

Date: 16 August 2018
Our ref: Tilbury2 Deadline 7 Response
Your ref: TR030003



Tilbury2 Project Team,
The Planning Inspectorate,
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Dear Sir/Madam,

NSIP Reference Name / Code: Tilbury2
User Code: TR030003

Thank you for your consultation on the above dated the 7th of August 2018.

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

Would NE please confirm at deadline 7 (16 August 2018) its final position on these matters raised in the previous paragraph. In particular, if NE is not able to agree to no AEOI by the close of the Examination and the ExA decides to take NE's advice, how does it envisage the subsequent stages?

Natural England's position remains as it was at Deadline 6. We have not been able to agree that there will be no Adverse Effects on Integrity as a result of the proposed development.

With regards to subsequent stages we consider that this is for the Planning Inspectorate to advise as we are not aware that there will be any further opportunity for us to input. Any decisions regarding the Development Consent Order should be made with reference to our position and The Conservation of Habitats and Species Regulations 2017. Natural England have set out in previous consultations steps that we consider could be used to avoid or mitigate noise disturbance (see Deadline 5 response) and ensure no adverse effects on sedimentation and water quality (see deadline 6 response).

In combination issues are more complicated as Natural England remains of the opinion that cumulative/in combination effects have not yet been adequately assessed and no attempt has been made to quantify impacts. Similar principles may apply to many of the in combination effects as they do alone. For example timing works that have the potential to cause bird disturbance to avoid the sensitive over-wintering period would negate an impact both alone and in combination.

In its deadline 5 submission [REP5-061], NE also provided comments on the draft EMCP. Would NE please confirm by deadline 7 whether it is content with the latest version of the EMCP included at deadline 6. If not, would NE state whether agreement has been reached between the Applicant and NE about the final draft of the EMCP to be submitted by the Applicant at deadline 7.

The Environmental Mitigation and Compensation Plan has not progressed significantly since the copy we reviewed at Deadline 5 and our comments therefore remain broadly the same. Without prejudice to our position relating to the mitigation hierarchy, Natural England considers the site to be sub-optimal and not inkeeping with our criteria for brownfield site selection as set out in our email of the 30th of April 2018.

The application has not demonstrated to our satisfaction that the site selected has sufficient headroom above afteruses secured by existant planning permissions to accommodate the required outcomes. It is not clear to Natural England at this point whether the applicant intends to submit the plan as a certified document. We have previously expressed the view that it is vital that any required mitigation is secured ideally through a plan that can be certified by the secretary of state. Our lack of agreement on the content of the plan notwithstanding, this remains the case.

Natural England
16th August 2018