

PLANNING ACT 2008

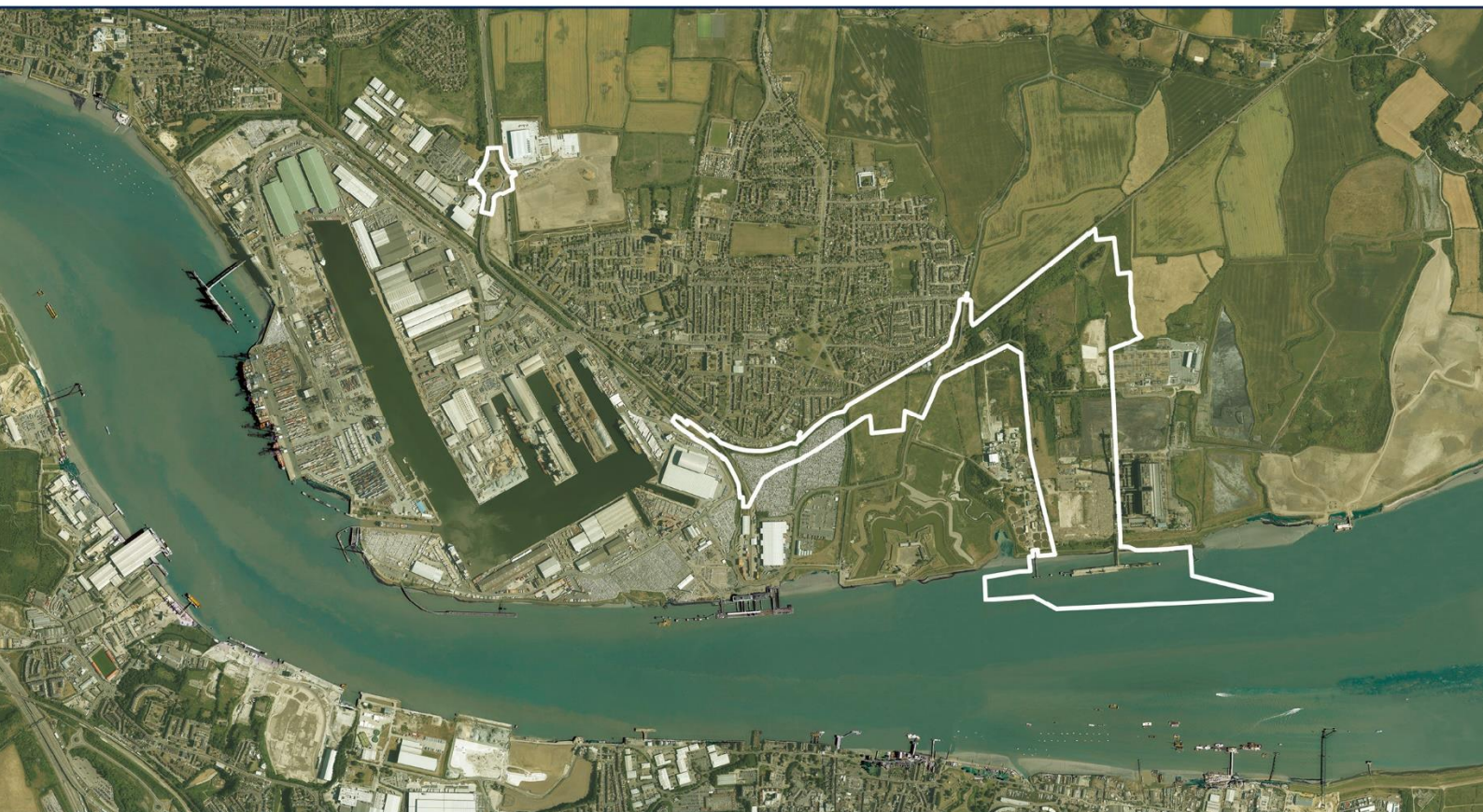
INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE)  
RULES 2010

PROPOSED PORT TERMINAL AT  
FORMER TILBURY POWER STATION

**TILBURY2**

PLANNING POLICY COMPLIANCE STATEMENT FOR DEADLINE 7  
-V4 CLEAN

DOCUMENT REF: PoTLL/T2/EX/210



## **PORT OF TILBURY**

### **PLANNING ACT 2008**

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

### **INFRASTRUCTURE PLANNING (PRESCRIBED FORMS AND PROCEDURE) REGULATIONS 2009**

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## 1.0 INTRODUCTION

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### BACKGROUND

- 1.1 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 largely previously developed land that formed the western part of the now redundant Tilbury Power Station. The project is known as “Tilbury2” and hereafter is described as “the proposals.”
- 1.2 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.
- 1.3 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 (as amended) (“PA2008”) for throughput per annum. The Tilbury2 project therefore constitutes a Nationally Significant Infrastructure Project (NSIP).
- 1.4 This document provides a comprehensive assessment of the proposals against the requirements of planning policy.
- 1.5 Pursuant to section 104 of the “PA2008”, in considering a DCO, the Secretary of State must have regard to any relevant National Policy Statements that have effect and decide the application in accordance with any relevant National Policy Statement (subject to certain exclusions). National Policy Statements are documents produced as a consequence of the PA2008 that set out national policy in relation to one or more specified descriptions of development and have been designated by the Secretary of State following the consultation and publicity requirements set out in section 7, and the parliamentary requirements set out in section 9 of the PA2008.
- 1.6 For the ports sector, there is a National Policy Statement for Ports (2012) (described as 'the NPS' in this document), which will apply to the proposals. The NPS is therefore the most important policy document against which the proposals will be assessed.
- 1.7 In addition, the UK Marine Policy Statement (“MPS”) provides the framework for preparing Marine Plans and taking decisions affecting the marine environment. It has been prepared and adopted for the purposes of section 44 of the Marine and Coastal Access Act 2009. The Marine Policy Statement sets out High Level Marine Objectives for ensuring that marine resources are used in a sustainable way. Under section 104(2)(aa) of the PA2008, the Secretary of State must have regard to the Marine Policy Statement in determining a NSIP application. This policy statement will

therefore have primacy (alongside the National Policy Statement) in the determination of the Tilbury2 DCO. This is reflected and taken fully into account in the preparation of Environmental Statement [APP-031 to APP-159] that forms part of the application.

- 1.8 Tilbury2 sits within the 'south east' marine plan area. A marine plan has not yet been produced for this area and the timescales for this have not been finalised. Furthermore, whilst an 'issues' consultation was carried out in February – March 2017, a consultation draft of the plan has not yet been published. It is therefore only the MPS that falls to be considered here.
- 1.9 Section 104(2) (c) indicates that the Secretary of State must have regard to any local impact report (within the meaning given by section 60(3)) submitted to before the deadline specified in a notice under section 60(2). . Two local impact reports have been submitted in accordance with section 60(3): Thurrock Council [REP1-101] and Gravesham Borough Council [REP1-056].
- 1.10 Although not explicitly referred to in the PA2008, the Government's policies on different aspects of planning, set out in the National Planning Policy Framework ("the Framework") are also capable of being considered important and relevant, as is the Development Plan.
- 1.11 The application was prepared on the basis of the Framework that was extant at the time of submission. A revised National Planning Policy Framework was published in July 2018; the consistency of the Tilbury2 proposals with the revised Framework is considered below.
- 1.12 The development plan applicable to the site comprises the Thurrock Core Strategy and Policies for Management of Development ("Core Strategy"), 2011. The Core Strategy was originally adopted on 21 December 2011 and subsequently updated on 28 January 2015, following an independent examination of the Core Strategy Focused Review document which concentrated on consistency with the National Planning Policy Framework.
- 1.13 Also relevant, due to its geographical proximity, are the policies of Gravesham Borough Council, the municipal area of which lies immediately south of the River Thames opposite the Tilbury2 site. The relevant development plan in this regard is the Gravesham Local Plan Core Strategy and Policies Map which was adopted on 30 September 2014.
- 1.14 The Framework (as noted above, the version extant at the time) and the development plan have played an important role in the development of the proposals. Although not explicitly referred to in section 104 of the PA2008, they are documents that are likely to be considered 'important and relevant' to the Secretary of State's decision under section 104(2)(d) of the PA2008; however, to the extent that their policies conflict with the Ports National Policy Statement or the Marine Policy Statement, those documents will take priority.
- 1.15 In order that this Planning Policy Compliance Statement can address the policy consequences of those matters which the Secretary of State's



decision on the DCO application must or may take into account, it is structured as follows:

**Section 2 : Factual Background** : describes the planning context of the site by reviewing the planning history of the application site and the planning policy designations which apply to the site;

**Section 3 : NPS for Ports : principal themes** consider Government Policy and the need for new port infrastructure (set out in section 3 of the NPS) and the contribution of the proposals in that regard, including relevant elements of the development plan and the National Planning Policy Framework;

**Section 4 : NPS Assessment Criteria** consider the proposals against the assessment principles (section 4) and generic impacts (section 5) of the NPS.

**Section 5 : Marine Policy Statement** considers the proposals against the policies of the MPS.

**Section 6** : draws conclusions from the above.

**Appendix 1** is an extract from the Policies Map of the Development Plan for Thurrock and **Appendix 2** is an extract from the Local Plan Policies Map for Gravesend.

**Appendix 3** is a diagram from Thurrock's Core Strategy showing the extent of the Green Grid.

**Appendix 4** is a comparison table between relevant paragraphs of the previous version of the NPPF (2012) and the new NPPF published in July 2018.

**Appendix 5** is a plan showing the area of land designated as Green Belt that would be affected by the proposals.

**Appendix 6** comprises a Schedule of Compliance with the National Policy Statement and Marine Policy Statement.

## 2.0 FACTUAL BACKGROUND

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2.1 PoTLL propose a new port terminal on land that previously formed the western part of the Tilbury Power Station site. As noted above, , the proposed main uses on the site will be a RoRo terminal and a 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.

2.2 The proposals will require works including, but not limited to:

- creation of hard surfaced pavements;
- improvement of and extensions to the existing jetty including creation of a new RoRo berth;
- associated dredging of berth pockets around the proposed and extended jetty and their approaches;
- new and improved conveyors;
- erection of welfare buildings;
- erection of a single 10,000sq.m. 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 the new Port facilities;
- formation of a rail spur and sidings.

2.3 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).

### **PLANNING HISTORY OF PORT OF TILBURY**

2.4 The construction of the Docks at Tilbury was allowed by virtue of an Act of Parliament in 1882. The first vessel entered the docks on 17 April 1886. In 1909 Tilbury, along with the upstream docks, became part of the newly-established Port of London Authority (PLA).

2.5 In 1921, and again in 1929, the PLA carried out major improvements at the Port. These included a new lock 300m (1,000ft) long and 34m (110ft) wide,

linking the docks directly to the Thames, and a third dry dock, 229m (752ft) long and 34m (110ft) wide.

- 2.6 During the 1960s, at the time when the upstream docks in London were closing, the PLA further extended the Tilbury dock facilities. Between 1963-1966 a fourth branch dock, running north from Main Dock for nearly a mile, was constructed. The tidal basin was closed and eventually filled in. In 1969 a £6m riverside grain terminal on Northfleet Hope (at the time the largest in Europe) was brought into use. By the early 1980s Tilbury was the last set of enclosed docks in operation by the PLA.
- 2.7 In 1992 the PLA sold the port to a management buyout team, who subsequently sold it to Forth Ports in 1996, the PLA retaining the role of managing the tidal Thames.
- 2.8 Since that time, a further 42.72ha has been added to the current Port operational area by land reclamation, infilling of water areas, and the development of land immediately to the east of Ferry Road and north of Fort Road on what has become known as “The Fortland Site.” Indeed, Forth Ports has invested some £500 million in the Port of Tilbury since 1996.
- 2.9 In March 2012 the Port secured outline planning permission for a new distribution centre to the north of the main Port area, now known as London Distribution Park<sup>1</sup>. The site has been developed through a joint venture with Roxhill Developments Limited. Following a further detailed permission granted in December 2015<sup>2</sup>, the southern part of the site is now occupied by a Fulfilment Centre operated by Amazon which opened in August 2017. The northern part of the site is occupied in part as a regional distribution centre for building materials supplier Travis Perkins and partly by a Haulier Park operated by PoTLL.
- 2.10 The above history illustrates how the Port of Tilbury has continued to expand, adapting to changes in trade and technology over a considerable period and continuing investment in Thurrock and the Port.

## **PLANNING HISTORY OF TILBURY2**

- 2.11 Prior to PoTLL’s acquisition of the Tilbury2 site, the land had a long history of use for power generating purposes.
- 2.12 Most of the buildings and infrastructure remaining on the land and the adjoining Tilbury B power station site will have been permitted by virtue of the original consents for Tilbury A and B Power Stations. RWE will have also used statutory undertakers permitted development rights to construct infrastructure during the lifetime of the operation on the site.
- 2.13 More recent planning permissions on the site were related to the conversion of the facility to a biomass power station, as follows :-

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<sup>1</sup> Thurrock Thames Gateway Development Corporation reference 10/50157/TTGOUT

<sup>2</sup> Thurrock Council reference 15/01483/FUL

12/00891/OUT: Outline permission for works needed in or on the tidal Thames (offshore application) to extend Tilbury Power Station lifetime by 12-15 Years – approved 27 March 2013

12/00890/OUT: Outline permission for works required on the Tilbury Power Station site (onshore application) to extend the lifetime by 12-15 Years – approved 27 March 2013

09/00008/TTGFUL: Development of an ecological wildlife site including formation of pond with associated ancillary works. The pond is situated adjacent to the railway line at the north end of the site.

- 2.14 On 12th November 2014, the Secretary of State for Culture, Media and Sport granted a Certificate of Immunity from listing for Tilbury A and B Power Stations. The certificate protected the buildings on the site from being listed for a period of 5 years. Permission was then secured by RWE in March 2016 for prior approval for demolition of Tilbury B power station and all associated buildings and structures (including remaining structures from Tilbury A power station), except for the jetty. That demolition is on-going and RWE have advised that it will be complete by January 2019.
- 2.15 Since their acquisition of the Tilbury2 site, two temporary planning permissions have been secured by PoTLL within the Tilbury2 site (and within the DCO Order Limits) for the open storage of new motor vehicles; one area is in the northern area the Tilbury2 site (LPA reference 16/00848/FUL) and is presently operational, one in the southern area (largely on the footprint of the former Tilbury A Power Station) which has yet to be implemented (LPA reference 17/00560/FUL). Permission has also been secured by PoTLL for the erection of 2.9m high security fencing along the northern boundary of the Tilbury2 site adjoining the railway line.
- 2.16 Planning permission has most recently been granted in the north east corner of the main Tilbury2 site for the following:-
- “Engineering works to provide measures to accommodate water voles, badgers and reptiles. The works comprise new wet drainage ditch habitat (max. depth 2m) and construction of an artificial badger sett and a number of reptile hibernacula.” (LPA reference 18/00448/FUL)
- 2.17 The planning permission relates to a proposal to create ecological mitigation on the site and has been secured to allow these works to progress as advanced preparation of habitat whilst the DCO is still being considered.

## **DEVELOPMENT PLAN**

- 2.18 The statutory Development Plan for Thurrock Council's area is the Thurrock Core Strategy and Policies for Management of Development Plan Document (DPD), adopted December 2011 and subsequently updated on 28 January 2015, following an independent examination of the Core Strategy Focused Review document which concentrated on consistency with the National Planning Policy Framework.



- 2.19 On 12 February 2014, Thurrock Council authorised the preparation of a new Local Plan for Thurrock. However, the Core Strategy will remain the statutory planning policy document for the Borough, and for deciding planning applications, until the new local plan has been adopted. It is anticipated that further consultation will take place in late 2017/early 2018; a Regulation 19 consultation is likely to take place in late 2018, submission to the Secretary of State in 2019 and adoption late 2019/2020.

### **Policies plan designations**

- 2.20 Existing site-specific policy can be found in the DPD. Appendix 1 to this document comprises an extract from the development plan policies map. Parts of the main Tilbury2 site are 'white land,' absent any site-specific designation. Land to the north of the site is partly identified as land designated as 'primary employment' whilst other areas are defined as being of nature conservation importance either as Local Wildlife Sites (LoWS)<sup>3</sup> or green corridors.
- 2.21 A small area in the north-east corner of the Tilbury2 site is located within the Green Belt. Plan 5153187-ATK-XX-SK-ZZ-113 at Appendix 5 shows a detailed plot of the Green Belt (based on data taken from the government open source website) with the General Arrangement plan showing how the proposals relate to this area of Green Belt. It demonstrates that an area of 0.733ha of Green Belt would become part of the developed area of the CMAT, which would represent inappropriate development<sup>4</sup> within the Green

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<sup>3</sup> Note that the Policies Map does not indicate the currently recognised location of the relevant Local Wildlife Sites (LoWS) and the nature conservation designations on the plan do not coincide with these LoWS. This is discussed further in the ES [APP-031 to APP-159]

<sup>4</sup> As defined in the NPPF(2018) paras. 145 and 146

*145. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:*

- a) buildings for agriculture and forestry;*
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- e) limited infilling in villages;*
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*
  - not have a greater impact on the openness of the Green Belt than the existing development;*
  - or*
  - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

*146. Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:*

- a) mineral extraction;*

Belt.<sup>5</sup> The very special circumstances for development within this area of Green Belt are set out in para. 4.158 below. The proposed rail sidings would cover a further area of Green Belt amounting to 0.277ha. in area. The rail line itself is not considered inappropriate development in the terms of the Framework which stipulates at para. 145 that local transport infrastructure which can demonstrate a requirement for a Green Belt location is not inappropriate development provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it as set out in the Framework at para. 146. The justification for the routing of the rail sidings is set out in the Masterplanning Statement [APP-034].

2.22 A further area of 7.744ha. will remain outside of the developed area of the proposals. As part of the Landscape and Ecological Management Plan (LEMP - REP6-041), this area remains undeveloped and comprises existing wetland habitat that will be maintained and areas proposed for ecological mitigation (primarily water vole habitat creation, for which planning permission has recently been granted) and landscape planting. These proposals are acceptable in the Green Belt as they do not comprise inappropriate development and will preserve the openness of the Green Belt in this area. Indeed, paragraph 141 of the NPPF (2018) expressly states that once Green Belts have been defined, local planning authorities should plan positively *“to enhance the beneficial use of the Green Belt, such as ... to retain and enhance landscapes, visual amenity and biodiversity.”*

2.23 As noted above, the ecological mitigation works in this area have been the subject of a recent planning application which has now been permitted by the Local Planning Authority, Thurrock Council. In reporting the application, the Planning Officer confirmed that

*“The proposals do not involve the construction of buildings and therefore paragraph 89 of the NPPF, referring to exceptions to inappropriate development, does not apply. However, paragraph 90 is relevant to the proposals and states:*

*‘Certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are: (inter-alia) ... engineering operations ...’*

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*b) engineering operations;*

*c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;*

*d) the re-use of buildings provided that the buildings are of permanent and substantial construction;*

*e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*

*f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order.*

<sup>5</sup> This includes, however, a small corridor to the north of the rail sidings where the CMAT apparently intrudes into the Green Belt. The CMAT boundary is based on an existing fenceline whereas the plotted Green Belt boundary does not align with any feature on the ground. This discrepancy is therefore likely to be a result of the scale and accuracy of the Green Belt map data with the fenceline being considered the ‘true’ Green Belt boundary.

*The section drawings show that the proposals involve the creation of relatively shallow ditched and associated banks which are generally below existing levels onsite. A water vole exclusion fence would be formed along the outer perimeter of the ditches. As a matter of judgement it is not considered that the excavation of ditches and formation of an exclusion fence would be harmful to openness, especially considering the former grazing marsh characteristics of the area. Consequently there are no conflicts with Green Belt policy.”<sup>6</sup>*

- 2.24 The land within the infrastructure corridor has no specific designation at its eastern end whilst at its western end the land is designated as ‘primary employment’ as it is in current port operational use. Fort Road is shown as a ‘Road Improvement Scheme.’

### **Consistency of Tilbury2 with Thurrock employment and related policies**

- 2.25 The DPD proposals map allocates a significant proportion of the northern area of the Tilbury2 site for employment related development. On employment allocations, Policy CSSP2 indicates that the Council will “*promote and support economic development in the Key Strategic Economic Hubs*” (of which Tilbury is one) “*that seeks to expand upon their existing core sectors and/or provide opportunities in the growth sectors.*” The “core sectors” are identified in the DPD as including :-

*“the international port and logistic related facilities at Tilbury and the recent approval for a deep-water port at London Gateway and the logistics and retail clusters at the Lakeside Basin / West Thurrock.”<sup>7</sup>*

- 2.26 In addition, Tilbury Power Station lies within the Tilbury “Regeneration Area” identified in the DPD; one of five regeneration areas which focus development on the Thurrock Urban Areas (para. 3.19). Paragraph 3.36 states that there will be further development of, *inter alia*, industry based upon the riverside.
- 2.27 It is also stated at paragraph 3.34 that “*Tilbury is a key location for employment in the Borough and will provide between 1,600 and 3,800 additional jobs in logistics, port and riverside industries. Port-related employment land is located to the north of Tilbury.*”
- 2.28 There are other generic policies in the DPD which support the Tilbury2 proposals on the proposed site because of its access to the River Thames and the rail network.
- 2.29 Paragraph 5.112 sets out the Council’s objective to “*support economic growth by ensuring sustainable, high quality and reliable freight access to the ports and other key employment locations, whilst minimising the adverse*

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<sup>6</sup> Thurrock Council Delegated Officers Report Application Reference: 17/01176/FUL  
[https://regs.thurrock.gov.uk/online-applications/files/384A1F3ADE53ACADB2994B501F4518FF/pdf/18\\_00448\\_FUL-DELEGATED\\_REPORT-368565.pdf](https://regs.thurrock.gov.uk/online-applications/files/384A1F3ADE53ACADB2994B501F4518FF/pdf/18_00448_FUL-DELEGATED_REPORT-368565.pdf)

<sup>7</sup> Para. 4.11

*impacts such activity might have on people, the environment and the transport system.”* Accompanying Policy CSTP17 (Strategic Freight Movement and Access to Ports) states that

*“The Council will support the logistics and port sectors, and the positive impacts of freight activity in Thurrock and beyond, by:*

*1. facilitating a shift to rail freight and freight carried on the River Thames. This will be through:*

*I. Protecting inter-modal, rail and water-borne freight facilities from other development at locations where a demand exists or is expected to exist.*

*II. Promoting the use of rail and water borne freight facilities by supporting the development of appropriate infrastructure.*

*III. Supporting improvements to facilitate sustainable freight movements, including the rail hub at London Gateway, the South West Thurrock Railhead and improving access to the ports.”*

2.30 Policy CSTP17 also seeks, as part of a Freight Quality Management Partnership, to maximise modal shift opportunities for freight, to ensure that freight traffic keeps to the most suitable roads in the Network Hierarchy, to promote the use of less polluting vehicles and reduce the adverse impact of freight movements on congestion on the A1089, A13 and A1306.

2.31 Also of particular relevance is Policy CSTP28: River Thames. This states that:-

*“The Council and Partners will ensure that the economic and commercial function of the river will continue to be promoted through:*

*i. Priority being given to allocating riverside development sites to uses that require access to the river frontage, especially those which promote use of the river for passenger transportation purposes.*

*ii. Safeguarding port-related operational land.*

*iii. Safeguarding additional adjacent land required for further port development, including expansion. For port development onto additional land to be acceptable however, it will be necessary to substantiate the need for it over and above land that is already available for operational port uses.*

*iv. To safeguard existing and promote new jetties and wharves facilities where appropriate for transport of goods and materials.”*

2.32 The development of Tilbury2 for a new port terminal, with an infrastructure corridor for road and rail access is therefore consistent with and positively supported by the employment strategy of the development plan and the approach towards sites along the River Thames given that:-

- The town of Tilbury is identified as a Strategic Employment Location where growth is expected to take place;

- The ports and logistics sectors are seen as 'core sectors' for the Borough that should be expanded, particularly at Tilbury;
- It is located such that it can take advantage of multi-modal access by river, rail and road, consistent with the Council's objectives in relation to the strategic movement of freight; and
- It provides for protection and enhancement of an existing jetty on the river for river borne transportation.

#### **Other Thurrock Policies – environment**

2.33 Many of the environmental policies of the DPD are aligned closely with the matters highlighted in Section 5 of the NPS that are considered further in the following sections of this document. As can be seen from the policies map extract in Appendix 1, other designations and policies of particular relevance to the proposals are those relating to scheduled ancient monuments (given the proximity of Tilbury Fort), Local Nature Reserves and Green Belt.

2.34 CSTP24 deals with Heritage Assets and the Historic Environment. The preamble to the policy indicates that the Council is "committed to preserving or enhancing Thurrock's historic environment"<sup>8</sup> and identifies a range of assets including

*"The outstanding regional and nationally important defence and military coastal fortifications, which reflect the strategic importance of the Thames Estuary, including Tilbury Fort and Coalhouse Fort. The former is of international significance."*<sup>9</sup>

2.35 The policy itself provides detailed guidance on protecting and enhancing heritage assets and indicates that *"all development proposals will be required to consider and appraise development options and demonstrate that the final proposal is the most appropriate for the heritage asset and its setting."* The policy highlights a number of priority heritage assets, including Tilbury Fort and the River Thames; its states that the Council will *inter alia*:-

*"i. Ensure that the setting of Tilbury Fort, including views of it from the river, are appropriately protected and enhanced, and that encroachment on the open land around it is not permitted." .....*

*iii. Resist development that undermines an understanding of the role the river Thames has played in the historic development of Thurrock.*

*iv. Promote public access between Tilbury Fort and Coalhouse Fort through riverside links."*

2.36 Policy PMD4 gives further guidance and highlights that the Council will ensure that the fabric and setting of heritage assets, including Listed Buildings, Conservation Areas, Scheduled Monuments and other important

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<sup>8</sup> Thurrock Core Strategy para. 5.145

<sup>9</sup> Para. 5.145



archaeological sites, and historic landscape features are appropriately protected and enhanced in accordance with their significance.

- 2.37 The Core Strategy also identifies the land between Tilbury and the riverside to be enhanced and opportunities for appropriate re-use and refurbishment of Listed Buildings and that the green linkage between the urban area and the river be pursued. It highlights that *“The landscape setting of Tilbury Fort and approaches to it will be enhanced. There will be further development of cultural facilities and industry based upon the riverside development and cultural heritage of the riverside”* and that *“public access and informal recreation along the riverside will be improved. There will be improvements to transport links.”*<sup>10</sup>
- 2.38 Policies relevant to the nature conservation designations on and in the vicinity of the site are Policy CSTP18 and CSTP19. The former sets out how the Council with its partners will *“restore, protect, enhance and where appropriate create its green assets.”* New development should contribute to green infrastructure and the Council will not permit *“development that compromises the integrity of green and historic assets and that of the overall Green Infrastructure network.”* CSTP19 deals specifically with biodiversity and indicates how the Council will seek to ensure that designated sites (including LoWS) are safeguarded and enhanced to mitigate the effects of past habitat loss and fragmentation, development and climate change.
- 2.39 The relevant development management policy in this regard is Policy PMD7. It sets out the Council’s approach of requiring development proposals to demonstrate that any significant biodiversity habitat or geological interest of recognised local value is retained and enhanced on-site. Where it can be demonstrated that this is not possible, and there is no suitable alternative site available for the development, developers will be required to show that their proposals would mitigate any loss of biodiversity or geological interest. In circumstances where it can be demonstrated that neither retention on site nor mitigation is possible, developers will be required to provide appropriate compensation for any significant loss of biodiversity or geological interest, such that there is no overall net loss of biodiversity habitat or features of geological conservation interest in Thurrock.

#### **Thurrock Policies – Green Belt**

- 2.40 As discussed above a small part of the Tilbury2 site is located within the Green Belt. Of that it is expected that some 0.734ha of Green Belt would be developed as part of the proposals for CMAT uses. A further 0.277ha of Green Belt would be used for the rail corridor which runs into the Tilbury2 site along its northern boundary before aligning south along the eastern site of the site. This is discussed further in section 4 below. The remaining Green Belt land within the DCO boundary (7.744ha.) will remain outside of the developed area of the proposals and used for ecological mitigation.
- 2.41 Thurrock policies on the Green Belt are therefore relevant. Policy CSSP4 states that the Council’s policy is to maintain the purpose, function and open character of the Green Belt in Thurrock in accordance with the provisions of

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<sup>10</sup> Thurrock Core Strategy Para. 3.34

[the then extant] PPG2 for the plan period. This includes maintaining the permanence of boundaries except where Urban Extension Broad Locations were proposed. None of these are in the immediate vicinity of the main Tilbury2 site although the land at what is now known as London Distribution Park, immediately to the east of the Asda roundabout was shown as one such location. The policy also indicates that the Council will resist development where there would be any danger of coalescence and maximise opportunities for increased public access, leisure and biodiversity. Enhancement of the Green Belt includes reinforcing the Green Belt boundary through structural enhancement of the local landscape features and enhancing public access and biodiversity through the Green Grid strategy.

### **Thurrock policies - design**

- 2.42 The Masterplanning Statement (Document 6.2.5A) submitted with the DCO considers the design policy context as a number of Core Strategy policies have relevance to the masterplanning process at Tilbury2 in addition to the policies referred to above. It explains how the proposals have taken into account these policies.
- 2.43 Policy CSTP22 – Thurrock Design – highlights that the Council will promote high quality design in Thurrock and will progress opportunities to improve the quality of the environment throughout the Borough and particularly in the Regeneration Areas and Key Strategic Employment Hubs (including Tilbury).
- 2.44 Policy CSTP22 encourages distinctive new designs of high architectural quality in appropriate locations and promotes high quality design including sustainable, renewable resources of energy and low-emissions technology, and enhanced green infrastructure. The policy indicates that the Council will require that developments address the particular sensitivities and capacity of the places within which they occur, including how adverse impacts are mitigated. Further detailed policy guidance on design issues is given in Policy PMD2 which requires all design proposals to respond to the sensitivity of the site and its surroundings, to optimize the potential of the site to accommodate development, to fully investigate the magnitude of change that would result from the proposals and mitigate against negative impacts.

### **Tilbury Development Framework**

- 2.45 On 17 October 2017, Thurrock Council published a document entitled ‘Tilbury Development Framework.’ The document has not been the subject of consultation with PoTLL or the wider community. The document itself highlights that *“the Masterplan itself is not intended to constitute part of the statutory Development Plan for Thurrock and will not be formally adopted as a Supplementary Planning Document (SPD)”*<sup>11</sup>. As such, it is not a

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<sup>11</sup> Tilbury Development Framework, October 2017, page 3

document that is likely to be considered 'important and relevant' to the Secretary of State's decision under section 104(2)(d) of the PA2008.

### Gravesham Planning policies

- 2.46 The Tilbury2 site lies close to the southern boundary of Thurrock adjoining the municipal area of Gravesham. The policies and proposals contained in the Gravesham Local Plan Core Strategy ("GLPCS") and Policies Map (adopted 30 September 2014) are also potentially of relevance to the Tilbury2 proposals. An extract from the Local Plan proposals map is attached as Appendix 2 to this document.
- 2.47 The GLPCS identifies a number of opportunity areas within the Borough. Of particular relevance to the Tilbury2 proposals is the Gravesend Riverside East and North East Gravesend Opportunity Area which lies immediately to the east of Gravesend town centre. The western parts of this opportunity area lie on the southern shore of the river Thames opposite the Tilbury2 site. This part of the opportunity area includes the 'Canal Basin Regeneration Area' which is proposed within the GLPCS for *"mixed use regeneration that complements the development which has already taken place to the south of the Canal Basin.....This will comprise a mix of residential and business uses that have regard to the constraints imposed by its location in a flood risk area and the proximity of gasholders at Canal Road."*<sup>12</sup> The GLPCS notes that planning permission has been granted for these uses. Policy CS04 highlights that the Canal Basin Regeneration Area Key site will provide *inter alia* around 650 new dwellings. It is known that planning permission was granted for the redevelopment of this site<sup>13</sup> but this permission has now lapsed.
- 2.48 There are also a number of other objectives for this opportunity area which include protecting and enhancing river related leisure and commercial activities and heritage assets.
- 2.49 Gravesend Town Centre is also defined as an Opportunity Area, the objectives for which are set out in Policy CS05. The town centre is identified as *"the principal focus for town centre related economic and social activity in the Borough."* The policy highlights the need to take full advantage of the town's heritage and riverside setting with development seeking to *"reinforce Gravesend's character as a riverside heritage town."*<sup>14</sup>
- 2.50 Further west along the river (partly opposite the existing Port of Tilbury) is the Northfleet Embankment and Swanscombe Peninsula East Opportunity Area. This is described in Policy CS03 as *"a substantial opportunity for major riverside regeneration in Gravesham. Development will bring significant benefits to existing adjoining residential communities and the Borough as a whole through the delivery of new housing and jobs whilst*

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<sup>12</sup> Gravesham Local Plan Core Strategy (2014), para. 4.4.28

<sup>13</sup> LPA reference GR/2011/0713

<sup>14</sup> Gravesham Local Plan Core Strategy (2014), para. 4.6.41

*achieving environmental improvement, especially in air quality, and a high standard of design.”<sup>15</sup>*

- 2.51 The EIA process has considered the likely changes in land use context within the above Opportunity Areas in defining and assessing the impact of the proposals on sensitive receptors.

## **SUB-REGIONAL STRATEGIES AND GUIDANCE**

### **Thames Gateway**

- 2.52 The Thames Gateway is an area of land stretching from inner east London along the River Thames and Thames Estuary, covering 16 local authorities across east London, south Essex and north Kent. Following the devolution agenda introduced by the labour administration in 1997, the London Thames Gateway Development Corporation (LTGDC) was formed in 2005 to drive the regeneration of significant areas of brownfield land in East London and either side of the Thames Estuary. Key successes of the LTGDC include securing the High Speed 1 station to stimulate the growth of a new town at Ebbsfleet and transforming the Lower Lea Valley in East London. Following the Olympic Games in Stratford and the Lower Lea Valley, the LTGDC was abolished in 2013, with functions transferred back to local boroughs and the London Legacy Development Corporation (LLDC).
- 2.53 Also in 2005 the Government set up the Thurrock Thames Gateway Development Corporation (TTGDC) which covered the entire borough of Thurrock. It was mandated to drive economic growth in Thurrock, create homes, jobs and opportunities and make Thurrock a place where people want to live and work. The Corporation was given a target of creating 26,000 jobs and 18,500 homes in the borough and given the power to determine major planning applications to help achieve this. Before it was wound up in 2012 it prepared a number of strategies, including a masterplan for Tilbury, that supported growth in Tilbury with a focus on the growth at the Port. During this time, TTGDC through its development management function, approved plans promoted by PoTLL for port-centric warehousing immediately to the north of Tilbury at what has now become London Distribution Park.

### **Sub-regional plans**

- 2.54 There are a number of previous and extant sub-regional plans covering parts of the Thames Estuary area. Most relevant for Tilbury2 are the South East Local Economic Partnership (LEP) Growth Deal and Strategic Economic Plan (2014), Opportunity South Essex, Thames Gateway Kent Partnership Plan for Growth 2014-2020 (2014), the London Plan and Draft London Plan (2017), and the Economic Plan for Essex (2014). These strategies share a number of key themes, including improving connectivity for road and rail, developing the role of ports and related sectors, the challenge of over-reliance on certain sectors, the need for enhanced skills and training, and improved housing delivery and quality of the built environment.

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<sup>15</sup> Gravesham Local Plan Core Strategy (2014), para. 5.14.39

- 2.55 The Thames Estuary 2050 Growth Commission, established in March 2016, recently published its vision for Kent, Essex and London, setting out an ambitious vision for delivery over the next 30 years. The report outlines a number of strategic objectives in achieving long-term, sustainable growth. These include boosting productivity by strengthening LEPs and agreeing Local Industrial Strategies (LISs) that build on local sector strengths, driving housing delivery and ensuring that communities benefit from planned growth. The report emphasises the need for investment in the area's strengths to unlock development (and infrastructure) potential, and the importance of investing in skills (and employment) so that the area is an attractive employment destination in its own right.
- 2.56 The report identifies that over the past few decades, the Thames Estuary has consistently been unable to deliver the same levels of economic growth as other parts of the UK. Tilbury was identified as a town experiencing deprivation, caused by a mismatch between jobs and skills, and a lack of connectivity both with the town, and to more prosperous areas. The role of the Port in providing a high concentration of jobs in both Tilbury and Grays was noted, not only as a large employer itself, but also its role in supporting other related and attracted businesses in the vicinity. Tilbury2 is in itself an investment in skills and employment in the area, and so meets the aims identified in the Growth Commission's report for this area.

#### **NATIONAL PLANNING POLICY FRAMEWORK March 2012**

- 2.57 In preparing the Tilbury2 application, consideration was given to the Government's policies on different aspects of planning set out in the extant National Planning Policy Framework ("the Framework") of March 2012. The following considers the proposals against that Framework. As noted above the Framework does not contain specific policies for nationally significant infrastructure projects for which particular considerations apply. These are determined in accordance with the decision-making framework set out in the PA2008 and relevant national policy statements for major infrastructure, as well as any other matters that are considered both important and relevant (which may include the National Planning Policy Framework). National policy statements form part of the overall framework of national planning policy and are a material consideration in decisions on planning applications.
- 2.58 The Framework states that the 'presumption in favour of sustainable development' is at the heart of the planning system. The Framework sets out three components of sustainable development – economic, social and environmental.
- 2.59 It emphasises that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. *"Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system."*
- 2.60 The Framework seeks to encourage sustainable economic growth and advises that investment in business should not be over-burdened by the combined requirements of planning policy expectations. Planning policies



should recognise and seek to address potential barriers to investment, including a poor environment or any lack of infrastructure, services or housing.

- 2.61 The promotion of sustainable transport is dealt with in section 4 of the Framework. At paragraph 32 it states inter alia that planning decisions should take account of whether safe and suitable access to the site can be achieved for all people. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 2.62 The Framework also advises that local authorities should work with neighbouring authorities and transport providers to develop strategies for the provision of viable infrastructure necessary to support sustainable development, including large scale facilities such as rail freight interchanges, roadside facilities for motorists or transport investment necessary to support strategies for the growth of ports, airports or other major generators of travel demand in their areas.
- 2.63 A wide range of other policy areas that are included within the Framework are relevant to the proposals, particularly those in relation to conserving and enhancing the natural environment and the historic environment<sup>16</sup>. These have been considered as part of the environmental assessment process and are referred to in each topic chapter of the Environmental Statement (Document Reference 6.1).

#### **REVISED NATIONAL PLANNING POLICY FRAMEWORK 2018**

- 2.64 The Government has undertaken a review of the adopted NPPF and revised text was published for consultation in March 2018. The consultation period ran until the 10 May 2018. A review of this draft was undertaken in an earlier iteration of this document [REP5-038]. The Government published the final Revised National Planning Policy Framework in July 2018 ("NPPF 2018"). Consistency of the proposals with this final NPPF – which is now national planning policy – has now been undertaken.
- 2.65 A review of the guidance within the NPPF 2018 has been undertaken to compare the revised wording with that of the relevant sections within the earlier NPPF 2012. Relevant policies within the earlier Framework have been referred to in the above section of this report and in individual environmental chapters within the Tilbury2 Environmental Statement [APP-031]. A detailed review of the text of the NPPF 2018 with the now superseded version is attached as Appendix 4 to this document.
- 2.66 Although the revised Framework does not contain specific policies for NSIPs this document has played an important role in the development of the Tilbury2 project and the assessment of its environmental impact as a document that is likely to be considered 'important and relevant' to the Secretary of State's decision under section 104(2)(d) of the Planning Act.

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<sup>16</sup> Paras. 109 – 141

2.67 Overall, the review of NPPF 2018 concludes that there are no significant changes to the guidance that alter the outcomes of relevant policy assessments contained within the Environmental Statement [ APP-031], the compliance of the proposals with the requirements of Section 104 of the PA2008, and the overall planning balance in favour of the scheme established and concluded as part of the Tilbury2 DCO application.

2.68 In terms of the guidance relevant to the Tilbury2 application, there is some change of emphasis and less significant changes, which can be summarised as follows:

- Re-emphasising the relationship of NPSs with the Framework
- Slight change of emphasis and definitions of the three dimensions of sustainable development
- Further support for business and economic growth, with an increased emphasis on productivity
- New reference to protecting sites for strategic infrastructure and the role of NPS'
- Greater emphasis on community involvement in preparing design policies
- New emphasis on how the planning system can aide healthy lifestyles through the location of facilities and development layouts
- Boosting protection for biodiversity, seeking net gains through policy and decision making
- Introduction of a 'sequential approach' to protect environmental and amenity value
- New emphasis for the conservation of heritage assets, irrespective of the degree of potential harm.
- An increased emphasis on the supply of minerals from 'important' to 'essential.'

2.69 It is not considered that these changes materially alter the policy framework upon which the environmental assessment and planning policy compliance assessment already undertaken in respect of the Tilbury2 application has been based, and therefore the conclusions of that exercise remain the same. It is important to note the increased emphasis on the scale and weight of importance of minerals in relation to the need for the Tilbury 2 scheme.

### **3.0 NATIONAL POLICY STATEMENT FOR PORTS**

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- 3.1 The NPS for Ports was designated in January 2012. It provides the framework for decisions on nationally significant port infrastructure and applies, wherever relevant, to associated development such as road and rail links for which consent is sought alongside that for the principal development - as is the case for the Tilbury2 proposals. A full assessment of the compliance of the proposals with the NPS is attached as Appendix 1 to this statement.
- 3.2 By way of introduction, at paragraph 1.1.1 the NPS highlights how ports have needed to change over time to support the trade in goods and commodities which is the basis for our national prosperity. It highlights that travel and trade have changed over time, and as ships and their cargoes have developed in size, character and technology, so the nature and the distribution of ports has altered. The history of the Port of Tilbury outlined above is evidence of this very process. Tilbury2 is proposed as the next chapter in the history of change at this particular Port.

#### **THE NEED FOR NEW INFRASTRUCTURE**

- 3.3 The NPS sets out the Government's conclusions on the need for new port infrastructure, taking account of evidence on future demand and the options for meeting it. It explains to planning decision-makers the approach they should take to proposals, including the main issues which, in the Government's view, will need to be addressed to ensure that future development is fully sustainable, as well as the weight to be given to the need for new port infrastructure and to the positive and negative impacts it may bring (para. 1.2.1).
- 3.4 Chapter 3 of the NPS explains the essential role of ports in the UK economy. In respect of freight and bulk movements, it highlights the change from fifty years ago when many cargoes were still loaded and unloaded individually. It highlights that most goods now arrive in the UK in trucks and trailers which roll on and off or are in large containers. Specialised equipment at terminals conveys grain and other dry goods and liquids. Again, these trends are reflected in the developments at the Port of Tilbury over the period with significant increases in containerised and RoRo traffic. The growth in RoRo traffic is a key driver for the Tilbury2 proposals. That said, the success of the Port hinges on its diversity, to be able to handle a wide range of bulk products – including non-unitised cargos such as timber products and scrap metal. It is this diversity that has allowed the Port to grow and react positively to the changes in trade and stay fit for purpose in continuing to deliver on productivity and national prosperity.
- 3.5 The NPS highlights that ports continue to play an important part in local and regional economies, further supporting national prosperity. This is very much the case at Port of Tilbury. As set out in the OBC (Document 7.1), the Port currently supports 8,600 FTE jobs and contributes a GVA of £404 million.

- 3.6 Section 3.3 of the NPS outlines Government policy for Ports. In summary, the Government seeks to:
- *encourage sustainable port development to cater for long-term forecast growth in volumes of imports and exports by sea with a competitive and efficient port industry capable of meeting the needs of importers and exporters cost effectively and in a timely manner, thus contributing to long-term economic growth and prosperity;*
  - *allow judgments about when and where new developments might be proposed to be made on the basis of commercial factors by the port industry or port developers operating within a free market environment; and*
  - *ensure all proposed developments satisfy the relevant legal, environmental and social constraints and objectives, including those in the relevant European Directives and corresponding national regulations.*<sup>17</sup>
- 3.7 The approach of the Government is therefore to allow the port industry to make decisions as to new capacity, given that it *“has proved itself capable of responding to demand in that way.”* The success of the Port of Tilbury to date demonstrates its capability in this regard.
- 3.8 Paragraph 3.3.3 of the NPS lists ten criteria that new port infrastructure should address to order to help meet the Government's policies on sustainable development. These include economic (contributing to local employment and ensuring competition), environmental (protecting biodiversity and, heritage assets, ensuring a high quality of design, minimising the use of greenfield land etc) and social (enhancing access to ports and jobs services and social networks for all, including the most disadvantaged). Fundamentally, the approach is to ensure that economic growth should be aligned with environmental protection, social enhancement and improvement wherever possible.<sup>18</sup>
- 3.9 Section 3.4 of the NPS provides the Government's assessment of the need for new infrastructure. This is based not only on overall demand for capacity but also *“the need to retain the flexibility that ensures that port capacity is located where it is required, including in response to any changes in inland distribution networks and ship call patterns that may occur, and on the need to ensure effective competition and resilience in port operations.”*<sup>19</sup>
- 3.10 The essential point made is that demand for capacity will, over time inevitably increase. A policy of sustainable economic growth leads to an increase in trade and, given the limited alternatives, an increase in the demand for port capacity.<sup>20</sup> The NPS quotes assessments from 2007 that suggested, for example, a 101% increase in RoRo traffic between 2005 and 2030. It notes that the recession has led to a downturn in demand but *“the*

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<sup>17</sup> Para. 3.3.1

<sup>18</sup> Para. 3.3.6

<sup>19</sup> Para. 3.4.1

<sup>20</sup> Para. 3.4.2

*Government's view is that the long-term effect will be to delay by a number of years but not ultimately reduce the eventual levels of demand for port capacity, in particular for unitised goods, predicted in these forecasts.”<sup>21</sup>*

- 3.11 Since the recession, growth in demand has indeed increased. Department of Transport figures for 2016 show that Unitised traffic handled at UK major ports continued to grow in 2016, accounting for 36% of total tonnage (compared with 21% two decades earlier). Unitised tonnage (RoRo, Lift-on/Lift-off containers and motor vehicles) grew 3% in 2016 and was 15% higher than in 2012, following four years of growth.<sup>22</sup>
- 3.12 Crucially, Government policy is for each port to take its own commercial view and its own risks on its particular traffic forecasts and to decide on whether new capacity is required. The approach taken by PoTLL to proposing new capacity follows assessment of latent demand, discussions with tenants and assessment of the trends in future demand in the markets that it serves. More detail on this is set out in the OBC (Document reference 7.1) which explains that PoTLL forecast, consistent with national trends described above, that RoRo throughput and the demand for bulk and aggregate capacity will continue on an upward trajectory.

### THE LOCATION OF NEW CAPACITY

- 3.13 Just as the Government does not want to define the amount of capacity to be provided, nor is it Government policy to say *where* port capacity should be provided. The NPS advises that “*capacity needs to be provided at a wide range of facilities and locations, to provide the flexibility to match the changing demands of the market, possibly with traffic moving from existing ports to new facilities generating surplus capacity.*”<sup>23</sup>
- 3.14 The Government believes the port industry and port developers are “*best placed to assess their ability to obtain new business and the level of any new capacity that will be commercially viable.*”<sup>24</sup> The OBC addresses the case for the proposed investment by PoTLL at Tilbury2 given economic, commercial and financial considerations. Strategically, the Port of Tilbury is located close to key markets for goods. Being close to the edge of the London conurbation, 18 million people live within a 75-mile radius. The Port has existing multi-modal access that will be replicated at Tilbury2. It has access to the main line rail network, with established paths into London; it has the facility to use the river to barge materials (particularly bulks) into the capital (and indeed, has done so for projects such as the Olympic Park) and via the A1089, it has immediate access to the trunk road, and onward to the national motorway network at junction 30 of the M25. The location of Tilbury2 and its relationship to the existing Port is key to the confidence shown by PoTLL in increasing capacity by the proposals.
- 3.15 One matter raised by consultees regarding Tilbury2 (see Consultation Report [Document 5.1]) is that expansion capacity in the Thames estuary

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<sup>21</sup> Para. 3.4.4

<sup>22</sup> UK Port Freight Statistics 2016, *Department of Transport*, published 1 September 2017

<sup>23</sup> NPS para. 3.4.11

<sup>24</sup> Para. 3.4.13



exists at London Gateway. However, given Government policy, this is not material to the decision-maker. In any event, PoTLL consider that Port of Tilbury and London Gateway are in large part complementary facilities (as London Gateway provides facilities for deep sea containerised shipping compared to Tilbury2 which is to provide for short sea RoRo and aggregates) and both will grow in future years. Moreover, the NPS points out that resilience generated by any spare capacity created is important to cater for short term peaks in demand, the impact of adverse weather conditions, accidents, deliberate disruptive acts and other operational difficulties, without causing economic disruption through impediments to the flow of imports and exports.<sup>25</sup>

- 3.16 Therefore, decisions on capacity are for PoTLL as an operator, subject to satisfying the decision-maker *“that the likely impacts of any proposed development have been assessed and addressed.”*<sup>26</sup>

### **PRESUMPTION IN FAVOUR OF DEVELOPMENT**

- 3.17 Indeed, the NPS specifically indicates that the decision-maker should accept the need for capacity for a number of reasons, including to meet forecast growth, provide a wide range of facilities, ensure competition and provide resilience.<sup>27</sup> The need for port infrastructure is considered to be ‘urgent’ and on this basis, the decision-maker:-

*“...should start with a presumption in favour of granting consent to applications for ports development. That presumption applies unless any more specific and relevant policies set out in this or another NPS clearly indicate that consent should be refused. The presumption is also subject to the provisions of the Planning Act 2008.”*

### **CONCLUSIONS**

- 3.18 The proposals perform strongly against the principal themes and objectives of the NPS. The need for additional port capacity in locations identified by the port industry – and as such a presumption in favour of sustainable port development – are such that the need for the proposals has been established in principle, particularly given the demonstrable lack of capacity at the existing Port of Tilbury and the track record of PoTLL in growing and adapting to change and hence the continued success of the Port.
- 3.19 The proposals are strongly supported in both national and local planning policy. The proposals would directly address clear objectives of the NPS to cater for future demand in port capacity in a multi-modal location, contributing positively to economic growth. The strength of this policy support and the nature of the economic benefits of the proposals and their recognised essential nature should weigh very heavily in favour of the DCO being made.

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<sup>25</sup> Para. 3.4.15

<sup>26</sup> Para. 3.4.13

<sup>27</sup> Para. 3.5.1

## **4.0 NPS ASSESSMENT CRITERIA**

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### **GENERAL PRINCIPLES OF ASSESSMENT**

#### **Key considerations**

- 4.1 Paragraph 4.1 of the NPS highlights certain key considerations that the decision maker should take account of in making decisions.
- 4.2 It requires that the applicant's assessment should be conducted in a manner that is consistent with statutory requirements under UK and EU legislation. The application has ensured that this is the case, as is set out in each chapter of the Environmental Statement (Document Reference 6.1 [APP-031 to APP-159]).
- 4.3 It notes that the approach to assessment should be conducted in a way that takes into account all of the Government's objectives for transport, including the need to promote economic growth as well as ensuring an efficient and competitive transport sector both nationally and internationally. Fundamentally, the growth aspirations of PoTLL are fully aligned with the Government policy on transport as described in the NPS.
- 4.4 It seeks improvement to the environmental performance of ports and associated developments, including transport. A number of documents address how the operation of Tilbury2 will maximise environmental performance in particular the Sustainable Distribution Plan [REP5-020]
- 4.5 It identifies the need to strengthen the safety and security of transport. Tilbury2 will be operated in the same way as the main Port of Tilbury and will fall to be controlled by the Port's own police force. Safety considerations have been taken into account in the design process including such matters and the lighting strategy and the design of the road link and its associated junctions.
- 4.6 It suggests that the applicant's assessment could follow the standard framework designed by the DfT and recommended to all port applicants (A Project Appraisal Framework for Ports, 2005). Although this approach is not used, the OBC [REP5-022] explains how references made in the NPS to the Department for Transport's WebTAG methodology and the (now out of print) Project Appraisal Framework for Ports have been reconciled, highlighting that the two other successful Port DCO cases that have been examined refer to the assessment of economic and socio-economic effects based on WebTAG principles but do not employ the WebTAG methodology
- 4.7 The NPS requires the applicant's assessment to take account of other relevant UK policies and plans, including the Marine Policy Statement (MPS)<sup>16</sup> and any existing marine plans provided for by the Marine and Coastal Access Act 2009. This is taken into account in the consideration of marine ecology (Chapter 11 of the Environmental Statement [APP-031] and discussed further in Section 5.0 of this document.

- 4.8 The assessment should also be informed, as to the material points for consideration, by the points raised by section 42 consultees. Each chapter of the Environmental Statement ( APP-031 to APP-159)) reviews the consultation process with S.42 consultees and how comments raised have been taken into account in accordance with s.49. Detail is also provided in the Consultation Report [APP-021]
- 4.9 Finally, under key considerations the NPS highlights that the information sought from applicants should be proportionate to the scale of proposed development and associated impacts, including its likely impact on and vulnerability to climate change, as well as all other aspects of conformity with this NPS. The application to which this statement relates is comprehensive and proportionate to the proposals.

### **Benefits and adverse impacts**

- 4.10 The NPS indicates that where the decision-maker reaches the view that a proposal for port infrastructure is in accordance with the NPS, the benefits, including the contribution that the scheme would make to the national, regional or more local need for the infrastructure, must be weighed against anticipated adverse impacts, including cumulative impacts.<sup>28</sup>
- 4.11 The decision-maker should ensure they take account of any longer-term benefits that have been identified (such as job creation) as well as the costs of development, or any wider benefits to national, regional or local economies, environment or society<sup>29</sup>. The Outline Business Case (Document Reference 7.1) looks specifically at this matter.
- 4.12 The Environmental Statement (APP-031 to APP-159)) 1) deals with benefits and impacts, including those arising from cumulative impacts with other relevant projects.

### **Economic impacts**

- 4.13 The NPS gives general guidance on the approach to considering economic impacts and the OBC (AS-016) has addressed this guidance. The NPS highlights the importance of ports to the economy and indicates that where a port development affects a protected habitat, and in the absence of alternative solutions, the decision-maker may need to consider whether there are any imperative reasons of overriding public interest (IROPI) in allowing the development to proceed. The impact of the proposals on protected habitats is dealt with in the Environmental Statement at chapters 10 and 11 (APP-031) ), which conclude that the effects are sufficiently minimal that the IROPI test will not need to be applied. In addition, potential effects on European Sites are further addressed in the Habitats Regulations Assessment (HRA) Report [APP-060] and subsequent iterations [REP4-018, REP5-032/033, PoTLL/T2/EX/213 and 214]. The final HRA report [PoTLL/T2/EX/213 and 214] concludes that certain potential effects can be screened out at Stage 1 (no likely significant effect), and for all those that cannot, Stage 2 Appropriate Assessment concludes that there is no threat of

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<sup>28</sup> Para. 4.2.2

<sup>29</sup> Para. 4.2.3

adverse effect on the integrity of these European designations. NE's stated final position in its Deadline 6 response [REP6-007] is that there is no need for the HRA process to be taken beyond the Stage 2 Appropriate Assessment stage. Therefore, while NE maintain that they harbour some residual uncertainty on specific issues, they do not dispute the no adverse effect on integrity (AEOI) conclusion.

- 4.14 At para. 4.3.5, the NPS once again reiterates that substantial weight should be given to the positive impacts associated with economic development.
- 4.15 The NPS requires that the effect on demand for local public services (such as affordable housing, education and healthcare) should be assessed where a port development is likely to lead to a substantial net increase in employment (of 5,000 or more) which would require inward migration to the area. The Tilbury2 proposals are not of this scale and therefore such an assessment has not been carried out.

### **Competition**

- 4.16 The NPS highlights that Ports in England and Wales operate on a commercial basis, and Port developers must plan to make a commercial return from the investment being made.<sup>30</sup> As highlighted earlier, the NPS makes clear that it is up to the port sector to decide how much capacity is required and where. However, it also states at para. 4.4.1 that the decision-maker may need to make judgements as to whether possible adverse impacts would arise from the impact of the development on other commercial operators. PoTLL do not consider that any such adverse commercial impact would arise. The Tilbury2 proposals will meet increasing demand for RoRo and aggregate capacity in particular. As highlighted above, whilst expansion capacity in the Thames estuary exists at London Gateway, the Tilbury2 proposals are focussed on short-sea RoRo and aggregates, compared to London Gateway, which is primarily a deep-sea container terminal. PoTLL consider that Port of Tilbury and London Gateway are in large part complementary facilities and both will grow in future years

### **Tourism**

- 4.17 The proposals themselves do not include passenger or cruise facilities. The assessment of the impact on tourism includes consideration of the impact of the proposals on users of footpaths and Tilbury Fort. This is primarily contained within Chapter 9: Landscape and visual amenity, within the Environmental Statement (APP-031 to APP-1591). A package of measures to improve access to the Fort from Tilbury itself and the railway station is proposed as part of the s106 DCO Obligation with Thurrock Council [PoTLL/T2/EX/215]. These measures, together with a contribution to allow English Heritage to secure improvements to access and interpretation at the Fort (also in the s106 obligation) will realise tourism benefits.
- 4.18 The Tilbury – Gravesend Ferry plays some role in encouraging cross river trips for leisure purposes. However, the Navigational Risk Assessment

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<sup>30</sup> Para. 4.4.1

contained in Chapter 14 of the Environmental Statement (APP-031 to APP-159) that the proposals will have no bearing on ferry operations as the ferry jetty is upstream of Tilbury2 and approaching RoRo and aggregate vessels will turn downstream and adjacent to the berth. There will be no interface with the Tilbury-Gravesend ferry brought about by berthing or unberthing operations.

### **Environmental Impact Assessment**

- 4.19 The NPS expects all applications that are subject to the European Environmental Impact Assessment Directive to be accompanied by an Environmental Statement which will consider the likely significant effects of the proposed development, together with cumulative effects<sup>31</sup>. This requirement is met by the Environmental Statement [APP-031 to APP-159] and by the subsequent documents described below.
- 4.20 The approach in para. 4.7.1 of the NPS has been followed. The Environmental Statement [APP-031 to APP-159] includes a description of the likely significant effects of the proposed project on the environment, covering the direct effects and indirect, secondary, cumulative, short-, medium- and long-term, permanent and temporary, positive and negative effects of the project, and also the measures envisaged for avoiding or mitigating significant adverse effects.
- 4.21 It sets out the significant social and economic effects of the development and shows how any likely significant negative can be avoided or mitigated. It provides at Chapter 20 of the Environmental Statement [APP-031 to APP-159] information on how the effects of the proposals would combine and interact with the effects of other developments that have been identified in the areas. It requires that the accumulation of, and interrelationship between, effects might affect the environment, economy or community as a whole. These 'synergistic' (or in combination) effects are also considered at Chapter 20 of the Environmental Statement [APP-031 to APP-159].
- 4.22 In addition, a Qualitative Cumulative Effects Assessment of Tilbury2 with Lower Thames Crossing (LTC) and Tilbury Energy Centre (TEC) has also been prepared [PoTLL/T2/EX/147]. This concludes that in broad terms if all three proposals were indeed permitted they would potentially interact and cumulative effects may arise in particular in respect of the effect on terrestrial ecology, built heritage, and landscape and visual effects. In addition, it is also possible that some cumulative effects may arise in respect of operational noise, depending on the traffic volumes on any link from the LTC to Tilbury. However, the extent of such cumulative effects will depend on both the final designs of the TEC and LTC (which will clearly need to be designed to avoid and minimise their environmental effects) and any mitigation proposed by the promoters of those schemes both during construction and operation.

### **Habitats and Species Regulations Assessment**

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<sup>31</sup> Para. 4.7.1



- 4.23 Paragraph 4.8.1 of the NPSP explains the requirement under the Habitats and Species Regulations that the decision maker should consider whether a project could have a significant effect on the objectives of a European site or any site to which the same protection is applied
- 4.24 As noted above, the potential effects on European Sites are further addressed in the Habitats Regulations Assessment (HRA) Report [APP-060] and subsequent iterations [REP4-018, REP5-032/033, PoTLL/T2/EX/213 and 214]. It is agreed with NE (NE SoCG reference SOCG005 agreed matter 1 [PoTLL/T2/EX/207]) that the only European Sites requiring to be considered in both the ES and the HRA are the Thames Estuary and Marshes Special Protection Area (SPA) and the Thames Estuary and Marshes Ramsar Site. These designations cover large and broadly coterminous areas on both the Essex and Kent shores of the Thames Estuary downstream of Tilbury2 and extending, at their closest, to 1.5km from the proposed Order Limits. A range of potential effects that could reach these designations indirectly (including via functionally linked features) have been assessed. The HRA Report has been revised via a number of iterations to respond to the procedural implications arising from the CJEU judgments in *People Over Wind and Sweetman* in April 2018 [C-323/17] and July 2018 [C-164/17] (specifically to discount mitigation measures at screening stage) and to provide further information and accommodate sensitivity testing in response to residual uncertainties expressed by NE. The final HRA report [PoTLL/T2/EX/213 and 214] concludes that certain potential effects can be screened out at Stage 1 (no likely significant effect), and for all those that cannot, Stage 2 Appropriate Assessment concludes that there is no risk of adverse effect on the integrity of these European designations. NE's stated final position in its Deadline 6 response [REP6-007] is that there is no need for the HRA process to be taken beyond the Stage 2 Appropriate Assessment stage. Therefore, while NE maintain that they harbour some residual uncertainty on specific issues, they do not dispute the no adverse effect on integrity (AEOI) conclusion.

### **Alternatives**

- 4.25 The NPS set out the basis for the consideration of alternatives to the proposals. As the results of the Stage 2 HRA assessment conclude that the Tilbury2 proposals will not adversely affect the integrity of the Thames Estuary and Marshes Special Protection Area (SPA)/Ramsar site alone or in combination with other known and relevant plans or projects, in accordance with PINS Advice note ten: Habitats Regulations Assessment, there is no need to carry out a Stage 3 assessment including on-going consideration of alternatives.
- 4.26 The NPS obliges applicants, however, to include in their ES factual information about the main alternatives they have studied. This should include an indication of the main reasons for the applicant's choice, taking into account the environmental, social and economic effects and including, where relevant, technical and commercial feasibility.<sup>32</sup>

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<sup>32</sup> Para. 4.9.2

- 4.27 The Environmental Statement deals with this matter at Chapter 6 [APP-031 to APP-159] in particular highlighting the lack of any other opportunities for new berthing capacity adjacent to or in close proximity to the existing Port. The Masterplanning Statement [APP-034] explains the design process and the options considered in respect of the layout, alignment of highway and rail links, proposed uses and key development parameters of the proposals themselves. The requirements of the NPS, therefore, are satisfied and there is no need to consider further the question of alternatives to the application proposals.

#### **Criteria for Good Design**

- 4.28 The Masterplanning Statement [APP-034] addresses this requirement of the NPS directly.
- 4.29 Section 4.10 of the NPS discusses criteria for 'good design' for port infrastructure. The guidance suggests that 'good design' should produce sustainable infrastructure sensitive to place, efficient in the use of natural resources and energy used in their construction and operation, matched by an appearance that demonstrates good aesthetic as far as possible. However, it also recognises that the nature of much port infrastructure development will often limit the extent to which it can contribute to the enhancement of the quality of the area. That said, it also indicates good design can be the means by which adverse impacts of development can be mitigated. This has been an important element of the approach to the masterplanning of Tilbury2.
- 4.30 The NPS highlights (paragraph 4.10.4) that applicants should be able to demonstrate how the design process was conducted and how the proposed design evolved.
- 4.31 The design process is explained in the Masterplanning Statement [APP-034]. In accordance with the NPS it highlights where different designs were considered, and the reasons why the favoured choice has been selected. The NPS does recognise that the decision-maker should take into account the ultimate purpose of the infrastructure and bear in mind the operational, safety and security requirements which the design has to satisfy. For Tilbury2, these considerations are important, alongside aesthetics and environmental considerations.
- 4.32 The NPS suggests that at an early stage, applicants and the decision-maker should consider seeking professional and independent advice on what constitutes 'good design' of a proposal. PoTLL have engaged with a range of stakeholders that have a role in design issues in discharging their statutory function, particularly Thurrock and Gravesham Councils and Historic England. The design of the marine infrastructure has also been developed in close consultation with the PLA. This would also continue through the operation of the proposed DCO requirements which impose controls on design. In particular, following discussions with Thurrock Council and Historic England through the Examination, the DCO now requires that building colours are chosen to minimise their impact on the landscape. The Requirement 3, Colour Palette [REP5-037] has been developed and agreed with Thurrock Council (SoCG001, para. 4.11.5).

### **Pollution Control and other environmental regulatory regimes**

- 4.33 The NPS advises (para. 4.11.3) that in considering an application for development consent, the decision-maker should focus on whether the development itself is an acceptable use of the land and on the impacts of that use, rather than the control of processes, emissions or discharges themselves. They should work on the assumption that the relevant pollution control regime, other environmental regulatory regimes, including those on land drainage, water abstraction and biodiversity will be properly applied and enforced by the relevant regulator. It should act to complement but not seek to duplicate it.<sup>33</sup>
- 4.34 This is the approach adopted by PoTLL and by the relevant Chapters of the Environmental Statement [APP-031 to APP-159], namely 15 (Hydrogeology), 16 (Water Resources and Flood Risk) and 19 (Waste and Materials)
- 4.35 A Construction Environmental Management Plan (CEMP [REP6-008] ) has been developed as part of the application to ensure that pollution risks are minimised during the construction process.
- 4.36 Moreover, the Port's current operational area is subject to a range of environmental permitting arrangements and it is assumed that these would apply equally to Tilbury2 as appropriate. However, PoTLL are also proposing adoption of an Operational Management Plan (OMP) (REP6-026 which explains how the potential impacts of the operation of Tilbury2 will be controlled and monitored once operational and how complaints and corrective actions will be dealt with. It also provides information on how the potential impacts will be mitigated within the day-to-day operations both of PoTLL's direct operations and what requirements will be placed upon any of the tenants operating on the site.
- 4.37 As required by the NPS<sup>34</sup>, PoTLL has consulted the Marine Management Organisation (MMO). The development consent will include a deemed marine licence (DML), and the MMO have advised on what conditions should apply to the deemed marine licence. This will ensure that the proposals are licensed in accordance with the adopted marine plan, as well as environmental legislation, including European directives.
- 4.38 PoTLL has also had detailed discussions with the Environment Agency (EA) and Local Lead Flood Authority (LLFA) (Thurrock Council, albeit Essex County Council perform this role on their behalf) in respect of flood defences, water courses and groundwater to ensure that the proposals are acceptable in relation to statutory environmental quality limitations (SoCG001, para. 4.14.4 and 4.14.5). Further details are contained in the Chapter 16 of the Environmental Statement [APP-031 to APP-159] and the Consultation Report (Document Reference 5.1).

### **Climate change mitigation**

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<sup>33</sup> Para. 4.11.3

<sup>34</sup> Para. 4.11.4

- 4.39 The NPS indicates port developments may have an effect on greenhouse gasses. The Carbon and Energy Report (Document Reference 6.7) explains the consistency of the proposals with the Government's goal of reducing greenhouse gas emissions. The NPS does highlight however that there is no need to consider the impact of a new port development on greenhouse gas emissions from ships transiting to and from the port.<sup>35</sup>
- 4.40 Minimising emissions from inland transport has been in part addressed in the design of the proposals as a multi-modal hub with rail access designed to maximise the opportunities for freight to be taken from the site by this mode. In addition, berthing capacity allows for the use of river barges to take bulk materials upstream.
- 4.41 The NPS (para. 4.12.10) indicates that the provision of shore-side fixed electrical power to replace the use of ships' generators in port ('cold ironing') may reduce carbon emissions, but the effects will be small. The potential installation of infrastructure for future shore power at Tilbury2 has been accounted for by way of future proofing the site. However, at the present time vessels that would be visiting the site would not be equipped to take shore power and, in any event, the lack of availability of electricity on the network would prevent shore power being available in the short to medium term.
- 4.42 PoTLL set out its reasoning in relation to the use of fixed electrical power in its response to FWQ 1.1.1 [REP1-016] and again at Deadline 2 in its Response to the Written Representations, Local Impact Reports and Interested Parties Responses to First Written Questions to GBC [REP2-007]. The Applicant clarified its position given at the hearing at Deadline 3, in its Written Summary of Case at Issue Specific Hearing of 19 April [REP3-030] and again at Deadline 5, in its Written Submission of Case at the Issue Specific Hearing on 27th June [REP5-014].
- 4.43 The proposals comply with the requirements of the NPS for Ports (paragraphs 5.7.13 to 5.7.15) which requires that all proposals include reasonable advance provisions (such as ducting and spaces for sub-stations) to allow the possibility of future provision of cold ironing infrastructure. Cable connections to ensure shore power can be facilitated in the future will be provided. This provision is secured through Section 7.4 of the OMP [REP5-022] and the additional remaining capacity of the UKPN substation has been secured by PoTLL. PoTLL does not consider that GBC's request for a trigger relating to shore power, raised during the examination, meets the test for requirements as it is not necessary to make the proposals acceptable; nor is it needed to ensure compliance with the NPS for Ports. Thurrock Council agrees with PoTLL, as recorded in the Statement of Common Ground [REP5-017], that it would not be reasonable to impose any further controls in this regard through the DCO.
- 4.44 The PLA has confirmed (see Applicant's response to Question 1.2 in Written Summary of Case at Issue Specific Hearing of 19 April) [REP3-030] that it is undertaking measures to promote the use of shore power, but it was not yet in widespread use. This is in line with the PLA's recently published Air

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<sup>35</sup> Para. 4.12.3

Quality Strategy, from which the Applicant highlighted key elements in its Written Submission of Case at the Issue Specific Hearing on 27th June at Deadline 5 [REP5-014]. The Government's Clean Air Strategy and Maritime Vision 2050, consultation documents which set targets and aspirations for reductions in emissions and controls on shipping emissions, do not specifically state the need to develop shore power now as further research and development is needed. The Applicant is committed to maintaining a regular dialogue and engagement with GBC on the initiatives, including shore power, that the Applicant and the industry is more widely pushing forward.

- 4.45 In addition, a Sustainable Distribution Plan (SDP) (REP3-010) aims to ensure that HGV movements that can be avoided on the network are minimised and that measures are promoted to reduce HGV impact on the network. A Framework Travel Plan (REP5-018) has also been prepared to encourage sustainable travel among the staff employed at the proposed development.

#### **Climate Change adaptation**

- 4.46 The NPS highlights (4.13.1) that Section 10(3)(a) of the Planning Act 2008 requires the Secretary of State to have regard to the desirability of mitigating, and adapting to, climate change in designating an NPS.
- 4.47 The proposals are a long-term investment which will need to remain in operation over many decades, in the face of a changing climate. The Environmental Statement [APP-031 to APP-159] has considered the impacts of climate change particularly in relation to flood risk. Detailed discussions with the EA have taken place to ensure that the new link span bridge over the existing flood defences is set at a level which allows the flood wall that is located between the landside operational area of Tilbury2 and the jetty to be raised to 8.00m AOD to allow for climate change and the location of a new Thames Barrier upstream of Tilbury. It is agreed with the Environment Agency (EA) that they would not expect the flood wall to be raised to 8mOD along the entire frontage or where the flood defence is being replaced/alterd as part of the Tilbury2 proposals, but that the proposed design for any replaced/alterd flood defence is sufficient to provide for future raising if this is required (para. 4.5.1)

#### **Common Law Nuisance and Statutory Nuisance**

- 4.48 The measures described above will limit the potential for nuisance. In addition, however, a Statement in Respect of Statutory Nuisance (APP-160) is submitted as part of the application documentation. That document sets out where a statutory nuisance under the Environmental Protection Act 1990 could be engaged by the proposals but that, with the proposed mitigation in place, it is not expected that there would be a breach of the Act during construction or operational activities.

#### **Hazardous Substances**

- 4.49 There is not likely to be any significant quantities of hazardous substances stored on the site. Some containers coming through the port will contain



hazardous substances, but potential impacts will be mitigated with pollution prevention measures in place, as will be required by the OMP (Document Reference 6.10). Any hazardous substance consent required from the Health and Safety Executive will be dealt with at the necessary time.

## **Health**

- 4.50 The NPS highlights that ports have the potential to affect the health, well-being and quality of life of the population<sup>36</sup>.
- 4.51 The Health Assessment was conducted following the NPS for Ports guidance to assess the direct and indirect effects of the Port on health in the local population on a range of outcomes, as well as the cumulative effects on health and to identify measures to avoid, reduce or compensate for any adverse health effects. The Health Assessment was conducted following current best practice guidance to judge the potential health effects of the Scheme on the health of the population, including effects on vulnerable populations within the local area, by reference to a number of determinants of health (Chapter 8 Health, ES, APP-031).
- 4.52 Thurrock Council agree that the methodology underlying the Health Assessment is satisfactory and that the key health effects of Tilbury2 have been identified (4.20.1. PoTLL/T2/EX 138 Statements of Common Ground Update Report for Deadline 5).
- 4.53 The assessment identified adverse health effects of the construction and/or operation of Tilbury2 associated with noise and vibration; neighbourhood quality; open space/active travel; transport, traffic and connectivity; and lighting. ((Chapter 8 Health, ES, APP-031; PoTLL/T2/EX/60 Response to written representations, local impact reports and interested parties' responses to first written questions). A beneficial health effect of Tilbury2 was identified for employment.
- 4.54 It was agreed with TC that the mitigation for lighting impacts (4.20.2. PoTLL/T2/EX 138 Statements of Common Ground Update Report for Deadline 5) and for physical activity (open space/active travel/transport) impacts on health are acceptable (4.20.5. PoTLL/T2/EX 138 Statements of Common Ground Update Report for Deadline 5).
- 4.55 In terms of the potential for residual health effects from noise and vibration, TC has agreed with PoTLL that the noise monitoring and mitigation scheme, through which TC will identify a trigger point at which PoTLL will be required to make an offer of mitigation to an affected receptor if after all of the measures in the Operational Management Plan (PoTLL/T2/EX/181) designed to reduce noise, will address residual health effects (4.20.4. PoTLL/T2/EX 138 Statements of Common Ground Update Report for Deadline 5).
- 4.56 In terms of the potential for residual health effects on neighbourhood quality associated with the visual impact of the scheme, TC has agreed that PoTLL will continue to positively engage with local initiatives of TC and others to

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<sup>36</sup> Para. 14.6.1

improve the local environment and will work with TC in the future in this regard (4.20.6 PoTLL/T2/EX 138 Statements of Common Ground Update Report for Deadline 5).

### **Security Considerations**

- 4.57 The NPS indicates that where applications for development consent for infrastructure relate to potentially 'critical' infrastructure, there may be national security considerations.<sup>37</sup>
- 4.58 Whether or not the proposals are considered 'critical' infrastructure PoTLL will adopt the same security protocols as adopted at the existing port site.
- 4.59 PoTLL are bound by the International Ship and Port Facility Security (ISPS) Code on minimum security arrangements for ships, ports and government agencies. Having come into force in 2004, it prescribes responsibilities to governments, shipping companies, shipboard personnel, and port/facility personnel to *"detect security threats and take preventative measures against security incidents affecting ships or port facilities used in international trade."*<sup>38</sup>
- 4.60 For Tilbury2 this will mean *inter alia*:-
- Installation of ISPS compliant security fencing
  - Manned 24/7 security cordon
  - Border Inspection Post (BIP) facilities
  - Installation of CCTV
- 4.61 In addition, the site will be included in the responsibilities of the Port's own police force, that have the same powers as any other constabulary, with an operating area up to 5 miles from the Port's statutory limits.

### **GENERIC IMPACTS**

#### **Biodiversity and geological conservation**

- 4.62 As a general principle the NPS seeks to ensure development avoids significant harm to biodiversity and geological conservation interests, including through mitigation and consideration of reasonable alternatives (5.1.8). Where significant harm cannot be avoided, then appropriate compensation measures should be sought. In this context, the NPS places particular importance on the biodiversity of internationally and nationally designated sites. Regionally and locally designated sites are important, although the NPS provides that these designations should not be used in themselves to refuse development consent (5.1.9).

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<sup>37</sup> Para. 4.17.3

<sup>38</sup> ISPS Code, Part A, 1.2.1

- 4.63 The NPS requires that the ES clearly sets out any effects on internationally, nationally and locally designated sites of ecological or geological conservation importance, on protected species and on habitats and other species identified as being of principal importance for the conservation of biodiversity (para. 5.1.4). The applicant should show how the project has taken advantage of opportunities to conserve and enhance biodiversity and geological conservation interests and include appropriate mitigation measures as an integral part of the proposed development.
- 4.64 The applicant's terrestrial ecology assessment is set out in Chapter 10 of the Environmental Statement [APP-031 to APP-159] and is informed by detailed baseline surveys.
- 4.65 There are no internationally or nationally designated sites within the Order Limits. The potential for indirect impacts on internationally and nationally designated sites and direct impacts on locally designated sites has been identified and assessed. Potential impacts on international sites within 5km have been assessed, and a shadow Habitats Regulations Assessment (HRA) document produced to accompany the ES (Document Reference 6.2.10), with sufficient information to enable the relevant competent authority/s to assess the likelihood of any potential effects on European Sites being significant. The HRA concludes that there will be no significant effect on these sites
- 4.66 The likely significant ecological impacts arising from the proposals have been identified, assessed and where possible mitigated or compensated with the aim to be compliant with the NPS objective of reducing overall biodiversity loss, supporting healthy well-functioning ecosystems and establishing coherent ecological networks.
- 4.67 With regard to non-statutory designations, the Tilbury2 proposals will result in wholesale loss of the Tilbury Centre LoWS, loss of 94% of the Lytag Brownfield LoWS, and loss of 6% of the Tilbury Marshes LoWS. Attendant with these impacts are temporary or permanent losses of habitat for protected species (water voles, four species of reptiles, bats, badgers and nesting birds), losses of priority habitat (9.0ha of OMHPDL, including associated scarce plants and lichens, 3.4 ha of Coastal and Floodplain Grazing Marsh, and smaller-scale losses of the Priority habitats Reedbed, Saltmarsh, Lowland Mixed Deciduous Woodland and Hedgerow) and significant impacts on a brownfield invertebrate assemblage agreed to be of national significance. It is a matter of agreement with NE and other ecology stakeholders (NE SOCG005 [PoTLL/T2/EX/207]) that these impacts are significant at various geographical scales up to and including the national level.
- 4.68 These impacts are an unavoidable consequence of delivery of the nationally significant infrastructure project and that they are rendered acceptable in policy terms by both the overriding national economic need for the Tilbury2 project, as set out in the Statement of Reasons (APP-018, REP3-105/16, REP5-009/010), Outline Business Case (APP-166) and the CMAT Position Statement [REP1-016, Appendix B] and in further consideration of the significant mitigation and (in particular) compensatory measures that PoTLL has committed to. These measures are as set out in the Construction

Environmental Management Plan (CEMP [REP6-008 and REP6-032]), Operational Management Plan (OMP [REP6-026 and REP6-034]), Landscape and Ecological Management Plan (LEMP [REP6-030 and REP6-041]) and most particularly the Ecological Mitigation and Compensation Plan (EMCP [PoTLL/T2/EX/211 and 212]) which are all certified documents intended to be secured by the DCO. The CEMP details protective and precautionary measures that will be taken to minimise impacts on ecological resources on the site during the construction phase and the OMP does the same for the operational phase. The LEMP details how habitats retained, restored or created within the Order Limits will be managed in the operational phase.

- 4.69 The EMCP details the mitigation measures that will be taken, under licence where applicable, to ensure legal compliance as regards protected species, including details of translocations and other mitigation and compensation measures to be adopted in respect of bats, water voles, badgers, nesting birds (including Schedule 1 species) eels and reptiles. Letters of No Impediment have been issued by NE in respect of bats, water voles and badgers as appended to the EMCP [PoTLL/T2/EX/211 and 212, Appendix 4]. Importantly, the EMCP also details the ambitious and large-scale compensatory habitat creation measures that are proposed both on-site (a minimum of 5ha within the proposed Order Limits) and at two off-site locations (10ha at Mucking Landfill, and 48ha at Paglesham) totalling 63ha of compensatory habitat enhancement. The Applicant has commenced, at risk, advance habitat enhancement works both on land under its control within the proposed Order Limits and off-site on third party land by agreement with the respective landowner in order to ensure optimum habitat conditions are created to receive translocated reptiles and water voles at these locations and to provide an alternative artificial sett for badgers.
- 4.70 In relation to marine ecology the NPS highlights that construction and operation of port infrastructure can have an adverse impact on biodiversity and/or geodiversity, including through dredging (5.1.22), which can lead to sediment transport, which can in turn affect marine wildlife and can cause remobilisation of toxic substances and nutrients, increased suspended solids, reduced visibility and reduction in dissolved oxygen. It can also cause run-off, spills, or leakages to the marine environment, erosion of habitats resulting from vessel movements, noise, which can have impacts on fish and marine mammalian behaviour patterns; and light, which can alter or hinder the migration of fish through estuaries.
- 4.71 All of these potential impacts on the marine environment have been fully considered.
- 4.72 In regards to dredging, the sediments to be dredged have been tested and analysed against Cefas Action Levels. It has been shown that for the majority of the sediments, mobilisation of these sediments due to Water Injection Dredging will not affect water quality or habitats where the sediments will re-deposit. The only exception to this is the sediments within the Approach Channel. Due to the levels of contaminants found in this area, WID will not be viable without further testing of more samples to define the area of concern, and removal dredge techniques have also been considered which could re-suspend less sediment into the water column. Controls in this

regard will be able to be implemented through the operation of the Deemed Marine Licence within the DCO (Document Reference 3.1). Runoff, spills or leakages and discharge from ship's ballast have been taken into consideration throughout the assessment, and at all times throughout construction and operation the relevant embedded mitigation measures (as set out in the CEMP, OMP and as will be implemented through the DML) will be implemented.

- 4.73 Increased vessel movements have been assessed, however, no operational impacts to habitats have been identified as all vessel movements in the Thames Estuary are confined to the channel maintained by the PLA. Maintenance dredging will be needed in the new berths - however, no impacts on habitats have been identified during this process as the sediment will be tested in line with Cefas Action Levels as the capital dredge would have been, pursuant to the DML.
- 4.74 Noise modelling has been undertaken to assess the impacts to marine mammals and fish. The modelling is outlined in Chapter 17 of the Environmental Statement [APP-031 to APP-159], and the full modelling report is available [APP-089]. The results of the modelling have been used to assess the impacts to marine mammals and fish as outlined in this chapter and it is concluded that all effects will be negligible. The Preliminary Lighting Strategy is outlined in Document Reference APP-044 and the potential impacts on marine ecology receptors have been assessed as negligible.
- 4.75 In relation to the marine ecology, the proposals will accord with the NPS.

#### **Flood Risk**

- 4.76 The NPS contains detailed policies relating to flood risk, consistently with those set out in the Framework. Ports are identified as water compatible development and therefore acceptable in high flood risk areas (para. 5.2.3)
- 4.77 The NPS draws attention to the need for any FRA to take particular account of the projected effect of climate change.
- 4.78 The Level 2 FRA (APP-086) indicates that a risk exists for the proposals with regard to tidal, groundwater, fluvial and pluvial flooding. In addition, climate change has been considered to have significant influence on the future flood risk at the Tilbury2 site if defences were breached. There is also an interaction with the existing foul water system.
- 4.79 Risk of groundwater flooding is considered to be moderate during the construction phase and low during the operational phase of the proposals given the shallow perched water table is at the Tilbury2 site. Suitable groundwater management techniques will be employed to avoid any risks. Fluvial flood risk is considered to be low/moderate given that the streams in the area have a small catchment such that no flood zones have been designated by the EA. Pluvial flood risk is considered to be moderate since the proposed development will be mainly covered by hardstanding in addition to road and railway links. This will cause an increase in run-off and an increase in the associated flooding risk. Surface water attenuation and



storage in the form of Sustainable Urban Drainage System (SuDS) have therefore been included as part of the Drainage Strategy (Appendix 16. E)

- 4.80 The risk of flooding caused by overwhelmed sewer systems is considered to be low. Nevertheless, Anglian Water has requested that a number of actions should be taken to ensure that the existing foul water system will not be negatively impacted by the proposals. This will be managed through the processes created by Anglian Water's protective provisions in the DCO.
- 4.81 With respect to tidal flooding risk, this is recognised to be high. Although the proposals are protected by tidal defences for events of up to 1:1,000 years probability of occurrence, a breach and/or overtop of the defence walls might still occur (residual risk). A level 3 FRA [APP-087] has therefore been undertaken in order to assess the flood risk in the event of a breach and/or overtop of the flood defences. The results of the modelling, for both the baseline and post development identifies potential impacts and the measures necessary to mitigate these impacts. The FRA also considers the implications for surface water flooding as well as flood risk from groundwater.
- 4.82 For the majority of the Tilbury2 site, the change is positive, i.e. a reduction in flood depth, which is reflective of the proposed increase in site levels compared to the existing, or neutral i.e. there will be no change in flood depth from a future breach. However, these small parts of the site which are shown to have an increase in flood risk are classed as either 'Less Vulnerable' or 'Water Compatible' which is an appropriate land use for Flood Zone 3. To manage the residual risk to the site itself, a Flood Emergency Plan will be developed for the whole site to establish a procedure to reduce the potential for future users of the site being exposed to the flood hazard as a result of a potential breach on the site.
- 4.83 The model results for the areas off-site indicate that there may be a change to the residual risk as a result of the proposals. For the large majority of these areas (Tilbury town and the flood storage areas) the change is positive, i.e. a slight reduction in flood depth, or neutral i.e. there will be no change in flood depth a future breach as a result of the proposed development. The exception is a field located to the east of Fort Road which is shown to experience a minor increase in flood depth (up to 140 mm). Nevertheless, the potential increase in flood depth within this field is not considered significant due to the land use and pre-development flood levels. Given the very localised nature of the minor increase, the predicted change may be a result of residual uncertainty in the model. Mitigation measures are therefore not considered necessary for any off-site areas.
- 4.84 The current flood defences are lower than the future 2100 predicted water levels, so that it may be necessary for the defences to be raised in due course. The proposals will not prohibit the raising of the defences along the river frontage of the site. Where the proposals interact with existing flood defences they will be designed and constructed to ensure that the structural integrity of existing flood defences is not adversely affected.
- 4.85 Accordingly, the proposals accord with the policies of the NPS in respect of flood risk. .

## Coastal Change

- 4.86 The NPS discusses the potential for port infrastructure to impact on coastal change, which is described as meaning physical change to the shoreline, i.e. erosion, coastal landslip, permanent inundation and coastal accretion (para. 5.3.1). It highlights that the construction of a port development may involve, for example, dredging, dredge spoil deposition, marine landing facility construction and flood and coastal protection measures, which could result in direct effects on the coastline, seabed, heritage assets and marine ecology and biodiversity (5.3.2) and that indirect changes to the coastline and sea bed might arise as a result of a hydrodynamic response to some of these direct changes (5.3.3)
- 4.87 The potential for such impacts have been assessed and the results set out in the Environmental Statement [APP-031 to APP-159]. Potential effects on coastal processes are assessed in the Chapter 16 Water Resources and Flood Risk. This assessment is based on hydrodynamic and sediment modelling which is presented in Appendix 16.D and demonstrates that the effect will negligible.
- 4.88 The effects of the project on marine ecology are assessed in Chapter 11 of the Environmental Statement (Document Reference 6.10). This considers both the installation of marine infrastructure as an extension to the existing jetty, proposed capital dredging to increase the size of the berthing pockets and immediate berth approaches, and required maintenance dredging in the future. The assessment concludes that all effects will be minor or negligible with appropriate mitigation in place.

## Traffic and Transport Impacts

- 4.89 The NPS (para. 5.4.1) highlights that fundamentally, goods enter and leave ports by various combinations of road, rail and water transport (and in some cases by pipeline). The balance of modes used can have a variety of impacts on the surrounding road, rail and water infrastructure and consequently on the existing users of this infrastructure. It highlights that the most significant impacts relate to unitised traffic on the surrounding road infrastructure and the risk that the impact from increased traffic would, unless mitigating measures are taken, be likely to be an increase in congestion. There are also environmental impacts of road transport as compared with rail and water transport in terms of noise and emissions (5.4.1. and 5.4.2)
- 4.90 The NPS requires the preparation of a transport assessment, demand management measures such as a travel plans. It also provides detailed guidance on mitigation by encouraging use rail and inland shipping (5.4.15) and, particularly in relation to container or ro-ro development provides guidance on a number of matters including *inter alia* sufficient parking and queueing facilities and space for enforcement agencies to undertake necessary checks (5.4.22 – 5.4.23).
- 4.91 Crucially, the Tilbury2 proposals provide for multi-modal access, affording the opportunity for a sustainable transshipment of goods.

- 4.92 Landside transport is dealt with in the Environmental Statement [APP-031 to APP-159] at Chapter 13. A Transport Assessment is appended to the ES (Document Reference 6.2.13.A). A summary of the proposed mitigation measures in relation to transport is included in Table 13-17 in the Environmental Statement [APP-031 to APP-159]. These include the implementation of a Framework Travel Plan to improve access by walking and cycling (Document Reference 6.2.13.B); a Sustainable Distribution Plan (Document Reference 6.2.13.C) designed to manage the demand for HGV use and encourage rail and barge use, as well as embedded mitigation of improvements to the ASDA roundabout to reduce congestion.
- 4.93 The assessments consider that during construction, the impacts of traffic, controlled through the Construction Traffic Management Plan (CTMP), itself part of the CEMP (Document Reference 6.9), will be negligible.
- 4.94 During operation, the effects of the proposed infrastructure corridor are also concluded to be negligible except in respect of severance and pedestrian delay. Mitigation is proposed through the Active Travel Strategy (a key element of the agreed s106 DCO Obligation with Thurrock Council : Document Reference PoTLL/T2/EX/215 ) which includes improvements to pedestrian links around Tilbury, including provision of a Toucan Crossing on A1089(T) St Andrews Road, east of the hairpin bridge and provision of wayfinding signs along the main pedestrian and cycle routes, which will alleviate the effect of severance. As a result of the proposed package of measures, it is expected that the proposals will result in a slight adverse residual impact upon severance. The Active Travel Strategy will alleviate the adverse effect on pedestrian delay of the link road resulting in a negligible residual effect
- 4.95 Increases in average driver delay associated with Tilbury2 traffic at the ASDA roundabout would result in negligible to minor adverse impact given modest increases. Given the worst-case basis of the highways assessments the actual impact is likely to be closer to negligible.
- 4.96 Nonetheless a mitigation scheme has been developed which seeks to improve capacity which also has safety benefits to the operation of the junction. PoTLL and TC (together with Highways England) have agreed a package of mitigation measures at the ASDA roundabout. Additional modelling information and a Stage 1 Road Safety Audit has been undertaken and accepted by TC. The measures agreed are with regard to changes in junction geometry, enhanced facilities for pedestrians and cyclists (including improved signage) and changes to the speed limits on the approaches to and on the roundabout itself. Some of the measures are outside of the DCO boundary and secured through the S106 as part of the Active Travel Measures. (SoCG001 with Thurrock Council, para. 4.3.7 and SoCG009 with Highways England para. 4.2.8).
- 4.97 Additional detailed consideration has also been given to the potential impact of the proposals on Junction 30 of the M25 which links to the A13 and Tilbury. It has been agreed with Highways England that subject to improvements to road markings on the westbound and northbound approaches to the junction (secured through Requirement 7 of the DCO) the

impact of Tilbury2 development traffic at M25 J30 would be within acceptable levels (SoCG009 with Highways England, para. 4.2.7).

- 4.98 Given this comprehensive approach to mitigation it is considered that in relation to traffic and transport effects, the proposals comply with the NPS.

### **Waste Management**

- 4.99 The NPS expects waste arising to be managed in accordance with the Waste Hierarchy. Applicants are required to set out arrangements for waste recovery and disposal, to minimise the amount of waste produced and to minimise the volume sent for disposal. The potential presence of hazardous waste will require particular attention, although applicants should be guided and regulated by the permitting requirements of the Environment Agency (NPS paragraphs 5.5.1 – 5.5.4).
- 4.100 Waste management is dealt with in Chapter 19 of the Environmental Statement [APP-031 to APP-159]. There is only likely to be a limited amount of waste arisings from the terrestrial works on the site. This will be managed in accordance with the waste hierarchy. Additional assessment of waste capacity in Thurrock has also been undertaken and the methodology and the conclusions of this have been agreed with Thurrock Council (SoCG001, para. 4.13.1). The assessment has been submitted to the ExA as Appendix E to PoTLL's response to Written Representations [PoTLL/T2/EX/60].
- 4.101 In considering dredging and disposal options the proposals has given due consideration to the waste hierarchy. The project is currently progressing several dredging options (with embedded mitigation where necessary) including Water Injection Dredging (WID), which would retain the sediment within the estuarine system. This prevents the need for disposal and is beneficial for the sediment budget. However, for the purpose of assessing the impact on waste capacity, it has been assumed at this stage that none of the marine or terrestrial excavation material will be reused on-site and as such all will be removed off-site as waste. There are several options being considered regarding the re-use of marine dredgings either on land and/or at sea or a mix of both. Details are set out in Chapter 19 of the Environmental Statement [APP-031 to APP-159]. .
- 4.102 Chapter 19 of the Environmental Statement [APP-031 to APP-159] explains that detailed design is yet to be undertaken the impact of mitigation in relation to design cannot yet be assessed. Adopting a worst-case means that the residual impact is considered to be the same as potential impact. The impact of the re-use of marine or terrestrial excavation material cannot be assessed at this stage, as appropriate geotechnical and chemical data is not yet available to inform re-use decisions such that impacts could be said to have reduced.
- 4.103 The potential impact is considered to be moderate (construction, demolition and excavation [CD&E]/negligible (hazardous) during the CD&E phase and an overall negligible during the operational phase. The potential moderate impact associated with CD&E waste during the construction phase does however have the potential to be minimised once appropriate geotechnical

and chemical data is available to inform re-use decisions regarding dredged and excavated material. In addition, during operation, it is important to note that, the proposals will have a positive impact on the availability of key construction materials. It is therefore agreed with the Council that overall the worst case scenario tonnage of waste to be produced by the proposals is likely to have a moderate impact on waste infrastructure within Thurrock (SoCG001, para. 4.13.2).

### **Water Quality and Resources**

- 4.104 The NPS is concerned to protect the quality of the water environment and associated risks to health or the protected species and habitats (para. 5.6.1 and 5.6.2).
- 4.105 These matters are assessed in detail in Chapters 10 and 16 of the Environmental Statement [APP-031 to APP-159], as well as the Water Framework Directive Assessment (APP-088).
- 4.106 The existing water quality has been taken in consideration in the Environmental Statement [APP-031 to APP-159] at Chapter 16, including considering the WFD designation of the watercourses and groundwater bodies, where applicable. The potential for impact to the water quality has been assessed and mitigation measures have been provided. These include implementation of appropriate working methodologies during the construction phase, to avoid contamination; and implementation of a drainage strategy to avoid potentially contaminated run-off reaching the watercourses and groundwater bodies. Mitigation measures are included in the CEMP (Document Reference 6.9) and the Operational Management Plan (OMP Document Reference 6.10).
- 4.107 The main impact on the existing physical characteristics to the water environment has been recognised as associated to the dredging activities along the River Thames. A sediment plume hydrodynamic model has been prepared and is provided in the Environmental Statement (Document Reference 6.2.16.D). In both the construction phase and in operation the modelling reveals that the impact on River Thames' sediment concentration and tidal hydrodynamics is anticipated to be minor as dredging will not change the fine sediment within the river outside natural variability.
- 4.108 There are no potable groundwater abstractions within 1km of the site and no likelihood of any pollution to any potable water supplies.
- 4.109 Based on the assessment in the ES the proposals are considered to achieve compliance with this aspect of the NPS.

### **Air Quality and Emissions**

- 4.110 The NPS highlights that ports can contribute to local air pollution problems, since they bring together several sources of pollutants through, for example large volumes of HGV traffic and ships (para. 5.7.1). It highlights that certain cargoes such as cements and aggregates can cause local dust pollution. The construction, operation and decommissioning phases can involve emissions to air, which could lead to adverse impacts on human health, on



protected species and habitats, or on the wider countryside (para. 4.7.2). The NPS requires that where the project is likely to have adverse effects on air quality, the applicant should undertake an assessment of the impacts of the proposed project as part of the Environmental Statement (ES).

- 4.111 The assessment of the impacts on air quality are contained in the Environmental Assessment [APP-031 to APP-159] at Chapter 18.
- 4.112 The ES air quality chapter identifies all potential emission sources including road traffic during construction and operation, dust during construction and operation, and rail and shipping emissions during operation. Those with the potential for significant impacts are assessed further in accordance with accepted good practice. Notably, the air quality assessment includes a detailed modelling study of construction and operational traffic emissions. It also considers rail emissions using the same assessment technique.
- 4.113 Dust emissions have been assessed qualitatively in line with IAQM (2014) construction dust guidance and IAQM (2016) minerals planning guidance.
- 4.114 The ES air quality chapter presents a detailed assessment of traffic emissions, including rail, which takes account of embedded mitigation regarding improvements in emissions in future years. The total concentrations expected to occur at sensitive receptors in the opening year have been compared with national air quality criteria (including statutory limits). Following the application of appropriate mitigation, which is set out in the CEMP (Document Reference 6.9), the residual effects of construction dust on receptors will not be significant.
- 4.115 Details of the assessment methodologies are provided in the ES [APP-031] (and in the case of supplementary assessment, in Appendices 2 and 3 to the Applicant's Written Summary of Case at Issue Specific Hearing of 19 April at Deadline 3) [REP3-030]. The assessments followed relevant guidance and used the most up-to-date procedures and data available at the time of undertaking. The assessment was robust and used a realistic worst-case scenario. PoTLL verified the detailed model findings against real-world monitoring data for the local area and the modelled values were uplifted appropriately. The assessment presented concentrations at the sensitive receptors closest to the road-rail network (paragraph 18.313 and Table 18.32 in Appendix 18.C [APP-095] and Figure 18.4 [APP-158]). To address uncertainties in the assessment process, several conservative assumptions were applied. For instance, the assumption that the maximum possible HGV and rail movements would coincide (ES paragraph 18.8) and the assumption of full operational capacity in the earliest year of operation. All assumptions are laid out in ES [APP-031] Table 18.2. As explained in detail through consultation with TC Public Health team, such a situation, in practice, would not arise (paragraph 1.29, Appendix A, Response to the Written Representations, Local Impact Reports and Interested Parties Responses to First Written Questions) [APP-007].
- 4.116 With regard to road and rail emissions, none of the pollutant concentrations at the most sensitive locations were found to exceed the relevant air quality criteria, including the EU limit value for nitrogen dioxide as an annual mean. There would be no deterioration in air quality in an existing or new area,

where the air quality is above national air quality limits (NPS for Ports, paragraph 5.7.6 and 5.7.7). Only one moderate increase in annual mean nitrogen dioxide was modelled to occur, at a worst-case receptor location in the worst-case scenario; concentrations will remain well below the air quality criterion in future with or without Tilbury2. Overall, given the robust nature of the approach to assessment, including the worst-case parameters and the selection of worst-case receptors, the effect of the proposals on local air quality was concluded to be not significant.

- 4.117 Following application of the proposed mitigation set out in the ES [APP-031] Chapter 8 (paragraph 18.332 to 18.352), residual effects of all construction and operational emissions were assessed as not significant. These findings were shared with and discussed with the relevant local authorities, Thurrock Council (TC) and Gravesham Borough Council (GBC). The local authorities agreed that the methodologies applied and the findings so obtained are appropriate; that is, that the operation of the proposals will not have significant adverse long-term effects on air quality at sensitive receptors. This is set out in the Statements of Common Ground Update Report [REP5-017]. Highways England confirmed at Deadline 2 [REP2-001] that it is content that the air quality assessment in the ES [APP-031] and that suitable mitigation has been proposed.
- 4.118 Revised vehicle emissions factors and associated air quality assessment tools, published by DEFRA after the ES was submitted, did not alter the findings of the ES. This was demonstrated through sensitivity testing, the results of which were shared with the local authorities, Thurrock Council (TC) and Gravesham Borough Council (GBC), and submitted by the Applicant at Deadline 3 as Appendix 2 to the Written Summary of Case at Issue Specific Hearing of 19 April [REP3-030]. It was further noted by the Applicant, in the Written Summary of Case at Issue Specific Hearing of 19 April submitted at Deadline 3 in response to questions by the Examining Authority [REP3-030] that the fleet projections incorporated into the assessment (from DfT 2015) would not have accounted for the most recent policy and market conditions which have come to light in the past year and thus are likely to be conservative.
- 4.119 An assessment of cumulative effects on air quality was included within Chapter 8 Air Quality of the ES [APP-031]. It considered the potential combination of emissions from known, committed developments at the time of publication. A Qualitative Cumulative Effects Assessment of Tilbury2 with Tilbury Energy Centre and Lower Thames Crossing [REP3-027] considered, at a high level proportionate with the information available to the Applicant, the potential for combined impacts with these two proposals. No significant cumulative impacts have been identified for air quality.
- 4.120 The CEMP [REP3-011] and OMP [REP5-022] have been developed by PoTLL to control, through design, management at source, and monitoring, the dust and air pollutant emissions that may arise during the construction and operational phases of Tilbury2. As well as control measures, the plans include procedures for monitoring to assist PoTLL in ensuring the efficacy of the controls, the means of addressing complaints, and the sharing of data. The measures in these documents, as well as the Framework Travel Plan (FTP) [REP5-018] and Sustainable Distribution Plan [REP5-020], are

secured through the DCO. The local authorities, TC and GBC, have agreed that the measures in each document are appropriate (Statements of Common Ground Update Report for Deadline 5) [REP5-017].

#### **Dust, odour, artificial light, smoke, steam and insect infestation**

- 4.121 Measures to eliminate or limit the potential impacts of dust during construction are principally set out within the CEMP [REP6-008].
- 4.122 Assessments in the light of the proposed construction methodology are set out in Chapters 8 of the ES (Air Quality). With the measures proposed in the CEMP [REP3-011].), no significant adverse effects are predicted during construction.
- 4.123 The potential of dust during operation is also contained within Chapter 8 (Air Quality) and the OMP [REP5-022] has been developed by PoTLL to control, through design, management at source, and monitoring, the dust and air pollutant emissions that may arise during the construction and operational phases of Tilbury2.
- 4.124 Lighting effects are considered in the Landscape and Visual Amenity chapter of the Environmental Statement [APP-031 to APP-159] at Chapter 9.

#### **Biomass/waste impacts – odour, insect and vermin infestation**

- 4.125 This section of the NPS (section 5.9) largely relates to storage of fuels from energy from waste (EfW) facilities. No such facilities are planned for Tilbury2; any such facility would be outside of the Port's permitted development regime and require planning permission or DCO consent in its own right in the future.

#### **Noise and Vibration**

- 4.126 The noise associated with the construction and operation of the Scheme have been assessed and reported in the Environmental Statement. Chapter 17 of the ES [APP-31] sets out the assessment methodology that has been applied. The assessment follows relevant policy and standards, including the Noise Policy Statement for England (NPSE) and NPSP which seek to avoid significant adverse impacts and seek to mitigate and minimise other adverse noise impacts from new development and, where possible, contribute to improvements to health and quality of life through the effective management and control of noise (NPSP, 5.10.9).
- 4.127 PoTLL in the [REP1-016, 1.14.22] set out how the Proposed Development accords with the part of the NPSP on how the decision maker should be satisfied that the proposals will meet it aims.
- 4.128 The ES concludes that during construction, there will be short-term impacts during at nearby noise sensitive receptors. The operational noise assessment has concluded that there will be major impacts during the night-time period on noise sensitive receptors in Gravesend and further mitigation of installed sound insulation and mechanical ventilation will be required to mitigate these impacts.

- 4.129 The proposals accords with this part of the NPS as significant impacts have been avoided with embedded mitigation and further mitigation in the form of sound insulation and mechanical ventilation. The mitigation proposed will avoid significant impacts and minimise adverse impacts. The identification of these impacts led to further consideration of avoidance and mitigation.
- 4.130 In line with common practice, the assessment uses a range of worst case assumptions to ensure that any impacts are not under-reported, with the consequence that the ES assessment is likely to overstate the residual noise effects.
- 4.131 Baseline noise levels were measured at representative locations in Tilbury, in Gravesend and underwater. Appropriate thresholds for significance have been determined, setting out thresholds for adverse effects and significant effects. The overall design of the scheme includes embedded elements to mitigate both construction and operational noise. A mitigation strategy describes when additional measures would be considered – when Major impacts are identified and noise levels are above LOAEL, and when Minor impacts are identified and noise levels are above SOAEL.
- 4.132 PoTLL have also reviewed the potential impact of large aggregate vessels when moored at Tilbury2 on residents in Gravesend (Appendix 3 to PoTLL's Response to Relevant Representations document [AS-049]). GBC reviewed this and agreed in the SoCG [PoTLL/T2/EX/209] that the ES and the information provided gives a robust assessment of the likely effect of vessel noise on Gravesend. The conclusions of the assessment that noise generated during the stay of an aggregate vessel at Tilbury2 will have a low noise impact on the amenity of residential properties in Gravesend were also agreed with GBC in the SoCG.
- 4.133 PoTLL will undertake a reassessment of the proposed Scheme once customers take up the parts of the project and details of likely plant, equipment and layout are known. The reassessment will follow the same methodology as set out in the ES and this reassessment will enable the Applicant to have the benefit of the most up-to-date data in identifying and implementing any mitigation measures that are necessary before the Scheme opens, pursuant to requirement 10 of the dDCO.
- 4.134 Mitigation of noise effects includes Best Practical Means to control construction impacts described in the CEMP [REP6-008], noise barriers for road traffic and railway traffic required by dDCO Requirement 9. In addition, the OMP [REP6-026], secured by the DCO, employs management measures to reduce noise arising from day to day operation of the site and reflects reflect the measures set out in the ES Paragraphs 17.135-17.137.
- 4.135 The proposals are therefore entirely in accordance with the NPSP in relation to noise.

### **Landscape and Visual impacts**

- 4.136 In relation to landscape and visual impacts, the NPS pays particular attention to ports in nationally designated areas (para. 5.11.7).

- 4.137 In other areas, the NPS seeks the minimisation of adverse landscape and visual effects through careful design (paragraph 5.11.13)) and the provision of reasonable mitigation. (paragraph 5.11.13). Local landscape designation should not be used in themselves as reasons to refuse consent as this may unduly restrict acceptable development (para. 5.11.12). The NPS warns against reducing the scale or otherwise amending the design of a proposed development in response to visual and landscape effects, however, as this may result in significant operational constraints and reduction in function (para. 5.11.16).
- 4.138 The proposals approach to good design is explained at paragraph 4.29 and 4.30 above and in the Masterplanning Statement (APP-034) above. The assessment of landscape, townscape and visual impacts is set out in Chapter 9 of the Environmental Statement [APP-031 to APP-159].
- 4.139 In compliance with the NPS, the Environmental Statement [APP-031 to APP-159] includes a Landscape and Visual Impact Assessment (LVIA) that has been carried out in accordance with current guidance published by the Institute of Environmental Management and the Landscape Institute (GVLIA3), the Countryside Agency and Scottish Natural Heritage. It makes reference to all relevant National, County and District level landscape character assessments. Relevant national and local landscape related planning policy has been identified and has been addressed.
- 4.140 A local landscape character assessment has been carried out to provide more detailed and up to date baseline information to inform the LVIA process.
- 4.141 The assessment defines a core study area (shown on Figure 9.2 of the Environmental Statement), an area of approximately 53 square kilometres which represents the maximum predicted potential extent of significant landscape and visual effects brought about by the proposals.
- 4.142 The core study area forms part of the generally flat landscape of the greater Thames estuary, which extends beyond to the west and east/north east and includes much of the marshland landscape in the locality. To the north-west land rises sharply, forming part of the Chadwell gravel escarpment. To the south the rolling chalk hills of the North Kent Plain rise above the Thames at Gravesend. The area adjoins the town of Tilbury to the north and east as well as flat marshland to the north, east and west. The Environmental Statement [APP-031 to APP-159] describes the marshes as in generally moderate to poor condition with a mix of regular geometric arable fields, areas of rough grazing, restored mineral sites and industrial infrastructure as well as Tilbury Fort. Within the Tilbury2 site the original marsh has been very largely removed by development associated with the power station.
- 4.143 It identifies Tilbury Fort as a key feature and the relatively intact area of Tilbury Marshes, forming the immediate setting and context north of Tilbury Fort, is isolated from the remainder of the character area to the north and east, being in effect framed on three sides by industrial and residential development. The northern boundary of the Tilbury2 site adjoins the railway in close proximity to the town.



- 4.144 The existing Port also plays an important role in the character of the area. River traffic and dock activities associated with the port form part of a predominantly industrial riverscape along the north bank, which includes the former Tilbury Power Station (albeit in the process of being demolished) and recently installed large wind turbines. Isolated amongst this modern setting is Tilbury Fort with its own distinct and separate character.
- 4.145 The Environmental Statement [APP-031 to APP-159] describes the wider context including the Chadwell escarpment which rises to the north and contrasts sharply in character with the marshland landscape to the south. From this escarpment there are extensive views over the marshes, Tilbury, the port, the remaining structures of Tilbury B power station, the river Thames and beyond to Gravesend.
- 4.146 South of the river the Environmental Statement [APP-031 to APP-159] highlights that the landscape is dominated by the settlements of Gravesend and Northfleet with a fully developed waterfront that contains a mix of industry, housing, commercial and open space/recreational uses whilst to the east of Gravesend and immediately south of the Thames lie the Shorne and Higham marshes. The area contains a number of heritage assets including New Tavern Fort, other listed buildings and Conservation Areas, from where views of the proposals could variously be available.
- 4.147 Predicted effects of development on landscape character effects are assessed for the construction period, at completion of construction and 25 years after completion. The assessment also includes consideration of the potential effects of proposed artificial lighting that will be needed as part of the proposals.
- 4.148 The assessment considers the impact on the landscape and the visual amenity of receptors throughout the area, both north and south of the River Thames. It describes a comprehensive mitigation package that is embraced and the LEMP [REP6-041] which includes retention of important perimeter planting within the main site and a swathe of new landscape planting along the infrastructure corridor. In addition, the proposed Active Travel Measures which form part of the s106 with Thurrock Council [PoTLL/T2/EX/215] will improve amenity and access to the riverside and elsewhere for pedestrians and cyclists to mitigate for the effects on users of public rights of way and the heritage assets in the area.
- 4.149 The landscape setting of Tilbury Fort, will continue to be influenced by the adjoining urban and industrial context but would be affected by the introduction of the infrastructure corridor and associated road and rail traffic adjoining Tilbury and the mainline railway, increased levels of waterfront activity in closer proximity, as well as the re-establishment of industry within the main site. The effect represents more an increase in established urban industrial influences rather than the introduction of new ones. Mitigation has been devised to offset these influences, both embedded and additional; including retaining perimeter vegetation in the main site and introducing a significant landscape corridor to the south of the proposed road and rail infrastructure. The effectiveness of the landscape proposals for the infrastructure corridor has been demonstrated in additional detail in Appendix E to PoTLL's Response to First Written Questions [REP1-016]. In

addition, as noted above, the DCO now requires all buildings to use colours that minimise their impact on the landscape. The Requirement 3, Colour Palette [REP5-037] has been developed and agreed with Thurrock Council (SoCG001, para. 4.11.5).

- 4.150 Inevitably, the proposal will have some residual effects on landscape character, value and visual amenity. However, the proposals have been prepared in order to minimise adverse landscape and visual effects through careful design and the provision of reasonable mitigation, taking into account operational requirements and function of the proposals. Accordingly, the proposals accord with the NPSP in this regard.

### **Historic Environment**

- 4.151 Specific guidance is set out at paragraphs 5.12.1 – 5.12.20 of the NPS for the applicant to describe the significance of any heritage assets affected and an assessment of any likely significant heritage impacts of the proposed project.
- 4.152 These matters are addressed in Chapter 8 (Cultural Heritage) of the Environmental Statement [APP-031 to APP-159].
- 4.153 The NPS requires that access to and the condition of heritage assets be maintained. The proposals will accord with this objective. Potential enhancements to heritage assets, such as improved wayfinding, access and interpretation, is included in the ES [APP-031] and Built Heritage Assessment (September 2017) [APP-068]). This has been the subject of direct engagement with HE, EH, Thurrock Council and Gravesham Borough Council. The s106 DCO Obligation with Thurrock Council [PoTLL/T2/EX/215] includes a 'Tilbury Fort Heritage Contribution' and a 'Gravesham Heritage Contribution' to allow for enhancements at Tilbury and New Tavern Fort respectively.
- 4.154 The NPS (para. 5.12.4) further requires that non-designated assets of equivalent status should be subject to the same policy considerations as designated heritage assets. In this regard, Shornemead Fort has been identified as a non-designated heritage asset of national importance and has thus been included within the assessment and treated as if it were designated. As also required by the NPS, all non-designated heritage assets that merit consideration have been included in the baseline heritage assessments.
- 4.155 A description of the significance of the heritage assets affected by the proposals and the contribution of their setting to their significance is included within the baseline assessment, with the level of detail proportionate to the importance of the asset, as advised in the NPS (para. 5.12.6). These assessments are contained within the Environmental Statement at appendices 12A [APP-067] Archaeological Statement and 12B Built Heritage Assessment [APP-068].
- 4.156 The proposals have potential permanent, direct impacts on the settings of built heritage assets surrounding the site. The Built Heritage Assessment (APP-067) provides a detailed narrative and assessment of the likely

impacts of the proposals upon the settings and significance of each of the relevant heritage assets. The Built Heritage Assessment is supported by Visual Representations (wirelines) of the proposals from a set of viewpoint locations agreed in consultation with Historic England and Thurrock Council.

- 4.157 The most important built heritage asset is Tilbury Fort (Scheduled Monument) which is situated in close proximity to the west of the site and is a designated heritage asset of very high sensitivity. Overall, the assessment in the Environmental Statement [APP-031 to APP-159] considers that the proposals will alter the wider setting of Tilbury Fort through increasing the industrial character and activity within its setting, however, this will be experienced as an extension of the existing industrial activity between Tilbury Fort and the Tilbury2 Site provided by the Stobart's aggregates/storage facility and the Anglian Water works and therefore will not fundamentally alter the existing wider context in which the heritage asset is experienced. The proposals include a 100m high silo on the river front that will form a new landmark structure, but this will be slender in appearance and considerably smaller and less bulky than the previous Tilbury 'B' Power Station and its twin chimneys in which the Fort has been experienced for around the past 50 years. The DCO will include a requirement that the detailed design of the surface aspects of the silo are approved subsequent to the grant of the DCO. As noted above, the DCO requires in addition that all buildings to use colours that minimise their impact on the landscape. The Requirement 3, Colour Palette [REP5-037] has been developed and agreed with Thurrock Council (SoCG001, para. 4.11.5) and discussed with Historic England as additional mitigation to ensure all structures within the development will comply with principles of good design, as supported in Historic England's guidance on settings in GPA3.
- 4.158 Whilst shipping activity in proximity will increase as a result of the proposals, this will not fundamentally change the wider setting of Tilbury Fort, where large vessels passing by are already experienced frequently. It is likely that noise and lighting effects will also increase during operational phase, thus altering the setting of Tilbury Fort during night time hours. Therefore, the assessment concludes that the proposals will likely have a potential low to medium adverse magnitude of impact upon the setting of Tilbury Fort prior to further mitigation, resulting in a moderate to major significance of effect.
- 4.159 Clarification of the effect of the proposals on Tilbury Fort was provided in Appendix B to PoTLL Response to First Written Questions [REP1-016]. This provided additional analysis of the existing context of the Fort, including the historic landscape and its opportunities, needs and constraints, and how these have been considered in the proposals for Tilbury2 which have been considered according to function, sensitivity and commitment to feasible improvements in the wider environment. This document demonstrates that the proposals for Tilbury2 bring about positive socio-economic change and potential benefits at national, regional and local scale. These benefits have been considered in the process of preparing proposals that will potentially impact on the experience of Tilbury Fort. The history and future of Tilbury Fort, in particular, have framed the understanding and assessment of effects on the historic environment, including the associated socio-economic

benefits, in order to achieve an appropriate balance for positive, proportionate and feasible change.

- 4.160 The assessment further considers other heritage assets on the north side of the river, including the Scheduled Monument of Coalhouse Fort and proximate listed buildings, namely the Worlds End public house, the listed Riverside Railway Station and the buildings Barracks within Tilbury Fort.
- 4.161 The assessment also extends to a consideration of views from the south side of the River Thames and the likely effect on the heritage assets within Gravesend. This includes the potential impact of operations the settings of the Scheduled Monuments of Cliffe Fort, New Tavern Fort and Gravesend Blockhouse, and the non-designated but nationally important Shornemead Fort. Overall, it is thus likely that the proposals would result in potential negligible to low adverse magnitudes of impact upon the settings of Coalhouse Fort, New Tavern Fort, Cliffe Fort, Shornemead Fort and Gravesend Blockhouse prior to further mitigation, resulting in neutral to minor significance of effects.
- 4.162 In terms of archaeology, a number of baseline investigations have been undertaken on the site and the results have been included in Appendix 12.A Archaeological Statement. Proposed mitigation measures are also included in this document and set out in Written Schemes of Investigation (Terrestrial WSI [REP4-023] and Marine Archaeological WSI [POTLL/T2/EX/197]). With this mitigation, the impact of the proposals on archaeological assets is neutral.
- 4.163 The comprehensive information and assessment of the impact of the proposals on heritage assets, and the proposed embedded and additional mitigation are such that the proposals accord with the NPS in this regard.
- 4.164 This assessment is agreed by Thurrock Council who agree that the proposals will result in less than substantial harm to heritage significance in NPS terms and that the magnitude of the residual impacts on the settings of the identified built heritage assets assessed in the built heritage assessment are agreed (SoCG001, para. 4.11.4).

#### **Land use including open space, green infrastructure and Green Belt**

- 4.165 Policies of the NPS are concerned to limit the impact of development on high quality open spaces, Green Belt, agricultural land and the countryside, whilst promoting the use of previously developed land where practical for infrastructure projects (section 5.13). Account also needs to be taken of land use planning policies in the development plan and the effect on land uses generally, including the impact on displaced uses.
- 4.166 The main Tilbury2 site is largely previously-developed land, being part of a site of a former power station. As set out above, a large part of the land either has no specific designation in the development plan or is identified as a 'Primary Employment.' In this respect the proposals are in large part consistent with the objective of the NPS and will contribute to sustainable development by reducing the amount of countryside and undeveloped greenfield land that needs to be used.

- 4.167 The NPS accepts that given the likely locations of port infrastructure projects, there may be particular effects on open space including green infrastructure (para. 5.13.1). Open space should be taken to mean *“all open space of public value, including not just land, but also areas of water such as rivers, canals, lakes and reservoirs which offer important opportunities for sport and recreation and can also act as a visual amenity.”*<sup>39</sup>
- 4.168 The proposals will result in the loss of undeveloped land primarily within the infrastructure corridor. A small area in the north-east corner of the main site is former agricultural land and a part of that is within the Green Belt. The Green Belt extends eastwards from the site beyond the remainder of the power station site.
- 4.169 Parts of the infrastructure corridor cross land which is undeveloped and therefore open in character. The land is primarily use for fly-grazing of horses. As this grazing is not associated with recreational riding it is likely to be considered in land use planning terms to be an ‘agricultural use’ but the land is poor quality and as referenced below is not identified as being in agricultural use on Agricultural Land Classification (ALC) maps available on the government’s MAGIC web resource.
- 4.170 None of the open land within the Order Limits is designated as ‘public open space’ in the development plan unlike specific recreational areas within the built-up area; and unlike the land to the south of the infrastructure corridor which is specifically shown as ‘additional open space’. By implication, none of the land within the Order Limits was ‘open space’ at the time the development plan was adopted despite it being of the same character as the central field (i.e. open land, used for horse grazing with no lawful or informal public access).
- 4.171 Map 3 – Location of Greengrid in the Core Strategy (attached in Appendix 3) does show the eastern field as ‘Existing Open Space’ but this appears to witness the fact that it is common land and moreover, the land is not defined as public open space on the Policies Map. However, this field (which coincides with the area of common land) is used on an informal basis for dog walking. If such an activity can be considered ‘recreational’ it has some informal recreational value. Clearly, provision for replacement common land as proposed in the DCO would offer the opportunity for allowing informal access in a similar manner and extent, and for the same purposes, as that presently enjoyed over the existing common land.
- 4.172 The area is also used for unauthorised off-road motorcycling which may be considered of recreational ‘value’ but is unwelcomed and anti-social.
- 4.173 The footpath corridor immediately to the north of Fortland site clearly has recreational value for walkers albeit it traverses a green corridor of limited width between two developed areas. The impact on users of footpaths in the area is considered in Chapter 9 (Landscape and Visual Amenity) and Chapter 13 (Landscape Transportation) of the ES [APP-031 to APP-159]. As part of the S106 agreement with Thurrock Council [PoTLL/T2/EX/215], PoTLL propose a comprehensive Active Travel Strategy that is aimed at

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<sup>39</sup> Footnote 75, page 69



compensating for the closure of this footpath and enhancing opportunities for walking and cycling in the wider area generally, secured through inclusion in the DCO scheme (through Thurrock's ability to sign off on new highways through their protective provisions) and through the proposed section 106 agreement [PoTLL/T2/EX/215] with the Council, where matters fall outside of the Order limits.

- 4.174 Based on the above analysis, it is considered that the impact on open land and recreation more generally is negligible, both in terms of conflict with actual everyday use of the land and also in relation to planning policy.
- 4.175 The proposals intrude into the Green Belt in the north-east corner of the main Tilbury2 site. The land presently within the Green Belt is former agricultural land immediately adjoining the previously developed parts of the site. The plans at Appendix 5 show that the 0.734ha of the area defined as Green Belt would be used by CMAT (amounting to inappropriate development) and a further 0.277ha of Green Belt would be used for the rail corridor which runs into the Tilbury2 site along its northern boundary before aligning south along the eastern site of the site. This rail line, in effect, defines the outer limit of the operational area of the site and could, in the future, be a new defensible boundary to the Green Belt, to be defined through the emerging Local Plan.
- 4.176 The reason for the alignment of the rail line is explained in the Masterplanning Statement (APP-034) and its associated appendices. The radii established for the rail line has been based on engineering requirements to appropriately link the corridor along the northern and eastern boundaries of the site; this has made some intrusion into the Green Belt unavoidable.
- 4.177 However, the rail line itself is not considered inappropriate development in the terms of the NPPF (2018) which stipulates at para. 146 that local transport infrastructure which can demonstrate a requirement for a Green Belt location is not inappropriate development provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within in set out in the NPPF(2018) at para. 134.
- 4.178 The proposals will not lead to unrestricted sprawl given the defining boundary formed by the rail corridor. The proposals will not lead to development being any closer to the nearest settlement to the east (East Tilbury) given the current alignment of the Green Belt boundary and will not therefore result in a risk of neighbouring settlement merging. There will be a minor intrusion into the countryside (considered further below); the intrusion into the Green Belt will have no impact on the character of any historic town, and no effect either way on urban regeneration.
- 4.179 Having defined the rail corridor, the land 'enclosed' by that alignment will be used as part of the CMAT for aggregate stockpiles. This use is inappropriate development and whilst limited within the context of the site as a whole, requires a case of very special circumstances to justify the loss of Green Belt, given both the harm in principle by inappropriate development and the harm in practice due to the adverse impact on openness. Very special circumstances are considered to exist given:-



- the need to make efficient use of the site generally;
- the need to maximise throughput and meet demand for aggregate importation in accordance with the objectives of the NPS to meet rising demand;
- the need to maximise the socio-economic benefits of the proposals as set out in the Environmental Statement [APP-031 to APP-159] and the Outline Business Case (AS-016) ), which would be restricted by a limitation on the available operational land area;
- given the alignment of the rail line, no reasonable use could be made of the land to the south west of this corridor segregated from the wider Green Belt and lying between the rail line and the current Green Belt boundary; this land would perform no Green Belt purpose. Its loss to the Green Belt therefore causes no harm in practice.

4.180 Thus the combination of the overall need for a port development of national significance combined with the engineering, operational and socio-economic considerations, as well as the limited harm to the Green Belt are such that it is considered that very special circumstances exist.

4.181 Thurrock Council agree that the combination of the overall need for a port development of national significance combined with the engineering, operational and socio-economic considerations, as well as the limited harm to the Green Belt are factors which clearly out-weigh the harm such that it is considered that very special circumstances exist for development to take place in the Green Belt [SoCG001. para. 4.2.3]. The position of Thurrock Council in the SoCG complied with the Authority's stated position in its Local Impact Report [REP1-101], approved by the Council's Planning Committee, that the factors set out in this Planning Policy Compliance Statement clearly outweigh the harm to the Green Belt.

4.182 The proposal will result in no loss of high grade agricultural land. The land within the infrastructure corridor is not defined as agricultural on the "MAGIC" web site. The aforementioned land within the Green Belt is former agricultural land but is not in agricultural use and forms no part of an agricultural land holding. There will be no adverse impact on agricultural land.

4.183 As highlighted above, the proposals have taken account of the effects of the proposals on the land use policies in the existing and emerging development plans for Thurrock and Gravesham respectively. There are no immediate proposed changes in land use within the vicinity of the site within the development plan on the north side of the river. In respect of the regeneration proposals on the south side of the river, it is not considered that the proposals will have any adverse impacts on the prospects of development proposals coming forward, given the mitigation proposals (particularly in respect of noise) highlighted above. The assessments of noise and landscape character and visual amenity have ensured that receptors on the south bank of the river Thames have been appropriately identified. With the mitigation proposed there will a negligible or minor impact on these receptors.

- 4.184 The proposals therefore accord with the policies of the NPS in this regard. They promote the re-use of previously-developed land and there will be no adverse impacts on high quality open spaces. There will be a limited and justifiable intrusion into the Green Belt, and no loss of agricultural land. The visual effects on the wider countryside have been considered in the LVIA. and the countryside. The proposals cause no displacement of existing uses.

### **Socio-Economic Impacts**

- 4.185 The NPS highlights that the construction, operation and decommissioning of port infrastructure may have socio-economic impacts at local and regional levels. Where this is the case an assessment of these impacts should be undertaken to consider all relevant socio-economic impacts, which may include the creation of jobs and training opportunities, the provision of additional local services and improvements to local infrastructure, including the provision of educational and visitor facilities; effects on tourism; the impact of a changing influx of workers during the different construction, operation and decommissioning phases. It requires that applicants describe the existing socio-economic conditions in the areas surrounding the proposed development and should also refer to how the development's socio-economic impacts correlate with local planning policies.
- 4.186 The Environmental Statement (APP-031 to APP-159 ) assesses socio economic impacts at Chapter in relation to increases in job opportunities and contributions to GVA. As well as creating some 218 construction jobs, it is expected that Tilbury2, in the operation phase could support 527 net additional jobs in the regional economy. Looking at the wider economy (termed the Tilbury2 UK plc scenario), it is expected that the operation phase could support 868 net additional jobs in the economy. The proposals will also make a significant contribution to the UK economy. Tilbury2 is expected during the construction phase contribute approximately £18.3 million in GVA to the regional economy. In the Tilbury2 UK plc scenario this is expected to increase to approximately £22.4 million in GVA to the UK economy. The socio-economic impacts are significant and positive and align with the overall NPS objective of contributing to economic growth.
- 4.187 Additional clarification as to the need for and benefits of the CMAT element of the proposals is set out in Appendix B to PoTLL's Response to First Written Questions [REP1-016]. This explains that the CMAT is an integral part of the Tilbury2 NSIP and benefits from the strong policy and need support set out in the NPS to the same depth and extent as the proposed RoRo terminal. The need and benefits of the CMAT derive from a number of inter-related matters, including
- The need to serve significant infrastructure projects and the proposed significant increase in housebuilding in London;
  - The depletion of land won reserves of minerals;
  - The depletion of operational wharves for such a facility closer to the centre of London;

- The opportunity to co-locate import and production on a site of sufficient size in a multi-modal location.
- 4.188 The socio-economic benefits of the CMAT as part of the overall Tilbury2 proposals therefore extend to wider benefits to both the population (such as supporting housebuilding) and economy through construction and infrastructure projects.
- 4.189 In seeking to maximise the socio-economic benefits of the proposals PoTLL has agreed a Skills and Employment Strategy (SES) (PoTLL/T2/EX/215) compliance with which is secured through the s106 DCO Obligation with Thurrock Council, the contents of which has also been agreed with Essex County Council and Gravesham Borough Council. It provides added detail on the opportunities to maximise local employment and contribute to the 'up skilling' of the local population.

## 5.0 MARINE POLICY STATEMENT

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- 5.1 The Marine Policy Statement should be read alongside and to some degree relies on and cross references to the Ports NPS. Much of the analysis in section 4.0 above is therefore pertinent to the compliance of the proposals with the MPS. Further comment on the compliance of the proposals with the MPS is included in Appendix 1.
- 5.2 It advises that when decision makers are advising on or determining an application for an order granting development consent in relation to ports, or when marine plan authorities are developing Marine Plans, they should take into account the contribution that the development would make to the national, regional or more local need for the infrastructure, against expected adverse effects including cumulative impacts. In considering the need for port developments in England and Wales, reference should be made to interpretations of need as set out in the Ports National Policy Statement (para. 3.4.11). As highlighted above, the Tilbury2 site sits within the 'south east' marine plan area. A marine plan has not yet been produced for this area and the timescales for this have not been finalised. Furthermore, whilst an 'issues' consultation was carried out in February – March 2017, a consultation draft of the plan has not yet been published. It is therefore only the MPS that falls to be considered here.
- 5.3 Compliance with the policy of the NPS is set out in Section 4.0 above. Particularly relevant to the marine environment is the assessment of the scheme for marine ecology receptors. As highlighted above, for these receptors, Chapter 11 of the Environmental Statement [APP-031 to APP-159] concludes that with appropriate mitigation measures in place there will be no significant adverse effects.
- 5.4 The MPS further advises that in considering an application, decision makers should undertake a detailed evaluation of the potential adverse effects of any dredging activity or deposit on the marine ecosystem and others using the sea. This should have full regard to any accompanying environmental statement or additional data that may be requested in support of the application and international obligations under the OSPAR Convention 1992 and London Protocol 1996, as well as any other available guidance. Account should also be taken of the views expressed by other consultees before a decision is taken whether to grant approval (para. 3.6.7).
- 5.5 Dredging and the disposal of dredged material are assessed for potential adverse effects in the Environmental Statement and Water Framework Directive assessment (appendix 16.B of the Environmental Statement Document Reference 6.1). Modelling has been undertaken to understand the fate of dredged material and this is presented in appendix 16.D. The dredge sediment has been chemically analysed in line with OSPAR requirements and the results of this testing are provided in appendix 11.C. The MMO, Cefas, EA and PLA have been consulted on the dredge sediment analysis results.

- 5.6 The sediments to be dredged have been tested and analysed against Cefas Action Levels. It has been shown that for the majority of the sediments, mobilisation of these sediments due to Water injection dredging (WID) will not affect water quality or habitats where the sediments will re-deposit. The only exception to this is the sediments within the Approach Channel. Due to the levels of contaminants found in this area, WID will not be viable without further testing of more samples to define the area of concern, and removal dredge techniques have also been considered which could re-suspend less sediment into the water column. Controls in this regard will be able to be developed pursuant to the Deemed Marine Licence (DML).
- 5.7 There is a maintenance dredging protocol for the Thames. This document has been used to inform the environmental assessments and it is envisaged that maintenance dredging at Tilbury2 would be added to the next iteration. Controls on maintenance dredging will be able to be developed pursuant to the DML, and on a cumulative basis by the operation of the protective provisions for the PLA.
- 5.8 The approach to the consideration of dredging therefore accords with the policy of the MPS.
- 5.9 The MPS further advise that applications to dispose of wastes must demonstrate that appropriate consideration has been given to the internationally agreed hierarchy of waste management options for sea disposal. As mentioned above, in considering dredging and disposal options the proposals has given due consideration to the waste hierarchy. The project is currently progressing several dredging options including WID, which would retain the sediment within the estuarine system. This prevents the need for disposal and is beneficial for the sediment budget. Where this technique is not appropriate, due to contamination or the physical properties of the material, re-use of the material within the proposals is being considered, with disposal at sea or on land (at licensed facilities) being used if other options are not possible.
- 5.10 The MPS indicates a commitment to completing an ecologically coherent network of Marine Protected Areas (MPAs) as part of a broad-based approach to nature conservation. The MPA network includes the designation of Marine Conservation Zones (MCZs). As part of the Tilbury2 Environmental Assessment process, an MCZ Assessment [APP-063] was prepared that considered both the designated and proposed Marine Conservation Zones around Tilbury2.
- 5.11 A consultation on the Third Tranche of MCZs commenced on 10 June 2018. Of the 41 sites identified, one, the Swanscombe recommended MCZ lies close to Tilbury2. The proposed eastern boundary of the rMCZ lies approximately 6km west of the Tilbury2 site. The MCZ assessment undertaken for the purposes of the application included the proposed Swanscombe Bay rMCZ, which for the purpose of the assessment was considered as if it was designated. Consequently, the relevant mitigation measures within the proposals have been proposed taking full account of the recommended designation of this MCZ.

- 5.12 Given the above and the further assessment provided in relation to the NPS, the scheme will accord with the guidance of the MPS.



## **6.0 CONCLUSIONS**

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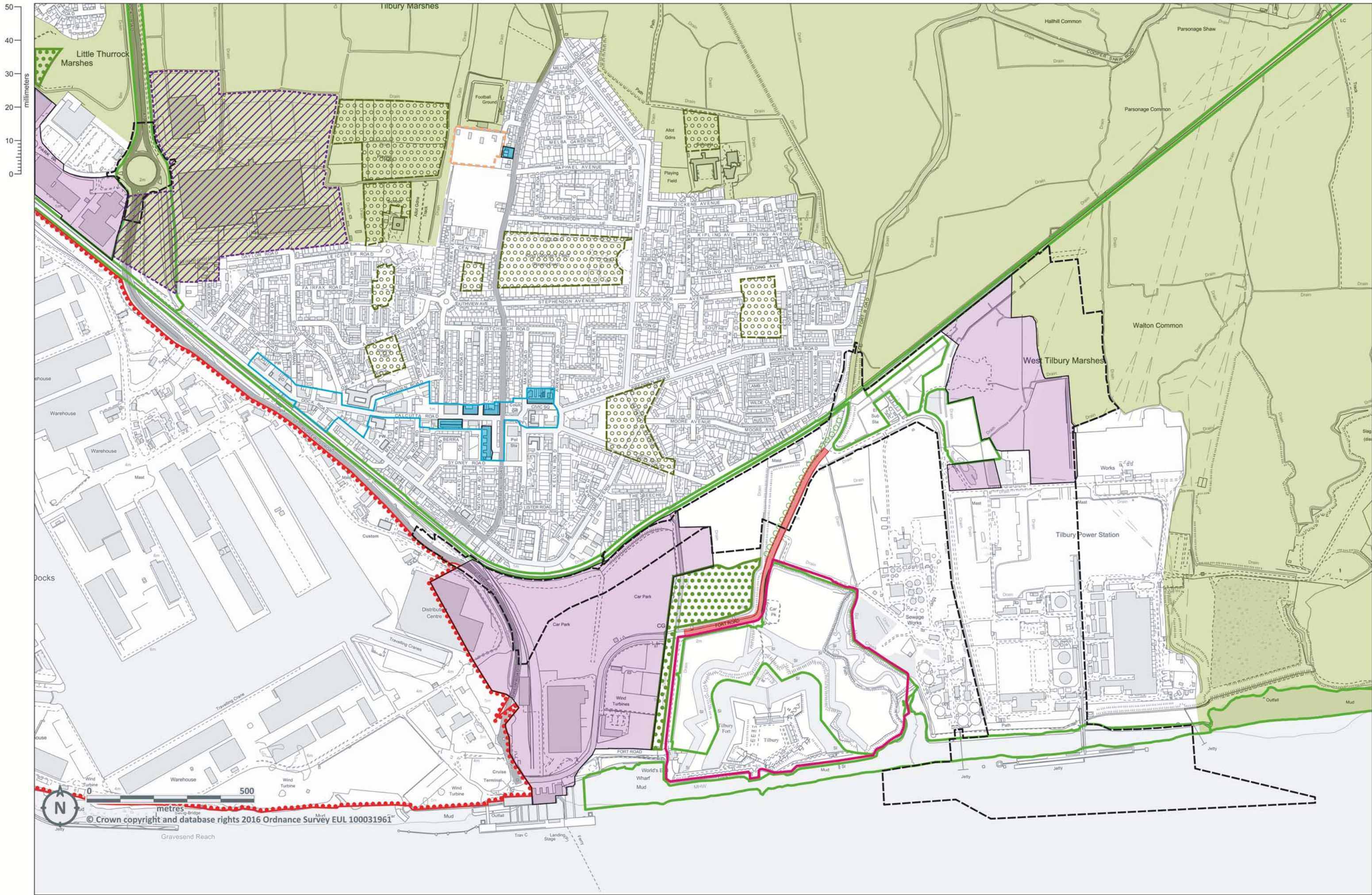
- 6.1 This Statement has reviewed the proposals against the policy requirements of the Ports NPS with the benefit of the material prepared to support the DCO application.
- 6.2 It is apparent that the proposals respond positively to the strategic themes and objectives of the NPS. The proposals have an important role to play in meeting the demand for increased throughput that is clearly set out in the NPS. The aggregate terminal will provide a sustainable multi-modal facility for the importation and processing of aggregate to meet the demands of the construction industry in close proximity to markets, particularly London.
- 6.3 The proposals benefit from being supported by policies in national, strategic and local planning policy that encourage port infrastructure and making the best use of the River Thames for transportation purposes. The need for the proposals is compelling.
- 6.4 The proposals have been carefully designed, informed by extensive public consultation, engagement with stakeholders and environmental assessment. The proposals will meet the standards of good design whilst taking account of operational and engineering requirements.
- 6.5 The proposals have been thoroughly assessed against the expectations and prescribed test of the NPS and mitigation measures have been embedded or proposed to address its impacts.
- 6.6 Accordingly, the proposals meet the requirements of Section 104 of the Planning Act 2008 and development consent should be granted, subject to the detailed terms set out in the draft DCO submitted with the application.

## APPENDIX 1

FIGURE 1A.1  
EXTRACT FROM  
THURROCK DEVELOPMENT PLAN PROPOSALS MAP

FIGURE 1A.2  
THURROCK DEVELOPMENT PLAN PROPOSALS MAP : KEY





REV	DATE	DESCRIPTION
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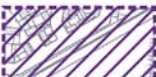


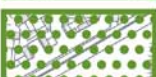
DRAWING TITLE  
Extract from Thurrock Development Plan  
Proposals Map

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DATE OCTOBER 2017	CHECKED HNA

FIG. 1A.1

 **TILBURY2**



	<b>TILBURY2 ORDER LIMITS</b>
	<b>GREEN BELT</b> POLICIES: CSSP4, PMD6
	<b>TRAVELLING SHOWPEOPLE SITES</b> POLICY: CSTP4
	<b>SHOPPING AREAS</b> POLICIES: CSSP2, CSTP7, CSTP8
	<b>SHOPPING CENTRES AND PARADES</b> POLICIES: CSSP2, CSTP7, CSTP8, SH10, SH11
	<b>PRIMARY INDUSTRIAL AND COMMERCIAL AREAS</b> POLICIES: CSSP2, CSTP6
	<b>EMPLOYMENT BROAD LOCATION - URBAN EXTENSION</b> POLICIES: CSSP2, CSSP4
	<b>SCHEDULED ANCIENT MONUMENTS</b> POLICIES: CSTP24, PMD4
	<b>GREEN CHAINS</b> POLICY: CSTP18
	<b>LOCAL NATURE RESERVES</b> POLICIES: CSSP5, CSTP18, CSTP19, PMD7
	<b>ADDITIONAL OPEN SPACE</b> POLICIES: CSSP5, CSTP20, PMD5
	<b>EXISTING OPEN SPACE</b> POLICIES: CSSP5, CSTP20, PMD5
	<b>ROAD IMPROVEMENT SCHEMES</b> POLICIES: CSTP14, CSTP15
	<b>RIVER THAMES</b> POLICY: CSTP28

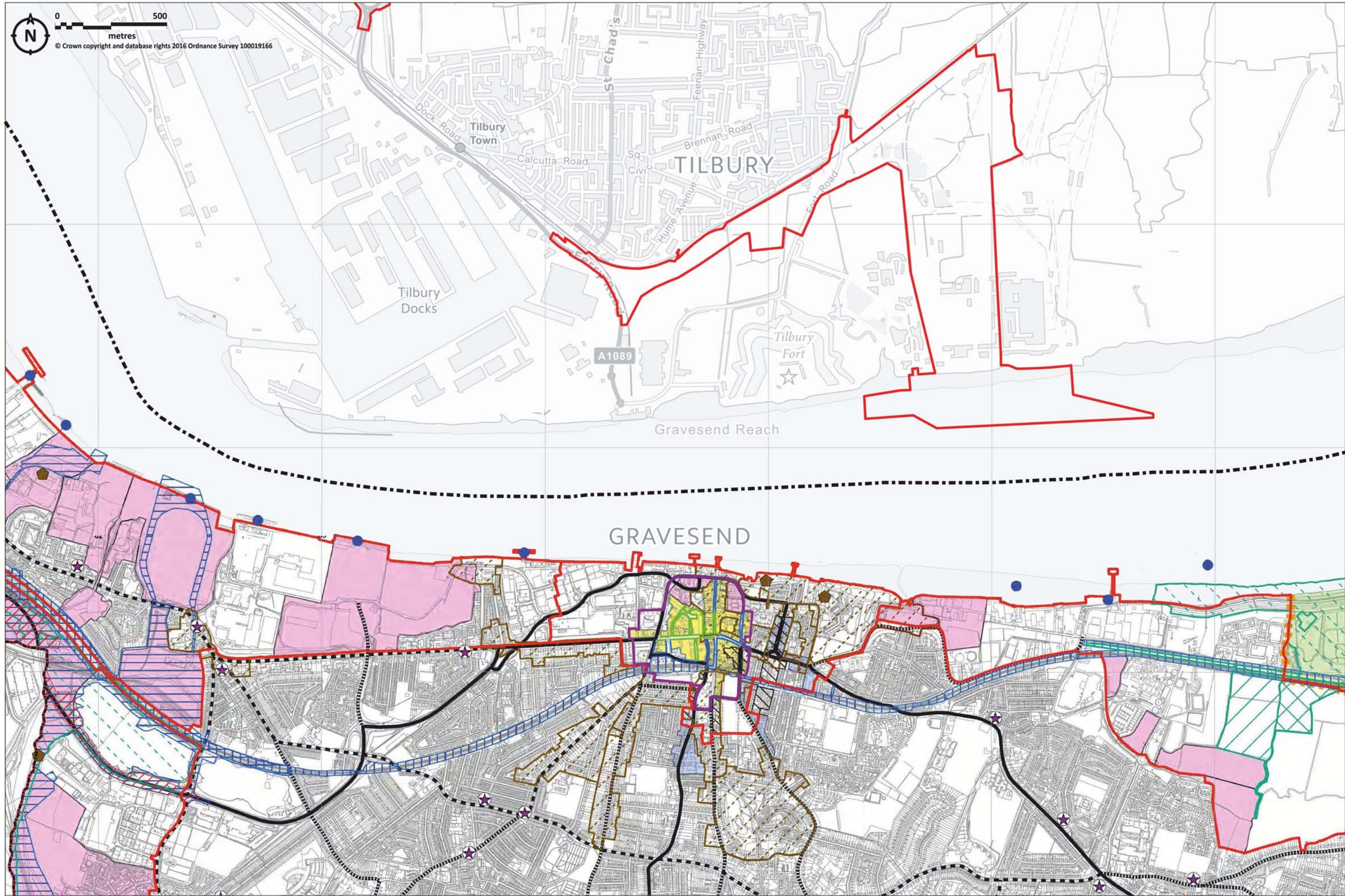
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Thurrock Development Plan Proposals Map:		
Key		
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DATE	OCTOBER 2017	CHECKED HNA
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		FIG. 1A.2

APPENDIX 2

FIGURE 1A.3  
EXTRACT FROM  
GRAVESHAM LOCAL PLAN CORE STRATEGY PROPOSALS MAP

FIGURE 1A.4  
GRAVESHAM LOCAL PLAN CORE STRATEGY PROPOSALS MAP  
: KEY





DRAWING TITLE  
Extract from Gravesham Local Plan Core  
Strategy Proposals Map

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DATE OCTOBER 2017	CHECKED HNA

FIG. 1A.3  **TILBURY2**

REV	DATE	DESCRIPTION
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	Plan Area: Borough Boundary (CS01)
	Opportunity Areas (CS03-CS06)
	Key Sites (CS03-CS06, CS21)
	Highways Network Primary Distributor (T1-T3)
	Highways Network District Distributor (T1-T3)
	Highways Network Local Distributor (T1-T5)
	Highways Safeguarding (T6)
	Crossrail Safeguarding (CS11)
	High Speed 1 Safeguarding (CS11)
	Wharves Safeguarding (CS07, CS11)
	Rural Settlements inset from Green Belt (CS02)
	Special Protection Area (CS12)
	Special Area of Conservation (CS12)
	Ramsar Site (CS12)
	Sites of Special Scientific Interest (CS12)
	Area of Outstanding Natural Beauty (CS12)
	Local Wildlife Sites (CS12)
	Urban/Rural Areas Boundary (CS02)
	Green Belt (CS02)
	Scheduled Monuments (CS20)
	Conservation Areas (CS20)
	Gravesend Town Centre Boundary (CS08)
	Primary Shopping Area (CS08)
	Primary Shopping Frontage (S3)
	Secondary Shopping Frontage (S4)
	Local Centres (CS08)
	Change of Use to Offices Acceptable (E5)
	Area Policies (AP1, AP2, AP7, AP10)

CS = Gravesham Local Plan Core Strategy Sep 2014 Policies  
T, S, E, AP = Gravesham Local Plan First Review Nov 1994 Policies

Kent Minerals Local Plan Dec 1993 Chalk & Clay (Policy CC9) - see supplementary map 1  
Kent Minerals Local Plan Dec 1993 Construction Aggregates (Policy CA6) - see supplementary map 2

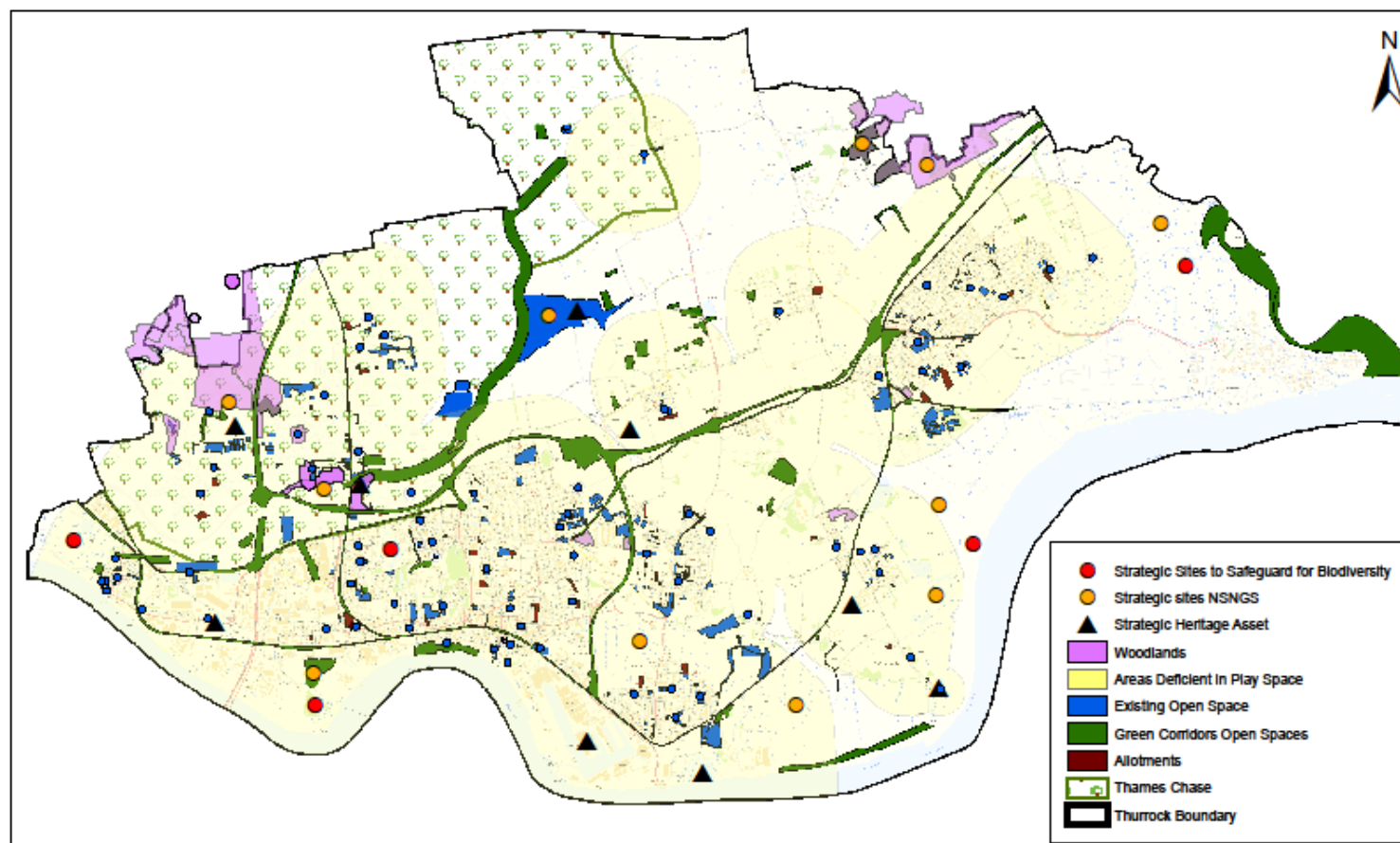
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Gravesham Local Plan Core Strategy		
Proposals Map: Key		
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DATE	OCTOBER 2017	CHECKED HNA

FIG. 1A.4

APPENDIX 3

MAP 3 FROM THURROCK CORE STRATEGY AND POLICIES FOR THE  
MANAGEMENT OF DEVELOPMENT

Map 3 from Thurrock Core Strategy and Policies for the Management of Development



## **APPENDIX 4**

### **COMPARISON OF NATIONAL PLANNING POLICY FRAMEWORK (JULY 2018) WITH SUPERSEDED NATIONAL PLANNING POLICY FRAMEWORK (MARCH 2012)**

## APPENDIX 4 :

### COMPARISON OF ADOPTED NATIONAL PLANNING POLICY FRAMEWORK (JULY 2018) WITH SUPERSEDED NATIONAL PLANNING POLICY FRAMEWORK (MARCH 2012)

Theme ExA theme reference	DCO document reference i.e. ES Chapter	SUPERSEDED NPPF March 2012 Either para ref and summary, or full text	ADOPTED NPPF July 2018 New reference	Comments Implications of change in NPPF 2018
Planning Policy	Planning Policy Compliance Statement [PoTLL/T2/EX/209, PoTLL/T2/EX/2010]	3 This Framework does not contain specific policies for nationally significant infrastructure projects for which particular considerations apply. These are determined in accordance with the decision-making framework set out in the Planning Act 2008 and relevant national policy statements for major infrastructure, as well as any other matters that are considered both important and relevant (which may include the National Planning Policy Framework). National policy statements form part of the overall framework of national planning policy, and are a material consideration in decisions on planning applications.	5 The Framework does not contain specific policies for nationally significant infrastructure projects. These are determined in accordance with the decision-making framework in the Planning Act 2008 (as amended) and relevant national policy statements for major infrastructure, as well as any other matters that are relevant (which may include the National Planning Policy Framework). National policy statements form part of the overall framework of national planning policy, and <u>may be</u> a material consideration <u>in preparing plans</u> and making decisions on planning applications.	Very little change in wording.  Paragraph 5 reaffirms the primacy of the NPS for nationally significant infrastructure projects and also now makes clear that local planning authorities need to be considering the relevance and regard that may need to be had to this national policy as a material consideration in both making decisions on planning applications and in preparing their plans.  This emphasises the importance of the NPS for Ports (NPSP) and identified urgent need, which will be relevant to Thurrock Local Plan and Gravesham Development Plan Review and would be relevant to the consideration of any port related development whether or not it is or is not an NSIP in its own right.
General / Cross Topic	Outline Business Case [APP-166, AS-016]  CMAT Clarification Statement	142 Minerals are essential to support sustainable economic growth and our quality of life. It is therefore important that there is a sufficient supply of material to provide the infrastructure,	203 It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where	Supply of minerals enhanced from 'important' to 'essential' lends significant additional weight to the case for the CMAT, the weight of the positive economic case and urgent need to bring

Theme ExA theme reference	DCO document reference i.e. ES Chapter	SUPERSEDED NPPF March 2012 Either para ref and summary, or full text	ADOPTED NPPF July 2018 New reference	Comments Implications of change in NPPF 2018
	(Appendix B Response to ExA's First Written Questions) [REP1-016]	buildings, energy and goods that the country needs.	they are found, best use needs to be made of them to secure their long-term conservation.	forward the operational port scheme as proposed.
General / Cross Topic	ES Chapter 7 (Socio Economics) [APP-031]  The Need for 24/7 Working at Tilbury2 (Appendix 2 of the Response to Relevant Representations) [AS-049]	7 There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles: <ul style="list-style-type: none"> <li>● <b>an economic role</b> – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;</li> <li>● <b>a social role</b> – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and</li> <li>● <b>an environmental role</b> – contributing to protecting and enhancing our</li> </ul>	8 Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across the different objectives): a) <b>an economic objective</b> – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation <u>and improved productivity</u> ; and by identifying and coordinating the provision of infrastructure; b) <b>a social objective</b> – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and c) <b>an environmental objective</b> – to contribute to protecting and enhancing our natural, built and historic environment;	Small word changes. Specifically to note:  Economic objective – new emphasis on 'improved productivity'. This is relevant to the Proposals in respect of the need to maximise the productivity of the site and its operation, including allowing for 24/7 operation.  Environmental objective – new emphasis on 'making effective use of land'. This supports the approach of PoTLL in ensuring the efficient layout and operation of the Tilbury2 site as largely brownfield land.



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		natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.	<u>including making effective use of land</u> , helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change, including moving to a low carbon economy.	
General / Cross Topic	ES Chapter 7 (Socio Economics) [APP-031]  Planning Policy Compliance Statement [PoTLL/T2/EX/209, PoTLL/T2/EX/2010]  Thurrock Council - Local Impact Report [REP1-101]	18 These roles should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions.	9 These objectives should be delivered through the preparation and implementation of plans and the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.	Emphasis on need to achieve three objectives reduced slightly.  Instead paragraph 9 introduces greater emphasis on local circumstances – character, needs and opportunities of each area.  This is considered to lend additional weight to the local opportunity to support the future success of the Port given its importance to the character, needs and opportunities of the area as a whole.  Thurrock Local Impact Report (LIR) [REP1-101] considered the impacts of the proposals against the local character and needs and opportunities of the area. It concludes that the Port development will result in clear benefits to the economy of Thurrock and the wider region, resulting in positive socio-economic factors weighing in favour of the proposals.

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Socio-Economic Effects	ES Chapter 7 (Socio Economics) [APP-031]  Planning Policy Compliance Statement [PoTLL/T2/EX/209, PoTLL/T2/EX/2010]	19 The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.	80 Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth <u>and productivity</u> , taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation <sup>31</sup> , and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.  <sup>31</sup> HM Government (2017) <i>Industrial Strategy: Building a Britain fit for the future</i>	The economic chapter has moved within the document.  Paragraph 80 is a strengthened version of paragraph 19.  Paragraph 80 represents a positive change for the PoTLL and in particular the Tilbury2 scheme, with greater focus on economic growth and productivity. It lends additional weight to the strength of the economic case for development.
Socio-Economic Effects	ES Chapter 7 (Socio Economics) [APP-031]	21 Investment in business should not be over-burdened by the combined requirements of planning policy expectations. Planning policies should recognise and seek to address potential barriers to investment, including a poor environment or any lack of infrastructure, services or housing. In drawing up Local Plans, local planning authorities should: ● set out a clear economic vision and strategy for their area which positively	81 Planning policies should: a) set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to Local Industrial Strategies and other local policies for economic development and regeneration; b) set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period;	Wording largely the same, ordered slightly differently.  The main relevant points remain the same in terms of economic vision, importance of strategic sites to meet anticipated need and address the specific locational requirements of different sectors in support of the Tilbury2 scheme.

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		<p>and proactively encourages sustainable economic growth; set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period;</p> <ul style="list-style-type: none"> <li>• support existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area. Policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances;</li> <li>• plan positively for the location, promotion and expansion of clusters or networks of knowledge driven, creative or high technology industries;</li> <li>• identify priority areas for economic regeneration, infrastructure provision and environmental enhancement; and</li> <li>• facilitate flexible working practices such as the integration of residential and commercial uses within the same unit.</li> </ul>	<p>c) seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment; and</p> <p>d) be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances.</p> <p>82 Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations.</p>	<p>New paragraph 82 places greater emphasis on not only policies but decisions recognising the specific locational needs of different sectors of industry.</p>
Traffic and Transport	<p>ES Chapter 13 [APP-031]</p> <p>Planning Policy Compliance Statement</p>	<p>31 Local authorities should work with neighbouring authorities and transport providers to develop strategies for the provision of viable infrastructure</p>	<p>104 Planning policies should: a) support an appropriate mix of uses across an area, and within larger scale sites, to minimise the number and length of journeys</p>	<p>Criterion c) is a new reference identifying and protecting sites and routes for developing transport infrastructure where there is robust evidence. Although this is aimed predominantly at</p>

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	[PoTLL/T2/EX/209, PoTLL/T2/EX/2010]	necessary to support sustainable development, including large scale facilities such as rail freight interchanges, roadside facilities for motorists or transport investment necessary to support strategies for the growth of ports, airports or other major generators of travel demand in their areas. The primary function of roadside facilities for motorists should be to support the safety and welfare of the road user.	needed for employment, shopping, leisure, education and other activities; b) be prepared with the active involvement of local highways authorities, other transport infrastructure providers and operators and neighbouring councils, so that strategies and investments for supporting sustainable transport and development patterns are aligned; c) identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development; d) provide for high quality walking and cycling networks and supporting facilities such as cycle parking – drawing on Local Cycling and Walking Infrastructure Plans; e) provide for any large scale facilities, and the infrastructure to support their operation and growth, taking into account any relevant national policy statements and whether such development is likely to be a nationally significant infrastructure project. (Footnote examples of such projects include ports), f) recognise the importance of maintaining a national network of general aviation facilities – taking into account their economic value in serving business, leisure, training and emergency service needs, and the Government’s General Aviation Strategy <sup>34</sup> .	forward planning, it is relevant to the Tilbury2 proposals as there is robust evidence to support and protect the delivery of the multi-modal benefits of the scheme, which seek to provide choice in freight movement and the creation of a sustainable distribution interchange.  Criterion e) is a new specific reference to NPSs, the need to take them into account when planning for relevant infrastructure, and whether development would constitute a NSIP. This reinforces the importance of the NPS for Ports in all decision making. As already set out in the commentary referencing the changes to the NPPF from paragraph 3 to 5.  Reference to ports etc remains as previously reported.



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Engineering and Design	ES Chapter 9 LVIA [APP-031]	<p>57 It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.</p>	<p>124 The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement be-tween applicants, communities, local planning authorities and other interests throughout the process.</p> <p>125 Plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable. Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics. Neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development.</p>	<p>More emphasis on plan making and effective engagement to address issues of design, and a new reference to Neighbourhood Plans.</p> <p>Whilst the main substance of these paragraphs remains the same, there is greater emphasis on community involvement in preparing design policies, as well as Neighbourhood Plans (covered in paragraph 69 of the adopted plan). The Tilbury2 proposals have been developed following extensive consultation with the local community, including the proposals to increase accessibility to the riverfront as part of the Active Travel Plan.</p> <p>NNPF2018 makes reference to having clear design expectations, and how these will be tested, as well as effective engagement. It can be demonstrated that the Tilbury2 development proposals reflect the process of achieving good design and that appropriate requirements in relation to finalising elements such as building colour have been agreed through SoCGs with the local authorities and statutory heritage bodies.</p>



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General / Cross Topic	ES Chapter 7 (Socio Economics) [APP-031]  Active Travel Plan (Appendix 2 of the S106) [PoTLL/T2/EX/215]	69 The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Local planning authorities should create a shared vision with communities of the residential environment and facilities they wish to see. To support this, local planning authorities should aim to involve all sections of the community in the development of Local Plans and in planning decisions, and should facilitate neighbourhood planning. Planning policies and decisions, in turn, should aim to achieve places which promote: <ul style="list-style-type: none"> <li>• opportunities for meetings between members of the community who might not otherwise come into contact with each other, including through mixed-use developments, strong neighbourhood centres and active street frontages which bring together those who work, live and play in the vicinity;</li> <li>• safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and</li> <li>• safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.</li> </ul>	91 Planning policies and decisions should aim to achieve healthy, inclusive and safe places which: <ul style="list-style-type: none"> <li>a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;</li> <li>b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas; and</li> <li>c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.</li> </ul>	The community involvement element of paragraph 69 is addressed in new paragraph 124 (see above).  Criterion c) – new statement to encourage healthy lifestyles through the planning system - the location of facilities that encourage physical activity and layout of developments that encourage walking and cycling.  These changes are relevant to the transport and health implications of the port development and support the proposals within the application to increase accessibility to the green space south of the infrastructure corridor, the riverfront and Tilbury Fort for cyclists and pedestrians, as contained within the Active Travel Plan which is secured through the section 106.

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Water Quality, Flood Risk and Water Framework Directive	<p>ES Chapter 16 (Water Resources &amp; Flood Risk) [APP-031]</p> <p>Flood Risk Assessment Level 2 [APP-086]</p> <p>Flood Risk Assessment Level 3 [APP-87]</p> <p>Flood Risk Assessment Addendum [REP1-014]</p> <p>Thurrock Council SoCG [SOCG001]</p> <p>Environment Agency SoCG [SOCG004]</p>	<p>100</p> <p>Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.<sup>19</sup> Local Plans should be supported by Strategic Flood Risk Assessment and develop policies to manage flood risk from all sources, taking account of advice from the Environment Agency and other relevant flood risk management bodies, such as lead local flood authorities and internal drainage boards. Local Plans should apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking account of the impacts of climate change, by:</p> <ul style="list-style-type: none"> <li>• applying the Sequential Test;</li> <li>• if necessary, applying the Exception Test;</li> <li>• safeguarding land from development that is required for current and future flood management;</li> <li>• using opportunities offered by new development to reduce the causes and impacts of flooding; and</li> <li>• where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to</li> </ul>	<p>155</p> <p>Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.</p> <p>156</p> <p>Strategic policies should be informed by a strategic flood risk assessment, and should manage flood risk from all sources. They should consider cumulative impacts in, or affecting, local areas susceptible to flooding, and take account of advice from the Environment Agency and other relevant flood risk management authorities, such as lead local flood authorities and internal drainage boards.</p> <p>157</p> <p>All plans should apply a sequential, risk-based approach to the location of development – taking into account the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by:</p> <p>a) applying the sequential test and then, if necessary, the exception test as set out below;</p>	<p>Wording largely the same. Re-emphasises the need to account for climate change.</p> <p>This has been taken fully into account in the FRA, including the addendum submitted at Deadline 1 [REP1-014]. This is also the subject of agreement as set out in the SoCGs with Thurrock Council (as the Local Lead Flood Authority) [SOCG001] and the Environment Agency [SOCG004].</p>

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		<p>facilitate the relocation of development, including housing, to more sustainable locations.</p> <p><small>Footnote 19 Technical guidance on flood risk published alongside this Framework sets out how this policy should be implemented.</small></p>	<p>b) safeguarding land from development that is required, or likely to be required for current or future flood management; c) using opportunities offered by new development to reduce the causes and impacts of flooding; and d) where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to relocate development, including housing, to more sustainable locations.</p>	
Water Quality, Flood Risk and Water Framework Directive	ES Chapter 16 (Water Resources & Flood Risk) [APP-031]	<p>101</p> <p>The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding.</p>	<p>157</p> <p>The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.</p>	No change between NPPF2012 and 2018.
Water Quality, Flood Risk and Water Framework Directive	ES Chapter 16 (Water Resources & Flood Risk) [APP-031]	<p>102</p> <p>If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability</p>	<p>159</p> <p>If it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may be applied. The new for the exception</p>	<p>Paragraph's 158 &amp; 159 almost identical to paragraph 102.</p> <p>No material change to the policy context in this respect.</p>

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	<p>Flood Risk Assessment Level 2 [APP-086]</p> <p>Flood Risk Assessment Level 3 [APP-87]</p> <p>Flood Risk Assessment Addendum [REP1-014]</p>	<p>of flooding, the Exception Test can be applied if appropriate. For the Exception Test to be passed:</p> <ul style="list-style-type: none"> <li>• it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and</li> <li>• a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. Both elements of the test will have to be passed for development to be allocated or permitted.</li> </ul>	<p>test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in the national planning guidance.</p> <p>160 The application of the exception test should be informed by a strategic or site specific flood risk assessment, depending on whether it is being applied during the plan production or at the application stage. For the exception test to be passed it must be demonstrated that:</p> <p>a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and</p> <p>b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.</p> <p>161 Both elements of the exception test should be satisfied for development to be allocated or permitted.</p> <p>162 Where planning applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the sequential test again. However, the exception test may need to be</p>	<p>NPPF 2018: new reference to the Vulnerability Classifications – in practice is no different as this reference is already part of the process within National Planning Guidance. The classification process has already been taken fully into account as part of the assessment process for this scheme.</p> <p>Port development is classified as a water-compatible development, therefore the exceptions test does not apply.</p> <p>Paragraph 160 is new – negates the need to re-run sequential test when a site has been allocated through a Local Plan, although still requires those promoting a</p>

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			reapplied if relevant aspects of the proposal had not been considered when the test was applied at the plan-making stage, or if more recent information about existing or potential flood risk should be taken into account.	specific development proposal to demonstrate the Exceptions Test.  This is not relevant to the Tilbury2 application as the development has not been promoted through the Local Plan process and is classified as water compatible development, as already noted.
Water Quality, Flood Risk and Water Framework Directive	ES Chapter 16 (Water Resources & Flood Risk) [APP-031]	103 When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment <sup>20</sup> following the Sequential Test, and if required the Exception Test, it can be demonstrated that: <ul style="list-style-type: none"> <li>• within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and</li> <li>• development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.</li> </ul>	163 When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment <sup>50</sup> . Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that: <ul style="list-style-type: none"> <li>a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;</li> <li>b) the development is appropriately flood resistant and resilient;</li> <li>c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;</li> <li>d) any residual risk can be safely managed; and</li> </ul>	No material change to the wording.

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			<p>e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.</p> <p>Footnote 50 A site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3. In Flood Zone 1, an assessment should accompany all proposals involving: sites of 1 hectare or more; land which has been identified by the Environment Agency as having critical drainage problems; land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use.</p>	
Biodiversity, Ecology & Natural Environment	<p>ES Chapter 9 LVIA ES Chapter 10 Terrestrial Ecology [APP-031]</p> <p>LEMP [REP6-030, REP6-041]</p> <p>EMCP [PoTLL/T2/EX/211 PoTLL/T2/EX/212]</p>	<p>109 The planning system should contribute to and enhance the natural and local environment by:</p> <ul style="list-style-type: none"> <li>• protecting and enhancing valued landscapes, geological conservation interests and soils;</li> <li>• recognising the wider benefits of ecosystem services;</li> <li>• minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;</li> <li>• preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by</li> </ul>	<p>170 Planning policies and decisions should contribute to and enhance the natural and local environment by:</p> <p>a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (<u>in a manner commensurate with their statutory status</u> or identified quality in the development plan);</p> <p>b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;</p> <p>c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;</p> <p>d) minimising impacts and <u>providing net gains for biodiversity</u>, including by establishing coherent ecological networks</p>	<p>Paragraph 168 combines existing paragraph's 109 and 113 – wording largely the same.</p> <p>Criterion a) wording: protection 'commensurate with their statutory status' – taken from existing paragraph 113 (see below) Criterion b) taken from existing paragraph 117.</p> <p>Criterion d) reference to 'providing net gains for biodiversity' taken from existing paragraph 113 (see below).</p> <p>It is not considered that these changes make any material difference to the assessment of the effects of the proposals on biodiversity. Full provision is made in relation to securing and</p>



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		unacceptable levels of soil, air, water or noise pollution or land instability; and <ul style="list-style-type: none"> <li>remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.</li> </ul>	that are more resilient to current and future pressures; e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air quality; and f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.	investing in the management, monitoring and maintenance of biodiversity through the LEMP [REP6-030 and REP6-041] and EMCP [PoTLL/T2/EX/211 and 212].
Biodiversity, Ecology & Natural Environment	ES Chapter 10 Terrestrial Ecology [APP-031]	113 Local planning authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.	Addressed by new paragraph 170 (see above).	
Biodiversity, Ecology & Natural Environment	ES Chapter 10 Terrestrial Ecology [APP-031] EMCP	114 Local planning authorities should: <ul style="list-style-type: none"> <li>set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and</li> </ul>	171 Plans should: distinguish between the hierarchy of international, national and locally designated sites; <u>allocate land with the least environmental or amenity value,</u>	Introduction of new 'sequential approach' to allocating land for development in the context of environmental and amenity value.

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	[PoTLL/T2/EX/211 PoTLL/T2/EX/212]	management of networks of biodiversity and green infrastructure; and <ul style="list-style-type: none"> <li>● maintain the character of the undeveloped coast, protecting and enhancing its distinctive landscapes, particularly in areas defined as Heritage Coast, and improve public access to and enjoyment of the coast.</li> </ul>	where consistent with other policies in this Framework <sup>53</sup> ; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the <u>enhancement</u> of natural capital at a catchment or landscape scale across local authority boundaries.  173 Within areas defined as Heritage Coast (and that do not already fall within one of the designated areas mentioned in paragraph 172), planning policies and decisions should be consistent with the special character of the area and the importance of its conservation. Major development within a Heritage Coast is unlikely to be appropriate, unless it is compatible with its special character.  <small>Footnote 53 Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.</small>	This is primarily directed at plan making rather than the determination of planning applications but in any event reflects the accepted approach to avoidance where possible, mitigation and compensation, an approach that has been adopted in the Tilbury2 proposals.  Re-emphasis of planning for natural capital across authority boundaries (previously within paragraph 117) – This may be of relevance to the EMCP [REP6-011] when considering the spatial relationship of the Tilbury2 site with the proposed areas of ecological mitigation. The principle of integration and adding to the existing environment and biodiversity is one of the design principles secured and delivered through the Mucking ecological site proposals (as detailed at Chapter 9 of the EMCP [REP6-11], which describes the off-site compensation proposals).
Biodiversity, Ecology & Natural Environment	ES Chapter 10 Terrestrial Ecology [APP-031]	117 To minimise impacts on biodiversity and geodiversity, planning policies should: <ul style="list-style-type: none"> <li>● plan for biodiversity at a landscape-scale across local authority boundaries;</li> <li>● identify and map components of the local ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and</li> </ul>	174 To protect and enhance biodiversity and geodiversity, plans should:  a) identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity <sup>56</sup> ; wildlife corridors and stepping	This change is aimed at plan making rather than decisions on applications and does not supplant the NPS tests for an NSIP project in relation to Ecology.  That said, the wording in the first sentence is strengthened from 'minimise impacts' to 'protect and enhance biodiversity'. Whilst this apparently

Theme ExA theme reference	DCO document reference i.e. ES Chapter	SUPERSEDED NPPF March 2012 Either para ref and summary, or full text	ADOPTED NPPF July 2018 New reference	Comments Implications of change in NPPF 2018
		<p>stepping stones that connect them and areas identified by local partnerships for habitat restoration or creation;</p> <ul style="list-style-type: none"> <li>● promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan;</li> <li>● aim to prevent harm to geological conservation interests; and</li> <li>● where Nature Improvement Areas are identified in Local Plans, consider specifying the types of development that may be appropriate in these Areas.</li> </ul>	<p>stones that connect them; and areas identified by national and local partnerships for habitat, management, enhancement, restoration or creation<sup>5</sup>; and b) promote the conservation, restoration and re-creation, enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.</p> <p><small>Footnote 47 Circular 06/2005 provides further guidance in respect of statutory obligations for biodiversity and geological conservation and their impact within the planning system. Footnote 48 Where Nature Improvement Areas are identified in plans, it may be appropriate to specify the types of development that may be suitable within them.</small></p>	<p>increases the weight accorded to protection and enhancement of ecological assets, it is considered that the approach to design of the proposals and the assessment in the Environmental Statement are in any event consistent with this guidance in the context of the urgent need for port infrastructure and best use of land, which is also promoted within the NPPF.</p> <p>‘conservation’ added at criterion b).</p> <p>Last two bullets of Paragraph 117 referred to in footnotes 47 and 48 of paragraph 172.</p> <p>In all other aspects, wording is not materially different.</p>
Biodiversity, Ecology & Natural Environment	ES Chapter 10 Terrestrial Ecology [APP-031]	<p>118</p> <p>When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:</p> <ul style="list-style-type: none"> <li>● if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;</li> <li>● proposed development on land within or outside a Site of Special Scientific</li> </ul>	<p>175</p> <p>When determining planning applications, local planning authorities should apply the following principles:</p> <p>a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;</p> <p>b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally</p>	<p>Re-emphasises that where a development results in an adverse effect on a SSSI, this will only be permitted where the benefits of the development clearly outweigh any impacts of the SSSI and the national network of SSIs. However, Tilbury2 does not incorporate any land designated as a SSSI. Also there is identified urgent need for port development with the weight of national policy set out in the Ports National Policy Statement that Tilbury2 delivers against to clearly weigh against any ecological and habitats tests.</p>

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		<p>Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;</p> <ul style="list-style-type: none"> <li>• development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;</li> <li>• opportunities to incorporate biodiversity in and around developments should be encouraged;</li> <li>• planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss; and</li> <li>• the following wildlife sites should be given the same protection as European sites: – potential Special Protection</li> </ul>	<p>be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;</p> <p>c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons<sup>58</sup> <u>and a suitable compensation strategy exists; and</u></p> <p>d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.</p> <p>176 The following should be given the same protection as habitats sites:</p> <p>a) potential Special Protection Areas and possible Special Areas of Conservation;</p> <p>b) listed or proposed Ramsar sites<sup>59</sup>; and</p> <p>c) sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.</p> <p>Footnote 58</p>	<p>Criterion c) emphasises the need for a suitable mitigation strategy (along with exception reasons) to permit loss / damage to an irreplaceable habitat. Again, it is considered that the approach to assessment, mitigation and compensation within the Tilbury2 proposals are consistent with this advice.</p> <p>Criterion d) of paragraph 173 is an embellished version of bullet 3 of paragraph 118, which encourages biodiversity improvements and measurable net gains. This is something that is delivered through the Tilbury2 scheme proposals.</p>

Theme ExA theme reference	DCO document reference i.e. ES Chapter	SUPERSEDED NPPF March 2012 Either para ref and summary, or full text	ADOPTED NPPF July 2018 New reference	Comments Implications of change in NPPF 2018
		Areas and possible Special Areas of Conservation; – listed or proposed Ramsar sites; and – sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.	For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.  Footnote 59 Potential Special Protection Areas, possible Special Areas of Conservation and proposed Ramsar sites are sites on which Government has initiated public consultation on the scientific case for designation as a Special Protection Area, candidate Special Area of Conservation or Ramsar site.	
Water Quality, Flood Risk and Water Framework Directive	ES Chapter 15 (Hydrology & Ground Conditions) [APP-031]	120 To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.	177 Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.  178 Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health and living conditions, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and quality of life <sup>51</sup> ; b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and	Paragraph 177 and the first half of Paragraph 178 reflect the wording of original Paragraph 120.  The second part of Paragraph 178 specifically relates to impacts relating to noise, and reflects bullets 1, 2 and 3 of original Paragraph 123. (See comments relating to noise against original Paragraph 123 below)

Theme ExA theme reference	DCO document reference i.e. ES Chapter	SUPERSEDED NPPF March 2012 Either para ref and summary, or full text	ADOPTED NPPF July 2018 New reference	Comments Implications of change in NPPF 2018
			<p>c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.</p> <p>Footnote 51 See Explanatory Note to the Noise Policy Statement for England.</p>	
Contaminated Land and Waste	ES Chapter 15 (Hydrology & Ground Conditions) [APP-031]	<p>121 Planning policies and decisions should also ensure that:</p> <ul style="list-style-type: none"> <li>the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;</li> <li>after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and</li> <li>adequate site investigation information, prepared by a competent person, is presented.</li> </ul>	<p>176 Planning policies and decisions should ensure that:</p> <p>a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);</p> <p>b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and</p> <p>c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.</p>	<p>Paragraph 176 is very similar to the criteria set out in former paragraph 121 and does not alter the approach to assessment in the Tilbury2 Environmental Statement, which fully addresses and provides the assurance on the relevant identified criteria.</p>
Noise & Vibration	<p>ES Chapter 17 Noise &amp; Vibration [APP-031]</p> <p>Noise Resume Paper [PoTLL/T2/EX/224 ]</p>	<p>123 Planning policies and decisions should aim to:</p> <ul style="list-style-type: none"> <li>avoid noise from giving rise to significant adverse impacts<sup>27</sup> on health and quality of life as a result of new development;</li> </ul>	<p>178 Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health and living conditions, as well as the potential sensitivity of the site or the wider area to impacts that could arise</p>	<p>The second part of paragraph 178 reflects bullets 1, 2 and 3 of paragraph 123.</p> <p>The third bullet of paragraph 123 is addressed in new paragraph 180.</p>



Theme ExA theme reference	DCO document reference i.e. ES Chapter	SUPERSEDED NPPF March 2012 Either para ref and summary, or full text	ADOPTED NPPF July 2018 New reference	Comments Implications of change in NPPF 2018
		<ul style="list-style-type: none"> <li>mitigate and reduce to a minimum other adverse impacts<sup>27</sup> on health and quality of life arising from noise from new development, including through the use of conditions;</li> <li>recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established;<sup>28</sup> and</li> <li>identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.</li> </ul> <p>Footnote 27 See Explanatory Note to the Noise Policy Statement for England (Department for the Environment, Food and Rural Affairs).</p> <p>Footnote 28 Subject to the provisions of the Environmental Protection Act 1990 and other relevant law.</p>	<p>from the development. In doing so they should:</p> <p>a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and quality of life<sup>51</sup>;</p> <p>b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and</p> <p>c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.</p> <p>180 Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (including places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established<sup>52</sup>. Where an existing business or community facility has effects that could be deemed a statutory nuisance in the light of new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) should be required to secure suitable mitigation before the development has been completed.</p>	<p>It is considered that there is no substantive change in policy in respect of noise and vibration. The application has been thoroughly assessed and tested in relation to the NPS tests for noise and vibration. Necessary design, re-assessment, monitoring, control and management proposed by the Applicant is on a precautionary basis and fit for purpose when assessed against paragraph 206 of the National Planning Policy Framework which continues to state:</p> <p>“Planning conditions should only be imposed where they are:</p> <ol style="list-style-type: none"> <li>necessary;</li> <li>relevant to planning and;</li> <li>to the development to be permitted;</li> <li>enforceable;</li> <li>precise and;</li> <li>reasonable in all other respects.”</li> </ol> <p>Paragraph 180 continues to acknowledge the importance of the normal activities of existing businesses not being constrained due to changes in use of surrounding land.</p> <p>It introduces the concept of ‘agent of change’</p>

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			Subject to the provisions of the Environmental Protection Act 1990 and other relevant law.	PoTLL do not consider that any receptors (after mitigation) would be affected such that the Tilbury2 proposals cannot successfully be integrated with existing businesses and community facilities even when considered and assessed on a precautionary basis. This position is supported by Thurrock Council [SOCG001].
Cross Topic	ES Chapter 10 Terrestrial Ecology [APP-031]	125 By encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.	See Criterion c) at paragraph 178 above.	No material change.
Historic Environment	ES Chapter 12 (Heritage Assets) [APP-031]	128 In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which	185 In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with	Almost identical wording – no material change.

Theme ExA theme reference	DCO document reference i.e. ES Chapter	SUPERSEDED NPPF March 2012 Either para ref and summary, or full text	ADOPTED NPPF July 2018 New reference	Comments Implications of change in NPPF 2018
		development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.	archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.	
Historic Environment	ES Chapter 12 (Heritage Assets) [APP-031]	<p>132 When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.</p>	<p>189 When considering the impact of a proposed development on the significance of a designated heritage asset, <u>great weight should be given to the asset's conservation, irrespective of the degree of potential harm</u> to its significance. The more important the asset, the greater the weight should be.</p> <p>190 Any harm or loss to a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of: a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional; b) scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional<sup>55</sup>.</p> <p><small>Footnote 55 Non-designated heritage assets of archaeological interest, that are demonstrably of equivalent</small></p>	<p>Wording almost identical. Broken down into two paragraphs.</p> <p>New emphasis introduced specifying that great weight should be given to the asset's conservation 'irrespective of the degree of potential harm to its significance'.</p> <p>The Tilbury2 proposals already attach great weight to the conservation of Tilbury Fort and other heritage assets in the locality.</p> <p>There is no physical loss of a designated heritage asset. The assessment of harm relates to setting and has been assessed in accordance with the Ports NPS and with full regard to the Infrastructure Planning (Decisions) Regulations 2010/305, regulation 3(1).</p> <p>Harm or loss qualified by way of three different means but in substance, the approach of the existing NPPF has not changed.</p>

Theme	DCO document reference	SUPERSEDED NPPF March 2012	ADOPTED NPPF July 2018	Comments
ExA theme reference	i.e. ES Chapter	Either para ref and summary, or full text	New reference	Implications of change in NPPF 2018
			significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.	

**APPENDIX 5 PLAN SHOWING THE AREA OF LAND DESIGNATED AS GREEN BELT  
THAT WOULD BE AFFECTED BY THE PROPOSALS**



Millimetres

0

10

100

DO NOT SCALE

NOTES:

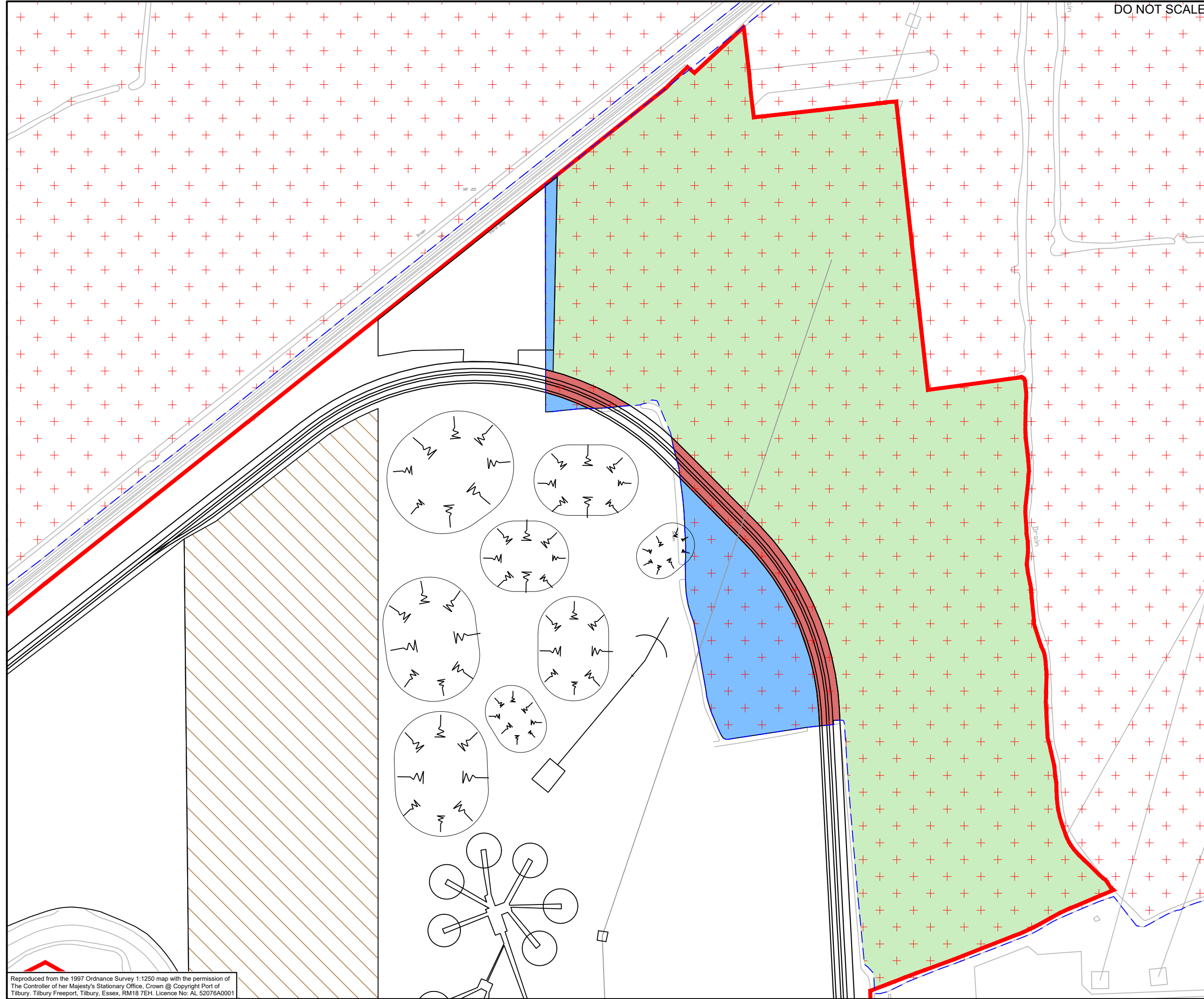
1. THIS PLAN SHOULD BE READ ALONGSIDE OTHER PLANS AND DOCUMENTS IN THE DEVELOPMENT CONSENT ORDER APPLICATION.
2. DESIGN AND LOCATION OF EACH ELEMENT OF THE SCHEME SHOWN HERE FOR ILLUSTRATIVE PURPOSES ONLY.

KEY:

- ORDER LIMITS
- EXISTING GREEN BELT
- RAIL CHORD AND ACCESS ROUTE IN GREEN BELT 2,774m<sup>2</sup>
- PROPOSED CMAT AREA WITHIN GREEN BELT 7,328m<sup>2</sup>
- GREEN BELT LAND OUTSIDE RAIL CHORD AND ACCESS ROUTE 77,441m<sup>2</sup>

DRAFT FOR DISCUSSION

Rev.	Date	Description	By	Chk'd	App'd
Drawing Status					Suitability
WORK IN PROGRESS					SO
ATKINS		Western House (Block C) Peterborough Business Park Lynch Wood Peterborough PE2 6FZ Tel: +44 (0)1733 366900 Fax: +44 (0)1733 366999 www.atkinsglobal.com			
Copyright © Atkins Limited (2018)		Client			
		PORT OF TILBURY LONDON			
		Project Title			
		TILBURY2			
		Drawing Title			
		GREEN BELT PLAN			
Scale	Designed	Drawn	Checked	Authorised	
1:2000	JS	JS	SR	SR	
Original Size	Date	Date	Date	Date	
A3	27/06/18	27/06/18	03/07/18	03/07/18	
Drawing Number		Revision			
5153187-ATK-XX-SK-ZZ-1130		P01			



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USER: SCOT3646 Date: 03/07/18 14:45:46 Filename: P:\GREENBELT\Proposed\Tilbury2\PTL1\_RdR\Tilbury2\Design\Tilbury2\WIP\WIP\_5153187-ATK-XX-SK-ZZ-1130.dwg

**APPENDIX 6 SCHEDULE OF COMPLIANCE WITH THE NATIONAL POLICY  
STATEMENT AND MARINE POLICY STATEMENT**



PORT OF  
TILBURY  
LONDON

PLANNING ACT 2008

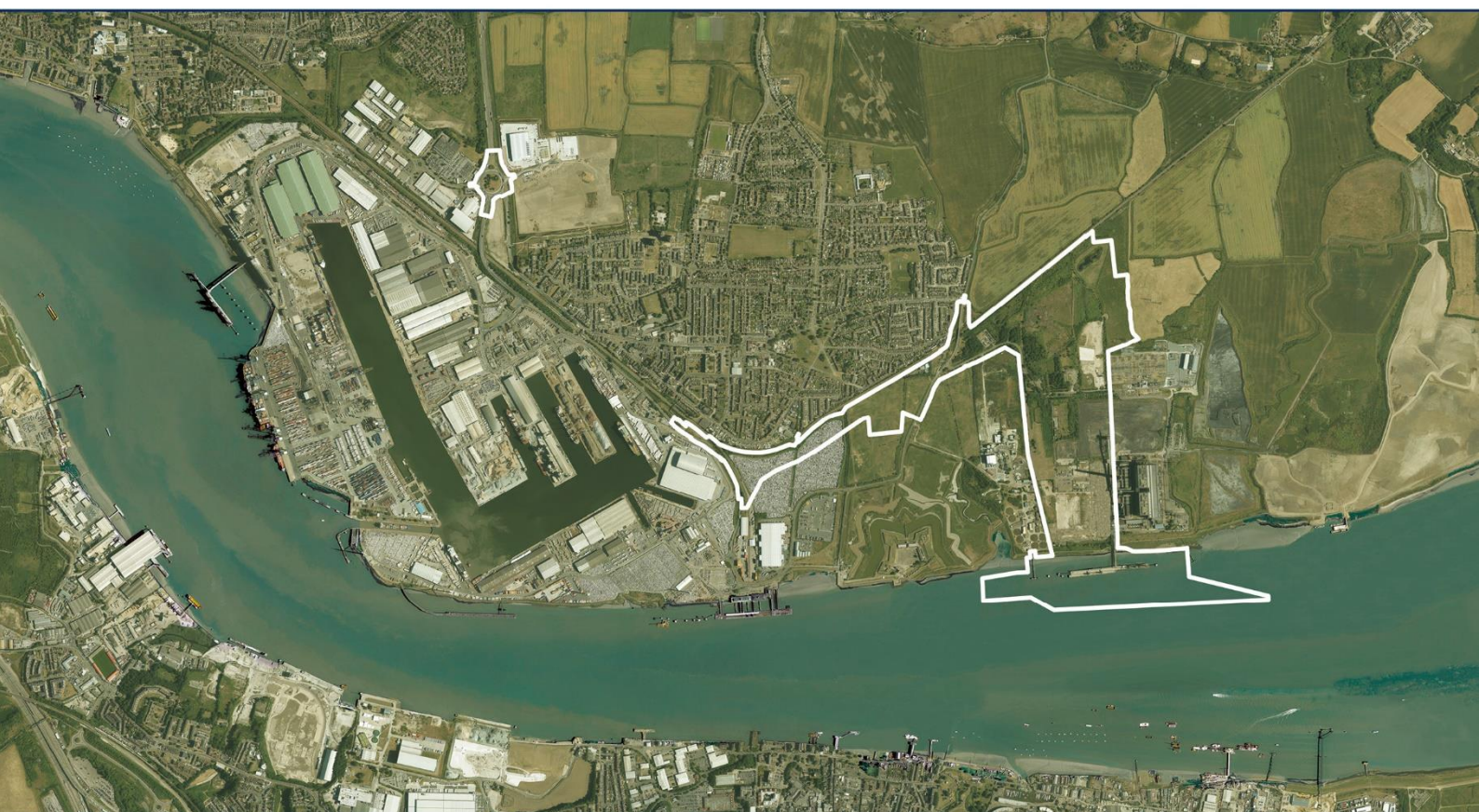
INFRASTRUCTURE PLANNING  
(APPLICATIONS: PRESCRIBED FORMS AND PROCEDURE) REGULATIONS 2009

## PROPOSED PORT TERMINAL AT FORMER TILBURY POWER STATION

# TILBURY2

SCHEDULE OF COMPLIANCE AND CONFORMITY WITH THE  
NATIONAL PLANNING POLICY STATEMENT ON PORTS AND  
MARINE POLICY STATEMENT

Appendix 6 to Planning Policy Compliance Statement



# TILBURY2

## PORT OF TILBURY

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

### SCHEDULE OF COMPLIANCE AND CONFORMITY WITH THE NATIONAL PLANNING POLICY STATEMENT ON PORTS AND MARINE POLICY STATEMENT

1.0	Introduction.....	3
2.0	Compliance and Conformity with the National Policy Statement for Ports	4
3.0	Marine Policy Statement.....	5

### Appendix A - Schedule of Compliance and Conformity with the National Policy Statement



## 1.0 INTRODUCTION

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- 1.1 This document has been produced to detail the consistency of the Tilbury2 proposals with the National Planning Policy Statement for Ports (“NPSP”) and the Marine Policy Statement (MPS).
- 1.2 Pursuant to section 104 of the “PA2008”, in considering a DCO, the Secretary of State must have regard to any relevant National Policy Statements that have effect and decide the application in accordance with any relevant National Policy Statement (subject to certain exclusions). National Policy Statements are documents produced as a consequence of the PA2008 that set out national policy in relation to one or more specified descriptions of development and have been designated by the Secretary of State following the consultation and publicity requirements set out in section 7, and the parliamentary requirements set out in section 9 of the PA2008.
- 1.3 For the ports sector, there is a National Policy Statement for Ports (2012) (NPSP) which will apply to the proposals. This NPS is therefore the most important policy document against which the proposals must be considered and assessed.
- 1.4 In addition, the UK Marine Policy Statement (“MPS”) provides the framework for preparing Marine Plans and taking decisions affecting the marine environment. It has been prepared and adopted for the purposes of section 44 of the Marine and Coastal Access Act 2009. The Marine Policy Statement sets out High Level Marine Objectives for ensuring that marine resources are used in a sustainable way. Under section 104(2)(aa) of the PA2008, the Secretary of State must have regard to the Marine Policy Statement in determining a NSIP application. This policy statement will therefore have primacy (alongside the NPSP) in the determination of the Tilbury2 DCO. This is reflected and was taken fully into account in the preparation of the overall application and the Environmental Statement (APP-031) that forms part of the application.



## **2.0 COMPLIANCE AND CONFORMITY WITH THE NATIONAL POLICY STATEMENT FOR PORTS**

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- 2.1 The table at Appendix A sets out each of the policies in the National Policy Statement for Ports ('the NPSP') that are relevant to new port developments, and explains how the Tilbury2 proposals comply and are in conformity with each requirement.
- 2.2 The table includes references to application documents and other submissions made during the examination which provide additional information on this compliance.

## 3.0 MARINE POLICY STATEMENT

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- 3.1 The UK Marine Policy Statement (MPS) is the framework for preparing Marine Plans and taking decisions affecting the marine environment. Adopted by the UK Government, the Scottish Government, the Welsh Government and the Northern Ireland Executive, the MPS is intended to help achieve the shared UK vision for clean, healthy, safe, productive and biologically diverse oceans and seas.
- 3.2 The Marine Policy Statement should be read alongside and to some degree relies on and cross references to the NPSP. Much of the analysis in Appendix A is therefore pertinent to the compliance of the proposals with the MPS.
- 3.3 This section of this statement gives consideration to the policy of the MPS as it relates to the Tilbury2 proposals. The demonstration of consistency with the relevant objectives and policies has been highlighted via the use of parentheses.

### **UK Marine Policy Statement Objectives**

- 3.4 The UK Marine Policy Statement's high level marine objectives are:
1. Achieving a sustainable marine economy;
  2. Ensuring a strong, healthy and just society;
  3. Living within environmental limits;
  4. Promoting good governance; and
  5. Using sound science responsibly.
- 3.5 The MPS aims to enable an appropriate and consistent approach to marine planning across UK waters, and to ensure the sustainable use of marine resources and strategic management of marine activities from renewable energy to nature conservation, fishing, recreation and tourism. The MPS recognises that the primary environmental considerations of marine dredging and disposal activities include morphological changes, hydrological effects, increase in turbidity and changes to natural sedimentary systems.

### **Regional Policy**

- 3.6 The proposed development falls within the South East Inshore marine plan area. A marine plan has not yet been produced for this area and the timescales for this have not been finalised. A consultation draft of the plan has not yet been published.

### **Local Designations**

- 3.7 The MPS indicates a commitment to completing an ecologically coherent network of Marine Protected Areas (MPAs) as part of a broad based approach to nature conservation. The MPA network includes the designation of Marine Conservation Zones (MCZs). As part of the Tilbury2 Environmental Assessment process, a MCZ Assessment [APP-063] was prepared that considered both the designated and proposed Marine Conservation Zones around Tilbury2.

- 3.8 A consultation on the Third Tranche of MCZs commenced on 10 June 2018<sup>1</sup>. Of the 41 sites identified, one, the Swanscombe recommended MCZ lies close to Tilbury2. The proposed eastern boundary of the rMCZ lies approximately 6km west of the Tilbury2 site. The MCZ assessment undertaken for the purposes of the application included the proposed Swanscombe Bay rMCZ, which for the purpose of a precautionary approach to assessment was considered as if it was designated. Consequently, the relevant mitigation measures within the proposals have been designed and put forward taking full account of the recommended designation of this rMCZ.

### **Marine Elements of the Scheme**

- 3.9 The marine elements of the Tilbury2 development broadly comprise the following:
- Extension of an existing jetty, including piling of berthing dolphins;
  - Construction of a linkspan to access the jetty;
  - Capital dredging of sediment to increase water depth adjacent to the jetties.
  - Removal of the existing Anglian Water jetty;
  - Operation of the new jetty; and
  - the need for ongoing maintenance dredging once the development is operational.

### **Scheme Assessment**

- 3.10 The proposals have been considered in the context of all relevant legislation, plans and policies as outlined within the respective chapters of the ES (Objective 4). This has included the consideration of linkages to the terrestrial environment and impacts that could affect socio-economic receptors (Objective 2). A full flood risk assessment has also been undertaken (Level 2 and Level 3 Flood Risk Assessments [APP-031] and Flood Risk Assessment Addendum [REP1-014]).
- 3.11 To inform the assessment of potential environmental effects associated with the marine elements of the scheme, a full baseline description has been developed. This has included the use of published scientific literature, environmental citations, previous scheme assessments and site specific surveys. Hydrodynamic sediment modelling has also been undertaken to inform the assessment process (Objectives 3 and 5) and is reported in Appendix 16.D of the ES [APP-089].
- 3.12 The assessments have specifically considered the potential impacts associated with marine dredging in a format that is consistent with the policy objectives associated with this activity (Section 3.6 of MPS). This has included determining the types and volumes of sediment to be dredged. In addition sediment contamination sampling has been undertaken in accordance with OSPAR guidelines. The release and disposal of dredge arisings will be managed in accordance with the Site Waste Management Plan (SWMP), as secured by the Construction Environment Management Plan (CEMP). A Site Waste Management Plan (Appendix 2 of the CEMP [REP3-011]) has

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<sup>1</sup> The ExA requested comment on the relevance of this consultation to the Tilbury2 proposals at the Issue Specific Hearing on 28 June 2018.

been developed for the proposals and will be refined and updated by the Contractor as the design and the proposals progress.

- 3.13 Marine receptors that have specifically been considered include the Water Environment (hydrodynamics, sediment and water quality), marine ecology (benthic habitats and species, fish and marine mammals), heritage and other legitimate sea users (e.g. commercial and recreational navigation) (Objectives 2 and 4). The protected status of all features has been factored in to understanding the potential significance of environmental effects (Objective 3). Similarly, the potential for cumulative and in-combination effects has been fully evaluated on the available information (Objectives 2 and 3). This recognises the importance of the Thames Estuary as being a resource for both wildlife and a wide range of human activities. The scientific context and level of confidence in each of the marine ecology assessments has also been detailed within the relevant chapters of the ES (Objective 5).
- 3.14 Environmental mitigation and monitoring has been proposed where required to reduce the significance of any potential effects to marine receptors and are controlled through the CEMP [REP3-011] and the DCO (including within it the Deemed Marine Licence) (Objective 3). PoTLL has undertaken consultation with all relevant marine stakeholders throughout the assessment process (Objective 4).

### **Summary**

- 3.15 From the above analysis it is concluded that the assessment of the marine elements presented in the application, examination and ES [APP-031] have been considered during the development, design and promotion of the scheme, and are in full compliance with the objectives and detailed considerations of the MPS.

## Appendix A - Schedule of Compliance with the National Policy Statement

NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
3.0	Government policy and the need for new infrastructure		
3.1	The essential role of ports in the UK economy		
3.1.4	Shipping will continue to provide the only effective way to move the vast majority of freight in and out of the UK, and the provision of sufficient sea port capacity will remain an essential element in ensuring sustainable growth in the UK economy.	<p>Tilbury2 is proposed in response to growing demand for freight throughput close to the existing Port of Tilbury, in a multi-modal location, close to the London conurbation.</p> <p>The proposals will help meet the requirement for port capacity in a sustainable location.</p> <p>The overall case for the scheme and its benefits are set out in the Outline Business Case (OBC). Chapter 2 of the OBC sets out how the proposals contribute to meeting demand for port capacity identified and highlighted in the NPS.</p> <p>Chapter 3 of the Planning Policy Compliance Statement (PPCS) explains how the Tilbury2 proposals perform strongly against the principal theme of the NPS – to provide additional capacity.</p> <p>Further information as to the growing demand for imported and marine dredged aggregates in particular was provided by PoTLL in Appendix B to the Response to the Examining Authority's First Written Questions [REP1-016]. The importance of providing capacity for this in close proximity to the London Conurbation where many wharves have been lost to other uses and the contribution of this to sustainable</p>	<p>Outline Business Case [AS-018] – in particular Chapter 2</p> <p>Planning Policy Compliance Statement [POTLL/T2/EX/209] Chapter 3, para. 3.3 – 3.12</p> <p>Appendix B to the Response to the Examining Authority's First Written Questions [REP1-016]</p>



NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
		growth (including residential growth and infrastructure projects) has been clearly evidenced and explained.	
3.1.7	<p>Wider Economic Benefits : Ports continue to play an important part in local and regional economies, further supporting our national prosperity.</p> <p>By bringing together groups of related businesses within and around the estate, ports also create a cluster effect, which supports economic growth by encouraging innovation and the creation and development of new business opportunities.</p>	<p>The current and predicted economic benefits of Port of Tilbury (with Tilbury2) have been demonstrated, including the wider contribution to the economy. This analysis formed part of the consideration of socio-economic impacts of the proposals in the Environmental Assessment [APP-031] and in the Outline Business Case [AS-018].</p> <p>Tilbury2 proposals have been assessed to make a significant contribution to the national economy, both through the GVA contribution, and associated multiplier effects as a result of increased spending. Wider economic benefits at the national level include the contribution to increasing the UK's port capacity and capability in responding to market trends. The Port of Tilbury currently contributes GVA of £394 million. This figure can rise to £492 million when the Port reaches full capacity at the existing site, extending to £562 million with the expansion to Tilbury2.</p> <p>The local authorities in the area support the growth of the Port in principle given the economic benefits of the Port to the region. For example, the SoCG with Thurrock Council highlights that</p>	<p>Environmental Assessment [APP-031] – Chapter 7</p> <p>Outline Business Case [AS-018] – Chapter 3.</p> <p>SoCG001 – Thurrock Council para. 4.1 SoCG002 – GBC para. 4.1 SoCG003 – ECC para. 4.1</p> <p>Draft Section 106 agreement with Skills and Employment Strategy attached PoTLL/T2/EX/215]</p>

NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
		<p><i>"It is agreed that the proposals are of crucial importance in securing on-going economic growth of Thurrock and will contribute significantly to sub-regional and regional economic success. Paragraph 3.10 of the adopted development plan (considered in more detail below) notes that an expanded Port of Tilbury will be one of the UK's leading ports, providing employment, investment and facilities that benefit Thurrock as well as the sub-region</i></p> <p>The Skills and Employment Strategy, appended to the s106 DCO Obligation [REP3-019] seeks to maximise the benefits to the locality and has the support of Essex County Council, Thurrock Council and Gravesham Council.</p>	
<b>3.3</b>	<b>Government policy for ports</b>		
3.3.1	<p>In summary, the Government seeks to:</p> <ul style="list-style-type: none"> <li>- encourage sustainable port development to cater for long-term forecast growth in volumes of imports and exports by sea with a competitive and efficient port industry capable of meeting the needs of</li> </ul>	<p>The Tilbury2 proposals will meet long term forecast growth in volumes of imports and exports by creating additional capacity close to the existing port of Tilbury. The proposals have been designed to enable PoTLL to act competitively, efficiently and productively to meet these forecasts of growth.</p> <p>PoTLL consider that commercial factors strongly support expansion at this location. The Outline</p>	<p>Outline Business Case [AS-018]</p> <p>Planning Policy Compliance Statement [ POTLL/T2/EX/209]</p>

NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
	<p>importers and exporters cost effectively and in a timely manner, thus contributing to long-term economic growth and prosperity;</p> <ul style="list-style-type: none"> <li>- allow judgments about when and where new developments might be proposed to be made on the basis of commercial factors by the port industry or port developers operating within a free market environment; and</li> <li>- ensure all proposed developments satisfy the relevant legal, environmental and social constraints and objectives, including those in the relevant European Directives and corresponding national regulations.</li> </ul>	<p>Business Case (OBC) at Chapter 4.0 sets out the commercial case and at Chapter 5.0 sets out the business case.</p> <p>The assessment of alternative sites within the vicinity of the Port is set out in Chapter 6.0 of the Environmental Statement [APP-031]. This indicates that there are no alternatives available to meet the throughput as proposed in the application.</p> <p>The proposals have been brought forward with a full appreciation of relevant legal, environmental and social constraints. The Environmental Statement [APP-031] sets out how all environmental and social impacts have been assessed, including consideration of relevant European Directives on the EIA process and topic specific matters such as ecology.</p>	<p>Environmental Assessment [APP-031] – Chapter 6</p>

NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
3.3.3	<p>In addition, in order to help meet the requirements of the Government's policies on sustainable development, new port infrastructure should also;</p> <ul style="list-style-type: none"> <li>- contribute to local employment, regeneration and development;</li> </ul>	<p>The proposals will make a significant contribution to local employment, regeneration and development. Details are set out in Chapter 7 of the Environmental Statement [APP-031] and in the Outline Business Case [AS-018].</p> <p>The construction of Tilbury2 is expected to support between 220 and 270 FTEs, and over 500 FTEs once operational.</p> <p>The Port of Tilbury currently supports 8,600 Full Time Equivalent (FTE) jobs. The number of FTE jobs supported by the Port can rise to 10,800 FTEs when the Port reaches full capacity at the existing site, extending to 11,300 FTEs with the expansion at Tilbury2</p>	<p>Environmental Statement [APP-031] – Chapter 7.0</p> <p>Outline Business Case [AS-018]</p>
3.3.3	<ul style="list-style-type: none"> <li>- ensure competition and security of supply;</li> </ul>	<p>The commercial case for the proposals is set out in the OBC. The PPCS specifically considers competition in Chapter 4, explaining that the proposals are complementary to the growth potential at DP World, located further east along the Thames Estuary.</p>	<p>Outline Business Case Document Reference [AS-018]</p> <p>Planning Policy Compliance Statement [POTLL/T2/EX/209]</p>
3.3.3	<ul style="list-style-type: none"> <li>- preserve, protect and where possible improve marine and terrestrial biodiversity;</li> </ul>	<p>Impacts to the marine environment are considered in Chapter 11 of the ES to ensure that the proposals preserve and protect all marine species that inhabit or migrate through the site including benthic communities, plankton, fish and marine mammals.</p>	<p>Environmental Statement [APP-031] Chapter 11</p> <p>Operational Management Plan [APP-031]</p>

NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
		<p>Impacts on the terrestrial environment are similarly considered in Chapter 10 of the ES.</p> <p>Where likely significant ecological impacts arising from the proposals have been identified during the design process and through consultation and assessment, measures to mitigate and/or compensate have been pursued with the aim to be compliant with the NPS objective of reducing overall biodiversity loss, supporting healthy well-functioning ecosystems and establishing coherent ecological networks.</p> <p>Relevant mitigation and compensation proposals are detailed in the CEMP, OMP and LEMP. Full details of mitigation strategies and off-site compensation are provided in the Ecological Compensation and Mitigation Plan (EMCP) to be secured through the DCO.</p>	<p>CEMP [REP6-008]</p> <p>Landscape and Ecology Management Plan (LEMP) [REP6-030]</p> <p>Ecological Compensation and Mitigation Plan (EMCP) [PoTLL/T2/EX/211]</p>
3.3.3	<ul style="list-style-type: none"> <li>- minimise emissions of greenhouse gases from port related development;</li> </ul>	<p>The Carbon and Energy Report [APP-162] explains the consistency of the proposals with the Government's goal of reducing greenhouse gas emissions.</p>	<p>Carbon and Energy Report [APP-162]</p>
3.3.3	<ul style="list-style-type: none"> <li>- be well designed, functionally and environmentally;</li> </ul>	<p>The Masterplanning Statement [APP-034] explains the design process and how the proposals have been well designed to meet operational requirements and safeguard the environment.</p>	<p>Masterplanning Statement [APP-034]</p>
3.3.3	<ul style="list-style-type: none"> <li>- be adapted to the impacts of climate change;</li> </ul>	<p>Relevant topics in the ES consider the impact of climate change – particularly in relation to Flood Risk (Chapter 16) and the Flood Risk Addendum [REP1-</p>	<p>Environmental Statement [APP-031]</p>



NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
		014] in order to demonstrate that the scheme will be adapted to meet increases in sea level over coming decades.	Flood Risk Addendum [REP1-014]
3.3.3	- minimise use of greenfield land	The PPCS explains that the site is largely brownfield in character and will lead to a limited loss of greenfield land.	Planning Policy Compliance Statement [POTLL/T2/EX/187]
3.3.3	- provide high standards of protection for the natural environment;	The ES considers on a topic by topic basis how the proposals will be constructed and operated in a manner that will provide high standards of protection of the natural environment. Relevant mitigation and compensation proposals are detailed CEMP, OMP, LEMP and EMCP	Environmental Statement [APP-031]
3.3.3	- ensure that access to and condition of heritage assets are maintained and improved where necessary; and	Protection and potential enhancements to heritage assets, such as improved wayfinding, access and interpretation, is included in the ES and Built Heritage Assessment (October 2017) (Appendix 12.B). The proposed Active Travel Strategy will form part of the s106 agreement with Thurrock Council. The s106 proposals to make financial contributions to heritage enhancements on both sides of the river. A contribution will be made to English Heritage (via Thurrock Council) to enhance access to Tilbury Fort and improving interpretation within it. A contribution will also be made to enhance interpretation in relation to the views of Tilbury Fort from New Tavern Fort. The sums (at the time of writing) are being agreed.	Environmental Statement [APP-031]
3.3.3	- enhance access to ports and the jobs,	The proposals improve access to the site on a multi-modal basis by the infrastructure corridor proposals.	Framework Travel Plan (REP5-018).

NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
	services and social networks they create, including for the most disadvantaged.	<p>A Framework Travel Plan is proposed in order to ensure access by all modes of transport (Document Reference 6.2.13.B).</p> <p>Access to jobs for all will be encouraged by means of an Employment and Skills Strategy [REP3-019], which sets out the steps that PoTLL will take to improve skill levels locally and ensure a significant proportion of employees are from the Thurrock, South Essex and Gravesham.</p> <p>This will form part of the s106 with Thurrock Council and has also been agreed with Essex County Council and Gravesham Council. PoTLL's strategy will build upon successful past achievements and is dedicated to continuing to have a positive impact on the local labour market as the Port expands, and will target specific groups to overcome barriers to accessing employment opportunities.</p>	Appendix 2 Section 106 with Thurrock Council [PoTLL/T2/EX/215]
<b>3.4</b>	<b>The Government's assessment of the need for new infrastructure</b>		
3.4.1 – 3.4.10	<p>The Government considers that there is a need for new port infrastructure to meet overall demand and to retain flexibility, and the need to ensure effective competition and resilience in port operations.</p> <p>The Government is of the view that the levels of</p>	<p>Tilbury2 will contribute to meeting the growing demand for port capacity, for both unitised cargo and bulk aggregates.</p> <p>PoTLL's forecasts of market trends and future growth are set out in the OBC, which sets out how the proposals will contribute to meeting demand for port capacity highlighted in the NPS.</p> <p>Forecasts set out in the OBC show that the Port of Tilbury is expected to see year on year volume growth,</p>	Outline Business Case Document Reference [AS-018]

NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
	<p>demand, in particular for unitised goods, is predicted to grow as predicted prior to the recession, albeit recession may delay that growth in demand.</p> <p>The Government considers each port should take its own commercial view and its own risks on its particular traffic forecasts within the context of national need.</p> <p>The capacity needed to provide for competition, innovation, flexibility and resilience can be delivered by the market and is likely to exceed what might be implied by a simple aggregation of demand nationally</p>	<p>and therefore the demand for infrastructure capacity forms a key driver for the proposals.</p> <p>Further information as to the growing demand for imported and marine dredged aggregates in particular was provided by PoTLL in Appendix B to the Response to the Examining Authority's First Written Questions [REP1-016]. The importance of providing capacity for this in close proximity to the London Conurbation where many wharves have been lost to other uses and the contribution of this to sustainable growth (including residential growth and infrastructure projects) has been clearly explained and evidenced.</p>	<p>Appendix B to the Response to the Examining Authority's First Written Questions [REP1-016].</p>
3.4.11 - 12	<p>Capacity must be in the right place if it is to effectively and efficiently serve the needs of import and export markets.</p> <p>Capacity needs to be provided at a wide range of</p>	<p>As explained in the OBC, Tilbury2 will build on the success of the existing Port which is London's major port, and also one of the largest multi-purpose ports in the UK. A diverse and dynamic port, it provides fast, modern distribution services for a full range of cargoes. It is ideally positioned for access to the M25, and with 70 per cent of the UK's population reachable</p>	<p>Outline Business Case Document Reference [AS-018]</p>

NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
	facilities and locations to meet future commercial opportunities but the Government does not want to dictate where development should occur; the Government considers that the market is the best mechanism of ensuring development takes place in the right locations.	within a 120-mile radius, and is connected to three rail terminals offering daily services across the UK. The port is therefore well-placed to deliver products to London and to the rest of the UK. PoTLL are confident that the capacity created by Tilbury2 will meet known demand in the right location.	
3.4.13	The Government welcomes and encourages competition as it drives efficiency and lowers costs. Effective competition requires spare capacity to ensure real choices for port users.	<p>The OBC sets out that Tilbury2 will maximise the efficient use of transport infrastructure, which will play a role in optimising global supply chains. Improvements to operational capacity and capability will strengthen the Port of Tilbury's competitive advantage, contributing to income generation and economies of agglomeration as well as overall productivity.</p> <p>The relationship between the proposals at Tilbury2 and London Gateway Port has however been considered during the examination. The ExA specifically asked London Gateway through the First Written Questions to provide summary details concerning any potential overlap in its market and current operations, or competition with, the Tilbury2 proposals. The response of London Gateway confirmed that Tilbury2 is primarily a RoRo terminal and that London gateway does not handle RoRo vessels and there is no overlap in operations. Even if</p>	<p>Outline Business Case Document Reference [AS-018]</p> <p>London Gateway Port Ltd - Deadline 1 Submission [REP1-069]</p>

NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
		competition was considered to be an issue for the decision maker, it is clear that the proposals at Tilbury2 are complementary to the on-going expansion of London Gateway.	
3.4.14	Ports can make a valuable contribution to decongestion and to the environment, as well as commercial gain, by facilitating coastal shipping as a substitute for inland freight transport (especially by road haulage) of various commodities. This can mean reduced emissions of pollutants per tonne-mile, with those emissions, and noise, at the same time having much less effect on people close to the transport arteries. Coastal shipping is expected to grow, and developers are expected to provide suitable facilities on a commercial basis, again subject to dealing appropriately with impacts.	<p>The proximity of Tilbury2 to London will allow goods to be moved by water along the Thames Estuary.</p> <p>As explained in the PPCS, Tilbury2 has the facility to use the river to barge materials (particularly bulks) into the capital (and indeed, has done so for projects such as the Olympic Park)</p>	<p>Outline Business Case Document Reference [AS-018]</p> <p>Planning Policy Compliance Statement [POTLL/T2/EX/187]</p>
3.4.15	The Government considered that spare capacity helps to assure the resilience of the national infrastructure. Port capacity is needed at a	The OBC sets out that growth in freight traffic have been accompanied by increased freight traffic to the UK's east coast as a result of operational constraints, both land and labour, on the Dover-Calais route.	Outline Business Case Document Reference [AS-018]



NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
	<p>variety of locations and covering a range of cargo and handling facilities, to enable the sector to meet short-term peaks in demand, the impact of adverse weather conditions, accidents, deliberate disruptive acts and other operational difficulties, without causing economic disruption through impediments to the flow of imports and exports. Given the large number of factors involved, the Government believes that resilience is provided most effectively as a by-product of a competitive ports sector.</p>	<p>Tilbury2 proposals will help to enhance capacity and resilience of the wider supply chain, and enhance the overall UK offer.</p>	
3.4.18	<p>The Government considers that given the level and urgency of need for infrastructure of the types covered as set out above, the decision maker should start with a presumption in favour of granting consent to applications for ports development. That presumption applies unless any more specific and</p>	<p>The OBC explains how the Tilbury2 proposals will contribute to meeting the need for additional port infrastructure.</p> <p>The Environmental Statement and the PPCS discuss the compliance of the proposals with more specific and relevant policies with the conclusion that none (in the language that the NPS asks) clearly indicate that the consent should be refused.</p>	<p>Outline Business Case Document Reference [AS-018]</p> <p>Environment Statement [APP-031]</p> <p>Planning Policy Compliance Statement [POTLL/T2/EX/187]</p>

NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
	relevant policies set out in this or another NPS clearly indicate that consent should be refused.		
<b>4.0</b>	<b>Assessment principles</b>		
<b>4.1</b>	<b>Key considerations</b>		
4.1.1	The applicant's assessment should be conducted in a manner that is consistent with statutory requirements under UK and EU legislation;	<p>The Environmental Assessment has been undertaken in accordance with current international and national legislation, and full regard to important and relevant national, regional and local planning document.</p> <p>Each topic within the ES sets out the legislative and policy context to the assessment.</p>	Environmental Statement [APP-031]
4.1.1	The applicant's assessment should be conducted in a way that takes into account all of the Government's objectives for transport, including the need to promote economic growth as well as ensuring an efficient and competitive transport sector both nationally and internationally. Proposals should seek improvement to the environmental performance of ports and associated developments, including transport, as well as help changing to support infrastructure needed for	<p>Fundamentally, the growth aspirations of PoTLL are fully aligned with the overall policy on ensuring a competitive transport sector by providing additional capacity at Tilbury.</p> <p>A number of documents address how the operation of Tilbury2 will maximise environmental performance. The Sustainable Distribution Plan (REP5-20) commits PoTLL to ensuring that Tilbury2 is operated so as to reduce road transport associated with the development.</p> <p>The Carbon and Energy Report [APP-162] sets out how the proposals have been designed to minimise the impact on greenhouse gases and the Sustainability Statement (Document Reference 6.8) sets out how the proposals have been designed and will be constructed taking sustainability into account,</p>	<p>Sustainable Distribution Plan (REP5-018)</p> <p>Carbon and Energy Report [APP-162]</p> <p>Sustainability Statement [APP-163]</p>

NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
	green technologies; and to strengthen the safety and security of transport	<p>looking at water, energy and waste reduction in particular.</p> <p>Safety considerations have been taken into account in the design process including such matters as the lighting strategy and the design of the road link and its associated junctions.</p>	Lighting Strategy [APP-044]
4.1.1	The applicant's assessment could follow the standard framework designed by the DfT and recommended to all port applicants (A Project Appraisal Framework for Ports, 200515), which allows all the material considerations to be taken into account in a systematic manner using both quantitative and qualitative indicators;	Although this approach is not used, the OBC (Document Reference [AS-018]) explains how references made in the NPS to the Department for Transport's WebTAG methodology and the (now out of print) Project Appraisal Framework for Ports have been reconciled, highlighting that the two other successful Port DCO cases that have been examined refer to the assessment of economic and socio-economic effects based on WebTAG principles but do not employ the WebTAG methodology.	Outline Business Case Document Reference [AS-018]
4.1.1	The applicant's assessment should take account of other relevant UK policies and plans, including the Marine Policy Statement (MPS) and any existing marine plans provided for by the Marine and Coastal Access Act 2009. The decision-maker must have regard to these in	<p>The MPS is fully taken into account in the consideration of marine ecology in the Environmental Statement. ([APP-031] .11).</p> <p>Compliance with the MPS has been considered and outlined in Table 11.59 of the Environmental Statement.</p> <p>The expected adverse effects of the proposals including cumulative impacts have been assessed for</p>	Environmental Statement [APP-031] Chapter 11

NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
	taking any decision which relates to the exercise of any function capable of affecting the whole or any part of the UK marine area. To avoid conflict between plans, marine plans will need to be in accordance with the NPS for purposes of decision making, given the national significance of the infrastructure;	marine ecology receptors in this chapter and it is concluded that with appropriate mitigation measures in place there will be no significant adverse effects.	
	the assessment should also be informed, as to the material points for consideration, by the points raised by s42 consultees;	<p>All s42 consultees have been consulted throughout the preparation of the proposals. Each topic of the Environmental Statement sets out the Scope of Consultation undertaken. Chapters 7 – 23 set out the analysis.</p> <p>The Consultation Report (Document Reference 5.1) sets out the scope of consultation undertaken with s42 consultees. Chapter 8 provides an overview of statutory consultation responses and Chapters 9 – 24 consider responses on a topic by topic basis. This explains PoTLL’s response to the points raised by s42 consultees and how regard has been had to those representations.</p>	Consultation Report (APP-021)
<b>4.2</b>	<b>Consideration of benefits and impacts</b>		
4.2.2- 4.2.4	The NPS indicates that where the decision-maker	The OBC (Document Reference [AS-018]) considers the overall benefits of the proposals in relation to	Outline Business Case (Document Reference [AS-018] )

NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
	<p>reaches the view that a proposal for port infrastructure is in accordance with the NPS, the benefits, including the contribution that the scheme would make to the national, regional or more local need for the infrastructure, must be weighed against anticipated adverse impacts, including cumulative impacts</p> <p>The decision-maker should ensure they take account of any longer-term benefits that have been identified (such as job creation) as well as the costs of development, or any wider benefits to national, regional or local economies, environment or society.</p>	<p>employment and Gross Value Added (GVA) at local and national scales.</p> <p>The Environmental Statement ([APP-031] ) deals with benefits and impacts, including those arising from cumulative impacts with other relevant projects.</p>	
<b>4.3</b>	<b>Economic impacts: general overview</b>		
4.3.4	The NPS highlights the importance of ports to the economy and indicates that where a port development affects a protected habitat, and in the absence of alternative solutions, the decision-maker may need to	<p>The impact of the proposals on protected habitats is dealt with in the Environmental Statement at chapters 10 and 11, which conclude that the effects are sufficiently minimal that the IROPI test does not need to be applied.</p> <p>The updated Habitats Regulation Assessment [POTLL/T2/EX/213] concludes that concludes that</p>	<p>Environmental Statement [APP-031]</p> <p>Updated Habitats Regulation Assessment [PoTLL/T2/EX/213POTLL/T2/EX/213]</p>

NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
	consider whether there are any imperative reasons of overriding public interest (IROPI) in allowing the development to proceed.	there will be no likely significant effect on European protected sites due to the proposals	
4.3.4	In considering whether to reject an application on the grounds that the adverse effects outweigh the benefits, the decision-maker should take into account positive economic externalities.	<p>The positive economic externalities of the proposals are set out in the Outline Business Case.</p> <p>The Port of Tilbury currently contributes GVA of £394 million. This figure can rise to £492 million when the Port reaches full capacity at the existing site, extending to £562 million with the expansion to Tilbury2.</p> <p>The construction of Tilbury2 is expected to support between 220 and 270 FTEs, and over 500 FTEs once operational.</p> <p>The Port of Tilbury currently supports 8,600 Full Time Equivalent (FTE) jobs. Although by definition, Tilbury is not currently at capacity, it is at the point of experiencing operational inefficiencies through nearing its capacity. Expansion will relieve current constraints and accommodate short, medium and long term provision needs. The number of FTE jobs supported by the Port can rise to 10,800 FTEs when the Port reaches full capacity at the existing site, extending to 11,300 FTEs with the expansion at Tilbury2.</p>	Outline Business Case [AS-018]



NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
4.3.4	Where a port development is likely to lead to a substantial net increase in employment (of 5,000 or more) which would require inward migration to the area, the effect on demand for local public services should be assessed.	<p>Estimates of employment during construction and operation have been undertaken, and the impact of increased employment on housing and healthcare services in the area qualitatively assessed.</p> <p>However, the net increase in employment will be substantially less than 5,000.</p>	Environmental Statement [APP-031] Chapter 7, Table 7.20
<b>4.4 – 4.5</b>	<b>Commercial Impacts and competition</b>		
4.4.1 – 4.5.1	<p>Ports in England and Wales operate on a commercial basis, and Port developers must plan to make a commercial return from the investment being made. The decision maker may need to make judgements as to whether possible adverse impacts would arise from the impact of the development on other commercial operators.</p> <p>particularly if port developments are occurring in parallel, it may be necessary to make some assessment of the effects of competition in assessing the demand on inland access</p>	<p>PoTLL do not consider that any such adverse commercial impact would arise either on commercial operators generally or other ports.</p> <p>The Tilbury2 proposals will meet increasing demand for RoRo and aggregate capacity. Whilst expansion capacity in the Thames estuary exists at London Gateway, the Tilbury2 proposals are for short-sea RoRo and aggregates, compared to London Gateway, which is primarily a deep-sea container terminal. PoTLL consider that Port of Tilbury and London Gateway are in large part complementary facilities and both will grow in future years.</p> <p>The relationship between the proposals at Tilbury2 and London Gateway Port has however been considered during the examination. The ExA specifically asked London Gateway through First Written Questions to provide summary details concerning any potential overlap in its market and current operations, or competition with, the Tilbury2.</p>	<p>Outline Business Case [AS-018]</p> <p>Planning Policy Compliance Statement [POTLL/T2/EX/209187]</p> <p>London Gateway Port Ltd - Deadline 1 Submission [REP1-069]</p>

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	links and on the phasing of road, rail and other infrastructure demands. This is discussed further in section 5.4 on transport.	<p>The response of London Gateway confirmed that Tilbury2 is primarily a RoRo terminal and that London gateway does not handle RoRo vessels and there is no overlap in operations. Even if competition was considered to be an issue for the decision maker, it is clear that the proposals at Tilbury2 are complementary to the on-going expansion of London Gateway</p> <p>No objection or concerns have been raised by other commercial operators.</p>	
<b>4.6</b>	<b>Tourism</b>		
6.6.1	Port developments that include a passenger or cruise terminal may have a positive impact on tourism in the local area by increasing accessibility, particularly in outlying regions.	The proposals themselves do not include passenger or cruise facilities. However, PoTLL as a business operates a cruise terminal and Tilbury2 will contribute to the continuing success of PoTLL and the continuation of the management of and investment in the Cruise terminal.	
4.6.2	Port development may have an adverse impact on tourism, for example if it severs or diverts footpaths or bridleways, has a detrimental impact on the surrounding landscape or seascape, or affects the space available for local leisure activities such as windsurfing or wildfowling.	<p>The assessment of the impact on tourism includes consideration of the impact of the proposals on users of footpaths and Tilbury Fort. This is primarily contained within Chapter 9: Landscape and visual amenity, within the Environmental Statement ([APP-031]).</p> <p>The impact on the Fort as a tourist attraction is considered within the Environmental Statement. Proposals to mitigate any adverse impact on access to the Fort due to the construction of the infrastructure corridor are included in the Active Travel Strategy</p>	<p>Environmental Statement [APP-031]. Chapter 9</p> <p>Section 106 with Thurrock Council [PoTLL/T2/EX/215]</p>

NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
		<p>which will be an obligation through the s106 with Thurrock Council. This will improve amenity and access to the riverside and elsewhere for pedestrians and cyclists to mitigate for the effects on users of public rights of way and the heritage assets in the area.</p> <p>The s106 agreement will also include obligations to pay for additional interpretation within the Fort and the resurfacing of the driveway to improve links to the adjoining footpath and cycleway network.</p> <p>The Tilbury – Gravesend Ferry plays a role in encouraging cross river trips for leisure purposes. However, the Navigational Risk Assessment contained in Chapter 14 of the Environmental Statement [APP-031], identifies that the proposals will have no negative bearing on ferry operations as the ferry jetty is upstream of Tilbury2 and approaching RoRo and aggregate vessels will turn downstream and adjacent to the berth. There will be no interface with the Tilbury-Gravesend ferry brought about by berthing or unberthing operations. The s106 agreement with TC includes a contribution to improving real time information at the Ferry Terminal.</p> <p>Overall, the scheme has been designed to minimise any impact on the Fort as a tourist attraction and seek to mitigate any harm through the s106 obligations.</p> <p>The impact of the proposals on Tilbury Fort as a tourist attraction have been taken into account in the overall</p>	<p>Section 106 with Thurrock Council [PoTLL/T2/EX/215]</p>

NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
		<p>assessment of harm, which was elaborated upon in Appendix D to PoTLL's Response to the ExA's First Written Questions [REP1-016] in the 'Tilbury Fort Paper' which indicates that policy objectives to enhance the riverside context of the Fort will be met through the Active Travel Plan which offers enhancements to the river front environment, including upgrade to the visitor carpark which allows the historic Water Gate entrance to be the principal threshold to entering the fort complex. The proposal also improves the connection along the river front to Coalhouse Fort by enhancing access to Two Forts Way. Strengthening the connection between these two forts will reinforce the links between the historic river defence systems by maintaining the sightlines of the crossfire patterns with forts on the south side of the river.</p>	<p>Appendix D to PoTLL's Response to the ExA's First Written Questions [REP1-016], paras. 1.34 – 1.38</p>
4.7	Environmental Impact Assessment		

NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
4.7.1	<p>Applications covered by the European Environmental Impact Assessment Directive must be accompanied by an Environmental Statement which will consider the likely significant effects of the proposed development.</p> <p>The Directive also specifically refers to effects on human beings, fauna and flora, soil, water, air, climate, the landscape, material assets and cultural heritage, and the interaction between them. The Directive requires a description of the likely significant effects of the proposed project on the environment, covering the direct effects and any indirect, secondary, cumulative, short-, medium- and long-term, permanent and temporary, positive and negative effects of the project, and also of the measures envisaged for</p>	<p>The Environmental Statement submitted with the application for the Scheme sets out an assessment of the likely significant environmental effects of the proposals.</p> <p>The ES covers all of the subjects referred to in the Regulations<sup>2</sup> covering the direct effects and indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects of the Tilbury2 proposals, and also of the measures envisaged for avoiding or mitigating significant adverse effects.</p> <p>The ES considers likely significant effects at all stages of the project have been adequately assessed and should not need to consider or request further information.</p>	Environmental Statement [APP-031]

<sup>2</sup> Planning (Environmental Impact Assessment) Regulations 2009 (as amended by the Infrastructure Planning (Environmental Impact Assessment (Amendment) Regulations 2012

NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
	<p>avoiding or mitigating significant adverse effects.</p> <p>When considering a proposal, the decision maker should ensure that likely significant effects at all stages of the project have been adequately assessed and should request further information where necessary.</p>		
4.7.2	<p>The applicant should also set out information on the likely significant social and economic effects of the development and show how any likely significant negative effects would be avoided or mitigated. This information could include matters such as employment, equality, community cohesion and well-being.</p>	<p>Socio-economic effects are described in Chapter 7.0 of the Environmental Statement and Health effects are considered in Chapter 8.0. The assessment and outcomes in relation to Health effects have been agreed with Thurrock Council.</p> <p>In addition, an Equalities Impact Assessment has been undertaken [APP-161] which identifies equalities matters in relation to the proposals, and how these may affect equality target groups; it identifies measures to mitigate any anticipated negative effects, and enhance positive outcomes for communities where possible.</p>	<p>Environmental Statement [APP-031] Chapter 7 and Chapter 8</p> <p>Equalities Impact Assessment [APP-161]</p>
4.7.3	<p>When considering cumulative effects, any environmental statement should provide information on how the effects of the</p>	<p>This is addressed in Chapter 20 of the Environmental Statement, which deals with cumulative effects.</p> <p>PoTLL has since provided a high level qualitative assessment of the cumulative impact of Tilbury2 with</p>	<p>Environmental Statement [APP-031]</p> <p>Qualitative Cumulative Effects Assessment of Tilbury2 with Tilbury</p>



NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
	applicant's proposal would combine and interact with the effects of other development (including projects for which consent has been granted, as well as those already in existence).	the Lower Thames Crossing (LTC) and Tilbury Energy Centre (TEC).	Energy Centre and Lower Thames Crossing [REP3-027].
<b>4.8</b>	<b>Habitat Regulations Assessment</b>		
4.8.1	Prior to granting a development consent order, the decision-maker must, under the Habitats and Species Regulations, <sup>22</sup> consider whether the project may have a significant effect on a European site, or on any site to which the same protection is applied as a matter of policy, either alone or in combination with other plans or projects.	The HRA report appended to the Tilbury2 ES document reference 6.2, 10.O [APP-060) described how the potential for LSE on candidate or confirmed/designated European/Ramsar Sites to arise was assessed in accordance with prevailing guidance and how by means of the Stage 1 screening process (Stage 1 assessment), the Applicant concluded that there are no LSE arising for any European/Ramsar Sites. However, during subsequent consultation with the Statutory Nature Conservation Body (i.e. Natural England) as part of the pre-examination and Examination processes, Natural England has stated the view that " <i>consistent with the precautionary principle, a likely significant effect cannot be ruled out, and that consequently HRA assessment should proceed to the Appropriate Assessment stage</i> " Therefore in order to address Natural England's recommendation and also recent case law in the 'People Over Wind' case <sup>3</sup> , the Applicant has	Habitats Regulations Assessment Report [POTLL/T2/EX/213]

<sup>3</sup> People Over Wind and Sweetman v Coillte Teoranta (Case C-323/17). The CJEU ruling disbars planning and other competent authorities when screening a plan or project for Habitats Regulations Assessment (HRA) from taking account of any measures intended to avoid or reduce the harmful effects on such a site.

NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
		<p>revisited the HRA process to give consideration as to whether any potential effects could adversely affect the integrity of the two overlapping designations agreed to require assessment (the Thames Estuary and Marshes SPA and the Thames Estuary and Marshes Ramsar Site) in view of their conservation objectives (a 'Stage 2' assessment). That information is presented within this revised HRA report in accordance with the requirements of the Stage 2 (Appropriate Assessment) process</p> <p>It concludes that there will be no likely significant effect on European protected sites due to the proposals.</p> <p>The assessment takes into account the potential for cumulative effects on integrity from the Tilbury Energy Centre and Lower Thames Crossing (sections 6.2 and 6.3)</p> <p>This matter is still under consideration with Natural England and PoTLL following NE's review of the HRA report and s56 representation.</p>	
<b>4.9</b>	<b>Alternatives</b>		
4.9.1 – 4.9.2	In any planning case, the relevance or otherwise to the decision-making process of the existence (or alleged existence) of alternatives to the proposed development is in the first instance a matter of law, detailed	<p>Chapter 6 of the Environmental Statement reviews the main alternatives that have been considered by the Applicant in developing the Scheme. These include alternative sites within the vicinity of the existing Port</p> <p>However, whilst there are some circumstances where there are specific legislative requirements to fully consider alternatives - notably where a full</p>	<p>Environmental Statement ([APP-031] )</p> <p>Outline Business Case [AS-018]</p> <p>Masterplanning Statement ([APP-034] )</p>

NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
	<p>guidance on which falls outside the scope of this NPS. From a policy perspective this NPS does not contain any general requirement to consider alternatives or to establish whether the proposed project represents the best option.</p> <p>Applicants are obliged to include in their ES factual information about the main alternatives they have considered. Where there is a legal requirement to consider alternatives, the applicant should describes the alternatives considered in compliance with these requirements.</p>	<p>assessment is required to be carried out under the Habitats Directive.</p> <p>A Habitats Regulations Assessment [POTLL/T2/EX/213]. has been undertaken. The results of the Stage 2 assessment conclude that the Tilbury2 proposals will not adversely affect the integrity of the Thames Estuary and Marshes Special Protection Area (SPA)/Ramsar site alone or in combination with other known and relevant plans or projects. In accordance with PINS <i>Advice note ten: Habitats Regulations Assessment relevant to nationally significant infrastructure projects</i>, there is therefore no need to carry out a Stage 3 assessment including on-going consideration of alternatives.</p> <p>The OBC also considers the options of 'Do Nothing' and 'Do Minimum' in relation to the economic and investment parameters discussed therein.</p> <p>The Masterplanning Statement [APP-034] considers alternative options for the main components of the proposals, including alternative alignments of the infrastructure corridor, jetty configurations and alternative masterplan layouts.</p>	
<b>4.10</b>	<b>Criteria for Good Design for Port Infrastructure</b>		
4.10.1 – 4.10.3	Port infrastructure developments should be sustainably designed and, having regard to regulatory	The Masterplanning Statement explains the brief for the design and masterplanning process at Tilbury2, taking account of operational requirements in relation to proposed uses and necessary infrastructure to	Masterplanning Statement ([APP-034] ) Environmental Statement ([APP-031] )

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	<p>and other constraints, should be attractive, durable and adaptable (including taking account of natural hazards such as flooding) as they can be. In so doing, the decision-maker should satisfy itself that the applicant has taken into account both functionality (including fitness for purpose and sustainability) and aesthetics (including its contribution to the quality of the area in which it would be located) as far as possible. Whilst the applicant may have no or very limited choice in the physical appearance of some port infrastructure, there may be opportunities for the applicant to demonstrate good design relative to existing landscape character, landform and vegetation</p>	<p>support them and site opportunities and constraints, and how that brief has been translated into the design of the works as now proposed.</p> <p>The design of the proposals includes embedded environmental mitigation which is discussed in topic specific chapters of the ES ([APP-031]). Key to this is the embedded landscape and ecological mitigation proposals shown in the Landscape and Ecological Management Plan (LEMP) Document Reference 6.2 10.P</p> <p>The context and influence of planning policy is considered in the Planning Policy Compliance Statement (PoTLL/T2/EX/209)</p> <p>Stakeholder comments and engagement on the design and regard and responses to them are considered in the Consultation Report (APP-21).</p> <p>The draft DCO proposes that certain key elements of the proposals will be subject to further detailed approval of external design, namely, the proposed silo (Work No. 8A(i), any processing facilities constructed in the CMAT (Work No. 8D (iii)) and any fencing constructed as part of Work Nos. 9 or 12. Other elements will be subject of a 'colour palette' in order to minimise the impact on the landscape. This palette has been agreed with Thurrock Council</p>	<p>Planning Policy Compliance Statement [POTLL/T2/EX/209]</p> <p>Landscape and Ecological Management Plan (LEMP) [PoTLL/Tilbury2/EX/211]]</p> <p>Draft Development Consent Order</p>
4.10.4	Applicants should be able to demonstrate in their	The Masterplanning Statement [APP-034] sets out how the proposals were developed and the options	Masterplanning Statement ([APP-034] )

NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
	application documents how the design process was conducted and how the proposed design evolved. Where a number of different designs were considered, applicants should set out the reasons why the favoured choice has been selected. In considering applications, the decision-maker should take into account the 25 ultimate purpose of the infrastructure and bear in mind the operational,	that were considered. Appendix 1 to this statement is a Surface Access Options Assessment Report (Document Reference APP-034 Appendix 1) describes in detail the design development of the highways and rail access proposals.	Surface Access Options Assessment Report APP-034. Appendix 1
<b>4.11</b>	<b>Pollution Control and other environmental regulatory regimes</b>		
4.11.1 – 4.11.8	Issues relating to discharges or emissions from a proposed project which affect air quality, water quality, land quality and the marine environment, or which include noise and vibration, may be subject to separate regulation under the pollution control framework or other consenting and licensing regimes.  The decision-maker should work on the assumption that the relevant pollution control	PoTLL have held discussions and reached agreement with all permitting bodies including the Environment Agency and the MMO as well as with Thurrock Council as the LLFA.  These discussions and the agreements reached are set out in the Statements of Common Ground with each stakeholder submitted at Deadline 5  The DCO and the Explanatory Memorandum to the Draft DCO set out a number of disapplications of relevant consents dealt with directly in the dDCO.	Environmental Statement [APP-031]  Statements of Common Ground Update Report PoTLL/T2/EX/208208  Draft Development Consent Order PoTLL/T2/EX/120

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	<p>regime, other environmental regulatory regimes, including those on land drainage, water abstraction and biodiversity will be properly applied and enforced by the relevant regulator. It should act to complement but not seek to duplicate it.</p> <p>The applicant should consult the Marine Management Organisation (MMO) where the development would affect marine areas</p> <p>Applicants are advised to make early contact with the Environment Agency in respect of other environmental permits and the decision-maker should take full account of all environmental impacts, ensuring that the relevant pollution control authority is satisfied that potential releases can be adequately regulated under the pollution control framework; and the effects of existing sources of pollution in and around the</p>	<p>For example Articles 3(1)(c), (d) and (g) provide for the disapplication of consents ordinarily required from the Environment Agency, under the Environmental Permitting (England and Wales) Regulations 2016 ("the EPR Regulations") and the Water Resources Act 1991.</p> <p>Specifically, these are the requirements for consents in respect of a 'flood risk activity' under the EPR Regulations and abstractions, together with the requirements for approval under flood defence byelaws made or deemed to have been made, under the Water Resources Act 1991. These are consents for activities which may be a necessary part of constructing the authorised development. The requirement for a separate consent is replaced by the protective provisions for the protection of the Environment Agency and the other relevant consenting bodies in Schedule 10 which require certain works which could affect flood defences to be approved by the relevant body before they are carried out.</p> <p>Other permits under the EPR, apart from those relating to flood risk activities, will be sought separately.</p> <p>Article 52 of the DCO constitutes a deemed marine licence (as provided for under 149A of the Act) under section 65 of the Marine And Coastal Access Act 2009, the successor provision to section 34 of the</p>	



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	site are not such that the cumulative effects of pollution when the proposed development is added would make that development unacceptable, particularly in relation to statutory environmental quality limits.	Coast Protection Act 1949. Schedule 9 sets out the terms on which the licence would be granted.	
<b>4.12</b>	<b>Climate Change Mitigation</b>		
4.12.1	Port developments may have an effect on greenhouse gases, particularly through their impact on sea and road transport. This impact may be positive, if the development results in transmodal shifts from road to shipping (including coastal shipping) or to rail transport, and the benefits from these shifts are greater than any additional emissions that may be associated with the proposed development.	The Tilbury2 is a multi-modal facility that will allow for goods coming through the Port to be onward transported by road, rail and water.	
4.12.3 – 4.12.4	The decision-maker does not need to consider the impact of a new port development on greenhouse gas emissions from ships transiting to and from the port.	The Scoping Opinion from the SoS (para 3.36) confirmed that vessel emissions could be scoped out, as explained at ES paragraphs 18.147 to 18.150 of the ES. The number of large ship movements was less than 8,000 in 2016, even with the proposals in place the total movements will remain below the relevant	Environmental Statement [APP-031]

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	Emissions from ships in ports are unlikely to be significant contributors to climate change but, where an Environmental Statement is required, it should set out any measures taken to minimise the local effect of emissions and how these are likely to affect greenhouse gases.	<p>DEFRA screening threshold of 15,000 requiring further (detailed) assessment.</p> <p>A specific study of shipping emissions was presented in Appendix 3 PoTLL's Written Submission of Case at ISH of 19th April confirming that:</p> <ul style="list-style-type: none"> <li>• The PLA emission inventory demonstrates that the main emission from shipping is NOx.</li> <li>• PM2.5 emissions (which make up the majority of PM for this combustion source) are 3 to 5% of NOx.</li> <li>• The modelled ground-level concentrations of both NO2 and PM2.5 at worst case receptor locations for Tilbury2 shipping emissions in both TC and GBC, are just a fraction of a percent of the respective AQS long-term objectives.</li> <li>• The study confirms that the screening out of shipping as a potential significant source of pollution was appropriate and robust.</li> </ul> <p>Consideration of shore power is provided in relation to para. 5.7.13 below.</p>	Appendix 3 of Written Submission of Case at ISH of 19th April [REP3-030]
4.12.5	Where a development will lead to significant increases in inland transport needs, the estimated impact on CO2, and other greenhouse gases if significant, will need to be covered in the Environmental Statement. A transport	A transport assessment is provided with the application (APP-072). This sets out a worst-case scenario for vehicle movements from Tilbury2. Various additional technical notes have been provided to the Highways Authority and Highways England such that traffic generation is agreed.	<p>Transport Assessment [APP-072]</p> <p>Carbon Energy Report [APP-162]</p>

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	assessment will also normally be required.	<p>Chapter 18 of the Environmental Statement considers overall emissions from the proposals and a separate Carbon and Energy Report considers the carbon footprint of the proposals [APP-162].</p> <p>The proposals are in a multi-modal location with onward transportation by rail and barge encouraged to reduce the impact on inland transport. Non-road methods of transporting goods are encouraged through the proposals, as set out in the Sustainable Distribution Plan (ES Appendix 13.B), compliance with which is secured by the dDCO.</p> <p>Moreover, as a result over the project's lifespan the carbon footprint is likely to decrease as future improvements in areas such as fuel efficiency are progressed, driven by initiatives such as EURO VI engine emissions standards and the mandatory energy efficiency requirements for ships under the EEDI, embedded in the MARPOL regulations.</p>	
4.12.8	The decision-maker should consider the extent to which the applicant has considered the use of renewable energy on the port estate. Where renewable energy is not planned to be used for a major port development, the reasons should be scrutinised.	No specific renewable proposals are included within the application site given space limitations. However, the wider Port estate is a major contributor to renewable energy. The Port has 4 wind turbines, each of 2.3 MW capacity generating up to 60% of the Port's energy needs. The Tilbury Green Power Station, located within the Port, presently being commissioned, will have capacity of around 40 megawatts (MW) and will produce up to 319,000 MWh of renewable electricity each year. The Plant will utilise around	

NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
		270,000 tonnes of waste wood sourced from the region.	
4.12.9	Inter-tidal habitat creation could be one way of offsetting emissions, as well as complying with Habitats Regulations where appropriate.	The impact of the proposals on emissions is such that there is no need to offset emissions as set out in "Update: Tilbury2 Air Quality Impacts on Designated Ecological Sites (May 2018)"	Appendix 6 to Habitat Regulations Assessment [POTLL/T2/EX/213]
4.12.10	The provision of shore-side fixed electrical power to replace the use of ships' generators in port ('cold ironing') may reduce carbon emissions, but the effects will be small.	PoTLL will provide necessary infrastructure to ensure shore power (or other appropriate measures/technologies) can be facilitated in the future once electrical capacity becomes available and ships using Tilbury2 have the ability to receive and beneficially use shore power. Such provision is secured through section 7.4 of the Operational Management Plan (REP1-008). See 5.7.12 – 13 below.  PoTLL consider that their approach complies with para. 5.7.13 of the National Policy Statement for Ports which requires that all proposals should either include reasonable advance provisions (such as ducting and spaces for sub-stations) to allow the possibility of future provision of cold-ironing infrastructure.	Operational Management Plan [REP1-008].
<b>4.13</b>	<b>Climate Change Adaptation</b>		
4.13.6 – 4.13.14	Applicants must consider the impacts of climate change when planning the location, design, build and operation of new port infrastructure. The Environmental	Resilience to climate change has been taken into account in the Level 2 and Level 3 Flood Risk Assessments ([APP-031] Appendix 16.A and 16.B).  The assessment demonstrates how these flood risks will be managed so that the development remains safe	Level 2 and Level 3 Flood Risk Assessments APP-086 and APP-086  Flood Risk Assessment Addendum [REP1-014]

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	Statement should set out how the proposal will take account of the projected impacts of climate change. While not required by the EIA Directive, this information will be needed by the decision-maker.	<p>throughout its lifetime, taking into account climate change.</p> <p>The Level 2 FRA adopts the guidance of <i>Adapting to Climate Change: Advice for Flood and Coastal Erosion Risk Management Authorities, Environmental Agency 2016</i> which predicts a total potential increase of the peak river flood flow allowances of 25% by 2080 (50th percentile estimate); and a sea level rise rate of 4 mm/year, 8.5 mm/year, 12 mm/year and 15 mm/year respectively up to 2025, between 2026 and 2055, between 2056 and 2085 and between 2086 and 2115.</p> <p>In accordance 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. The current design for the Tilbury2 proposals takes account of the 7.40 m AOD level, in line with current climate change guidance, and includes allowance for the 8 m AOD level, should this be required.</p> <p>The above sea level allowances for climate change are also factored into the Level 3 FRA. This includes breach modelling, which included allowance for climate change.</p>	
4.13.8	In addition, where port infrastructure has safety-critical elements (e.g. storage of gas, petrochemicals) the applicant	As set out Section 2 of the Flood Risk Assessment Addendum [REP1-014], 'safety-critical elements' have been taken to mean those elements of the development which must remain operational during a flooding scenario to ensure that the facility operates	Flood Risk Assessment Addendum [REP1-014]

NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
	should apply the high emissions scenario (high impact, low likelihood) to those elements critical to the safe operation of the port infrastructure	and the occupants and staff within that environment must remain safe from the potential impacts of flooding. Given the nature of the proposed activities on the Tilbury2 site, none of the facilities are required to remain operational during a flooding scenario and therefore none are considered to be safety critical. It is therefore concluded that it is not necessary to apply the high emissions climate change scenario to this scheme.	
<b>4.14</b>	<b>Common Law Nuisance and Statutory Nuisance</b>		
	Possible sources of nuisance under the Environmental Protection Act (EPA) 1990 should be identified and how they may be mitigated or limited are considered by the decision-maker so that appropriate requirements can be included in any subsequent order granting development consent.	Statement in Respect of Statutory Nuisance [APP-160]) is submitted as part of the application documentation. That document sets out where a statutory nuisance under the Environmental Protection Act 1990 could be engaged by the proposals but that, with the proposed mitigation in place, it is not expected that there would be a breach of the Act during construction or operational activities.	Statement in Respect of Statutory Nuisance [APP-160]
<b>4.15</b>	<b>Hazardous Substances</b>		
4.15.1	All establishments wishing to hold stocks of certain hazardous substances above a threshold quantity need hazardous substances consent. Applicants should consult the Health and Safety Executive (HSE) at pre-application stage <sup>28</sup> if the	There is not likely to be any significant quantities of hazardous substances stored on the site. Some containers coming through the port will contain hazardous substances but potential impacts will be mitigated with pollution prevention measures in place, as will be required by the OMP [APP-031]. Any hazardous substance consent required from the Health and Safety Executive will be dealt with at the necessary time.	Operational Management Plan [APP-031]



NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
	project is likely to need hazardous substances consent.		
4.15.2	HSE sets a consultation distance around every site with hazardous substances consent and notifies the relevant local planning authorities. The applicant should therefore consult the local planning authority at pre-application stage to identify whether its proposed site is within the consultation distance of any site with hazardous substances consent and, if so, should consult HSE for its advice on locating the particular development there.	The Port is itself defined as a major accident hazard site by HSE and Tilbury2 is within the consultation zone. A formal section 42 response was received from HSE highlighting the risk associated with buildings being occupied within the safety zone. However, the buildings on Tilbury2 are port operational buildings and no different from those on the main Port itself. HSE has raised no objection as part of the s56 response.	Consultation Report [APP-021]
<b>4.16</b>	<b>Health</b>		
4.16.2	Port developments can have direct impacts on health, including increasing traffic, air pollution, dust, odour, polluting water, hazardous waste and pests.	<p>Estimates of the health effects of traffic, air pollution, and dust impacts have been undertaken and are considered in Chapter 8.0 of the Environmental Statement</p> <p>Odour, polluting water, hazardous waste and pests were scoped out of the health assessment at an early stage.</p> <p>Mitigation is proposed in relation to a wide range of issues, including noise, air quality, severance and</p>	Environmental Statement [APP-031] Chapter 8

NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
		visual amenity. The range of mitigation has been agreed with the Public Health Officer of the host authority, Thurrock Council.	
4.16.3	New port developments may also affect the composition, size and proximity of the local population, and in doing so may have indirect health impacts – for example if they affect access to key public services, transport or the use of open space for recreation and physical activity.	Estimates of changes in the local population on health determinants including access to public services, transport, and the use of open space for recreation and physical activity have been qualitatively assessed in Chapter 8 of the Environmental Statement.	Environmental Statement [APP-031] Chapter 8
4.16.4	These impacts may affect people simultaneously, so the applicant and the decision-maker should consider the cumulative impact on health.	Qualitative assessment of the cumulative health effects of the proposals have been provided in Chapter 8 of the Environmental Statement.	Environmental Statement [APP-031] Chapter 8
4.16.5	The applicant should identify any adverse health impacts and identify measures to avoid, reduce or compensate for these impacts as appropriate.	<p>Qualitative and quantitative assessments have been used to identify adverse health effects and measures to avoid, reduce or compensate for these health effects have been identified, where appropriate. Chapter 8 of the Environmental Statement.</p> <p>A full summary of the assessed effects is set out in Table 8.11 in the Environmental Statement. During construction, noise effects could be moderate but all other effects will be negligible or minor in their</p>	Environmental Statement [APP-031] Chapter 8

NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
		<p>significance. In operation, increased employment opportunities will be a moderate beneficial effect.</p> <p>The proposals include an Active Travel Strategy (secured through the s106 DCO Obligation with TC) to increase recreational use and activity within the area that will also have health benefits. The effect of the proposals on air quality is considered negligible and therefore will not impact on health in this regard.</p> <p>The effect of noise during operation, without additional mitigation, is considered to have the potential for a major negative effect, based on the worst-case scenario considered in the noise assessment, with all operations fully active during night-time hours. The DCO therefore provides for a scheme of re-assessment when further details of tenant operations are known, long term monitoring and the installation of receptor based mitigation if this reassessment and the monitoring suggests that it is required. It also requires compliance with operational good practice as set out in the OMP ([APP-031]. Once additional mitigation is included i.e glazing and/or mechanical ventilation for dwellings with high sensitivity to noise this would result in a residual minor significant effect, which is considered to be not significant in EIA terms. These measures will therefore avoid any significant negative health effects from the proposals arising.</p>	
<b>4.17</b>	<b>Security considerations</b>		
4.17.3	Where possible, proportionate protective	This matter is considered in the Planning Policy Compliance Statement which explains in Chapter 4	Planning Policy Compliance Statement [POTLL/T2/EX/209]

NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
	<p>security measures are designed into new infrastructure projects at an early stage in the project development. Where applications for development consent for infrastructure covered by this NPS relate to potentially 'critical' infrastructure, there may be national security considerations.</p>	<p>that PoTLL are bound by the International Ship and Port Facility Security (ISPS) Code on minimum security arrangements for ships, ports and government agencies.</p> <p>Having come into force in 2004, it prescribes responsibilities to governments, shipping companies, shipboard personnel, and port/facility personnel to "detect security threats and take preventative measures against security incidents affecting ships or port facilities used in international trade."</p> <p>For Tilbury2 this will mean inter alia:</p> <ul style="list-style-type: none"> <li>- Installation of ISPS compliant security fencing</li> <li>- Manned 24/7 security cordon</li> <li>- Border Inspection Post (BIP) facilities</li> <li>- Installation of CCTV</li> </ul> <p>In addition, the site will be included in the responsibilities of the Port's own police force that have the same powers as any other constabulary, with an operating area up to 5 miles from the Port's statutory limits.</p>	
<b>5.0</b>	<b>Generic impacts</b>		
<b>5.1</b>	<b>Biodiversity and geological conservation</b>		
5.1.3	<p>Construction and operation of port infrastructure can have an adverse impact on biodiversity and/or geodiversity, including through:</p>	<p>The Environmental Statement ([APP-031] considers both terrestrial ecology (Chapter 10) and marine ecology (Chapter 11) and has considered the potential adverse impacts highlighted in the NPS.</p> <p>As set out in Chapter 11, with regard to dredging, the sediments to be dredged have been tested and</p>	<p>Environmental Statement [APP-031]</p> <p>Draft DCO PoTLL/T2/EX/120</p>

NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
	<ul style="list-style-type: none"> <li>dredging to maintain declared depths and to deepen waters to accommodate large ships. This can have implications for sediment transport, which can in turn affect marine wildlife and can cause remobilisation of toxic substances and nutrients, increased suspended solids, reduced visibility and reduction in dissolved oxygen;</li> <li>cargo handling and storage, which may cause run-off, spills, or leakages to the marine environment, which could possibly include toxic or harmful material, including organic matter or oily compounds. Water pollution and bottom contamination resulting from these effluents may lead to deterioration of aquatic</li> </ul>	<p>analysed against Cefas Action Levels. It has been shown that for the majority of the sediments, mobilisation of these sediments due to WID will not affect water quality or habitats where the sediments will re-deposit. The only potential exception to this is the sediments within the Approach Channel. Due to the levels of contaminants found in this area, WID will not be viable without further testing of more samples to define the area of concern, and removal dredge techniques have also been considered which could re-suspend less sediment into the water column.</p> <p>Controls in this regard have been included in the DML within the dDCO.</p> <p>Runoff, spills or leakages and discharge from ship's ballast have been taken into consideration throughout the assessment, and at all times throughout construction and operation and the relevant embedded mitigation measures will be implemented as outlined in the Scheme Design and Embedded Mitigation section of Chapter 11 of the ES.</p> <p>Increased vessel movements have been assessed, however, no operational impacts to habitats have been identified as all vessel movements in the Thames Estuary are confined to the channel maintained by the PLA. Maintenance dredging will be needed in the new berths, however, no impacts on habitats have been identified during this process as the sediment will be tested in line with Cefas Action Levels as the capital dredge has been.</p>	

NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
	<p>biota and fishery resources;</p> <ul style="list-style-type: none"> <li>• discharge of ships' ballast water: risks include the possible introduction of non-native species;</li> <li>• erosion of habitats resulting from vessel movements;</li> <li>• noise, which can have impacts on fish and marine mammalian behaviour patterns; and</li> <li>• light, which can alter or hinder the migration of fish through estuaries.</li> </ul>	<p>Noise modelling has been undertaken to assess the impacts to marine mammals and fish. The modelling is outlined in Chapter 17, and the full modelling report is available in Appendix 17.A. The results of the modelling have been used to assess the impacts to marine mammals and fish as outlined in this chapter. An update to the underwater noise assessment has been provided at Appendix 1 Written Submission of Case at ISH of 18th April [REP3-029], with new text highlighted in yellow.</p> <p>This update demonstrates that the conclusions of the ES are still valid</p> <p>The Preliminary Lighting Strategy [APP-044] has been prepared and assessed in the Environmental Statement. The final lighting strategy will be approved by Thurrock Council as a requirement of the dDCO.</p>	<p>Appendix 1 Written Submission of Case at ISH of 18th April [REP3-029],</p>
5.1.4	<p>Where the development is subject to EIA, the applicant should ensure that the ES clearly sets out any effects on internationally, nationally and locally designated sites of ecological or geological conservation importance, on protected species and on habitats and other species identified as being of</p>	<p>The Environmental Statement identifies designated sites of ecological or geological conservation importance, and protected habitats and species have been identified and assessed.</p>	<p>Environmental Statement [APP-031]</p>



NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
	principal importance for the conservation of biodiversity.		
5.1.4	The applicant should ensure that the ES clearly sets out any likely significant effects on internationally, nationally and locally designated sites of ecological or geological conservation importance (including those outside England) on protected species and on habitats and other species identified as being of principal importance for the conservation of biodiversity and that the statement considers the full range of potential impacts on ecosystems.	Potential impacts on international and national sites within 5km have been assessed, and a Habitats Regulations Assessment (HRA) Report prepared. [POTLL/T2/EX/213]. This concludes that the Tilbury2 proposals will not adversely affect the integrity of the Thames Estuary and Marshes Special Protection Area (SPA)/Ramsar site alone or in combination with other known plans or projects.	Environmental Statement [APP-031] Habitats Regulations Assessment (HRA) [POTLL/T2/EX/213]
5.1.5	The applicant should show how the project has taken advantage of opportunities to conserve and enhance biodiversity and geological conservation interests.	Where likely significant ecological impacts arising from the proposals have been identified during the design process and through consultation and engagement, measures to mitigate and/or compensate have been pursued in compliance with the NPSP.  The project is committed to a number of embedded mitigation options, and the implementation of additional mitigation measures in order to conserve biodiversity and conservation interests throughout both the construction and operational phases.	Environmental Statement [APP-031]  Landscape and Ecological Mitigation Plan [LEMP – REP6-030]  Draft DCO - PoTLL/T2/EX/120

NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
		A comprehensive Landscape and Ecological Mitigation Plan (LEMP – Document Reference 6.2.10.P) has been prepared to maximise on-site mitigation. In addition, as a requirement of the dDCO, provision will be made for an off-site compensation scheme secured through the dDCO.	
5.1.6	<p>The Government's biodiversity strategy is set out in Working with the Grain of Nature and in the new England Biodiversity Strategy. Its aim is to ensure:</p> <ul style="list-style-type: none"> <li>• a halting, and if possible a reversal, of decline in priority habitats and species, with wild species and habitats as part of healthy, functioning ecosystems; and</li> <li>• the general acceptance of biodiversity's essential role in enhancing the quality of life, with its conservation becoming a natural consideration in all relevant public, private and non-governmental decisions and policies.</li> </ul>	<p>The biodiversity strategy has been assessed and considered in the ES, and the works have been designed to ensure that there will not be any net loss of priority mudflat habitat within the Thames Estuary.</p> <p>Mitigation measures have been put in place, where necessary, to reduce potential impacts on protected species.</p>	<p>Environmental Statement [APP-031]</p> <p>Landscape and Ecological Mitigation Plan [LEMP – REP6-030]</p> <p>EMCP [PoTLL/T2/EX/211]</p>

NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
5.1.5 – 5.1.8	<p>The applicant should show how the project has taken advantage of opportunities to conserve and enhance biodiversity and geological conservation interests.</p> <p>Development should aim to avoid significant harm to biodiversity and geological conservation interests, including through mitigation and consideration of reasonable alternatives. Where significant harm cannot be avoided, then appropriate compensation measures should be sought</p>	<p>Where likely significant ecological impacts arising from the proposals have been identified during the design process and through consultation and engagement, measures to mitigate and/or compensate have been pursued to be compliant with the NPS objective of reducing overall biodiversity loss, supporting healthy well-functioning ecosystems and establishing coherent ecological networks.</p> <p>Mitigation and compensation proposals (on site and off-site) are detailed in the relevant assessment chapters (e.g. Chapters 11 and 14-19) and associated submission documents including the full details of mitigation strategies and off-site compensation are provided in the EMCP [PoTLL/T2/EX/211]</p> <p>No compensation measures are considered to be necessary for marine ecology. For terrestrial ecology, off-site compensation is proposed. A requirement of the dDCO states that no part of the authorised development may be commenced until written details of the proposed off-site ecological mitigation have been submitted to and approved by the relevant planning authority, in consultation with Natural England.</p>	<p>Environmental Statement [APP-031] Chapters 10 and 11</p> <p>Environmental Statement [APP-031]</p> <p>Landscape and Ecological Mitigation Plan [LEMP – REP6-030]</p> <p>EMCP [PoTLL/T2/EX/211]</p>
5.1.9 - 5.12	In taking decisions, the decision-maker should ensure that appropriate weight is attached to	All internationally, nationally and locally designated sites of ecological or geological conservation importance, protected species; habitats and other	Environmental Statement [APP-031]

NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
	<p>designated sites of international, national and local importance; protected species; habitats and other species of principal importance for the conservation of biodiversity; and to biodiversity and geological interests within the wider environment.</p> <p>The most important sites for biodiversity are those identified through international conventions and European Directives.</p>	<p>species of principal importance have been identified and assessed in the ES.</p> <p>Potential impacts on international and national sites within 5km have been assessed, and a Habitats Regulations Assessment (HRA) Report prepared. [POTLL/T2/EX/213]. This concludes that the Tilbury2 proposals will not adversely affect the integrity of the Thames Estuary and Marshes Special Protection Area (SPA)/Ramsar site alone or in combination with other known plans or projects.</p>	<p>Habitats Regulations Assessment (HRA) [POTLL/T2/EX/213]</p>
5.1.13	<p>Marine Conservation Zones (MCZs), introduced under the Marine and Coastal Access Act 2009, are areas that have been designated for the purpose of conserving marine flora or fauna, marine habitats or types of marine habitat or features of geological or geomorphological interest. The protected feature or features and the</p>	<p>The project is not located within any MCZ, however the Swanscombe rMCZ is located approximately 5km upstream from the proposed development. A MCZ assessment has been undertaken and is presented in Appendix 11.A. of the Environmental Statement</p>	<p>Environmental Statement [APP-031]</p> <p>MCZ Assessment [APP-063]</p>

NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
	<p>conservation objectives for the MCZ are stated in the designation order for the MCZ, which provides statutory protection for these areas. Measures to restrict damaging activities will be implemented by the MMO and other relevant organisations. As a public authority, the decision-maker is bound by the duties in relation to MCZs imposed by sections 125 and 126 of the Marine and Coastal Access Act 2009.</p>		
5.1.14	<p>The decision-maker should give due consideration to regional or local designations. However, given the need for new infrastructure, these designations should not be used in themselves to refuse development consent.</p>	<p>The assessment of the impact of the proposals on regional and local designations is contained within Chapter 10.0 of the Environmental Statement.</p> <p>Almost the full extent of the Local Wildlife Sites (LoWS) associated with the former power station and which fall within the Order Limits will therefore be removed during the construction phase, although retention and relocation within the site has been considered and secured where practicable. Mitigation and compensation in the form of the LEMP and the EMCPEMCP (or written details to be produced pursuant to Requirement 5 of the DCO) is proposed to off-set these losses.</p>	<p>Environmental Statement [APP-031]</p> <p>Landscape and Ecological Mitigation Plan [LEMP – REP6-030]</p> <p>EMCP [PoTLL/T2/EX/211]</p>

NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
5.1.15	The decision-maker should not grant development consent for any development that would result in its loss or deterioration, of ancient woodland unless the benefits (including need) of the development, in that location, outweigh the loss of the woodland habitat.	There is no ancient woodland within the site.	
5.1.18	Other species and habitats have been identified as being of principal importance for the conservation of biodiversity in England and Wales and thereby requiring conservation action. The decision-maker should ensure that these species and habitats are protected from the adverse effects of development, where appropriate, by using requirements or planning agreements. The decision-maker should refuse consent where harm to the habitats or species and their habitats would result, unless the benefits (including need) of the development clearly outweigh that harm.	<p>All internationally, nationally and locally designated sites of ecological or geological conservation importance, protected species; habitats and other species of principal importance are acknowledged and appropriately assessed in the Environmental Statement.</p> <p>Mitigation and compensation to off-set this harm is set out in the Environmental Statement and delivered through the EMCP and LEMP</p>	<p>Environmental Statement [APP-031]</p> <p>Landscape and Ecological Mitigation Plan [LEMP – REP6-030]</p> <p>EMCP [PoTLL/T2/EX/211]</p>



NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
5.1.19	<p>The applicant should include appropriate mitigation measures as an integral part of the proposed development. In particular, the applicant should demonstrate that:</p> <ul style="list-style-type: none"> <li>• during construction, it will seek to ensure that activities will be confined to the minimum areas required for the works;</li> <li>• during construction and operation, best practice will be followed to ensure that risk of disturbance or damage to species or habitats is minimised, including as a consequence of transport access arrangements;</li> <li>• habitats will, where practicable, be restored after construction works have finished; and</li> <li>• opportunities will be taken to enhance existing habitats and, where practicable, to create new habitats of</li> </ul>	<p>Embedded mitigation measures have been agreed as part of the project and are outlined in the relevant sections of Chapter 10 of the Environmental Statement.</p> <p>In addition, the scheme has been designed to minimise its footprint and there has been ongoing liaison with the relevant consultees to ensure that opportunities are taken to protect and enhance existing habitats.</p> <p>Details of all mitigation proposals are summarised in the Mitigation Route Map, Items 12 – 20 inclusive and delivered in particular through the CEMP, OMP, LEMP and EMCP.</p>	<p>Mitigation Route Map [REP1-019]</p> <p>Environmental Statement [APP-031] Chapter 10</p> <p>Landscape and Ecological Mitigation Plan [LEMP – REP6-030]</p> <p>EMCP [PoTLL/T2/EX/211]</p> <p>Operational Management Plan [REP1-008]</p>

NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
	value within the site landscaping proposals.		
5.1.22	Where capital dredging is required as part of the development, this will need to be subject to full environmental impact assessment, including likely effects on protected European sites or species. As a physical modification, it will need to be tested under the Water Framework Directive (2000/60/EC). The deposit of dredged material on land for recovery or disposal will be subject to the need for a permit or the registration of an exemption.	<p>Capital dredging forms part of the scheme and as such it has been assessed within the ES. Chemical analysis of the dredge sediment has been undertaken and modelling of the likely behaviour of the material has been used to inform the assessment.</p> <p>A WFD assessment has been undertaken which is presented in appendix 16.C of the ES.</p> <p>A Habitats Regulation Assessment for designated European sites has been provided.</p> <p>In considering dredging and disposal options the project has given due consideration to the waste hierarchy. The project is currently progressing several dredging options including water injection dredging, which would retain the sediment within the estuarine system. This prevents the need for disposal and is beneficial for the sediment budget. Where this technique is not appropriate, due to contamination or the physical properties of the material, re-use of the material within the scheme is being considered, with disposal at sea or on land being used if other options are not possible.</p>	<p>Environmental Statement [APP-031]</p> <p>WFD Assessment [APP-088]</p> <p>Environmental Statement [APP-31], Chapter 11.</p>
5.1.23	The Maintenance Dredging Protocol guides operators and regulators on maintenance dredging	As explained in Chapter 11 of the ES, there is a maintenance dredging protocol for the Thames. This document has been used to inform the environmental assessment and ES reporting and it is envisaged that	<p>Environmental Statement [APP-031]</p> <p>WFD Assessment</p>

NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
	activities that could potentially affect European sites around the coast of England. The Water Framework Directive is also relevant.	<p>maintenance dredging at Tilbury2 would be added to the next iteration.</p> <p>A WFD assessment has been produced for the proposals, which is presented in appendix 16.C.</p>	Document Reference 6.2.16.C
5.1.24	The Maintenance Dredging Protocol provides for the environmental assessment of maintenance dredging as a programme, avoiding any need to re-assess separately every time an individual dredge is to be undertaken. This should highlight any requirement to dump or use arisings on land, rather than at sea. The applicant should indicate what effect (if any) the development will have on maintenance dredging requirements, and where necessary should ensure that a draft appropriate assessment under the Habitats Directive forms part of the environmental statement for the development as a whole.	<p>As explained in Chapter 11 of the ES, the scheme will initially require capital dredging and following this it is envisaged that ongoing maintenance dredging will be required.</p> <p>There is already a maintenance dredging protocol in place for the Thames. This document has been used to inform the environmental assessments and ES reporting and it is envisaged that maintenance dredging at Tilbury2 would be added to the next iteration of this document.</p> <p>It is anticipated that maintenance dredging would primarily be undertaken by water injection dredging where there would be no requirement for disposal on land or at sea.</p> <p>The potential impacts of both the capital dredge and ongoing maintenance dredging have been assessed in the ES and information has been provided to inform a Habitats Regulation Assessment.</p>	<p>Environmental Statement [APP-031]</p> <p>WFD Assessment Document Reference 6.2.16.C</p> <p>Habitat Regulations Assessment (HRA) report Document Reference 6.2.10.O</p>

NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
5.1.25	Re-use of clean dredged arisings may in some cases help to create new inter-tidal habitats as managed realignments. Marine licences (either deemed or directly granted by MMO) will be required for the placement of any dredged materials into the sea and other tidal waters anywhere below mean High Water Spring Tide. In Wales, the IPC will not be able to automatically deem marine licences. A licence may, therefore, be required from the Welsh Government.	As explained in Chapter 11 of the ES, it is not intended to use the dredged material to create intertidal habitat. A large proportion of the dredge material may be removed using water injection dredging which will retain the material within the estuarine sediment system and thus maintain the sediment budget.  Any material with elevated levels of contamination will be removed and dealt with appropriately.	Environmental Statement [APP-031]  WFD Assessment Document Reference 6.2.16.C Habitat Regulations Assessment (HRA) report Document Reference 6.2.10.O
<b>5.2</b>	<b>Flood Risk</b>		
5.2.3	The decision maker and applicant should take account of the policy on flood risk in section 4.13 of the NPS	See section 4.13 above. The applicant has taken account of this policy	Level 2 [APP-086] and Level 3 [APP-067] Flood Risk Assessments
5.2.4 – 5.2.8	Sets out the need for a Flood Risk Assessment, the minimum requirements for such an FRA and the need for discussions with the Environment Agency, and other bodies such as Internal Drainage Boards, sewerage	The application includes both a Level 2 and Level 3 FRA that accord with the guidance of the NPSP and that have been subject to detailed discussions with the EA and the LLFA. A Flood Risk Addendum has also been submitted after further discussions with the EA [REP1-14] which updated the breach analysis to consider the impact of tidal flooding should the river defences fail.	Level 2 [APP-086] and Level 3 [APP-067] Flood Risk Assessments  Flood Risk Addendum [REP1-14]

NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
	undertakers, navigation authorities, highways authorities and reservoir owners and operators.	<p>The Level 2 FRA (attached as Appendix 16.A to the Environmental Statement: [APP-031]) indicates that a risk exists with respect to tidal flooding risk. This is recognised to be high. Although the proposals are protected by tidal defences for events of up to 1:1,000 years probability of occurrence, a breach and/or overtop of the defence walls might still occur (residual risk). A level 3 FRA (Appendix 16.B of the Environmental Statement: [APP-031] ) has therefore been undertaken in order to assess the flood risk in the event of a breach and/or overtop of the flood defences. This was updated in the Flood Risk Addendum [REP1-14].</p> <p>Within the Tilbury2 site and the infrastructure corridor, hydraulic breach modelling results indicate that there will be a change to the residual flood risk as a result of the development proposals. For the majority of the site, the change is positive i.e. a reduction in flood depth, or neutral i.e. no change in flood depth. Some parts of the CMAT storage area experience an increase in flood depth, as well as a few small localised sections of the Ro-Ro storage area. These changes are due to a combination of modified flow paths and reductions to ground levels in these areas.</p> <p>However, these small parts of the site which are shown to have an increase in flood risk are classed as either 'Less Vulnerable' or 'Water Compatible' which is an appropriate land use for Flood Zone 3. To manage the residual risk to the site itself, a Flood Emergency Plan will be developed for the whole site</p>	

NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
		<p>to establish a procedure to reduce the potential for future users of the site being exposed to the flood hazard as a result of a potential breach on the site.</p> <p>For the majority of the area off site, including the town of Tilbury and the Tilbury FSAs to the north the change is positive i.e. a reduction in flood depth, or neutral i.e. no change in flood depth. The exceptions to this, where the increase is greater than 10cm, are the channel and field to the west of Tilbury Fort (location 5 in Figure 4-1), a field located to the east of Fort Road, a small part to the east of Tilbury sewage treatment works, and an area of East Tilbury Marshes.</p> <p>Discussions have concluded with the EA such that they agree the conclusions of the FRA work for the proposals and this is set out in the SoCG with the EA.</p>	
5.2.12 – 5.2.16	The decision-maker should not consent development in Flood Zone 2 (in England or Zone B in Wales), unless it is satisfied that the Sequential Test requirements have been met. It should not consent development in Flood Zone 3 (or Zone C) unless it is satisfied that the Sequential and Exception Test requirements have been met (see below). However, when seeking development consent on a site allocated in	The Level 3 FRA sets out that the proposed development is classified as a 'Water Compatible Development' in line with the NPPF1 and NPS. A port terminal and the associated proposed infrastructure are considered water-compatible land uses because they cannot reasonably be located anywhere except a waterfront location. Because of this, and the discussion given in Chapter 6 of the ES outlining the reasons for which the Tilbury 2 site has been chosen, it is considered that the proposals can demonstrate satisfaction of the Sequential Test as an appropriate location in a flood risk zone and would not necessarily need to consider the Exception Test.	Level 2 [APP-086] and Level 3 [APP-067] Flood Risk Assessments  Flood Risk Addendum [REP1-14]



NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
	a development plan through the application of the Sequential Test, informed by a strategic flood risk assessment, applicants need not apply the Sequential Test, but should apply the sequential approach to locating development within the site.	<p>However, even if not formally required, it is considered that the proposals would also pass the Exception Test as follows:</p> <ul style="list-style-type: none"> <li>• The proposals will bring wider sustainability benefits to the community, as set out in the ES;</li> <li>• The proposals are located on developable, previously developed land; and</li> <li>• As suggested by this FRA, the proposals will be safe without increasing flood risk anywhere else.</li> </ul> <p>The proposals are thus considered acceptable with respect to flood risk policy.</p>	
5.2.19	The decision-maker should ensure that the applicant has considered the impact of the port development on the risk of flooding outside the port area and has taken reasonable measures to reduce this as far as possible. Exceptionally, where an increase in flood risk elsewhere cannot be avoided or wholly mitigated, the decision-maker may grant consent if it is satisfied that the increase in flood risk can be mitigated to an acceptable level, taking account of the benefits of port infrastructure.	<p>As set out the Level 2 and Level 3 FRA there is considered to be a marginal increase in flood risk in two fields adjoining the proposals that will have no significant effect.</p> <p>The matter is agreed with the EA where it is agreed that the FRA Addendum provides clarity on the specific flood levels and depths in these fields, both with the baseline scenario and the proposed works, and therefore provides clarity of the precise increase in flood depths.</p>	<p>Level 2 [APP-086] and Level 3 [APP-067] Flood Risk Assessments</p> <p>Flood Risk Addendum [REP1-14]</p> <p>SoCG004 between PoTLL and the Environment Agency - PoTLL/T2/EX/118 Para. 4.4.1</p>

NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
<b>5.3</b>	<b>Coastal change</b>		
5.3.5	<p>The ES should include an assessment of the effects on the coast. In particular, applicants should assess:</p> <ul style="list-style-type: none"> <li>the impact of the proposed project on coastal processes and geomorphology, including by taking account of potential impacts from climate change. If the development will have an impact on coastal processes, the applicant must demonstrate how the impacts will be managed to minimise adverse impacts on other parts of the coast;</li> <li>the implications of the proposed project on strategies for managing the coast, as set out in Shoreline Management Plans, any relevant marine plans, River Basin Management Plans and capital programmes for</li> </ul>	<p>Potential effects on coastal processes are assessed in Chapter 16 - Water Resources and Flood Risk - of the Environmental Statement</p> <p>This assessment is based on hydrodynamic and sediment modelling which is presented in Appendix 16.D of the ES.</p> <p>The effects of the proposals on Marine ecology are assessed in this chapter which concludes that all effects will be minor or negligible with appropriate mitigation in place.</p> <p>The SoCG with the MMO witnesses agreement that mitigation measures are not required for coastal processes as any changes to coastal processes from the construction and operation of the scheme will be minimal and very localised.</p>	<p>Environmental Statement [APP-031]</p> <p>Hydro-dynamic Sediment Modelling Document Reference [APP-089]</p> <p>SoCG008 – SoCG with MMO (PoTLL/T2/EX/115 – para. 4.5.2 – 4.5.3)</p>

NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
	<p>maintaining flood and coastal defences;</p> <ul style="list-style-type: none"> <li>the effects of the proposed project on marine ecology, biodiversity and protected sites;</li> <li>the effects of the proposed project on maintaining coastal recreation sites and features; and</li> <li>the vulnerability of the proposed development to coastal change, taking account of climate change, during the project's operational life and any decommissioning period</li> </ul>		
5.3.5	<p>An assessment of the impact of the proposed project on coastal processes and geomorphology, including potential impacts from climate change. If the development will have an impact on coastal processes, the applicant must demonstrate how the impacts will be managed to</p>	<p>As set out in the Environmental Statement (Chapters 11 and 16) it is considered that there are minimal additional adverse impacts to coastal processes and geomorphology, assuming the proposed mitigation measures of this chapter are implemented.</p>	<p>Environmental Statement [APP-031]</p>

NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
	minimise adverse impacts on other parts of the coast.		
5.3.6	For any projects involving dredging or disposal into the sea, the applicant should consult the Marine Management Organisation (MMO) or the Welsh Government at an early stage.	<p>There has been ongoing engagement with the MMO as outlined in Table 11.3 of the Environmental Statement and the SoCG with the MMO (SoCG008). The MMO and PLA jointly provided the sampling plan for the dredge sediment chemical analysis and both organisations have been provided with the analysis results. The development consent will include a deemed marine licence (DML), and the MMO have advised on what conditions should apply to the deemed marine licence. This will ensure that the proposals are licensed in accordance with the adopted marine plan.</p> <p>The results and the implication of the result is agreed with the MMO. The SoCG witnesses that it is agreed that the chemical analysis of dredge sediments undertaken in line with the sampling plan provided by the MMO and PLA is sufficient to characterise the baseline environment for the environmental assessments. It has been agreed that no further testing of the 2017 samples is required. The impact of the dredging on ecological receptors is all agreed as sufficiently addressed. This therefore meets the NPSP requirements.</p>	<p>Environmental Statement [APP-031]</p> <p>SoCG008 – SoCG with MMO (PoTLL/T2/EX/115 Paras. 4.2 – 4.4.</p>
5.3.7	The applicant should be particularly careful to identify	The proposal is not located within any MCZ, however the Swanscombe rMCZ is located approximately 5km	Environmental Statement [APP-031]

NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
	any effects on the integrity and special features of Marine Conservation Zones, Special Areas of Conservation (SACs) and candidate SACs, Special Protection Areas (SPAs) and potential SPAs, Ramsar sites, actual and potential Sites of Community Importance and Sites of Special Scientific Interest.	<p>upstream from the proposed development. A MCZ assessment has been undertaken and is presented in Appendix 11.A. of the Environmental Statement</p> <p>Potential impacts on international and national sites within 5km have been assessed, and a Habitats Regulations Assessment (HRA) Report prepared. [POTLL/T2/EX/213]. This concludes that the Til-bury2 proposals will not adversely affect the integrity of the Thames Estuary and Marshes Special Protection Area (SPA)/Ramsar site alone or in combination with other known plans or projects.</p>	<p>MCZ Assessment [APP-063]</p> <p>Habitats Regulations Assessment (HRA) Report [POTLL/T2/EX/213]</p>
<b>5.4</b>	<b>Traffic and transport impacts</b>		
5.4.4	If a project is likely to have significant transport implications, the applicant's ES should include a Transport Assessment. The assessment should distinguish between the construction, operation and decommissioning project stages as appropriate.	<p>A Transport Assessment (TA) is appended to the ES. The assessment distinguishes between the construction and operation of the proposals.</p> <p>For the reasons set out after the receipt of the SoS Scoping Opinion, decommissioning has not been assessed as the Port does not have a finite lifespan. Decommissioning was scoped out of the ES at Scoping stage.</p> <p>Additional information has been provided pursuant to that TA during discussions with Highways England and the Local Highway Authority. The assessment methodology and traffic generated by the proposals during construction and operation has been agree with the Highways Authorities, as witness in SoCG001 with TC and SoCG009 with Highways England.</p>	<p>Transport Assessment [APP-072]</p> <p>SoCG001 with Thurrock Council (PoTLL/T2/EX/208) para. 4.3.1 – 4.3.4</p> <p>SoCG009 with Highways England (PoTLL/T2/EX/120) para. 4.4.1.</p>

NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
5.4.5	Where appropriate, the applicant should prepare a Travel Plan, including demand management measures to mitigate transport impacts. The applicant should also provide details of proposed measures to improve access by public transport, walking and cycling, to reduce the need for parking associated with the proposal and to mitigate transport impacts.	<p>A Framework Travel Plan is appended to the ES and has since been updated to take account of stakeholders.</p> <p>The Framework Travel Plan proposes measures to improve access by walking and cycling. This has been updated as a result of on-going discussions with stakeholders.</p> <p>The DCO requires the development to be carried out and operated in accordance with the Framework Travel Plan Requirement 11 requires the development to be carried out in accordance with the FTP.</p>	<p>Updated Framework Travel Plan [PoTLL/T2/EX/140] ]</p> <p>dDCO [PoTLL/T2/EX/204] Schedule 2 Requirement 11.</p>
5.4.8	Transport Assessment should include private traffic accessing and leaving the port, where significant, even where not generated by the development under application.	<p>The Transport Assessment includes an assessment of all traffic likely to be generated by Tilbury2 and makes worst case assumptions to ensure the traffic generation assumptions are robust.</p> <p>The traffic generation assumptions are agreed with Highways England and the Local Highways Authority. The assessment methodology and traffic generated by the proposals during construction and operation has been agreed with the Highways Authorities, as witness in SoCG001 with TC and SoCG009 with Highways England.</p>	Transport Assessment [APP-072]
5.4.9	A new nationally significant infrastructure project may give rise to substantial traffic impact on the surrounding	A summary of the proposed mitigation measures is included in Chapter 13 of the Environmental Statement.	Environmental Statement [APP-031] Framework Travel Plan v2 [PoTLL/T2/EX/140]



NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
	<p>transport infrastructure, and the IPC should therefore ensure that the applicant has sought to mitigate these impacts, including during the construction phase of the development. Where the proposed mitigation measures are insufficient to reduce the impact on the transport infrastructure to acceptable levels, the IPC should consider conditions to mitigate adverse impacts on transport networks arising from the development, as set out below. Applicants may also be willing to enter into planning obligations for funding infrastructure and otherwise mitigating adverse impacts.</p>	<p>This includes compliance with the Framework Travel Plan (FTP) and Sustainable Distribution Plan (SDP) both of which have been updated and agreed with the relevant Highways Authorities as witnessed by the SoCGs with Highways England (SoCG008) and TC (SoCG001). The SDP aims to ensure that HGV movements that can be avoided on the network are actively explored and measures are promoted to reduce HGV impact on the network. The dDCO requires the development to be carried out and operated in accordance with the SDP</p> <p>Compliance with both the SDP and FTP is secured by Requirement 11 of the dDCO</p> <p>The following measures to mitigate the impact of the proposed development will be implemented:</p> <ul style="list-style-type: none"> <li>- • Delivery of a Link Road from A1089 Ferry Road to the existing site access;</li> <li>- • Downgrading of Fort Road, south of the site access, to reduce traffic on this link; and</li> <li>- • Minor improvements to the capacity and safety at the Asda Roundabout.</li> <li>- Improvements to pedestrian safety at ASDA roundabout.</li> <li>- Changes to speed limits in the vicinity of A1089 and on the approaches to the ASDA roundabout</li> </ul> <p>The mitigation proposals at the ASDA roundabout have been agreed in principle whilst details are being</p>	<p>Sustainable Distribution Plan v2 (PoTLL/T2/EX/142)</p> <p>SoCG001 with Thurrock Council (PoTLL/T2/EX/208) para. 4.3.8 – 4.3.9</p> <p>SoCG009 with Highways England (PoTLL/T2/EX/208 para. 4.3.1 and 4.4.1.</p> <p>dDCO Schedule 2 Requirement 11 (PoTLL/T2/EX/204)</p>

NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
		<p>discussed. This is witnessed in the in the SoCG with TC (PoTLL/T2/EX/208) and will be so in a future iteration of the SoCG with HE.</p> <p>HE has an outstanding concern regarding the impact of Tilbury2 on Junction 30 of the M245 and whether any mitigation is requires at that junction as a result of the Tilbury2 proposals. Discussions on this matter continue.</p>	<p>SoCG001 with Thurrock Council (PoTLL/T2/EX/208) para. 5.1.1</p>
5.4.10	<p>Provided that the applicant is willing to enter into planning or transport obligations, or conditions can be imposed to mitigate transport impacts identified in the WebTAG Transport Assessment, with attribution of cost calculated in accordance with the Department for Transport's guidance, then development consent should not be withheld and appropriately limited weight should be applied to residual effects on the surrounding transport infrastructure.</p>	<p>The mitigation measures either form part of the dDCO measures or are secured by requirements in the dDCO, or are within the s106 DCO obligation. In relation to the transport obligations, the s106 DCO Obligation includes a comprehensive scheme of improvements to footpaths and cycleways in the vicinity of the site and wider area.</p> <p>HE has an outstanding concern regarding the impact of Tilbury2 on Junction 30 of the M25 and whether any mitigation is requires at that junction as a result of the Tilbury2 proposals. Discussions on this matter continue.</p>	<p>s106 Obligation particularly Appendix 4 – Active Travel Measures.</p> <p>PoTLL/T2/EX/215</p>

NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
5.4.11	<p>Where mitigation is needed, possible demand management measures must be considered and, if feasible and operationally reasonable, required before considering conditions for the provision of new inland transport infrastructure to deal with remaining transport impacts is determined.</p> <p>Demand management measures may in particular include lorry-booking arrangements aimed at spreading peak traffic within the working day. When the reasonableness of such measures is being determined, inflexibility of timing for arrival or departure at the other end of the journey (for example, at a distribution depot), should not be accorded greater weight. This is because it is the Government's policy to encourage flexibility at both ends of the journey wherever possible.</p>	<p>Demand management for the proposed development is identified in the Framework Travel Plan for staff trips and the Sustainable Distribution Plan for freight traffic</p> <p>The Framework Travel Plan (FTP) and Sustainable Distribution Plan (SDP) have been updated and agreed with the relevant Highways Authorities as witnessed by the SoCGs with Highways England (SoCG008) and TC (SoCG001). The SDP aims to ensure that HGV movements that can be avoided on the network are actively explored and measures are promoted to reduce HGV impact on the network. The dDCO requires the development to be carried out and operated in accordance with the SDP</p> <p>Compliance with both the SDP and FTP is secured by Requirement 11 of the dDCO. .</p> <p>The applicant has demonstrated that it is unnecessary to impose additional restrictions on the operation of Tilbury2 (such as limiting HGV movements in the peak hours) as the modelling of transport infrastructure demonstrates that the traffic associated with the development can be accommodated on the network with limited modification to existing transport infrastructure. This will allow for maximum flexibility in operation in accordance with the Government's stated policy of encouraging flexibility.</p>	<p>Framework Travel Plan v2 [PoTLL/T2/EX/140]</p> <p>Sustainable Distribution Plan v2 (PoTLL/T2/EX/142)</p> <p>SoCG001 with Thurrock Council (PoTLL/T2/EX/208) para. 4.3.8 – 4.3.9</p> <p>SoCG009 with Highways England (PoTLL/T2/EX/208 para. 4.3.1 and 4.4.1.</p>

NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
	<p>The decision maker should have regard to the cost-effectiveness of demand management measures compared with new transport infrastructure, as well as the aim to secure more sustainable patterns of transport development when considering mitigation measures.</p>		
5.4.14	<p>The modal share of traffic entering and leaving the port needs to be considered objectively in the context of external congestion and environmental costs – should encourage rail and coastal or inland shipping over road transport, where cost effective, but requirements or obligations, if they are necessary in order to avoid significant detriment to network users should be evidence-based and present efficient incentives.</p> <p>Because of the scale of economies of consolidated</p>	<p>The Tilbury2 proposals provide for a multi-modal interchange that includes rail and access to barge transfer for onward transportation on the Thames.</p> <p>As explained in Chapter 13 of the Environment Statement, the use of rail and river transport is considered in the Transport Assessment and Sustainable Distribution Plan.</p> <p>It is estimated that the Aggregates Storage Yard will generate a total import and export of 1,600,000 tonnes per year. The aggregate is likely to be exported as follows:</p> <ul style="list-style-type: none"> <li>• 700,000 tonnes exported by rail;</li> <li>• 150,000 tonnes exported by river; and</li> <li>• 750,000 tonnes exported by road.</li> </ul> <p>The proposed development will therefore seek to maximise the import/export of goods by alternative</p>	<p>Environmental Statement [APP-031]</p> <p>Transport Assessment [APP-072]</p> <p>Framework Travel Plan v2 [REP5-018]</p> <p>Sustainable Distribution Plan v2 (REP5-020)</p>

NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
	<p>loads, rail share is likely to be viable for unitised traffic in above-threshold container terminals, and there may be a possibility of encouraging some ro-ro traffic onto rail connections. For some forms of bulk traffic, rail may be the commercially predominant inland mode. Coastal shipping and inland waterways may be viable for certain flows.</p> <p>For containers, the gauge clearance of the rail route to the most likely destinations for traffic should be considered, specifically whether clearance to W10 gauge at least is available or should be provided for to enable 9'6" 'hi-cube' containers to be transported by conventional wagons.</p>	<p>modes to road transport; this is particularly focused on the CMAT but the RoRo cargo will also have access to the rail terminal.</p>	
5.4.17	<p>The use of inland waterways for the movement of goods to and from the port should be considered. Similarly, the prospect of promoting</p>	<p>It is proposed to import/export materials from the CMAT via river. It is estimated that c150,000 tonnes will be exported by river.</p>	<p>Environmental Statement [APP-031]</p>

NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
	coastal shipping as an alternative to road and rail transport should be considered.		
5.4.18	Obligations or requirements should be structured flexibly so as to keep to a reasonable minimum the risk that either applicants or network providers would be required to incur costs providing infrastructure that turned out to be under-used. Such measures might include various mechanisms, such as traffic-level triggers, shadow-tolling and/or escrow arrangements to guarantee funding.	<p>PoTLL and TC (together with Highways England) have agreed in principle a package of mitigation measures at the ASDA roundabout, subject to further information on safety audit and modelling. The measure principally agreed are with regard to changes in junction geometry, enhanced facilities for pedestrians and cyclists (including improved signage) and changes to the speed limits on the approaches to and on the roundabout itself.</p> <p>This is witnessed in the latest SoCG001 with Thurrock Council.</p>	<p>Transport Assessment [APP-072]</p> <p>SoCG001 with Thurrock Council (PoTLL/T2/EX/208), para. 5.1.1</p>
5.4.19	Target modal shares for rail or coastal shipping may sometimes be appropriate, but are not mandatory, and the main emphasis should on incentive mechanisms rather than rigid target-setting. Such shares should not be regarded as ends in themselves, but as indicators of the outcome of cost-	<p>The proposals are a multi-modal interchange where rail and barge transfer will be facilitated and encouraged. The nature of the bulk aggregates associated with the CMAT will ensure a significant proportion of throughput will be by rail.</p> <p>As set out in the Sustainable Distribution Plan, the Tilbury2 proposals (along with other rail infrastructure investment) demonstrates the commitment of POTLL to transport goods by rail through the inclusion of a new dedicated connection integrated with the CMAT</p>	<p>Environmental Statement [APP-031]</p> <p>Sustainable Distribution Plan v2 (REP5-020)</p>



NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
	effective transport obligations.	<p>and RoRo terminal to enable efficient transport of aggregates by rail. Network Rail has confirmed that there is considerable spare capacity on the adjoining rail network to accommodate the additional demand that the T2 proposals could generate. NR's response to FWQ 1.18.3, dated 19 March 2018 states that NR does not believe there will be any significant impact on capacity, connectivity and or network resilience caused by the proposed development and that there is sufficient capacity in the relevant lines so that the envisaged level of traffic could be accommodated through better path utilisation and where required departures managed to avoid peak times.</p> <p>It is therefore proposed to import/export approximately 53% of Aggregate via alternative modes to HGV, which is a significant proportion. This should be compared to the national average for aggregates of around 10%, with a higher proportion (28%) of cement products transported by rail.</p> <p>PoTLL has a track record in encouraging barge use and whilst it cannot directly impose target modal shares on its tenants, it will facilitate and encourage this in the future.</p>	
5.4.20	Rail obligations should not be sought to such an extent that the estimated net social cost of delivering them exceeds the corresponding net social	The proposals to provide the rail connection to Tilbury2 is achievable and deliverable and is fundamental to the success of the proposals.	Environmental Statement [APP-031]

NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
	cost of accommodating the marginal traffic on the roads.		
5.4.21	Rail (or coastal-shipping) shares should not simply be read across from a previous development to the one under construction, as the most efficient transport outcome may differ significantly according to all the circumstances of the case.	The proposed modal shares are specific to the proposed operation and assume a reasonable and deliverable level of movement of aggregates by barge movements.	Transport Assessment [APP-072]
5.4.22	<p>Where a development, including any container or ro-ro development, is likely to generate or attract substantial HGV traffic, the decision maker may attach requirements to a consent that:</p> <ul style="list-style-type: none"> <li>Control numbers of HGV movements in a specified period during the sites construction and possibly routing of such movements;</li> <li>Make sufficient provision for HGV parking, either on the</li> </ul>	<p>The impact of construction traffic has been assessed in the Transport Assessment and has been demonstrated to be acceptable. The Construction Environment Management Plan (CEMP) includes at Appendix 2 a draft Construction Traffic Management Plan which will be approved by Thurrock Council and will define the use of appropriate and approved routes for larger construction vehicles, deliveries and for staff.</p> <p>Detail regarding the demand management for HGV traffic is set out in the Sustainable Distribution Plan.</p> <p>It is identified in the TA and SDP that sufficient parking will be provided on-site to avoid the need for prolonged queuing on approach roads. The areas of land required for this have been defined based on PoTLL and their tenants' experience at Tilbury1.</p>	<p>CEMP (REP6-008)</p> <p>SDP (REP5-020)</p> <p>Transport Assessment [APP-072]</p>

NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
	<p>port estate or at dedicated facilities elsewhere to avoid the need for prolonged queuing on approach roads; and</p> <ul style="list-style-type: none"> <li>• Ensure satisfactory arrangements, taking account of the views of road network providers and of the responsible police force(s), for dealing with foreseeable abnormal disruption.</li> </ul>	<p>PoTLL operate their own Police Force that help to manage traffic in liaison with local highways officers on the occasions of a <i>force majeure</i>.</p>	
5.4.23	<p>Ports can provide valuable facilities for checking of heavy goods vehicles. Port development that includes ro-ro facilities should be planned in such a way that facilities can be provided for enforcement agencies to operate checks as and when appropriate.</p>	<p>All of the necessary facilities for checking heavy good vehicles for the necessary enforcement agencies will be in place as part of the proposals.</p>	
5.4.24	<p>Where development would worsen accessibility, such impacts should be mitigated so far as reasonably possible.</p>	<p>Details of the proposed mitigation measures are set out in the Environmental Statement and TA and in the Framework Travel Plan</p>	<p>Transport Assessment [APP-072]  FTP (REP5-018)</p>

NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
		In addition, sustainable accessibility to the site and the wider area is embraced in the comprehensive Active Travel Study, implementation of which is required through the s106 DCO obligation with Thurrock Council.	S106 DCO Obligation PoTLL/T2//EX/215
5.4.25	Employee travel assessment should be undertaken for all major port development.	As part of the Framework Travel Plan, it is proposed to monitor staff travel to and from the site and encourage the use of sustainable travel modes.	FTP (REP5-018)
5.4.26 5.4.31	<p>– The developer is expected to fund provision of infrastructure required solely to accommodate users of the development without detriment to pre-existing users.</p> <p>Where, in the case of a nationally significant infrastructure project (NSIP) such as a major port development, there is a case for bringing forward schemes which help meet the 'background' growth in 'third-party' traffic, the guidance</p>	<p>PoTLL will fund or deliver each of the proposed mitigation measures described in the ES and TA as well as the sustainable transport measures set out in the s106 DCO obligation.</p> <p>Tilbury2 does not rely on any other transport infrastructure schemes being brought forward aside from the mitigation proposed as part of the dDCO. No co-funding by Government is envisaged or required.</p>	<p>Environmental Statement [APP-031]</p> <p>Transport Assessment [APP-072]</p>

NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
	explains the circumstances in which the Government would expect to 'co-fund' in respect of such benefits and the methodology that should be employed to determine funding shares		
<b>5.5</b>	<b>Waste management</b>		
5.5.2	Sustainable waste management is implemented through the waste hierarchy.	As set out in the CEMP, to reduce waste, material will also be re-used at the site where possible. Materials would be ordered specifically to reduce over-ordering and careful storage of materials would be ensured to prevent damage. Where waste is generated, it will be dealt with in line with the Government's waste hierarchy which is a guide to sustainable waste and material resource management.	CEMP (REP6-008)
5.5.4	The NPS includes requirements for applicants to set out the arrangements for managing any waste produced by a development and to prepare a SWMP.	A SWMP for the CD&E phase is appended to the CEMP to satisfy these requirements of the NPSP, and the OMP requires that this SWMP be developed for the operational phase.	CEMP (REP6-008)  Operational Management Plan [REP5-022]
5.5.5	The decision-maker should consider the extent to which the applicant has proposed an effective system for managing hazardous and non-hazardous waste arising from the construction,	In preparing the ES an assessment of waste arisings from the proposals and available capacity was undertaken. During the application process an additional validation assessment of the capacity in Thurrock has been undertaken which also considers on a sequential basis the capacity data within Essex to determine the significance of the impact of the	Appendix E to PoTLL's response to Written Representations [REP2-007].

NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
	<p>operation and decommissioning of the proposed development. It should be satisfied that: a any such waste will be properly managed, both on-site and off-site; the waste from the proposed facility can be dealt with appropriately by the waste infrastructure which is, or is likely to be, available. Such waste arisings should not have an adverse effect on the capacity of existing waste management facilities to deal with other waste arisings in the area; and adequate steps have been taken to minimise the volume of waste arisings, and of the volume of waste arisings sent to disposal, except where that is the best overall environmental outcome.</p>	<p>quantity of waste predicted to be produced during construction/demolition.</p> <p>Assessment of waste capacity in Thurrock has been undertaken and the methodology and the conclusions of this have been agreed. The assessment has been submitted to the ExA as Appendix E to PoTLL's response to Written Representations [REP2-007].</p> <p>This demonstrated that the worst case scenario tonnage of waste to be produced by the proposals is likely to have only a moderate impact on waste infrastructure within Thurrock, and this does not take account of available capacity in the wider south Essex area.</p>	
<b>5.6</b>	<b>Water quality and resources</b>		
5.6.3 – 5.6.4	Where the project is likely to have effects on the water environment, the applicant should undertake an assessment of the existing	The Environmental Statement at Chapter 16 complies with this requirement	Environmental Statement [APP-031]



NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
	status of, and impacts of, the proposed project on water quality, water resources and physical characteristics of the water environment as part of the Environmental Statement (ES) or equivalent.		
5.6.4	<p>the existing quality of waters affected by the proposed project and the impacts of the proposed project on water quality, noting any relevant existing discharges, proposed new discharges and proposed changes to discharges;</p> <p>□ existing water resources affected by the proposed project and the impacts of the proposed project on water resources, noting any relevant existing abstraction rates, proposed new abstraction rates and proposed changes to abstraction rates (including any impact on or use of mains supplies and reference to Catchment</p>	<p>The existing quality has been taken into account in the Baseline Conditions Section chapter 16 of the ES considering the WFD designation of the watercourses and groundwater bodies, where applicable.</p> <p>The potential for impacts to the water quality has been assessed and mitigation measures have been provided. These include implementation of appropriate working methodologies, during the construction phase, to avoid contamination and implementation of a drainage strategy to avoid potentially contaminated run-off reaching the watercourses and groundwater bodies. These will be secured through the CEMP and in particular Section 9 [REP3-011], compliance with which is secured through Requirement 11 of the dDCO.</p> <p>The main impact on the existing physical characteristics to the water environment has been recognised as associated to the dredging activities along the River Thames. A sediment plume hydrodynamic model has been prepared and a</p>	<p>Environmental Statement [APP-031] Chapter 16 Table 16.21</p> <p>Construction Environmental Management Plan [REP6-008]</p> <p>dDCO Schedule 2 Requirement 11 (PoTLL/T2/EX/203</p> <p>Update To The Qualitative Cumulative Effects Assessment Of Tilbury2 With Tilbury Energy Centre And Lower Thames Crossing REP6-006</p>

NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
	<p>Abstraction Management Strategies);</p> <p>□ existing physical characteristics of the water environment (including quantity and dynamics of flow) affected by the proposed project and any impact of physical modifications to these characteristics;</p> <p>□ any impacts of the proposed project on water bodies or protected areas under the Water Framework Directive and source protection zones around potable groundwater abstractions; and</p> <p>□ any cumulative effects.</p> <p>,</p>	<p>summary of the outcomes is provided in this Chapter 16 of the ES. Further modelling has been undertaken as a result of negotiations with stakeholders.</p> <p>All the existing groundwater abstraction licences have been identified in the Baseline Conditions Section of this chapter and have been considered in the assessment as potential receptors. However, the baseline review did not identify any potable groundwater abstractions within 1km of the site and the site is not within an SPZ. In addition, although three groundwater abstraction licences are present on site (associated with the same borehole) these refer to process water usage rather than potable supply.</p> <p>Table 16.21 of the ES consider the potential cumulative effects of the other projects identified at that stage on water quality. In each case a low potential for cumulative impacts on the water quality of local waterbodies is predicted.</p> <p>Further assessment of Cumulative Effects on water quality was undertaken in the Qualitative CEA of Tilbury2 with the TEC and LTC which concludes that there is potential for cumulative effects on water quality but that this would be controlled through MMO licencing. (Update To The Qualitative Cumulative Effects Assessment Of Tilbury2 with Tilbury Energy Centre And Lower Thames Crossing PoTLL/T2/EX/147, paras. 5.51- 5.52</p>	

NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
5.6.9	The decision-maker should consider whether mitigation measures are needed for operational, construction and decommissioning phases over and above any which may form part of the project application. A construction management plan may help codify mitigation at that stage.	Mitigation measures are set out in the CEMP and OMP, compliance with which is secured through requirement 11 of the DCO.	Construction Environmental Management Plan REP6-008  Operational Management Plan REP5-022  dDCO Schedule 2 Requirement 11 (PoTLL/T2/EX/203)
<b>5.7</b>	<b>Air quality and emissions</b>		
5.7.2	Infrastructure development can have adverse effects on air quality. The construction, operation and decommissioning phases can involve emissions to air, which could lead to adverse impacts on human health, on protected species and habitats, or on the wider countryside.	A quantitative and qualitative assessment of the health effects of air quality impacts, is included in Chapter 8 of the Environmental Statement, and has been undertaken based upon the Air Quality Assessment outputs.  The Health Assessment has been agreed with Thurrock Council (SoCG001 4.20.1) which confirms that the methodology underlying the Health Assessment is satisfactory and that the key health effects of Tilbury2 have been identified	Environmental Statement [APP-031] Chapter 8
5.7.5	The ES should describe: - any significant air emissions, their mitigation and any residual effects, distinguishing between the construction and	The ES air quality chapter (Chapter 18) identifies all potential emission sources including road traffic during construction and operation, dust during construction and operation, and rail and shipping emissions during operation. Those with the potential for significant impacts are assessed in accordance with accepted good practice. Notably, the air quality assessment includes a detailed modelling study of construction	Environmental Statement [APP-031] Chapter 18.

NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
	<p>operation stages and taking account of any significant emissions from any road traffic generated by the project;</p> <ul style="list-style-type: none"> <li>- the predicted absolute emission levels from the proposed project, after mitigation methods have been applied; and</li> <li>- existing air quality levels and the relative change in air quality from existing levels</li> </ul>	<p>and operational traffic emissions. This included rail, which takes account of embedded mitigation regarding improvements in emissions in future years.</p> <p>The total concentrations expected to occur at sensitive receptors in the opening year have been compared with national air quality criteria (including statutory limits).</p> <p>Residual impacts after mitigation, both those embedded in design and any additional recommended measures are reported in the ES and consider rail emissions using the same assessment technique.</p> <p>Dust emissions have been assessed qualitatively in line with IAQM (2014) construction dust guidance and IAQM (2016) minerals planning guidance.</p>	
5.7.6 – 5.7.7	<p>The decision-maker should generally give air quality considerations substantial weight where a project would lead to deterioration in air quality in an area, or leads to a new area, where the air quality breaches any national air quality limits. However, air quality considerations will also be important where substantial changes in air quality are expected, even if</p>	<p>The ES demonstrates that there will be no significant deterioration in air quality in the area subject to the proposed mitigation measures.</p> <p>No breaches of relevant statutory air quality limits are predicted.</p>	Environmental Statement (APP-031)Chapter 18

NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
	this does not lead to any breaches of any national air quality limits.		
5.7.8	The decision-maker should consider whether mitigation measures are needed both for operational and construction emissions over and above any that may form part of the project application. A construction management plan may help codify mitigation at this stage	<p>Mitigation measures are set out in the CEMP and OMP, compliance with which is secured through requirement 11 of the dDCO.</p> <p>These include monitoring of changes in air quality both before the operation and once the proposals are operational. It also includes monitoring 3 years after operation commences for comparison purposes.</p>	<p>Construction Environmental Management Plan [REP6-008][REP6-008] Operational Management Plan REP5-020REP5-022</p> <p>dDCO Schedule 2 Requirement 11 PoTLL/Ti2/EX203</p>
5.7.11	<p>The decision-maker should consider the extent to which the applicant intends to influence the modal share of inland connections to/from the ports and the robustness of these proposals</p> <p>The decision maker should consider whether and whether measures such as vehicle booking systems may alleviate peak concentrations of one or more pollutants.</p>	<p>PoTLL intend to influence modal share of inland connections by providing rail access to the site and by means of the Sustainable Distribution Plan.</p> <p>Given the outcome of the air quality assessment there is no need to impose controls on access/egress to/from Tilbury2.</p>	Sustainable Distribution Plan v2 (REP5-020]
5.7.12 - 15	Local air pollution may also be abated through the provision of shore-side fixed	PoTLL will provide necessary infrastructure to ensure shore power (or other appropriate measures/technologies) can be facilitated in the future	Operational Management Plan REP5-022 Section 7.4

NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
	<p>electrical power to replace ships' generators while in port, this being known as 'cold-ironing'.</p> <p>The decision-maker should consider each case objectively to determine whether provision of cold-ironing infrastructure (rather than provisions to allow this in the future) should be included in the development. This consideration should be based on the dwell time of vessels and technical compatibility of the ships intended to call at the port, as well as on the emissions and other impacts. Where supra-national instruments requiring the use of cold-ironing appear to be imminent, the decision-maker should take this into account.</p>	<p>once electrical capacity becomes available and ships using Tilbury2 have the ability to receive and beneficially use shore power. Such provision is secured through section 7.4 of the Operational Management Plan (REP5-022).</p> <p>PoTLL consider that their approach complies with para. 5.7.13 of the NPSP which requires that all proposals should either include reasonable advance provisions (such as ducting and spaces for sub-stations) to allow the possibility of future provision of cold-ironing infrastructure.</p>	
<b>5.8</b>	<b>Dust, Odour, artificial smoke, steam and insect infestation</b>		
5.8.1 – 5.8.11	During the construction, operation and decommissioning of port	The assessment of dust and odour form part of the Air Quality Assessment in Chapter 18 of the Environmental Statement. There is not considered to	Environmental Statement – Chapter 18 [APP-031]



NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
	<p>infrastructure there is potential for the release of a range of emissions such as odour, dust, steam, smoke, artificial light and infestation of insects.</p> <p>The applicant should assess the potential for insect infestation and emissions of odour, dust, steam, smoke and artificial light to have a detrimental impact on amenity, as part of the Environmental Statement.</p>	<p>be any effects of the proposals related to steam, smoke, or infestation of insects.</p> <p>Controls with regard to dust and odour are set out in the Section 11 of the CEMP and section 7 of the OMP. The EPR will, for example, require the design and operation of the CMAT processing facilities such as cement batching, asphalt batching and roadstone coating plants to apply Best Available Techniques (BAT) to manage emissions and odour to ensure no significant adverse effect on the environment. Such measures will be embedded within the design and where appropriate limits will be set in permits for equipment with emission points to air.</p>	<p>Construction Environmental Management Plan [REP6-008]</p> <p>Operational Management Plan [REP5-020]</p>
5.8.7	<p>The decision-maker should satisfy itself that all reasonable steps have been taken, and will be taken, to minimise any detrimental impact on amenity from insect infestation and emissions of odour, dust, steam, smoke and artificial light.</p>	<p>Controls with regard to dust and odour are set out in the CEMP and OMP or will be controlled by the Environmental Permitting Regulations. The EPR will, for example, require the design and operation of the CMAT processing facilities such as cement batching, asphalt batching and roadstone coating plants to apply Best Available Techniques (BAT) to manage emissions and odour to ensure no significant adverse effect on the environment. Such measures will be embedded within the design and where appropriate limits will be set in permits for equipment with emission points to air.</p> <p>Artificial light has been considered in Chapter 9 of the ES :Landscape Character and Visual Appraisal.</p>	<p>Construction Environmental Management Plan [REP6-008]</p> <p>Operational Management Plan REP5-020</p>

NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
5.8.8	If the decision-maker does grant development consent for a project, it should consider whether there is a justification for all of the authorised project (including any associated development) being covered by a defence of statutory authority against nuisance claims. If it cannot conclude that this is justified, it should disapply in whole or in part the defence through provision in the development consent or harbour order.	<p>The dDCO at Article 48 – Defence to proceedings in respect of statutory nuisance provides a defence to statutory nuisance proceedings brought under the Environmental Protection Act 1990 in respect of noise emitted from premises. The defence is only available if:</p> <ul style="list-style-type: none"> <li>- the noise is created in the course of carrying out or maintenance of the works authorised by the Order in accordance with a notice given under section 60 or 61 of the Control of Pollution Act 1974; or</li> <li>- is a consequence of the construction, maintenance or use of the authorised development and that it cannot be reasonably be avoided.</li> </ul>	<p>dDCO at Article 48 (PoTLL/T2/EX/203)</p> <p>Explanatory Memorandum to Draft DCO [PoTLL/T2/EX/205]</p>
5.8.9 – 5.8.10	<p>Where the decision-maker believes it appropriate, it may consider attaching requirements to the development consent, in order to secure certain mitigation measures.</p> <p>In particular, the decision-maker should consider whether to require the applicant to abide by a</p>	A comprehensive suite of mitigation and compliance measures is proposed as set out above, the dDCO requiring compliance with the CEMP and OMP compliance with which is secured through requirement 11 of the dDCO	<p>Construction Environmental Management Plan [REP6-008]</p> <p>Operational Management Plan REP5-020</p> <p>dDCO Schedule 2 Requirement 11 (PoTLL/T2/EX/120)</p>

NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
	scheme of management and mitigation concerning insect infestation and emissions of odour, dust, steam, smoke and artificial light from the development. The decision-maker should consider the need for such a scheme to reduce any loss to amenity which might arise during the construction, operation and decommissioning of the development. A construction management plan may help codify mitigation at that stage		
<b>5.9</b>	<b>Biomass/waste impacts</b>		
	The Tilbury2 proposals do not include any storage of fuels for Energy from Waste generating stations; section 5.9 is not therefore relevant to this proposal.		
<b>5.10</b>	<b>Noise and vibration</b>		
5.10.1	Excessive noise can have wide-ranging impacts on quality of human life and health (e.g. owing to annoyance or sleep disturbance), use and enjoyment of areas of value such as quiet places and	A quantitative and qualitative assessment of the health effects of noise and vibration impacts has been undertaken and is reported at Chapter 17 of the Environmental Statement  Table 17.1 of the ES highlights that the assessment has taken full account of the Noise Policy Statement.	Environmental Statement [APP-031] Chapter 17  Noise Resume Paper (PoTLL/T2/EX/154)

NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
	<p>areas with high landscape quality. The Government's policy on noise is set out in the Noise Policy Statement for England. It promotes good health and good quality of life through effective noise management. Similar considerations apply to vibration, which can also cause damage to buildings. In this section, in line with current legislation, references to 'noise' below apply equally to assessment of impacts of vibration.</p>	<p>The noise and vibration assessment has predicted noise levels and implemented mitigation into the proposal design to avoid significant adverse impacts on health and good quality life. The assessment has used the NPSE definitions for two threshold noise levels which are defined around significance of impact (SOAEL and LOAEL).</p> <p>The assessment complies with the NPSP by consider factors which will determine the likely noise impact including:</p> <ul style="list-style-type: none"> <li>- The inherent operational noise from the proposals, and its characteristics;</li> <li>- The proximity of the proposals to noise-sensitive premises (including residential properties, schools and hospitals) and noise-sensitive areas (including certain parks and open spaces);</li> <li>- The proximity of the proposals to quiet or tranquil places and other areas that are particularly valued for their acoustic environment or landscape quality; and</li> <li>- The proximity of the proposals to designated sites where noise may have an adverse impact on protected species or other wildlife</li> </ul> <p>A full resume of the case of PoTLL in regards to noise is provided in the Noise Resume Paper in relation to questions asked by the ExA at the ISH on 27 June 2018 (PoTLL/T2/EX/154).</p>	

NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
5.10.4	Where noise impacts are likely to arise from the proposed development, the applicant should include an assessment of the effect of predicted changes in the noise environment on any noise sensitive areas and noise sensitive species.	<p>A full noise assessment has been undertaken at Chapter 17 of the Environmental Statement.</p> <p>Underwater noise modelling has been undertaken and used to inform the assessment on relevant marine ecology receptors (fish and marine mammals). The modelling is presented in appendix 17.A and summarised in chapter 17 of the ES.</p>	<p>Environmental Statement [APP-031]</p> <p>Monitoring background Noise and modelling of construction noise at Tilbury Docks. [APP-091]</p>
5.10.4	<p>Where noise impacts are likely to arise from the proposals, the applicant should include the following in the noise assessment:</p> <ul style="list-style-type: none"> <li>a description of the noise generating aspects of the development proposal leading to noise impacts on the marine and terrestrial environment, including the identification of any distinctive tonal, impulsive or low-frequency characteristics of the noise;</li> </ul>	<p>The assessment identifies the noise generating aspects of the development, and has included an appraisal of acoustic characteristics that are more likely to generate complaints.</p> <p>The assessment sets out the component elements of noise generating activities for each element assessed and applies and correction has been applied for various acoustic features including tonality and impulsivity to ensure a robust assessment.</p>	Environmental Statement [APP-031]

NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
5.10.4	<ul style="list-style-type: none"> <li>identification of noise-sensitive premises and areas and noise-sensitive species that may be affected;</li> </ul>	<p>Noise sensitive premises and areas have been identified within the study area. The location of the noise sensitive receptors have been agreed with both Thurrock Council and GBC. Additional baseline monitoring was undertaken at Mark Lane at the request of GBC which demonstrated that this receptor had no worse a noise climate than any other chosen in the GBC area.</p>	<p>Environmental Statement [APP-031] Chapter 17</p>
5.10.4	<ul style="list-style-type: none"> <li>the characteristics of the existing marine and terrestrial noise environment;</li> </ul>	<p>In-air and underwater surveys have been undertaken to inform the noise assessment identifying the characteristics of the local character in the baseline and assessing accordingly. These are contained within Chapter 17 of the ES [APP-031] described at paras. 17.98 – 17.133</p>	<p>Environmental Statement [APP-031] Chapter 17 paras. 17.98 – 17.133</p>
5.10.4	<ul style="list-style-type: none"> <li>a prediction of how the noise environment will change with the proposals: - in the shorter term during the construction period; - in the longer term during the operating life of the infrastructure; and - at particular times of the day, evening and night as appropriate.</li> </ul>	<p>Temporary noise and vibration impacts associated with the construction phase have been considered in accordance with BS5228.</p> <p>The assessment has considered operational phase impacts in the short term and long term scenario, and has separated out the daytime/night-time operating periods. The assessment is described in Chapter 17 of the ES in paras. 17.166 – 17.222</p>	<p>Environmental Statement [APP-031] Chapter 17 paras. 17.166 – 17.222.</p>



NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
5.10.4	<ul style="list-style-type: none"> <li>an assessment of the effect of predicted changes in the noise environment on any noise sensitive areas and noise sensitive species; and</li> </ul>	The noise and vibration assessment has predicted changes in noise level at identified sensitive receptors. This is summarised in Table 17.46 of the ES following consideration of the component parts of the noise sources in the assessment	Environmental Statement [APP-031] Chapter 17 Table 17.46
5.10.4	<ul style="list-style-type: none"> <li>measures to be employed in mitigating the effects of noise.</li> </ul> <p>The nature and extent of the noise assessment should be proportionate to the likely noise impact.</p>	A range of embedded mitigation measures for the Development have been identified at para. 17.134 – 17.137. Additional mitigation measures have also been identified at paras. 17.223 – 17.227 including the implementation of the reassessment process secured by Requirement 10 of the dDCO and the implementation of the measures in the Operational Management Plan	<p>Environmental Statement [APP-031] Chapter 17</p> <p>Operational Management Plan REP5-022</p> <p>dDCO Schedule 2 Requirement 10 (PoTLL/T2/EX/203)</p> <p>dDCO Schedule 2 Requirement 11 (PoTLL/T2/EX/203)</p>
5.10.5	The noise impact of ancillary activities associated with the development, such as increased road and rail traffic movements, or other forms of transportation, should be considered.	All sources of noise have been assessed including road and rail movements. These are assessed in detail at 17.190 – 17.220. Underwater noise is assessed in 17.214 – 215.	Environmental Statement [APP-031] Chapter 17 Paras 17.190 – 17.220 and 17.214 – 215.
5.10.6	Operational noise, with respect to human receptors, should be assessed using	The assessment has used the principles of the relevant British Standards. These are set out in Table 17.2 of the ES namely	Environmental Statement [APP-031]

NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
	the principles of the relevant British Standards.	<p>BS 5228-1:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites. Noise, British Standards Institution, 2014</p> <p>BS 5228-2:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites. Vibration, British Standards Institution, 2014</p> <p>BS 6472-1:2008 Guide to evaluation of human exposure to vibration in buildings – Part 1: Vibration sources other than blasting (BS6472-1).</p> <p>British Standard (BS) 4142:2014</p> <p>Calculation of Road Traffic Noise (CRTN), Department for Transport and Welsh Office, 1988</p> <p>Calculation of Railway Noise, 1995 (CRN)</p> <p>Design Manual for Roads and Bridges (DMRB)</p> <p>Further details as the approach to assessment is provided in the summary of the ISH on Noise on 27 June 2018 and the associated Noise Resume paper.</p>	Chapter 17, Table 17.2 and Noise Resume Paper submitted at Deadline 5 PoTLL/T2/EX/154
5.10.7	The applicant should consult the Environment Agency and	Chapter 11 of the Environmental Statement explains that The Environment Agency, Natural England and	Environmental Statement [APP-031] Chapter 11.

NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
	<p>Natural England, or the Countryside Council for Wales, and the MMO in relation to marine protected species in England, as necessary and in particular with regard to assessment of noise on protected species or other wildlife. The results of any noise surveys and predictions may inform the ecological assessment. The seasonality of potentially affected species in nearby sites may also need to be taken into account.</p>	<p>the MMO have all been consulted on the proposals through the scoping opinion, PEIR, meetings and on-going engagement. This has included specific meetings to agree the approach to assessing the protected tentacled lagoon worm species.</p> <p>There has been consultation with the MMO and Natural England regarding the MCZ assessment.</p> <p>Underwater noise modelling has been undertaken to inform the assessment of impacts on marine noise sensitive species. This has been agreed with the MMO (SoCG008, para. 4.3.10)</p>	<p>SoCG008 with MMO [PoTLL/T2/EX203]]</p>
5.11 – 5.13	<p>The decision-maker should consider whether mitigation measures are needed both for operational and construction noise over and above any which may form part of the project application. In doing so, the decision-maker may wish to impose requirements. Mitigation measures for the project should be proportionate and reasonable and may include one or more of the following:</p>	<p>Noise and vibration is dealt with in Chapter 17 of the Environmental Statement ([APP-031]). The outcome after embedded mitigation is discussed in 17.224 – 17.226.</p> <p>A worst-case assessment has been undertaken assuming all operations on the site operating 24/7, albeit hours of construction will be controlled, particularly for noisy operations such as piling and marine works. Mitigation of construction noise is contained within the CEMP. Construction noise will be temporary and intermittent and vary dependent on the operation. For the nearest existing dwellings during the noisiest construction sequences particularly during road and rail construction the level of noise with</p>	<p>Environmental Statement [APP-031]</p> <p>Chapter 17</p> <p>Construction Environmental Management Plan [REP6-008]]</p> <p>Operational Management Plan REP5-022</p>

NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
	<p> <input type="checkbox"/> engineering: reduction of noise at point of generation and containment of noise generated;  <input type="checkbox"/> lay-out: adequate distance between source and noise-sensitive receptors; incorporating good design to minimise noise transmission through screening by natural barriers or other buildings;  <input type="checkbox"/> administrative: limiting operating times of source; restricting activities allowed on the site; specifying acceptable noise limits; and taking into account seasonality of wildlife in nearby designated sites.         </p> <p>In certain situations, and only when all other forms of noise mitigation have been exhausted, it may be appropriate for the decision-maker to consider requiring noise mitigation through improved sound insulation to dwellings, or in extreme cases, compulsory purchase of affected properties, as a means of consenting</p>	<p>mitigation in place would be of minor magnitude for the period which that activity was at the minimum distance. For dwellings with high sensitivity to noise there will be a minor residual minor significant effect which is considered to be not significant in EIA terms.</p> <p>Predicted operational noise impacts on nearby residential receptors from the operation of plant onsite would result in moderate/major significant effects, particularly in the night time. This is on the basis of a worst case scenario of all possible activities occurring on the site at the same time. The OMP [REP5-020]</p> <p>PoTLL will adopt the following approach to additional mitigation (as secured through Requirement 10 of the dDCO). Before the opening of the CMAT and RoRo terminal a noise reassessment will be undertaken on the basis of the finalised detailed design and operational procedures to be implemented for those works and the facilities to be constructed on site.</p> <p>On the basis of that re-assessment if a significant effect is predicted for any sensitive receptor, that sensitive receptor must be offered a scheme of mitigation that must include the installation of noise insulation or improved glazing at that receptor. Following that reassessment an on-going monitoring and mitigation regime will be agreed with Thurrock Council and Gravesham Council.</p>	

NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
	otherwise unacceptable development.	<p>This regime will also identify measures that will be adopted in the event that operational noise levels exceed agreed noise levels, such as improving the sound insulation of properties i.e offering double or triple glazing and mechanical ventilation. Once further mitigation is included i.e glazing and/or mechanical ventilation is included for dwellings with high sensitivity to noise this would result in a residual minor significant effect which is considered to be not significant in EIA terms.</p> <p>As noted above this monitoring and mitigation scheme is secured through Requirement 10 of the dDCO</p>	
<b>5.11</b>	<b>Landscape and visual impacts</b>		
5.11.3	The applicant should carry out a landscape and visual assessment and report it in the ES. A number of guides have been produced to assist in addressing landscape issues.	An LVIA (Chapter 9 of the Environmental Statement) has been carried out in accordance with current guidance published by the Institute of Environmental Management and the Landscape Institute (GVLIA3), the Countryside Agency and Scottish Natural Heritage.	Environmental Statement [APP-031]  Chapter 9
5.11.3	The landscape and visual assessment should include reference to any landscape character assessment and associated studies, as a means of assessing landscape impacts relevant to the proposed project.	Reference has been made to all relevant National, County and District level landscape character assessment. A local landscape character assessment has been carried out to provide more detailed and up to date baseline information to inform the LVIA process.	Environmental Statement [APP-031] Chapter 9

NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
5.11.3	The applicant's assessment should also take account of any relevant policies based on these assessments in local development documents in England and local development plans in Wales.	Relevant national and local landscape related planning policy has been identified and has been addressed.	Environmental Statement [APP-031] Chapter 9
5.11.4	The applicant's assessment should include the effects during construction of the project and the effects of the completed development and its operation on landscape components and landscape character.	Predicted effects of development on landscape character effects are assessed for the construction period, at completion of construction and 25 years following completion.	Environmental Statement [APP-031] Chapter 9
5.11.5	The assessment should include the visibility and conspicuousness of the project during construction and of the presence and operation of the project and potential impacts on views and visual amenity. This should include any light pollution effects including on local amenity, rural tranquillity and nature conservation.	<p>Predicted effects of development on visual amenity are assessed for the construction period, at completion of construction and 25 years following completion.</p> <p>Consideration of the potential effects of proposed artificial lighting form part of the assessment.</p>	Environmental Statement [APP-031] Chapter 9



NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
	Where a local development document in has policies based on landscape character assessment, these should be paid particular attention. However, local landscape designations should not be used in themselves as reasons to refuse consent, as this may unduly restrict acceptable development.	Chapter 9 of the Environmental Statement includes an assessment of local landscape designations	Environmental Statement [APP-031] Chapter 9
5.11.13	The decision-maker should consider whether the project has been designed carefully, taking account of environmental effects on the landscape and siting, operational and other relevant constraints, to minimise harm to the landscape, including by reasonable mitigation.	The proposals approach to good design is explained in the Masterplanning Statement which demonstrates how landscape and visual matters have been considered in the design process.	Masterplanning Statement APP-034
5.11.14	The decision-maker will have to judge whether the visual effects on sensitive receptors, such as local residents, and other receptors, such as visitors to the local area, outweigh the benefits of the development. Coastal areas are particularly	Viewpoints and sensitive receptors have been agreed with relevant stakeholders and the impacts on these assessed as part of the LVIA.	Environmental Statement [APP-031] Chapter 9

NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
	vulnerable to visual intrusion because of the potential high visibility of development on the foreshore, on the skyline and affecting views along stretches of undeveloped coast.		
5.11.16	Reducing the scale of a project can help to mitigate the visual and landscape effects of a proposed project. However, reducing the scale or otherwise amending the design of development may result in a significant operational constraint and reduction in function. There may, however, be exceptional circumstances where mitigation could have a very significant benefit and warrant a small reduction in function. In these circumstances, the decision-maker may decide that the benefits of the mitigation to reduce the landscape effects outweigh the marginal loss of function.	In discussion with stakeholders, PoTLL has considered whether reducing the scale of the container storage on parts of the RoRo is necessary to make the development acceptable. Following these discussions, it was concluded that it was not necessary, as set out in the SoCG with Thurrock Council (para. 4.11.5),	SoCG001 with Thurrock Council, para. 4.11.5
5.11.17	Within a defined site, adverse landscape and visual effects may be	The assessment considers the impact on the landscape and the visual amenity of receptors	Environmental Statement [APP-031] Chapter 9

NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
	<p>minimised through appropriate siting of infrastructure within that site, design including colours and materials, and landscaping schemes, depending on the size and type of proposed project. Materials and designs of buildings should always be given careful consideration.</p>	<p>throughout the area, both north and south of the River Thames.</p> <p>The Masterplanning Statement describes how mitigation through design has been achieved and describes a comprehensive mitigation package that is embraced and the Landscape and Ecological Mitigation Plan (LEMP ) REP1-010 which includes retention of important perimeter planting within the main site and a swathe of new landscape planting along the infrastructure corridor. The effectiveness of the Infrastructure Corridor Planting is described in detail in Appendix E to PoTLL's Response to the ExA's First Written Questions [REP1-016]</p> <p>The dDCO proposes that certain key elements of the proposals will be subject to detailed approval of surface finishes, namely, the proposed silo (Work No. 8A(i), any processing facilities constructed in the CMAP (Work No. 8D (iii)) and any fencing constructed as part of Work Nos. 9 or 12.</p> <p>In addition, it is proposed that other buildings on the site will be controlled by reference to a palette of colours. This approach and the palette itself has been agreed with Thurrock Council (SoCG001, para. 4.11.5)</p>	<p>Masterplanning Statement APP-034</p> <p>Landscape and Ecological Management Plan [REP6-030]</p> <p>Appendix E to PoTLL's Response to the ExA's First Written Questions [REP1-016]</p> <p>DCO Schedule 2, Requirement 10. [PoTLL/T2/EX203]</p>
<b>5.12</b>	<b>Historic environment</b>		
5.12.4	Non-designated assets of equivalent status should be	As explained in Chapter 12 of the Environmental Statement, Shornemead Fort forms a non-designated	Environmental Statement [APP-031]

NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
	subject to the same policy considerations as designated heritage assets.	heritage asset of national importance. It has thus been included within the assessment and treated as if it were designated.	
5.12.5	The impacts on non-designated heritage assets of lesser value should be considered where it has been demonstrated that these assets have a significance that merit consideration as part of the decision making process.	All non-designated heritage assets that merit consideration have been included in the baseline assessments.	Environmental Statement [APP-031]
5.12.8	The direct and indirect impacts of port development on underwater buried features should be considered.	Direct and indirect impacts on underwater buried features have been considered in the Marine Desk Based Assessment, Assessment of Marine Geophysical Data, the Marine Geoarchaeological Assessment and in Chapter 12 of the ES. This has been agreed with English Heritage (SoCG006, paras. 4.2.2, 4.2.3)	Environmental Statement [APP-031]  Marine Geoarchaeological Investigation APP-071 English Heritage SoCG006, paras. 4.2.2, 4.2.3
5.12.6	A description of the significance of the heritage asset affected by the proposals and the contribution of their setting to their significance should be included. The level of detail however should be proportionate to the importance of the asset and	Included in the baseline assessments (Appendices 12.A Archaeological Statement and 12.B Built Heritage Assessment) and Chapter 12 of the Environmental Statement document. A proportionate assessment has been undertaken.  The assessments have been agreed with Thurrock Council (SoCG001 para 4.11.12), Gravesham Borough Council (SoCG002, para. 4.2.2) and Historic England (SoCG006, paras. 4.1.2 and 4.3.2)	Archaeological Statement [APP-067]  Built Heritage Assessment Document APP-068  SoCG001 Thurrock Council (para 4.11.12),

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	no more than sufficient to undertake the potential impact of the proposal on the significance of the asset.		Gravesham Borough Council (SoCG002, para. 4.2.2)  Historic England (SoCG006, paras. 4.1.2 and 4.3.2)
5.12.6	As a minimum the applicant should consult the relevant Historic Environment Record and assessed the heritage assets using expertise according to the proposed developments impact.	The Essex and Kent Historic Environment Records have both been consulted and the results included in the Archaeological and Marine Desk Based Assessment. Both Historic Environment Records were also consulted in relation to identifying built heritage assets included within the Built Heritage Assessment (October 2017) (Appendix 12.B)	Built Heritage Assessment Document APP-068
5.12.7	Desk based research should be undertaken and where desk based research is insufficient to properly assess the interest, a field evaluation should be undertaken.	A number of baseline investigations have been undertaken on the site and the results have been included in Appendix 12.A Archaeological Statement and Appendix 12.C Geoarchaeological Assessment.	Archaeological Statement Document APP-067  Marine Geoarchaeological Assessment. APP-071
5.12.18	Where loss of the whole or part of the significance of a known heritage asset is justified on the merits of the new development or where the development site has the potential for as yet undiscovered archaeological assets a suitable programme of archaeological mitigation measures undertaken in	Proposed mitigation measures are set out in Chapter 12 of the Environmental Statement and set out in Written Schemes of Investigation (Appendix 12.D Terrestrial WSI REP4-023 and updated Marine Archaeological WSI REP6-035)	Environmental Statement [APP-031] Chapter 12  Archaeological Statement Document APP-067  Built Heritage Assessment Document APP-068  Updated Marine WSI REP6-035

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	accordance with a Written Scheme of Investigation prior to or during construction should be considered.		Updated terrestrial WSI REP4-023
<b>5.13</b>	<b>Land use including open space, green infrastructure and Green Belt</b>		
5.13.2	<p>The Government's policy is to ensure there is adequate provision of high-quality open space, (including green infrastructure) and sports and recreation facilities to meet the needs of local communities.</p> <p>Open spaces, sports and recreational facilities all help to underpin people's quality of life and have a vital role to play in promoting healthy living.</p>	<p>The Planning Policy Compliance Statement ([POTLL/T2/EX/209]) explains at Chapter 4 that a 4.154 The proposals intrude into the Green Belt in the north-east corner of the main Tilbury2 site. The land presently within the Green Belt is former agricultural land immediately adjoining the previously developed parts of the site. The plans at Appendix 5 show that the 0.734ha of the area defined as Green Belt would be used by CMAT (amounting to inappropriate development) and a further 0.277ha of Green Belt would be used for the rail corridor which runs into the Tilbury2 site along its northern boundary before aligning south along the eastern site of the site.</p> <p>However, none of the open land within the Order Limits is designated as 'public open space' in the development plan. Some of the land is common land and is used on an informal basis for dog walking. Provision is made for this within the draft DCO through replacement common land and this will offer the opportunity for allowing informal access in a similar manner and extent, and for the same purposes, as that presently enjoyed over the existing common land.</p>	<p>Planning Policy Compliance Statement [POTLL/T2/EX/209]</p> <p>Environmental Statement [APP-031]</p>

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		A qualitative assessment of the health effect of impacts on open space, and sports and recreational facilities in relation to amenity for healthy living and physical activity has also been undertaken and is included at Chapter 8.0 of the Environmental Statement	
5.13.3	The re-use of previously developed land for new development can make a major contribution to sustainable development by reducing the amount of countryside and undeveloped greenfield land that needs to be used.	As set out in the Planning Policy Compliance Statement, the majority of the land within the main Tilbury2 is previously developed land, having been used in association with Tilbury Power Station over many years. Part of the site is also designated as primary employment area.	Planning Policy Compliance Statement [POTLL/T2/EX/209]
5.13.5	The ES should identify existing and proposed land uses near the project, as well as any effects of replacing an existing development or use of the site with the proposed project or preventing a development or use on a neighbouring site from continuing. Applicants should also assess any effects of precluding a new development or use proposed in the development plan.	<p>The ES at Chapter 4.0 describes the site and surroundings including existing and proposed land uses near the proposals.</p> <p>Consideration of the compliance of the proposals with the development plan is described in the Planning Policy Compliance Statement. The proposal does not conflict with any specific proposal in the development plan and is in broad conformity and compliance with it.</p>	<p>Environmental Statement [APP-031]</p> <p>Planning Policy Compliance Statement [POTLL/T2/EX/209]</p>



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5.13.6 and 5.13.13	<p>Applicants will need to consult the local community on their proposals to build on open space, green infrastructure, sports or recreational buildings and land...and consider providing new or additional open space...to substitute for any losses as a result of their proposal.</p> <p>Applicants should use any up-to-date local authority assessment or, if there is none, provide an independent assessment to show whether the existing open space, sports and</p>	<p>The local community has been consulted through the preparation of the application, both through a non-statutory consultation and a statutory consultation. The results of this are contained within the Consultation Report (APP-021). Issues raised by the local community included access to the riverside and open land around Tilbury Fort for recreational purposes. As a result PoTLL has brought forward an Active Travel Strategy to enhance pedestrian and cycling facilities. This is secured through the p s106 with Thurrock Council.</p> <p>The existing common land that is used informally for dog walking will be replaced, with such replacement land being secured through the dDCO.</p> <p>There will be no overall loss of open space.</p>	<p>Consultation Report (APP-021)</p> <p>Section 106 Agreement with Thurrock Council PoTLL/T2/EX/215</p>

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	recreational buildings and land are surplus to requirements.		
5.12.8 and 5.13.15	<p>The NPS seeks to minimise impacts on the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification)</p> <p>Applicants should also identify any effects and seek to minimise impacts on soil quality, taking into account any mitigation measures proposed. For developments on previously developed land, applicants should ensure that they have considered the risk posed by land contamination.</p>	<p>As set out Chapter 4 of the Planning Policy Compliance Statement, The proposal will result in no loss of high grade agricultural land. The land within the infrastructure corridor is not defined as agricultural on the “MAGIC” web site. The former agricultural land in the north east corner of the Tilbury2 site is not in agricultural use and forms no part of an agricultural land holding. There will be no adverse impact on agricultural land.</p> <p>Impact on soils and contamination are considered in Chapter 15 – Hydrogeology and Ground Conditions and Chapter 19 Waste and Materials of the Environmental Statement ([APP-031]).</p> <p>Impacts on soils as a natural resource – due to the former use of the Site – was scoped out of the ES and agreed by the SoS (SoS Scoping Report para. 3.35).</p>	<p>Planning Policy Compliance Statement [POTLL/T2/EX/209]</p> <p>Environmental Statement ([APP-031] Chapter 4</p> <p>SoS Scoping Report Para. 3.35</p>
5.13.9	Applicants should safeguard any mineral resources on the proposed site as far as possible, taking into account	Chapter 15 of the Environmental Statement reviewed the potential for minerals within the site and concluded that there was no history of any extractive industry and therefore there would be no impact on mineral	Environmental Statement ([APP-031] )

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	the long-term potential of the land use after any future decommissioning has taken place.5.13.	resources. The Seafood Chalk Formation and Newhaven Chalk Formation underlying the Site are not indicated to have been mined or extracted within the Site Boundary or surrounding area.	
5.13.10 and 5.13.17	There is a general presumption against inappropriate development within them. Such development should not be approved, except in very special circumstances. Applicants should therefore determine whether their proposal, or any part of it, is within an established Green Belt and, if it is, whether their proposal may be inappropriate development within the meaning of Green Belt policy	<p>Chapter 4 of the Planning Policy Compliance Statement explains that the proposals intrude into the Green Belt in the north-east corner of the main Tilbury2 site. The land presently within the Green Belt is former agricultural land immediately adjoining the previously developed parts of the site. The plans at Appendix 5 show that the 0.734ha of the area defined as Green Belt would be used by CMAT (amounting to inappropriate development) and a further 0.277ha of Green Belt would be used for the rail corridor which runs into the Tilbury2 site along its northern boundary before aligning south along the eastern site of the site, albeit this is not considered inappropriate development . . This document further refers to the Masterplanning Statement which describes the design development and layout of the site including why the small intrusion into the Green Belt is justified. Very special circumstances are described in 4.158 of the PPCS.</p> <p>Thurrock Council agree that the combination of the overall need for a port development of national significance combined with the engineering, operational and socio-economic considerations, as well as the limited harm to the Green Belt are factors which clearly outweigh harm such that it is considered</p>	<p>Planning Policy Compliance Statement [POTLL/T2/EX/209]</p> <p>Masterplanning Statement [APP-034]</p> <p>SoCG001 with Thurrock Council para. 4.2.3</p>

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		that very special circumstances exist for development to take place in the Green Belt (SoCG1 para. 4.2.3)	
5.13.16	The decision-maker should expect applicants to have taken advantage of opportunities to maintain and enhance access to the coast.	The proposals include an Active Travel Strategy to enhance pedestrian and cycling facilities, including to the riverside, and include enhancement to the “Two Forts Way” route which passes along the river frontage between the terrestrial area of the site and the jetty. This is secured through the proposed s106 with Thurrock Council.	S106 Obligation with Thurrock Council [PoTLL/T2/EX/215]
5.13.21	<p>The decision maker should also consider whether mitigation of any adverse effects on green infrastructure or open space is adequately provided for by means of any planning obligations, for example to exchange land and provide for appropriate management and maintenance agreements</p> <p>Any exchange land should be at least as good in terms of size, usefulness, attractiveness, quality and accessibility.</p>	The proposals include the provision of replacement common land that will be as good in terms of size, quality and accessibility.	Draft Development Consent Order [PoTLL/T2/EX/203]

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5.13.24	The decision-maker should expect applicants to take appropriate mitigation measures to address adverse effects on coastal access, National Trails and other rights of way.	<p>The impact on rights of way is considered in Chapter 13.0 Landside Transport of the Environmental Statement.</p> <p>Footpath FP144 crosses the proposed infrastructure corridor to the south of the built-up area of Tilbury. It routes from Hume Avenue/The Beeches down the rear of properties on Brunel Avenue and crosses the existing railway via an unmanned pedestrian crossing. It is proposed to permanently close this section of this footpath.</p> <p>As mitigation for the impacts on PRowWs, an 'Active Travel Strategy' is proposed that will enhance other routes from the town over the railway (the two points being the 'Hairpin Bridge to the west and Fort Road Bridge to the east) and an area wide strategy for improving footpath and cycle links between the town and the river.</p> <p>The strategy includes a 'way marking' scheme to improve route finding and appreciation of the area. These proposals are encompassed in the proposed works in the dDCO where they fall within the Order limits, and will be secured by a s106 agreement to be agreed between PoTLL and Thurrock Council PoTLL/T2/EX/215] where they fall out with the Order limits but within land in the ownership or control of the LPA.</p>	<p>Environmental Statement [APP-031]</p> <p>S106 Obligation with Thurrock Council [PoTLL/T2/EX/215]</p>
5.14	Socio-economic impacts		

NPS Paragraph	Statement or Requirement	NPSP Compliance and Conformity	Document and document reference number
5.14.2	Where project is likely to have socio-economic impacts at local or regional levels, the applicant should undertake and include in their application an assessment of these impacts as part of the ES.	The assessment is included in the Environmental Statement at Chapter 7 and has been carried out in accordance with standard best practice for socio-economic assessments	Environmental Statement [APP-031]
5.14.3	<p>This assessment should consider all relevant socio-economic impacts, which may include:</p> <ul style="list-style-type: none"> <li>the creation of jobs and training opportunities;</li> <li>the provision of additional local services and improvements to local infrastructure, including the provision of educational and visitor facilities;</li> <li>effects on tourism;</li> <li>the impact of a changing influx of workers during the different construction, operation and</li> </ul>	<p>The assessment has considered all of these socio-economic impacts, as discussed briefly below:</p> <ul style="list-style-type: none"> <li>effects on jobs and training have been assessed qualitatively for the first year of operation in 2020;</li> <li>effects on local services and infrastructure and businesses have been assessed qualitatively where appropriate;</li> <li>effects on tourism receptors have been assessed qualitatively where appropriate;</li> <li>the effect of a changing labour market for the proposals and for the study area have been addressed</li> <li>cumulative effects have been assessed qualitatively as part of this assessment</li> </ul>	Environmental Statement [APP-031]

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	<p>decommissioning phases of the energy infrastructure. This could change the local population dynamics and could alter the demand for services and facilities in the settlements nearest to the construction work (including community facilities and physical infrastructure such as energy, water, transport and waste). There could also be effects on social cohesion, depending on how populations and service provision change as a result of the proposals; and</p> <ul style="list-style-type: none"> <li>• cumulative effects – if development consent were to be granted to for a number of projects</li> </ul>		



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	<p>within a region and these were developed in a similar timeframe, there could be some short-term negative effects, for example a potential shortage of construction workers to meet the needs of other industries and major projects within the region.</p>		
5.14.4	<p>Applicants should describe the existing socio-economic conditions in the areas surrounding the proposals and should also refer to how the proposals' socio-economic impacts correlate with local planning policies.</p>	<p>Existing socio-economic conditions have been explored in detail as part of this assessment, as have predicted effects on these conditions, alongside how the proposals impacts correlate with local and regional planning policies. Chapter 7.0 of the Environmental Statement considers socio-economic impacts and the PPCS [POTLL/T2/EX/209] assesses the compliance of the scheme with local planning policies.</p>	<p>Environmental Statement [APP-031]  Planning Policy Compliance Statement POTLL/T2/EX/209</p>
5.14.5	<p>Socio-economic impacts may be linked to other impacts – for example, the visual impact of a development is considered in section 5.11 but may also have an impact on tourism and local businesses.</p>	<p>Visual amenity impacts have been addressed within the assessment of landscape and visual amenity at chapter 9 of the Environmental Statement</p>	<p>Environmental Statement [APP-031] Chapter 9</p>

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5.14.6	The decision-maker should have regard to the potential socio-economic impacts of new port infrastructure identified by the applicant and from any other sources that the decision-maker considers to be both relevant and important to its decision.	The significant socio-economic benefits of the proposals are considered in the ES and the Outline Business Case for the scheme.	Environmental Statement [APP-031] Chapter 9  Outline Business Case [AS-016]
5.14.7	It is reasonable for the decision-maker to conclude that limited weight is to be given to assertions of socio-economic impacts that are not supported by evidence.	The assessment of the socio-economic impact of the proposals are based on a robust and evidenced methodology.	
5.14.8	The decision-maker should consider any positive provisions the developer has made through developer contributions and any legacy benefits that may arise, as well as considering any options for phasing development in relation to the socio-economic impacts.	The s106 DCO obligation seeks to maximise the employment and skills benefits from the proposals through the Skills and Employment Strategy. This is annexed to the S106 agreement [PoTLL/T2/EX/215] The Skills and Employment Strategy has been agreed with the three local authorities as witnessed in the SoCGs with Thurrock, Gravesham and Essex.	S106 Obligation with Thurrock Council [PoTLL/T2/EX/215]
5.14.9	The decision-maker should consider whether mitigation measures are necessary to mitigate any adverse socio-economic impacts of the development. For example,	Mitigation is proposed to mitigate the adverse socio-economic impacts, including improving accessibility to the Fort, improvements to pedestrian and cycling facilities, and landscape proposals.	S106 Obligation with Thurrock Council [PoTLL/T2/EX/215] LEMP [REP6-030]

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	high-quality design can improve the visual and environmental experience for visitors and the local community alike.	In addition, heritage contributions are being made to English Heritage (to improve access to and interpretation at Tilbury Fort) and to Gravesham Borough Council.	