON GROUND UP-DATE REPORT  
FOR DEADLINE 6**

<b>Revision</b>	<b>Date</b>	<b>Description of new version</b>
1.0	3/08/18	Final Issue to ExA

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## **1.0 PURPOSE OF THIS DOCUMENT**

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- 1.1 This SoCG Update Report is provided at Deadline 5 (6<sup>th</sup> July 2018) pursuant to the DCO application by Port of London Tilbury Limited (PoTLL - “the Applicant”) to construct a new port terminal known as Tilbury2. The Tilbury2 application was accepted on 21 November 2017 by the Planning Inspectorate on behalf of the Secretary of State. The examination commenced on 20 February 2018.
- 1.2 This report and the Statements of Common Ground (SoCGs) appended hereto are submitted in response to the Examining Authority’s (ExA) ‘Rule 6’ letter of 22 January 2018, which requested that the Applicant prepare a number of SoCGs with various stakeholders. This request was reiterated and built upon in the ExA’s ‘Rule 8’ letter dated 26 February 2018, with Annex B to that letter identifying a number of additional Interested Persons with whom SoCGs should be produced. This letter also confirmed that updates of the SoCGs should be provided at a number of future deadlines in the Examination Timetable including Deadline 1 (already provided [REP1-021]) and Deadline 3 (already provided [REP3-028]).
- 1.3 Update Reports were submitted at Deadline 1, Deadline 3, and one week before the last Issue Specific Hearings on 18 June 2018 (“Deadline 4.5”). Updated SoCGs with Environment Agency, Historic England and Highways England were then submitted on 22 June 2018 followed by a further up-date report at Deadline 5 on 5 July 2018.

## 2.0 CURRENT STATUS OF SOCGS AND DISCUSSIONS WITH STAKEHOLDERS

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2.1 PoTLL continue to engage in active dialogue with all stakeholders and much progress has been made to agree outstanding issues. Appended to this report are SoCGs with Buglife and English Heritage. Other SoCGs are being revised and will be submitted to the Examination as soon as they are available.

2.2 Table 1 below shows the current status of each SoCG.

**TABLE 1 : STATEMENTS OF COMMON GROUND : UPDATE AS OF 3 AUGUST 2018**

Document Reference	Stakeholder	Comments
SOCG001	Thurrock Council	<p>A revised SoCG is not submitted at this deadline. There is little still at issue between PoTLL and TC.</p> <p>The package of highways works at the ASDA roundabout have been agreed in principle with details still under discussion but it is expected will be agreed shortly.</p> <p>Further drafts of the S106 have been exchanged and a conference call between the parties took place on Monday 30 July 2018. The principles of the S106 are agreed and the legal drafting is being concluded. The S106 will be submitted signed at Deadline 7 or earlier if it is available.</p> <p>Discussion with TC as to the the detailed drafting the dDCO continues (see Response To The Examining Authority's Comments On DCO And Related Interested Parties' Deadline 5 Submission (Document Reference PoTLL/T2/EX/191))</p> <p>An update call was held on 2 August 2018 with Thurrock planning and environmental health officer. During that call TC confirmed that they considered no further limits on noise are necessary to make the proposals acceptable. The parties discussed PoTLL's draft noise limit requirement that is proposed at D6 without prejudice to their position that no such requirement is necessary. TC confirmed that whilst they agreed that such a requirement was not necessary, the draft proposed by PoTLL was a workable solution.</p>
SOCG002	Gravesham Borough Council	<p>A revised SoCG is not submitted at this deadline.</p> <p>There is little still at issue between PoTLL and GBC aside from the position of the parties on noise limits which was indicated as being not agreed in the SoCG submitted at Deadline 5. The position of PoTLL is set out in item 5.8.19 in the Noise Resume Paper also submitted at this deadline (PoTLL/T2/EX/194)</p> <p>Following the ISH on this matter, and as recorded in the Noise</p>

Document Reference	Stakeholder	Comments
		<p>Resume Paper, PoTLL have sought a further meeting with GBC including their EHO, a request made on 11 July and again on 17 July 2018. GBC responded on 20 July indicating that they were not sure a meeting was needed. On 24 July PoTLL suggested that they thought a meeting could be useful as there had been no recent meeting where both parties noise experts had been present (and neither was GBC's noise expert present at the ISH on the matter). PoTLL repeated that suggestion on 27 July 2018. GBC responded on 30 July with their own proposal for noise limits which they indicated was based on restrictions at other UK ports. PoTLL have requested that GBC advise where such restrictions are in place.</p> <p>Although a meeting has not been held, PoTLL have sought to continue a dialogue with GBC.</p> <p>The parties have engaged on the 'Gravesham Heritage Contribution' within the S106 and this is now agreed as a sum of £29,000.</p>
SOCG003	Essex County Council	<p>The only outstanding issue for ECC is the impact of the proposals on Junction 30 of the M25, on which ECC defer to Highways England. PoTLL have kept ECC informed as to the progress of these discussions.</p> <p>This SoCG has not therefore changed since Deadline 4.5 and is not submitted at this deadline. On the assumption that PoTLL reach agreement on Junction 30 with HE, this SoCG can be re-issued with all matters agreed.</p>
SOCG004	Environment Agency	A revised SoCG is attached. Discussions with the EA are continuing, particularly with regard to the Protective Provisions.
SOCG005	Natural England	Following the submission of the revised EMCP and in the light of the responses on this from NE at the ISH on Ecology, a further iteration of the SoCG was sent to NE on 04 July 2018. PoTLL chased for a response on 23 and 26 July 2018 but NE have not yet responded, indicative of NE's general lack of engagement with PoTLL during the Examination of this project, as demonstrated in the record of correspondence set out in section 3.



Document Reference	Stakeholder	Comments
SOCG006	Historic England	<p>An updated SoCG has been provided to Historic England and their response is awaited.</p> <p>The Requirement 3 Colour Palette (POTLL/T2/EX/160) which has now been agreed with TC has been shared with Historic England for any further comment, with the aim that the certified document will be fully agreed for Deadline 6.</p> <p>The wording of the draft Marine WSI has been the subject of discussion between the parties. Historic England made comments to PoTLL on the Deadline 5 WSI and responses to this have been incorporated into the version submitted by PoTLL at Deadline 6.</p> <p>PoTLL considers this to be the final version of the WSI but acknowledges that Historic England may wish to make further comment which PoTLL will seek to resolve any issues it considers appropriate to do so by Deadline 7. At Deadline 7 both parties will express their final position on this document and related DCO drafting.</p>
SOCG007	Port of London Authority	<p>All matters relating to the Order and the PLA 's protective provisions are agreed, subject only to a description of certain structures referred to in article 3.</p> <p>A number of small points relating to the lease of the Tilbury2 jetty remain outstanding. It is believed all these issues can be quickly addressed.</p> <p>Focus has therefore moved away from finalising the SoCG. Both parties will provide a final update on all matters at Deadline 7 with the aim being that PLA's objection is able to be withdrawn.</p>
SOCG008	Marine Management Organisation	<p>An updated SoCG was submitted at Deadline 4.5.</p> <p>Discussions are continuing regarding the detail of the DML. However, MMO have advised that they wish to agree the final DML before agreeing to the final SoCG. A number of calls have been held and the parties are agreed on almost every matter. A final SoCG will be submitted at Deadline 7.</p>

Document Reference	Stakeholder	Comments
SOCG009	Highways England	<p>Since Deadline 5 discussions have continued with HE. The outline design of the mitigation scheme at ASDA roundabout and the associated modelling have now been agreed. The remaining matter is the conclusion of the Road Safety Audit which was received on 3 August. PoTLL have consulted Essex Police on the proposed speed limit changes as requested by HE. Essex Police have raised no objection. However HE wish to undertake their own consultation with Essex Police.</p> <p>Discussion and a large amount of technical work has been undertaken in respect of M25J30. It is agreed that only two approaches to the junction are effected by Tilbury2 – A13 Westbound and M25(A282) northbound. It is agreed between the parties that queuing would remain within acceptable levels with Tilbury2 on both approaches in the AM peak periods (07.00-08.00 and 08.00-09.00). The impact in the PM peak hour (17.00-18.00) remains under discussion. Part of this discussion has involved considering improvements on the A13 westbound approach to the junction.</p> <p>In light of this, proposed amendments have been suggested to Requirement 7.</p> <p>A revised SoCG is attached</p>
SOCG010	Cole Family and Common Land Conservator	An SoCG will not be needed. Discussions regarding acquisition are progressing.
SOCG011	Gothard Family	An SoCG will not be needed. Discussions regarding acquisition are progressing.
SOCG012	Network Rail	<p>Discussions are continuing with NR and a number of recent meetings have been held to reach agreement on the relevant documentation. The only matters on the protective provisions on which the parties are not yet agreed are whether they should include (as Network Rail is seeking) provision requiring Network Rail's consent for the exercise of the powers of appropriation and operation and maintenance.</p> <p>Focus has therefore moved away from finalising the SoCG. Both parties will provide a final update on all matters at Deadline 7 with the aim being that NR's objection is able to be withdrawn.</p>
SOCG013	Kent County Council	The final version of the SoCG was submitted at Deadline 4.5. All matters with KCC are agreed.
SOCG014	Buglife	Following the issue of the EMCP and Buglife's representations in response at the ISH on Ecology, a further draft of the SoCG is attached setting out the final positions of the parties.
SOCG015	English Heritage	An updated SoCG is attached. A number of matters have been moved to not agreed following further discussions with EH. These differences of opinion have been fully explained by the parties



Document Reference	Stakeholder	Comments
		<p>through their own submissions to the Examination</p> <p>Further discussions have been held on the S106 agreement with regard to the 'Tilbury Fort' contribution. As set out in their respective Deadline 5 submissions, the parties are not agreed on the items that can be considered to accord with the tests of the NPPF and therefore covered by this contribution.</p> <p>PoTLL have agreed to improvements to interpretation within the Fort and the resurfacing of the existing access to the Fort and sought clarification of the English Heritage as to the provenance of the sums for these items. This was provided on 22 June 2018 and PoTLL responded to that information on 1 July 2018 suggesting an overall sum of £102,000 and the basis for this. No response has been received from EH.</p> <p>PoTLL are progressing the S106 with Thurrock Council on the basis of this figure.</p>
SOCG016	London Gateway Port Limited	Final version submitted at Deadline 4.5. All matters are agreed.
SOCG017	Public Health England	Final version submitted at Deadline 4.5. All matters are agreed.
SOCG018	London Resort Company Holdings	Final version submitted at Deadline 4.5. All matters are agreed.
SOCG19	Cadent Gas Limited	Final version submitted at Deadline 5.
SOCG20	National Grid Electricity Transmission plc	Final version submitted at Deadline 5.

### 3.0 EXAMINATION CORRESPONDENCE WITH NATURAL ENGLAND

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Date	Activity
11 December 2017	Meeting with JM, JB (NE) and PoTLL at Port of Tilbury (Natural England reference: 11835/209261).
14/15 December 2017	NE issue high level Letter of No Impediment (LoNI) in relation to protected species (NE letter reference: DAS/11835/227719).
18 December 2017	<p>Brief position statement issued to JB/JM, setting out the rationale for excluding TEC and LTC from the cumulative impact assessment. The document has been drafted by the Applicant's planning and legal team and sets out why these additional projects had not been and could not be assessed in combination (further to the rationale provided at Chapters 2 and 20 of the ES) and which will be expanded upon in the Applicant's Response to Relevant Representations document to be submitted to the Examination.</p> <p>Dormouse survey addendum document issued to JB/JM and the Protected Species Licensing Officer assigned to the project (Sonya Gray), which sets out that no dormouse activity was confirmed during the final (November 2017) survey visit.</p>
05 February 2018	Meeting at NE Cambridge Office to discuss NE's issues with HRA, progress towards full LoNI, off-site compensation and cumulative impact assessment and progression on matters of common ground.
09 Feb 2018	The Applicant issue a 'bird note' to NE, which details winter bird use of the Tilbury2 intertidal area, including the results of the on-going wintering bird monitoring since ES submission. Revised versions submitted to NE 19 March 2018 and 09 April 2018 incorporate monitoring data from February and March 2018 respectively.
09 March 2018	JB advises the Applicant that NE is "actively considering notification as Site of Special Scientific Interest (SSSI) areas of the development site holding features of nationally significant nature conservation importance".
16 March 2018	Meeting at Pinsent Masons (PoTLL's legal advisors) offices. Discussion included compensation site selection processes, the interplay between on-site and off-site compensation site delivery, consideration of SSSI notification, and HRA matters.
16-20 March 2018	Letters of No Impediment (LoNI) issued by NE in respect of mitigation proposed for badger, bats and water voles.
23, 29 March 2018; 11, 13, 17 April 2018	<p>Email discussion of matters arising out of meeting of 16 March, including interplay between on-site and off-site compensation site delivery, and the ability to discuss the candidate brownfield compensation site.</p> <p>Discussions continued as to whether on-site mitigation proposed for</p>

Date	Activity
	water voles could be delivered off-site instead in order to allow relocation of brownfield substrates on-site rather than an off-site receptor further afield, and NE responded with apparent concerns about incompatibility with existing water vole populations.
17 April 2018	In view of commercial confidentiality restrictions limiting the Applicant's ability to reveal to NE the identity of compensation sites under consideration, the Applicant (DW) provided details of the selection criteria common to the candidate receptor sites/areas, i.e. those which are under active landowner negotiation, and invited NE to comment.
19 April 2018	The Applicant requests a response from NE on various matters to enable progression of SoCG including: a response to the 'bird note' including its suitability as a basis for assessing cumulative effects, a response to the proposed brownfield receptor site selection criteria, and details of a site known by NE with a secured a 99-year lease. The Applicant also requested a response to all questions arising out of the Applicant's response to the Written Reps and NE's answers to the FWQs [REP2-007], including how the Lytag site sits in 'league-table' terms, and details of project-specific noise arising from the Goshem's Farm jetty piling and temporally aligned bird use data.
24 April 2018	The Applicant prompts NE for a response to the Applicant's email of 19 April 2018 in order to progress SoCG.
30 April 2018	NE provide a direct response to the Applicant's proposed brownfield receptor site selection criteria of 19 April 2018. No detailed responses were provided on the other matters save to refer the Applicant to the Deadline 3 response in relation to the bird note and RWE/CEA data.
10 May 2018	In response to the Applicant's request of 19 April, NE provide list by email of examples of compensation sites which are subject to long (99-year +) leases.
16 May 2018	Telephone meeting between NE (JB, JM) and the Applicant (DW, RR) at which NE are informed of imminent issue of the Stage 2 HRA report, and proposed winter Bird Monitoring and Action Plan (BMAP); Matters discussed include consideration of SSSI notification; and related invertebrate/ brownfield compensation matters. NE are not in a position to revert on the outstanding actions re details of how the Lytag site sits in 'league-table' terms, and details of project-specific noise arising from the Goshem's Farm jetty piling and temporally aligned bird use data.
23 May 2018	Direct submission of Stage 2 HRA Report to NE following submission to PINS the previous evening with covering e-mail request for feedback so that SoCG matters can be discussed further in view of impending hearings.
30 May 2018	E-mail request to NE for feedback on HRA Stage 2 report and other outstanding matters including order of NE priority/preference as to whether the on-site mitigation proposed for water voles should be delivered off-site instead in order to allow relocation of brownfield

Date	Activity
	substrates on-site rather than an off-site receptor further afield.
14 June 2018	<p>The Applicant provides NE with a revised draft version of the SoCG, and details of the proposed brownfield receptor site at Mucking Landfill. The Applicant requests NE comment on: the SoCG, on the HRA Stage 2 report, and on the whether the on-site mitigation proposed for water voles should be delivered off-site instead in order to allow relocation of brownfield substrates on-site rather than an off-site receptor further afield.</p> <p>NE respond the following day to acknowledge receipt and request a boundary for the proposed receptor site at Mucking Landfill (which the Applicant provides that same day) but do not address other requests.</p>
20 June 2018	The Applicant provides NE with the revised EMCP and requests a call to progress SoCG matters. No response is received.
25 June 2018	NE submit letter to the Examination (copying it to the Applicant) in response to the Applicant's Cumulative Effects Assessment document (NE letter reference: Tilbury 2 CEA).
04 July 2018	The Applicant provides NE with a revised draft version of the SoCG and draft version of the minutes from the meeting of 05 February 2018. A direct response is requested from NE and is still awaited.
23 July 2018	The Applicant requests a response from NE to its Bird Monitoring and Action Plan (BMAP). The Applicant also prompts NE for a response to the SoCG draft including the accompanying minutes of the 5 <sup>th</sup> February meeting. A call is proposed to works through these matters. No response is received.
26 July 2018	The Applicant advises NE of the intention to re-run the HRA construction-phase noise disturbance assessments assuming a 500m Zone of Influence, and requests NE's response to this (suggesting a call/meeting if it NE believe this matter warrants discussion). No response is received.

## APPENDICES

## **Appendix 1**

**SOCG004      Statement of Common Ground with Environment Agency**



PLANNING ACT 2008  
INFRASTRUCTURE PLANNING  
(APPLICATIONS: PRESCRIBED FORMS AND PROCEDURE) REGULATIONS 2009

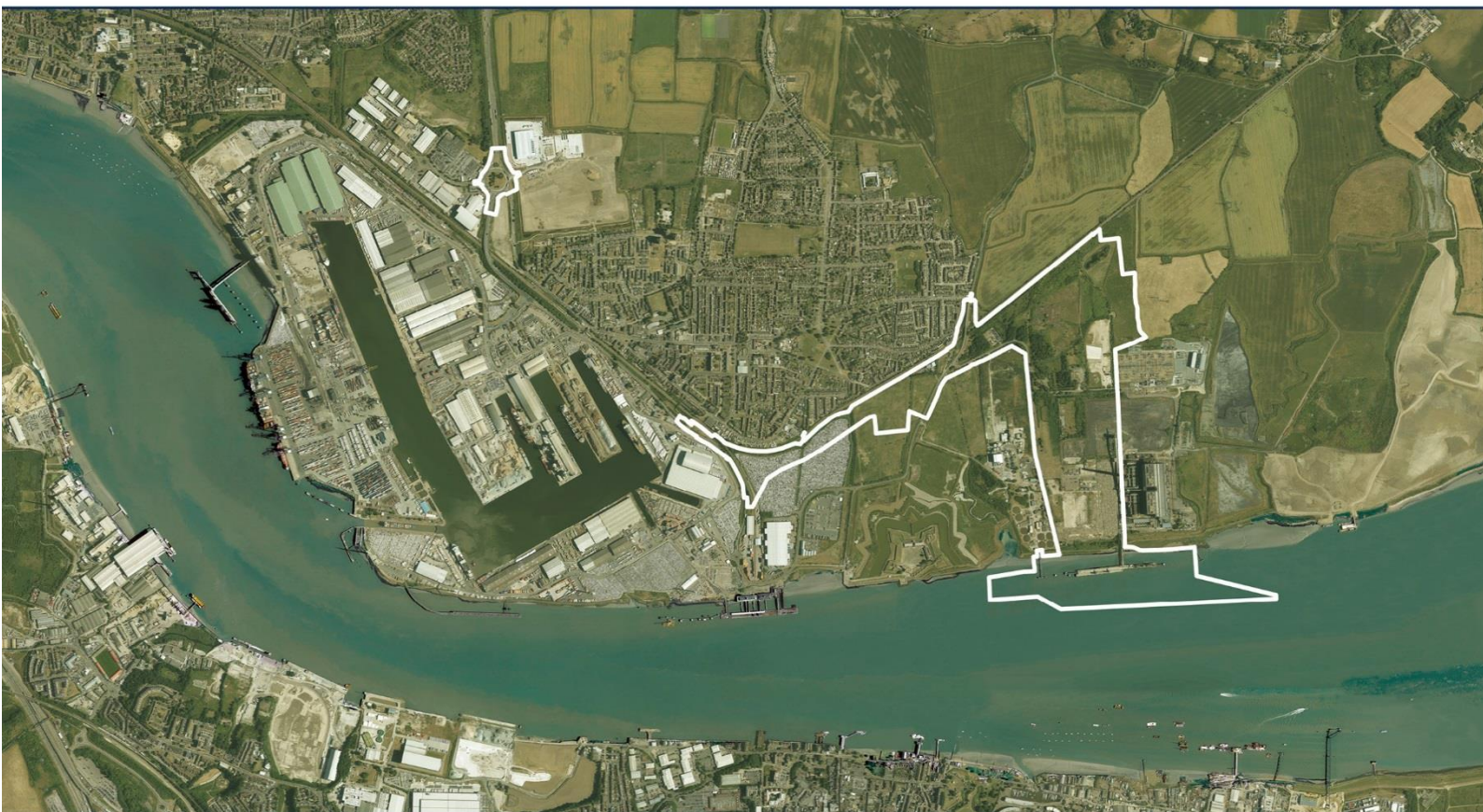
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**TILBURY2**

TRO30003

STATEMENT OF COMMON GROUND  
BETWEEN PORT OF TILBURY LONDON LIMITED AND  
THE ENVIRONMENT AGENCY

DOCUMENT REF : SoCG004



## 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 <sup>st</sup> Feb 2018	Second draft with updated text
2.0	8 <sup>th</sup> Feb 2018	Third draft with minor amendments to text
3.0	30 <sup>th</sup> April 2018	Agreed for submission at Deadline 3
4.0	22 <sup>nd</sup> June 2018	Agreed for submission ahead of ISHs
5.0	3 <sup>rd</sup> August 2018	Fifth draft updated with current status

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## **1.0 INTRODUCTION**

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### **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

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- 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 <sup>th</sup> February 2017	Meeting held to discuss Flood Risk Assessment, Flood Protection, Surface Water Drainage and Environmental Permitting / Pollution.
27 <sup>th</sup> February 2017	PoTLL provide EA with an early draft of their Scoping Report.
1 <sup>st</sup> 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 <sup>rd</sup> March 2017	Response on the draft Scoping Report received from the EA.
25 <sup>th</sup> March 2017	A scoping report was submitted to the Planning Inspectorate on 25th March 17 to request a scoping opinion.
30 <sup>th</sup> March 2017	Proposed specification for the benthic survey distributed by PoTLL consultants.
7 <sup>th</sup> April 2017	Teleconference held to agree proposal for benthic survey.
10 <sup>th</sup> April 2017	Finalised benthic survey specification circulated.
25 <sup>th</sup> April 2017	EA provide written response to the Scoping Report to PINSL.
6 <sup>th</sup> July 2017	Email to agree methodology for flood breach modelling.



Date	Activity
28 <sup>th</sup> July 2017	Response of EA to S42 statutory consultation (letter reference AE/2017/121765/01-L01).
2 <sup>nd</sup> 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 <sup>th</sup> 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 <sup>th</sup> 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 <sup>th</sup> August 2017	Meeting to discuss drainage strategy, flood breach modelling and proposals for watercourse crossings and river realignments.
23 <sup>rd</sup> 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 <sup>th</sup> August 2017	Meeting to discuss interaction between the proposed RoRo access bridge and the existing flood defence.
4 <sup>th</sup> 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 <sup>th</sup> 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 <sup>th</sup> 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 <sup>th</sup> September 2017	Telecom to discuss proposed watercourse crossings and enhancements.
12 <sup>th</sup> October 2017	Pre-application agreement advice letter issued by EA (letter reference AE/2017/122064/01-L01).
18 <sup>th</sup> October 2017	Pre-application agreement advice letter issued by EA (letter reference AE/2017/122092/01-L01).
19 <sup>th</sup> 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 <sup>th</sup> 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 <sup>th</sup> March 2018	Call with EA to discuss their initial thoughts on the FRA addendum issued on 15 <sup>th</sup> March and submitted at Deadline 1.
25 <sup>th</sup> April 2018	Call with the EA to discuss updates to the SoCG matters.
2 <sup>nd</sup> May 2018	Call with the EA to discuss intertidal habitats
2 <sup>nd</sup> May 2018	'Interaction of Tilbury2 and River Thames Flood Defences' report [REP3-024] issued to EA.
July 2018	Various email correspondence finalising Protective Provisions
1 <sup>st</sup> August 2018	Call with EA to discuss SoCG matters

- 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**

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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
<b>4.1</b>	<b>Marine Ecology</b>	
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. This will be secured through the operation of the DML. It is also proposed to restrict WID to the ebb tide only. This will be reflected in the CEMP and OMP.
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.
<b>4.2</b>	<b>Terrestrial Ecology (including inter-tidal habitats)</b>	
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.

Ref	Description of matter	Details of agreement
		It is agreed that the EA will be consulted on the detailed design of pond and reedbed construction
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>Planning consent has been granted for the concentric rings of open ditches, including details regarding optimisation for water voles. The EA has responded as a consultee on that application (Thurrock Council planning reference 18/00448/FUL) and has agreed that this would provide suitable habitat for water voles relocated from the Tilbury2 site.</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

Ref	Description of matter	Details of agreement
		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.
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"> <li>• 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;</li> <li>• Compensatory wet ditch habitats will be provided ensuring no net diminution of the quantum of this habitat due to the development.</li> </ul> <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>



Ref	Description of matter	Details of agreement
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 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 (<a href="#">see 4.2.10 below</a>).</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

Ref	Description of matter	Details of agreement
		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 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.
4.2.11	Phasing Plan	There is agreement that habitat creation will need to be phased. Advance habitat creation for water voles has been progressed via a separate planning consent, the proposals for which the EA agreed were appropriate during consultation. It is also agreed that the Applicant will provide a phasing plan, which is to be presented at section 10.0 of the EMCP, and upon which the EA will also be consulted.
<b>4.3</b>	<b>Hydrogeology and Ground Conditions</b>	
4.3.1	Ground investigation & quantitative risk assessment	It has been agreed that information from the proposed additional ground investigation,

Ref	Description of matter	Details of agreement
		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 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

Ref	Description of matter	Details of agreement
		and Contaminated Land Officer for approval, as secured through the CEMP.
<b>4.4</b>	<b>Flood Risk</b>	
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	<p>It is agreed that the breach methodology outlined; the location, breach width, duration, roughness values, simulations and 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

Ref	Description of matter	Details of agreement
		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.
<b>4.5 Flood Risk Management</b>		
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/altered as part of the Tilbury2 proposals, but that the proposed design for any replaced/altered 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-</p>

Ref	Description of matter	Details of agreement
		024]. The EA are in agreement with the content of this report.
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	<p>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 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</p>



Ref	Description of matter	Details of agreement
		<p>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 be subject to review by a Reservoir Construction Engineer	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 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</p>

Ref	Description of matter	Details of agreement
		Pollution (Oil Storage) (England) Regulations 2001
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 construction of the new road connections	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 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>

Ref	Description of matter	Details of agreement
<b>4.6</b>	<b>WFD assessment</b>	
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.
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.
4.6.4	Watercourse and ponds design, compensation and enhancement	It is agreed that the proposals for new wetland features, which are intended to provide a greater pond area and a greater ditch length than the existing situation, would deliver a 'net gain' position for ponds and ditches. The compensation/enhancement plan (presented at Figure 1 of the EMCP) would meet these requirements.

Ref	Description of matter	Details of agreement
4.7	<b>Combination effects</b>	
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 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 consultations, prior to issue of DCO.	<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 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</p>

Ref	Description of matter	Details of agreement
		consultation, as far as possible with the existing information.

## 5.0 LIST OF MATTERS NOT YET AGREED BUT UNDER DISCUSSION

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Ref	Description of stakeholder issue	Current position
5.1	<b>Protective Provisions</b>	
5.1.1	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

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Ref	Description of stakeholder issue	Current position
6.1	<b>None</b>	

## 7.0 AGREEMENT

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

## **Appendix 2**

**SOCG009      Statement of Common Ground with Highways England**



PLANNING ACT 2008  
INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE )  
RULES 2010

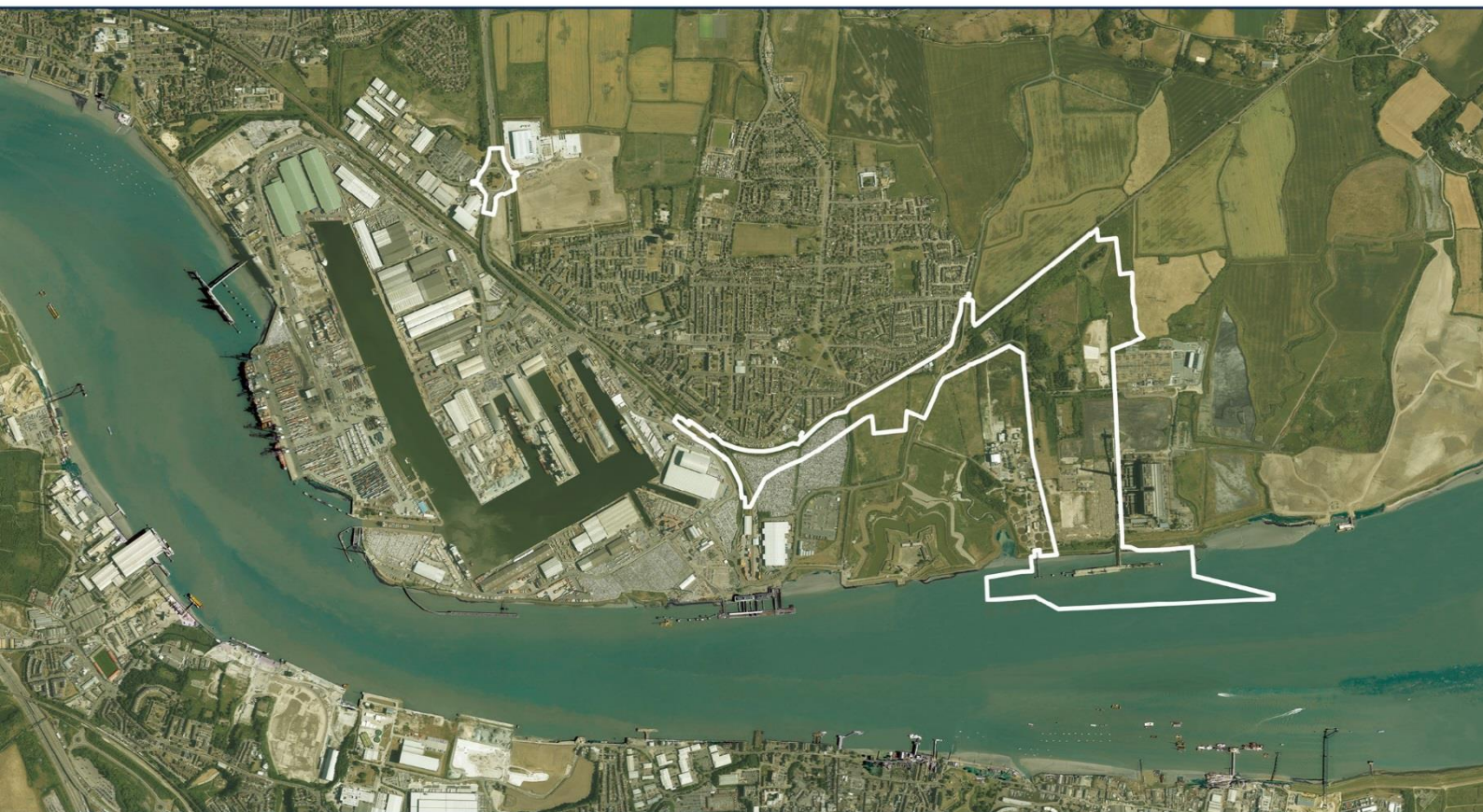
PROPOSED PORT TERMINAL AT  
FORMER TILBURY POWER STATION

**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
5.0	3/8/18	Fifth Draft

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## **1.0 INTRODUCTION**

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### **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

<b><u>Date</u></b>	<b><u>Activity</u></b>
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"> <li>• Draft CTMP;</li> <li>• Updated M25 J30 forecasts with HGV's;</li> </ul>

	<ul style="list-style-type: none"> <li>• Assessment of Marshfoot Interchange;</li> <li>• Summary of ASDA roundabout modelling;</li> </ul>
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
5, 17 & 24 July 2018	Meetings between PoTLL and HE to discuss M25 J30
January – July 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**

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- 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
<b>4.1 Policy Compliance</b>		
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".
<b>4.2 Landside Transport</b>		
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	M25 J30	<p>It is agreed that the southbound and eastbound approaches to the junction would not be adversely affected by the predicted Tilbury2 development traffic.</p> <p>It is agreed that the methodology, parameters and software used for undertaking traffic modelling at the junction is appropriate and the modelling accurately represents the impact of Tilbury2 development traffic.</p>
4.2.7	ASDA Roundabout	<p>It is agreed that the traffic modelling of the ASDA roundabout accurately represents the impact of Tilbury2 development traffic.</p> <p>An outline scheme of measures to mitigate the impact has been agreed subject to the findings of the Stage 1 Road Safety Audit of this junction and discussions between Highways England and Essex Police regarding enforcement of the proposed A1089 speed limits, following PoTLL's recent consultation with Essex Police.</p>
<b>4.3 Framework Travel Plan</b>		
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.

<b>4.4 Sustainable Distribution Plan</b>		
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.
<b>4.5 Construction Environment Management Plan</b>		
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.
<b>4.6 Draft Development Consent Order</b>		
4.6.1	Use of powers under articles 6 (and Schedule 1 (Work No. 11 and ancillary works powers)); 8 (street works); 10 (construction and maintenance of new, altered or diverted streets); 12 (permanent stopping up of highways); 13 (temporary stopping up of highways); 15 (agreements with street authorities); and 52(3) (TRMs not proposed at the time of the Order)	It is agreed that the use of these powers by PoTLL in respect of the Asda Roundabout is subject to Highways England's control through the protective provisions and other provisions of the DCO and so will be able to be managed accordingly in accordance with how this has been agreed between the parties as set out in earlier versions of the SoCG and subject to any other representations which the parties are making at deadline 6.
4.6.2	Article 11 (classification of roads), Schedule 3 and the Classifications of Roads Plans	These provisions and plans are agreed by Highways England.
4.6.3	Protective Provisions (Schedule 10, Part 9)	These are agreed in principle save for the issues set out in the 'matters under discussion section' of this SoCG.



## 5.0 LIST OF MATTERS UNDER DISCUSSION

Ref	Description of stakeholder position	Current issue
<b>5.1 Land side Transport</b>		
5.1.1	M25 J30	The need for mitigation is under discussion. The potential mitigation package is under discussion between PoTLL and HE.
<b>5.2 Draft Development Consent Order</b>		
5.2.1	Protective Provisions (Schedule 10, Part 9)	<p>The following are the main outstanding issues remaining:</p> <ul style="list-style-type: none"> <li>(a) PoTLL payment for dilapidation of construction traffic routes;</li> <li>(b) the provision of security;</li> <li>(c) the provision of public liability insurance; and</li> <li>(d) approval of the identity of the contractor for the Asda Roundabout works.</li> </ul> <p>HE and PoTLL have each submitted their position on these issues in their Deadline 6 submissions. However, intensive discussions are being and will continue to be undertaken on them.</p> <p>Both parties have agreed that a final position on these issues will be submitted at Deadline 7, which will reflect either one agreed set of protective provisions or preferred versions of the protective provisions</p>

		submitted by both parties.
5.2.2	Article 52(1), Schedule 8 and the Traffic Regulation Measures Plans	These provisions and plans are agreed in principle by Highways England but cannot be agreed in full until Highways England has discussed the proposed A1089 speed limits with Essex Police, following PoTLL's consultation with them recently taken place.

## **6.0 LIST OF MATTERS NOT AGREED**

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Currently no matters not agreed.

## 7.0 AGREEMENT

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

## **Appendix 3**

**SOCG014      Statement of Common Ground with Buglife**



PLANNING ACT 2008  
INFRASTRUCTURE PLANNING  
(APPLICATIONS: PRESCRIBED FORMS AND PROCEDURE) REGULATIONS 2009

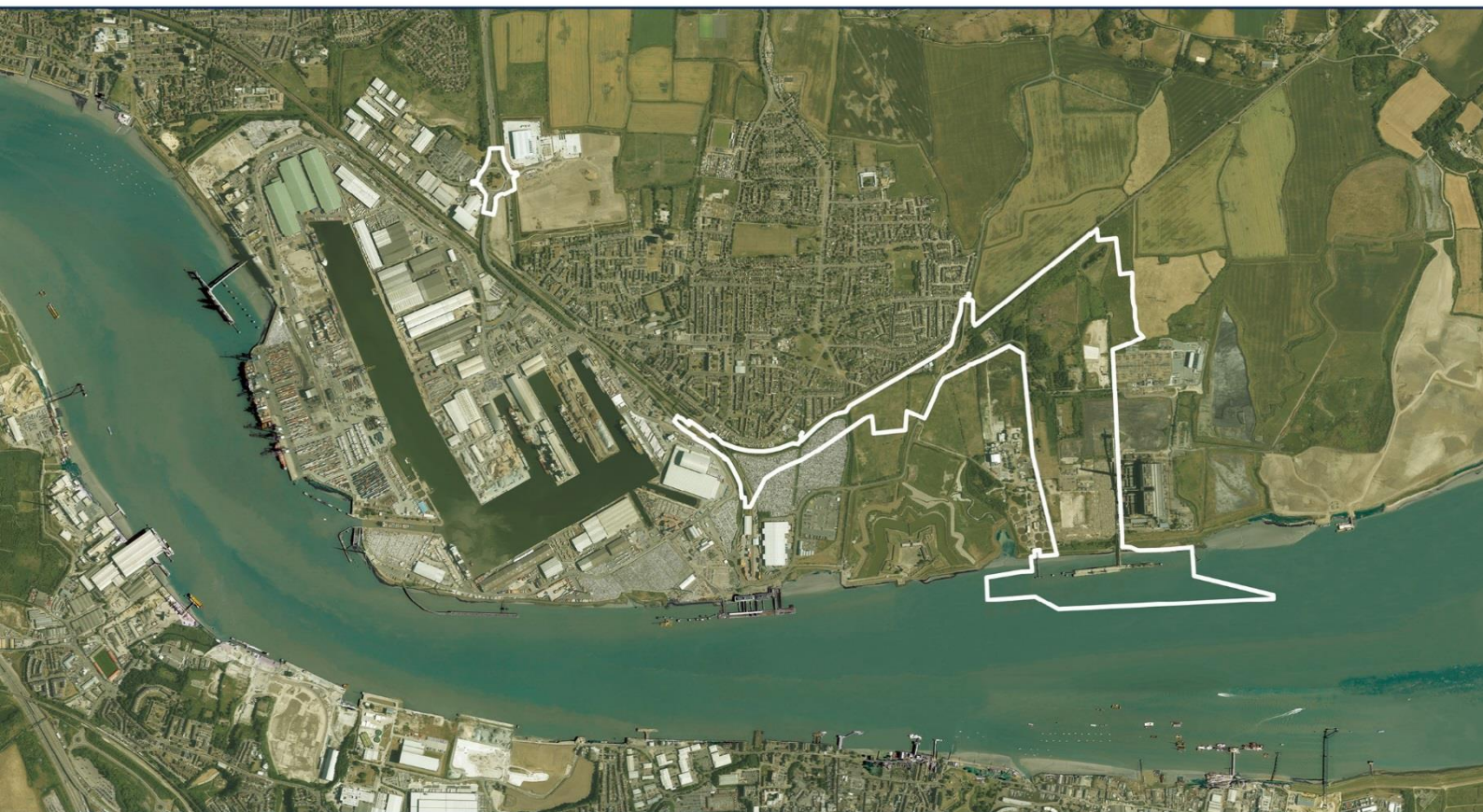
PROPOSED PORT TERMINAL AT  
FORMER TILBURY POWER STATION

**TILBURY2**

TRO30003

STATEMENT OF COMMON GROUND  
BETWEEN PORT OF TILBURY LONDON LIMITED  
AND BUGLIFE

DOCUMENT REF : SOCG014



**STATEMENT OF COMMON GROUND BETWEEN PORT OF TILBURY LONDON LIMITED  
AND BUGLIFE**

**UPDATED FOR DEADLINE 6**

**1. 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 Scheme").
- 1.2 The aim of this SoCG between PoTLL and Buglife 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 This 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 Scheme**

- 1.4 The Scheme 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 Scheme will require works including, but not limited to:
- 1.6.1 creation of hard surfaced pavements;
  - 1.6.2 improvement of and extensions to the existing river jetty including creation of a new RoRo berth;
  - 1.6.3 associated dredging of berth pockets around the proposed and extended jetty and dredging of the approaches to these berth pockets;
  - 1.6.4 new and improved conveyors;
  - 1.6.5 erection of welfare buildings;
  - 1.6.6 erection of a single 10,200 sqm. warehouse a number of storage and production structures associated with the CMAT;
  - 1.6.7 the construction of a new link road from Ferry Road to Fort Road; and
  - 1.6.8 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").

## 2. **CONSULTATION TO DATE**

- 2.1 This section provides a summary of the engagement between PoTLL and Buglife that has taken place to date. Copies of key correspondence and minutes of meetings referred to below are provided in Appendix A of this SoCG for reference.

### Pre-application

Date	Activity
24 February 2017	Jamie Robins (JR) issued Buglife scoping consultation response by email.
27 March 2017	In response to Buglife consultation comments, PoTLL invited Buglife (JR) to meet with the team and discuss the project.
24 April 2017	Meeting with Buglife (JR) and PoTLL at Port of Tilbury, to outline the project, confirm that invertebrate issues were recognised and being responded to. Matters discussed include the quality of the habitats on site and invertebrate assemblage supported, feasibility of re-creating brownfield conditions offsite and the factors that needed to be considered to improve chances of success. The suggestion was made to meet with the Land Trust to discuss Canvey Wick and West Thurrock Lagoon & Marshes, and duly followed up. Minutes taken at the meeting were agreed as an accurate record and circulated 9 May 2017 (attached at Appendix A.1).
05 May 2017	JR offered further suggestions via email regarding contributions to habitat enhancements at existing protected sites (Canvey Wick SSSI and West Thurrock Lagoon & Marshes SSSI) by way of off-site compensation.
08 June 2017	Buglife (JR) invited with PoTLL, Natural England and the Land Trust to participate in site visits to Canvey Wick and West Thurrock Lagoon & Marshes, to explore their potential (both SSSI and non-SSSI elements) as locations for off-site compensation delivery. Meeting initially scheduled for 07 July 2017 but ultimately postponed until after the PEIR s.42 consultation due to difficulties with availability.
19 June 2017	Buglife sent PEIR documents as part of s.42 consultation.
20 July 2017	Following issue of main PEIR document bundle, Appendix 10.K (Invertebrate Survey Report 2016) issued to Buglife directly.
12 September 2017	Meeting with Buglife (JR), Natural England (Jonathan Bustard), The Land Trust, and PoTLL at Canvey Wick and then West Thurrock Lagoon & Marshes to discuss possible options for off-site compensation at these sites. Neither site has yet been progressed as an opportunity by PoTLL.
13 September 2017	Buglife (JR) sent email confirming that although the PEIR s.42 consultation deadline was missed, the previous consultation comments (issued 24 February 2017) continued to stand as a record of Buglife's position, until further survey data and mitigation/compensation proposals were available. JR also confirmed Buglife's intention to continue to engage with the project, in order to maximise the value of the compensation scheme.

#### Post-application acceptance

Date	Activity
11 December 2017	Buglife register with PINS as an interested party and issue a Relevant Representation as part of the s56 consultation response.
18 January 2018	PoTLL contact Buglife (JR) to request a meeting to discuss issues raised in Buglife's s.56 consultation response.
01 February 2018	Meeting with Buglife (JR) and PoTLL at Port of Tilbury, primarily discussing the site's value and issues around the mitigation/compensation proposals. Draft minutes of this meeting have been agreed.
<a href="#"><u>19 February 2018</u></a>	<a href="#"><u>Meeting with Buglife (JR) and PoTLL at the Tilbury2 site to discuss the site's value and impacts of habitat succession.</u></a>
<a href="#"><u>28 June 2018</u></a>	<a href="#"><u>Buglife (JR) provide feedback on the EMCP (specifically the off-site compensation site for open mosaic habitat and invertebrates at Mucking) during ISH.</u></a>

- 2.2 [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. **SUMMARY OF TOPICS COVERED BY THE SOCG**

- 3.1 The following topics discussed between PoTLL and Buglife are commented on further in this SoCG:

- [1] The value of the terrestrial invertebrate assemblage of the Site;
- [2] The nature of off-site compensation provision;
- [3] Ecological Mitigation and Compensation Plan (EMCP);
- [4] Successional processes and the relative invertebrate value of the components of the Site;
- [5] The extent of the Open Mosaic Habitat resource
- [6] Effectiveness of proposed re-creation of brownfield habitats

- 3.2 For the avoidance of doubt, matters not covered in this SoCG have not been discussed between the parties as they have not been raised by Buglife in its capacity as an invertebrate focused charity. As such, Buglife has no comment to make on those issues.

### 4. **LIST OF MATTERS AGREED**

- 4.1 Lists of matters agreed, still under discussion and as yet not agreed are provided in the tables overleaf:



Ref	Description of matter	Details of agreement
<b>Terrestrial Ecology</b>		
[1]	The value of the terrestrial invertebrate assemblage	<p>The site supports an outstanding invertebrate assemblage, with 1,397 species recorded in 2017/18, including 159 species of conservation concern and 10 Section 41 invertebrate species. It is agreed that the invertebrate assemblage of the Tilbury 2 site (not including the infrastructure corridor) is measureable as of national importance on the basis of the 2007, 2016 and 2017 datasets and by reference to the geographic terms of reference set out by CIEEM in the 2016 EcIA Guidelines.</p> <p>It is agreed that there is no assemblage context in Europe, but given the preponderance of species in the assemblage that are rare or scarce in the UK but widespread in Europe (e.g. <i>Ceratina cyanea</i>), it is unlikely to be of international importance.</p>
[2]	Off-site compensation provision	<p>On-site retention of habitats should always be preferable, as is outlined in the mitigation hierarchy. Where on-site habitat retention isn't possible, off-site compensatory provision of replacement terrestrial habitats will be required. The aim should be for no net loss and the achievement of net gain where possible. The mitigation hierarchy should be followed to adequately assess the environmental assets and the significance of the impacts on these assets, i.e. considering alternatives, avoidance, mitigation and compensation for residual impacts, with priority given to retaining the most high quality areas.</p>

Ref	Description of matter	Details of agreement
[3]	Ecological Mitigation and Compensation Plan (EMCP)	<p>It is agreed that details of the off-site compensation will be presented in an Ecological Mitigation and Compensation Plan (EMCP), which will be discussed with stakeholders (including Buglife) as it is developed and will be submitted to the Examination process. This plan will fully detail the off-site compensation measures (including methodologies for translocation of substrates). It is expected that the EMCP will form an enforceable part of any DCO (i.e. compliance with it will be a necessary DCO requirement).</p> <p>Buglife have been engaged in discussions about substrate translocation techniques and brownfield habitat creation principles <u>at the Mucking landfill site, but without any specific information on the off-site plans being made available at this stage due to existing NDA constraints with involved landowners. Further information on the proposed site management and compensation plan needs to be available prior to Buglife submitting further comments to the Planning Inspectorate. Without this information, it is not possible for any meaningful decision over the value of the mitigation/compensation scheme to be made. Details regarding detail of the methodology and layout plan for the mitigation are outstanding.</u></p>
[4]	<u>Brownfield/invertebrate receptor site selection</u>	<p>The criteria used in selecting Mucking Landfill as a receptor for brownfield substrates and to act as a brownfield/invertebrate receptor site are <u>generally agreed in principle. In addition, it is agreed that the proposals for the off-site brownfield receptor site as presented within the June 2018 version of the EMCP are (without prejudice to Buglife's position on adherence to the mitigation hierarchy) appropriate, subject to refinement of the details.</u></p>

5. **LIST OF MATTERS UNDER DISCUSSION**



Ref	Description of stakeholder issue	Current position
Terrestrial Ecology		

[1]	Successional processes and the relative invertebrate value of the components of the Site.	<p>Brownfield sites <u>generally can</u> undergo a process of succession which sees their value for early successional species peak and then diminish after a matter of decades.</p> <p>It is PoTLL's view that the Lytag Site (represented by the Lytag Brownfield LoWS), though still of high national value, seems to have declined in condition and is now arguably on a par or even overshadowed by the interest associated with the rest of the Tilbury2 site. The Tilbury Energy and Environment Centre (TEEC) seems to have suffered disproportionately between the survey periods, and without management it looks like it will decline further. The balance of evidence is that both the Lytag and TEEC sites have reached a tipping point in the successional process. It is PoTLL's view that these processes can now be expected to accelerate further, leading in a relatively short timescale (perhaps as little as 5-10 years) to significant suppression of the particular biodiversity interests associated with early successional and open ground habitats. For the infrastructure corridor, the grassland and wetland interest is only of generic quality, but the brownfield resource moves it above the TEEC site in ranking with respect to its assemblage representation. The Coastal Strip supports a number of species of elevated value, albeit this is in the context of forming part of a wider connected resource.</p> <p>Buglife's view is that <u>the site is not diminishing in value and that</u> the site mosaic (including the Lytag Brownfield LoWS) supports a nationally important assemblage of invertebrates, on a site of outstanding habitat quality and diversity. The site's value is in its mosaic of habitats across the entire site, making assessment of individual compartments individually inappropriate, in line with the characterisation of the Open mosaic habitat on previously developed land Priority Habitat description. This is backed up by the 2016 and 2017 invertebrate surveys which identify a site of the highest quality, with assemblages comparable to nearby South Essex brownfield SSSI sites. Aerial assessment of the site suggests that there has been some development of scrub in areas of the site, but this is not indicative of the wider site deteriorating. An absence of activity and management will inevitably lead to succession on ALL sites, regardless of their wildlife value. At present the scrub is likely to be a benefit to the site, providing structural and habitat</p>
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Ref	Description of stakeholder issue	Current position
<b>Terrestrial Ecology</b>		
		<p>variety, shelter and additional habitat resources. There is no indication that the currently open areas of the site are suffering from any significant or irreversible scrub invasion, nor that the site is deteriorating in value, albeit that this judgment is made without the benefit of a site visit and solely drawing on the submitted information. Site wide variation in nutrient status, substrates and habitat type underpin the value of such wildlife-rich brownfield sites. Some localised areas of raised nutrient status may have become dense scrub, but this is localised and appears to be having no negative impact on the site's invertebrate assemblage albeit that this judgment is again made without the benefit of a site visit and solely drawing on the submitted information. The suggestion of a 5-10 year period in which the site will lose its interest is without any basis in fact. In addition, it is important to note that should scrub become an issue in future, simple management would be able to manage the open habitats- an absence of current management cannot be used to justify the wholesale loss of a nationally important site.</p> <p>PoTLL and Buglife will continue to discuss the above issues in order to seek an agreed position or narrow down the areas of disagreement.</p>

[2]	The extent of the Open Mosaic Habitat resource	<p>The measured extent of the Open Mosaic Habitat resource has been calculated by specific reference to the S41 criteria, which are reproduced at paragraph 10.192 of the ES, and does include early successional habitats such as: Pulverised Fuel Ash (PFA), Lytag and other substrates, drought stressed grasslands, herb and lichen-rich grasslands, and ruderal resources.</p> <p>It is PoTLL's view that whilst relict grazing marshes (and ditches) are of interest, they do not specifically form part of the Open Mosaic Habitat calculation unless overlain by brownfield substrates/swards. The calculated quantum includes some scattered scrub, but extensive stands are excluded, as per the S41 habitat explanatory notes which state: <i>"scattered scrub (up to 10–15% cover) may be present ... Other communities or habitats might also be present (e.g. reed swamp, open water), but early successional communities should comprise the majority of the area"</i>. Thus the quantum of S41 Open Mosaic Habitat and other S41 habitat types set out in the ES have been calculated in accordance with the statutorily recognised definitions.</p> <p>Buglife consider the quantum of Open Mosaic Habitat on Previously Developed Land to be significantly understated, albeit that this judgment is made without the benefit of a site visit. Fig 10.2d shows the submitted map of Section 41 habitats, which wholly fails to include the surrounding areas of vegetated hardstanding, immature scrub, dense scrub neutral and grasslands alongside other grassland types that are part of the site's interest. The actual habitat is a much more complicated mosaic than is suggested by the ES. For example the Mark Telfer Invertebrate Survey 2017 report identifies an extensive area of [coarse] neutral grassland which has developed over PFA, which is entirely missing from Fig 10.2d showing Section 41 habitats. The very principle of Open Mosaic Habitat is that includes a mosaic of habitats, notably those that have developed over introduced substrates. As such, Buglife consider a significantly larger area of the site to be within the Open mosaic habitat on previously developed land criteria. It is worth noting that the Lytag Brownfield site LoWS itself exceeds 12 hectares, and covers only a portion of the site. In summary Buglife disagree that the quantum has been calculated in accordance with the statutorily recognised definitions and is currently underestimated.</p>
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Ref	Description of stakeholder issue	Current position
Terrestrial Ecology		
		PoTLL and Buglife will continue to discuss this in order to reach an agreed position or narrow the areas of disagreement.

[3]	Effectiveness of proposed re-creation of brownfield habitats	<p>Successful off-site habitat creation/re-creation of brownfield habitats is essential in order for no net loss and/or net gain in biodiversity to result from the Tilbury2 proposals. PoTLL maintain that successful brownfield habitat creation/re-creation is achievable in principle on the basis that brownfield sites are themselves habitats of anthropogenic origin, developed over comparatively short timescales (decades) as opposed to irreplaceable habitats such as ancient woodland which have developed over centuries. It is a logical proposition that putting in place the same processes, substrates and environmental context that have created Thames Estuary brownfields must be possible in other parts of the Thames Estuary. It must also be the case that translocation of brownfield substrates to such locations must carry with it the possibility of transfer of at least a proportion of the associated plant, invertebrate and lichen species, assisting in the process of establishment of new communities of such species at the receptor location.</p> <p>Buglife have discussed habitat creation methods with PoTLL, including providing suggestions for methodologies, considerations and best practice such as re-use of substrates from the application site. However, Buglife is concerned that the main compensation measures for the loss of a nationally important invertebrate site are reliant on untested habitat creation methods. There is very little evidence of the successful recreation of large-scale brownfield habitats, particularly ones with such a fine-scale mosaic and diverse features as those at the former Tilbury Power Station. These concerns were discussed at previous meetings, but Buglife maintains the position that there is insufficient evidence to suggest that the habitats can be reasonably created to ensure that the habitats and features utilised by the invertebrate assemblage are replicated. The habitats at the former Tilbury Power Station have developed over many decades, making their recreation much more complicated than is assumed. <u>Buglife's view is that the evidence of success at the London Distribution Park is of too small a scale and diversity of habitat to provide confidence that this methodology can confidently compensate for the loss of a SSSI quality site such as the Tilbury Power Station site.</u></p> <p><u>Buglife awaits the details of the compensation plan which is currently subject to an NDA, but regardless is concerned that the approach to the loss of the</u></p>
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Ref	Description of stakeholder issue	Current position
Terrestrial Ecology		
		<p><del>site is based on recreating low nutrient, brownfield habitats on an arable field, a wholly inappropriate starting point for a low nutrient habitat.</del></p> <p>PoTLL have pointed towards their successful habitat compensation as part of the London Distribution Park, <del>however, for which the survey data is currently not</del> will be available later this year, and which Buglife are invited to visit. It is noted that while the LDP application site itself was of a significantly lower level of importance, much simpler in terms of habitats and features, <del>while</del> the newly created habitat is <u>thus</u> of a much smaller scale and significantly less diverse than what would be required for Tilbury2 compensation; <u>however it nonetheless offers something which would be highly complementary to the Tilbury2 off-site proposals.</u></p> <p><u>It is agreed that the Mucking site will have a secure future by way of a 3-way management agreement (between PoTLL, Enover and TTNP) which will cover a 99-year period. However, Buglife have some residual concerns over the value and nature of the enhancement, with the landfill site due to be restored to low nutrient grassland in an existing funded agreement, which includes long-term management for wildlife interest. It is PoTLL's view, however, that as the pre-existing proposals for restoration (which would see the land capped with topsoil and restored to species-poor homogenous grassland) are of very low value to invertebrates, the Tilbury2 proposals offer something which is a genuine and significant uplift over the existing agreement.</u></p>

## 6. LIST OF MATTERS NOT AGREED

NONE AT THIS STAGE

**7. AGREEMENT**

Signed	
Name	Jamie Robins
Position	Projects Manager
Organisation	Buglife
Date	
Signed	
Name	Peter Ward
Position	Commercial Director
Organisation	Port of Tilbury London Limited



**SOCG15      Statement of Commn Ground with English Heritage**

Planning Act 2008  
Infrastructure Planning (Examination Procedure)  
Rules 2010

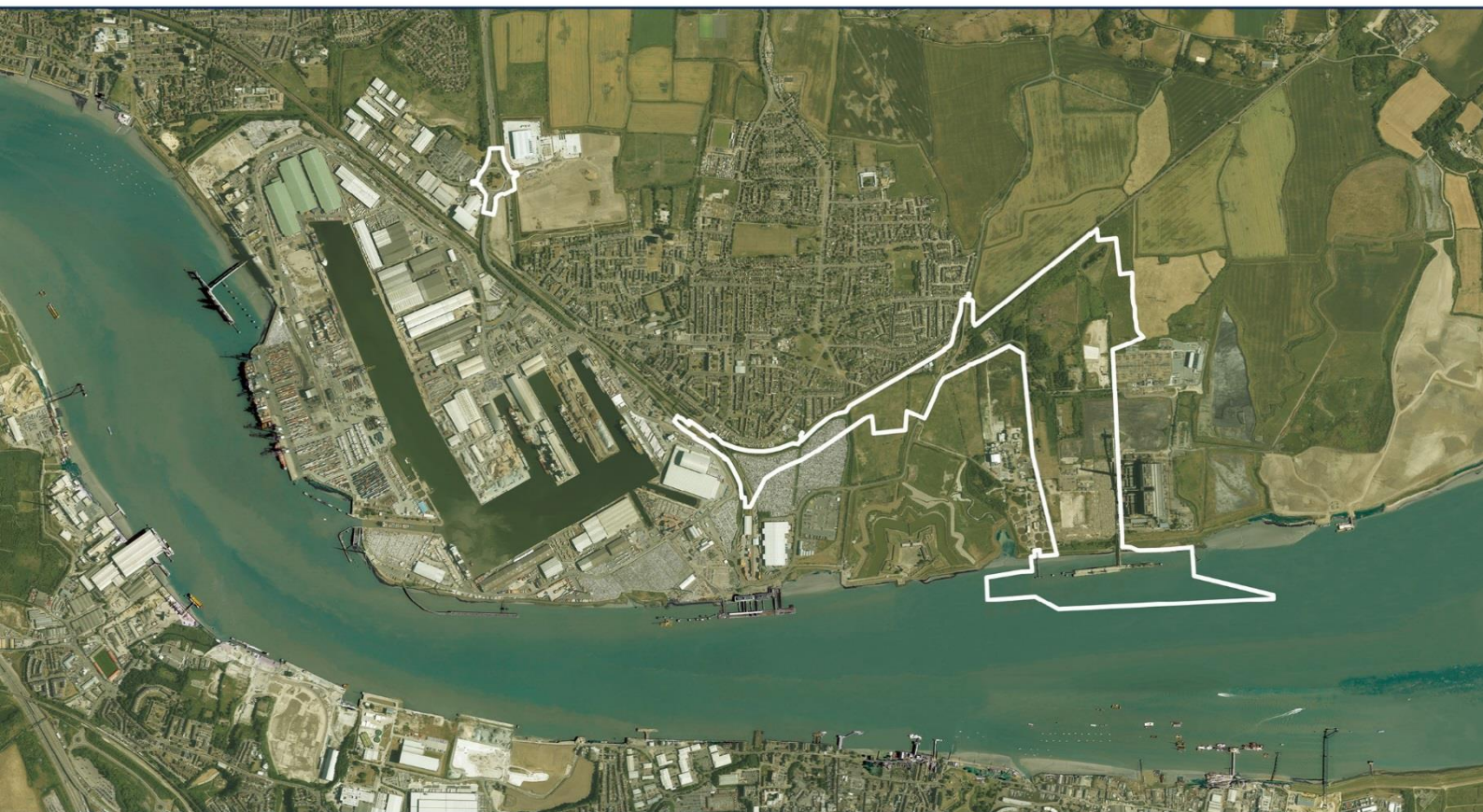
PROPOSED PORT TERMINAL AT  
FORMER TILBURY POWER STATION

**TILBURY2**

TRO30003

STATEMENT OF COMMON GROUND  
BETWEEN PORT OF TILBURY LONDON LIMITED AND  
ENGLISH HERITAGE

DOCUMENT REF : SOCG015



**PORT OF TILBURY**

**PROPOSED PORT TERMINAL AT FORMER TILBURY POWER STATION  
'TILBURY2'**

**STATEMENT OF COMMON GROUND**

**BETWEEN PORT OF TILBURY LONDON LIMITED AND ENGLISH HERITAGE**

Revision	Date	Description of new version
1.0	15 February 2018	V1.0
2.0	28 February 2018	V1.4
3.0	04 April 2018	V1.5
4.0	26 April 2018	V1.6
5.0	02 July 2018	V1.8

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5.0	LIST OF MATTERS UNDER DISCUSSION.....	14
6.0	LIST OF MATTERS NOT AGREED.. <b>Error! Bookmark not defined.</b>	<u>18</u>

TILBURY2 PROJECT TEAM  
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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 English Heritage 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 This 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

### **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. Whilst future use of the site may change it would necessarily be based on the "Not Environmentally Worse Than" (NEWT) approach within the Rochdale Envelope defined by this application, given that any development outside of this would require a separate planning application, as it would fall beyond the scope of permitted development powers.

### **Introduction to English Heritage**

1.9 On 1 April 2015, English Heritage was divided into two parts: Historic England, the non-departmental public body which provides statutory and protection advice on behalf of the UK government; and the new English Heritage Trust. Known as English Heritage it is a registered charity (no.1140351) and a registered company (no.07447221) that operates and cares for over 400 historic buildings, monuments and sites.

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 pre-application consultation with English Heritage in their role as operators and custodians of Tilbury Fort. This consultation will be ongoing until consent is reached.



## 2.0 CONSULTATION TO DATE

- 2.1 This section provides a summary of the engagement between PoTLL and English Heritage that has taken place to date, above and beyond formal statutory consultation.
- 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 – Commercial Operation of Tilbury Fort**

29 <sup>th</sup> 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.
23 <sup>rd</sup> August 2017	<p>PoTLL's Built Heritage consultant at CgMs Ltd met with Historic England, English Heritage and Thurrock Council to discuss:</p> <ul style="list-style-type: none"> <li>• Potential improvements to access to the Fort and wayfinding, including PoTLL's proposed Active Travel Plan which includes enhancements to the landscape to the north of the Fort. Surfacing of improved footpaths, etc. which require consideration.</li> <li>• Car-parking provisions – existing and desired.</li> <li>• Consideration of a Conservation Management Plan for Tilbury Fort.</li> <li>• Consideration of a water bodies management plan.</li> </ul> <p>Further discussion required with all consultees to agree appropriate mitigation measures.</p>
7 <sup>th</sup> November 2017	<p>PoTLL's Built Heritage consultant at CgMs Ltd met with Historic England Advisory Committee and English Heritage to discuss:</p> <ul style="list-style-type: none"> <li>• Existing port uses</li> <li>• Ports National Planning Policy Statement (NPS) background</li> <li>• The need for expansion, public benefit and the surrounding context of the Site;</li> </ul>

	<ul style="list-style-type: none"> <li>• An explanation of the 'maximum worst case visual envelope' based on the 'Rochdale Envelope'. Each attendee was given a printed pack of wirelines; and</li> <li>• An overview of the engineering reasons why the only option is to extend the jetty to the west.</li> </ul>
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### **Post-application – Commercial Operation of Tilbury Fort**

<b><u>Date</u></b>	<b><u>Activity</u></b>
7 <sup>th</sup> November 2017	PoTLL letter to Historic England with draft DCO for review
7 <sup>th</sup> November 2017	PoTLL met with Historic England, English Heritage and members of the Historic England Advisory Committee to present the proposals.
12 <sup>th</sup> February 2018	PoTLL met with English Heritage to discuss the DCO process and drafting of the SoCG.
29 <sup>th</sup> March 2018	PoTLL met with English Heritage to: <ul style="list-style-type: none"> <li>• Update on the DCO process</li> <li>• Discuss written responses to the Inspectors' First Written Questions (FWQ)</li> <li>• Continue drafting the SoCG.</li> </ul>
27 <sup>th</sup> April 2018	Conference call held between English Heritage and PoTLL to: <ul style="list-style-type: none"> <li>• Update on the DCO process</li> <li>• Discuss representations made at the ISH</li> <li>• Discuss mitigation &amp; enhancement opportunities</li> <li>• Continue drafting the SoCG.</li> </ul>
14 May 2018	Conference call held between English Heritage and PoTLL to : <ul style="list-style-type: none"> <li>• Discuss scope of S106 items related to the commercial operation of Tilbury Fort.</li> </ul>



- 2.3 The parties continue to actively engage on those matters which are not yet agreed. A [final](#) iteration of this SoCG will be submitted into the examination at [Deadline 7 on 16 August 2018](#).

### **3.0 SUMMARY OF TOPICS COVERED BY THE SOCG**

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3.1 The following topics discussed between PoTLL and English Heritage are commented on further in this SoCG:

- The potential effects of the proposed development on the commercial operation of Tilbury Fort, which comprises tourism, residential lettings and filming – and consequential effect on viability.
- The degree of harm to the setting of Tilbury Fort that will result from the proposed development. The appropriate level of mitigation as provided and compensation for any residual effect.

#### 4.0 LIST OF MATTERS AGREED

Ref	Description of matter	Details of agreement
<b>4.1 Commercial Operation of Tilbury Fort</b>		
4.1.1	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 statutory consultees in order to aid the assessment of potential impacts on the setting of Tilbury Fort.</p>
4.1.2	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</p>

		<p>the /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>' (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 appropriate for the purpose of assessing potential impacts on the setting of Tilbury Fort.</p>
4.1.3	Baseline Environment	<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 harm 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.</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>

4.1.4	Mitigation	It is agreed that the Active Travel Study which is in development with Thurrock Council has the potential to increase visitor numbers to the Fort, though EH consider this is only likely when combined with further mitigation and compensation
4.1.5	Impact Assessment	It is agreed that the potential impacts on Tilbury Fort during the construction and operational phase include impacts on the setting and may cause impacts on the commercial operation of Tilbury Fort. English Heritage has provided PoTLL with existing visitor numbers and details of commercial operations over the past ten years to enable further understanding of this matter.
4.1.6	Access	<p>It is agreed enhanced parking and access ways at Tilbury Fort would be beneficial to the visitor experience.</p> <p>It is agreed that, as part of the Active Travel Study, wayfinding would be helpful for Tilbury Fort. The importance of this part of the river in relation to the Cruise Terminal Complex and the Fort has been fed into the Cultural and Heritage Strategy prepared by Thurrock Council.</p>
4.1.7	Tilbury Fort as a commercial operation	<p>It is agreed that the setting of the monument and visitors' ability to understand its form and function are central to the visitor experience. It is agreed that a positive visitor experience drives commercial performance in terms of admission sales, retail sales and sales of English Heritage membership, which is essential to the Fort's financial sustainability.</p> <p>It is agreed that the Fort does not only operate as a visitor attraction; it is also a home to three residential tenants and is used as a filming location. Since 2015 filming and residential sources contributed 82% of the Fort's total income (£893k). EH consider that these</p>

		revenue streams rely on the setting and environment of the Fort to continue their current growth trends and are essential in generating the funds that enable the monument to be maintained.
4.1.8	Flood risk	EH & PoTLL agree that the moats have been appropriately factored into Flood Risk Assessment and that the dredging of the moats would not change the predicted impact of the model.
4.1.9	Setting	It is agreed that Historic England is the statutory body responsible for planning matters that may have an impact on heritage assets in England, and that the opinions of English Heritage mirror those of Historic England in respect of impact and effect as assessed in planning and EIA terms.

## 5.0 LIST OF MATTERS UNDER DISCUSSION

Ref	Description of stakeholder position	Current issue
<b>5.1 Commercial Operation of Tilbury Fort</b>		
5.1.1	Setting  Moved to Matters Not Agreed	<p>The degree of impact on setting is a matter at issue between the parties, as is the proper engagement of paragraph 134 of the NPPF in the context of the NPS and the timing and results of the balancing exercise of the harm of the proposal versus the public benefit.</p> <p>EH and PoTLL remain in discussion regarding the visitor experience, residential letting, and filming at Tilbury Fort is underpinned by setting and legibility of the heritage asset for the visitor. EH and POTLL remain in discussion about how potential impact on the commercial operation of Tilbury Fort could be addressed. The degree to which the existing setting of the Fort can be characterised as industrial remains at issue.</p> <p>The degree of impact on the Fort's setting is described as 'minor to moderate' in the Built Heritage Assessment and this remains at issue between the parties.</p>
5.1.2	Visitor Experience          Moved to Matters Not Agreed	<p>The effect of the proposed development on visitor numbers is at issue as EH considers that the proposals will affect the setting and therefore the appeal of the site.</p> <p>EH is concerned that an increase in traffic during both construction and operation is likely to affect access to the Fort. This is subject to further discussion as PoTLL considers that the results of</p>

	PoTLL responded at the ISH.	<p>the Transport Assessment indicate that this will not be an issue.</p> <p>The scale of necessary mitigation and compensation to offset impacts is at issue. EH has set out mitigation and compensation within its written representations.</p> <p>PoTLL propose a financial sum that will be secured through a section 106 agreement with Thurrock Council to mitigate the residual impacts of the development which will include an obligation for the monies to be passed to EH. There is discussion between the parties as to the value and specific purposes of a financial contribution to be made from PoTLL to EH in relation to elements within the Fort that could improve the visitor experience to the Fort specifically,:</p> <p>1/ Interpretation signage at the Fort 2/ Repairs to driveway</p>
5.1.3	<p>Commercial Operations at Tilbury Fort</p> <p>(Moved to Matters Not Agreed)</p>	<p>The potential effect of the proposals on the residential, filming and visitor access and amenity at the Fort remains at issue.</p>
5.1.4	<p>Ecology</p> <p>(Moved to Matters Not Agreed)</p> <p>No changes can be made to the moats from an ecological point of view.</p>	<p>Details of ecology, landscape treatment and setting impacts on Tilbury Fort remain under discussion between English Heritage and PoTLL.</p>



<p>5.1.5</p> <p>[Moved to Matters Agreed]</p>	<p>Flood risk</p> <p>Atkins report pending. The moats have been included in the breach model in the Level 3 FRA using the LiDAR data. Given the volume of tidal water that would be inundating the Tilbury area in such an event it's unlikely that increasing the capacity in the moats will have any marked impact.</p> <p>In addition, any increase in capacity, through dredging for example, would not alter the standing water level (head) within the moat as this is governed by local hydrology and the water table. The 'dredged' volume would therefore already be replaced by local water (e.g. pluvial or ground water) prior to tidal inundation.</p> <p>The moats were also included in the Level 2 FRA, as they form part of the EA flood map for the Tilbury area (Appendix A to the Level 2 FRA [APP-087]).</p>	<p>EH &amp; PoTLL remain in discussion regarding whether the moats have been appropriately factored into Flood Risk Assessment and that the dredging of the moats would not change the predicted impact of the model.</p>
<p>5.1.6</p>	<p>Impact</p>	<p>The degree of impact that the operation of the new development will have on the Fort as a tourism receptor remains at</p>

	<a href="#">Moved to Matters Not Agreed</a>	<del>issue. This is identified as negligible in the Socio-Economic ES chapter. This assessment has been questioned by EH in its written representations.</del>
5.1.7	Enhancement	<p>Opportunities for improved access, increased visitor numbers and management resulting from the Active Travel Study remain under discussion.</p> <p>Opportunities for English Heritage to contribute to wayfinding and heritage interpretation content of the Active Travel Study remain under discussion.</p> <p>Clarity is sought by EH regarding the adoption and maintenance of the works proposed in the Active Travel Plan.</p>

## 6.0 LIST OF MATTERS NOT AGREED

6.1.1	Setting	<p>The degree of impact on setting is a matter <b>not agreed at issue</b> between the parties, as is the proper engagement of paragraph 134 of the NPPF in the context of the NPS and the timing and results of the balancing exercise of the harm of the proposal versus the public benefit.</p> <p>EH and PoTLL are <b>not agreed at issue</b> regarding the visitor experience, residential letting, and filming at Tilbury Fort is underpinned by setting and legibility of the heritage asset for the visitor. EH and POTLL remain in discussion about how potential impact on the commercial operation of Tilbury Fort could be addressed. The degree to which the existing setting of the Fort can be characterised as industrial remains at issue.</p> <p>The degree of impact on the Fort's setting is described as 'minor to moderate' in the Built Heritage Assessment and this remains not agreed <b>at issue</b> between the parties.</p>
6.1.2		<p>EH is concerned that an increase in traffic during both construction and operation is likely to affect access to the Fort. This matter is not agreed as PoTLL considers that the results of the Transport Assessment indicate that this will not be an issue.</p> <p>The scale of necessary mitigation and compensation to offset impacts is not agreed. EH has set out mitigation and compensation within its written representations, PoTLL does not agree</p>

		<p>that the following are appropriate in planning terms:</p> <p>Repair of Bridges</p> <p>Restoration of Moats</p> <p>Resurfacing of Northern Car Park</p>
6.1.3	Commercial Operations at Tilbury Fort	The potential effect of the proposals on the residential, filming and visitor access and amenity at the Fort is <b>not agreed</b> .
6.1.4	<p>Ecology</p> <p>The moats are not scoped into the ES preventing restoration associated to the T2 proposals.</p>	Details of ecology, landscape treatment and setting impacts on Tilbury Fort are <b>not agreed</b> .
6.1.5	Impact	<p>The degree of impact that the operation of the new development will have on the Fort as a tourism receptor <b>is not agreed</b></p> <p>This is identified as negligible by PoTLL in the Socio-Economic ES chapter. This assessment has been questioned by EH in its written representations.</p>