

PLANNING ACT 2008
INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES 2010

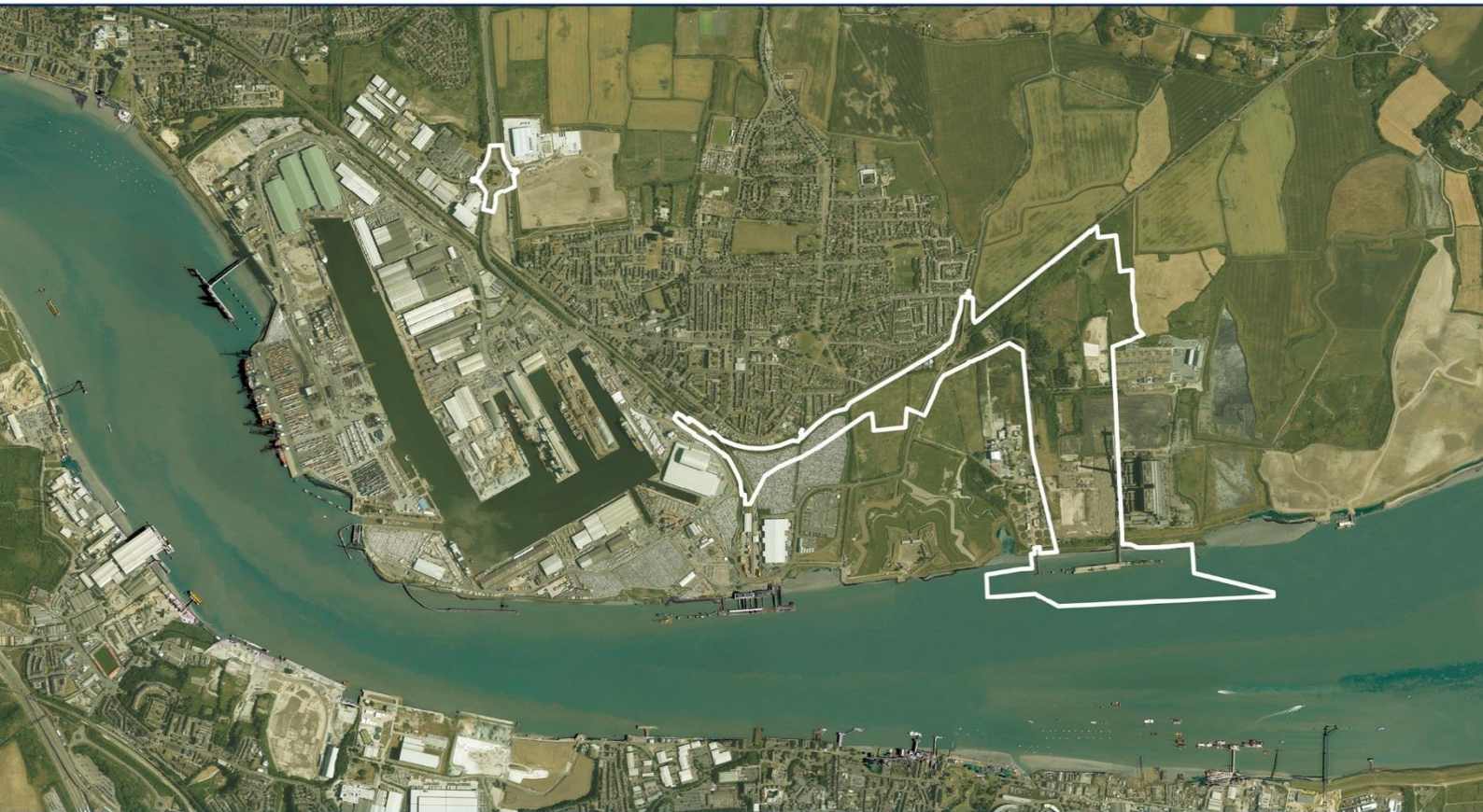
PROPOSED PORT TERMINAL AT
FORMER TILBURY POWER STATION

TILBURY2

TRO30003

STATEMENTS OF COMMON GROUND
UPDATE REPORT FOR DEADLINE 7

DOCUMENT REF : PoTLL/T2/EX/208



PORT OF TILBURY

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

STATEMENTS OF COMMON GROUND UP-DATE REPORT

FOR DEADLINE 7

Revision	Date	Description of new version
1.0	16/08/18	Final Issue to ExA

CONTENTS

1.0	PURPOSE OF THIS DOCUMENT	5
2.0	CURRENT STATUS OF SOCGS AND DISCUSSIONS WITH STAKEHOLDERS	6

TILBURY2 PROJECT TEAM
PORT OF TILBURY LONDON LIMITED
Leslie Ford House
Port of Tilbury
Tilbury
Essex
RM18 7EH

www.tilbury2.co.uk

LIST OF APPENDICES

Appendix 1	SOCG001	Statement of Common Ground with Thurrock Council
Appendix 2	SOCG002	Statement of Common Ground with Gravesham Borough Council
Appendix 3	SOCG003	Statement of Common Ground with Essex County Council
Appendix 4	SOCG004	Statement of Common Ground with Environment Agency
Appendix 5	SOCG005	Statement of Common Ground with Natural England
Appendix 6	SOCG006	Statement of Common Ground with Historic England
Appendix 7	SOCG008	Statement of Common Ground with Marine Management Organisation
Appendix 8	SOCG009	Statement of Common Ground with Highways England
Appendix 9	SOCG012	Statement of Common Ground with Network Rail
Appendix 10	SOCG013	Statement of Common Ground with Kent County Council
Appendix 11	SOCG014	Statement of Common Ground with Buglife
Appendix 12	SOCG015	Statement of Common Ground with English Heritage
Appendix 13	SOCG016	Statement of Common Ground with London Gateway Port Limited
Appendix 14	SOCG017	Statement of Common Ground with Public Health England
Appendix 15	SOCG018	Statement of Common Ground with London Resort Company Holdings
Appendix 16	SOCG019	Statement of Common Ground with Cadent Gas Limited
Appendix 17	SOCG020	Statement of Common Ground with National Grid Electricity Transmission

1.0 PURPOSE OF THIS DOCUMENT

- 1.1 This SoCG Update Report is provided at Deadline 7 (16 August 2018) pursuant to the DCO application by Port of London Tilbury Limited (PoTLL - “the Applicant”) to construct a new port terminal known as Tilbury2. The Tilbury2 application was accepted on 21 November 2017 by the Planning Inspectorate on behalf of the Secretary of State. The examination commenced on 20 February 2018 and will close on 20 August 2018.
- 1.2 This report and the Statements of Common Ground (SoCGs) appended hereto are submitted in response to the Examining Authority’s (ExA) ‘Rule 6’ letter of 22 January 2018, which requested that the Applicant prepare a number of SoCGs with various stakeholders. This request was reiterated and built upon in the ExA’s ‘Rule 8’ letter dated 26 February 2018, with Annex B to that letter identifying a number of additional Interested Persons with whom SoCGs should be produced. This letter also confirmed that updates of the SoCGs should be provided at a number of future deadlines, a requirement which has been complied with by PoTLL through the course of the Examination.
- 1.3 The ExA requested in the ‘Rule 17 letter’ of 7 August 2018 (item 1B(a)) a final SoCG Update Report, containing the final versions of all of the SoCGs, not just those that have been revised or updated since the last issue. This document addresses this request.

2.0 FINAL STATUS OF SOCGS AND DISCUSSIONS WITH STAKEHOLDERS

- 2.1 PoTLL have concluded dialogue with all stakeholders and much progress has been made to agree outstanding issues throughout the Examination.
- 2.2 Table 1 summarises the position with each SoCG including noting changes from the last submitted version of the SoCG.

**TABLE 1 : STATEMENTS OF COMMON GROUND
UPDATE AS OF 16 AUGUST 2018**

Document Reference	Stakeholder	Comments
SOCG001	Thurrock Council	<p>All matters are now agreed with Thurrock Council with the exception of the detailed wording of the PPs which remains under discussion. Good progress has been made and it is expected that these will be agreed prior to the closure of the Examination on 20 August 2018.</p> <p>Since the last submission at Deadline 5, the parties have</p> <ul style="list-style-type: none"> - agreed the S106 - agreed the package of works at the ASDA roundabout
SOCG002	Gravesham Borough Council	The final SoCG with GBC indicates that aside from the issues of shore power and noise limits, on which the parties have made their own submissions, all matters are agreed.
SOCG003	Essex County Council	<p>All matters are now agreed with ECC.</p> <p>The final SoCG with ECC notes that since HE has now agreed modelling and mitigation at Junction 30 of the M25, ECC are content on this point.</p>
SOCG004	Environment Agency	A signed SoCG with the EA is attached. All matters are agreed following agreement of the EA's Protective Provisions (PPs), with the exception of the proposed partial disapplication (by article 3 of the DCO) of s.24 of the Water Resources Act 1991, which deals with abstraction licences. This remains in the 'Matters Under Discussion' section of the SoCG. Discussions are continuing with the aim of putting in a final SoCG prior to the close of the Examination once this issue has been resolved. This may involve some adjustments to the EA's PPs
SOCG005	Natural England	A final SoCG is attached.

Document Reference	Stakeholder	Comments
SOCG006	Historic England	A final SoCG is attached. It confirms that the Marine WSI can be offered to the Examining Authority as a certified document.
SOCG007	Port of London Authority	An SoCG is not provided. However, the applicant and PLA have now agreed the following 1/ the protective provisions for the PLA and the other provisions of the draft DCO. 2/ The agreement for lease and the lease of the riverbed and documents will be signed before the end of examination. 3/ A tri partite agreement between the PLA, RWE and PoTLL to govern the grant of a replacement river works licence relating to RWE's retained assets. It is hoped that this agreement can be signed by the end of the examination.
SOCG008	Marine Management Organisation	A final SoCG setting out the position of the parties is attached. The DML is agreed although there is disagreement regarding the inclusion of the arbitration clause. The MMO does not agree with the inclusion of this clause however PoTLL considers that it is necessary.
SOCG009	Highways England	A final agreed SoCG with Highway England is attached. The final SoCG notes agreement to the impact of the proposals on Junction 30 and the proposed mitigation secured through the DCO. There are some detailed DCO drafting matters regarding HE's Protective Provisions which are still under discussion and will be concluded prior to the end of the Examination.
SOCG010	Cole Family and Common Land Conservator	An SoCG was not needed.
SOCG011	Gothard Family	An SoCG was not be needed.
SOCG012	Network Rail	A final SoCG setting out the position of the parties is attached.
SOCG013	Kent County Council	All matters with KCC are agreed. A final SoCG setting out the position of the parties is attached.
SOCG014	Buglife	The final SoCG sets out the final positions of the parties.

Document Reference	Stakeholder	Comments
SOCG015	English Heritage	The final SoCG reflects the conclusion of discussions on the S106 agreement and the Tilbury Fort contribution which following discussions with EH was increased from £102,000 to £112,000.
SOCG016	London Gateway Port Limited	All matters are agreed. A final SoCG setting out the position of the parties is attached.
SOCG017	Public Health England	All matters are agreed. A final SoCG setting out the position of the parties is attached.
SOCG018	London Resort Company Holdings	All matters are agreed. A final SoCG setting out the position of the parties is attached.
SOCG19	Cadent Gas Limited	All matters are agreed. A final SoCG setting out the position of the parties is attached.
SOCG20	National Grid Electricity Transmission plc	All matters are agreed. A final SoCG setting out the position of the parties is attached.

Appendix 1

SOCG001

Statement of Common Ground with Thurrock Council

PLANNING ACT 2008
INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES
2010

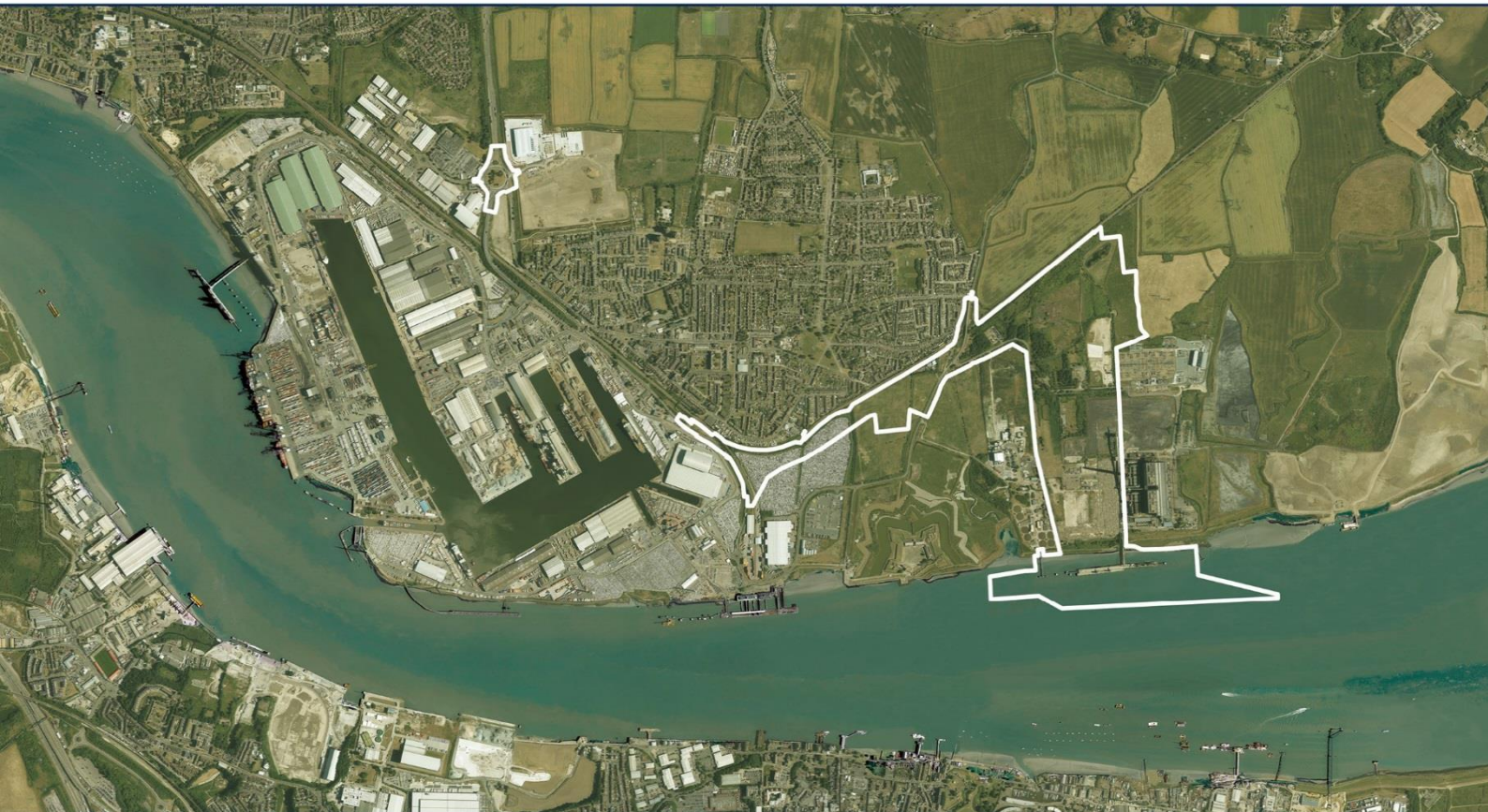
PROPOSED PORT TERMINAL AT
FORMER TILBURY POWER STATION

TILBURY2

TRO30003

STATEMENT OF COMMON GROUND
BETWEEN PORT OF TILBURY LONDON LIMITED AND THURROCK
COUNCIL

DOCUMENT REF : SOCG001



PORT OF TILBURY

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

STATEMENT OF COMMON GROUND

**BETWEEN PORT OF TILBURY LONDON LIMITED AND
THURROCK COUNCIL**

Revision	Date	Description of new version
1.0	13/12/17	Partial Draft including planning, socio-economics, ecology, archaeology, Built Heritage,
2.0	29/01/18	Second draft with updated sections
3.0	6/02/18	Third draft taking on board comments by TC and discussion at meeting on 3/02/18
4.0	13/02/18	Fourth draft with changes agreed reflecting position on 13/02/18
5.0	19/03/18	Fifth Draft with changes reflecting position at Deadline 1
6.0	20/03/18	Signed by PoTLL and TC for Deadline 1
7.0	24/04/17	Draft with changes reflecting position at Deadline 3
8.0	18/06/18	For submission prior to June ISHs
9.0	05/07/18	Signed by PoTLL and TC for Deadline 5
10.0	16/07/18	Final SoCG signed by PoTLL and TC for Deadline 7

CONTENTS

1.0	INTRODUCTION.....	4
2.0	CONSULTATION TO DATE.....	7
3.0	SUMMARY OF TOPICS COVERED BY THE SOCG	13
4.0	LIST OF MATTERS AGREED	14
5.0	LIST OF MATTERS UNDER DISCUSSION	45
6.0	LIST OF MATTERS NOT AGREED	46
7.0	AGREEMENT.....	47

TILBURY2 PROJECT TEAM
PORT OF TILBURY LONDON LIMITED
Leslie Ford House
Port of Tilbury
Tilbury
Essex
RM18 7EH

www.tilbury2.co.uk

1.0 INTRODUCTION

Purpose of this document

- 1.1 This Statement of Common Ground ("SoCG") has been prepared in relation to the application by Port of Tilbury London Limited ("PoTLL") under section 37 of the Planning Act 2008 ("the Act") for an order granting development consent ("DCO") for the construction, operation and maintenance of a new port terminal and associated facilities in Tilbury, Essex known as 'Tilbury2' ("the proposals").
- 1.2 The aim of this SoCG between PoTLL and Thurrock Council ("TC") is to provide a clear record of engagement between the parties, including of the issues discussed between the parties and the current status of those discussions. The SoCG can be used as evidence of engagement for the purposes of the examination into the DCO application.

Structure of this Statement of Common Ground

- 1.3 This structure of this SoCG is as follows:

Section 1 – Introduction

Section 2 – Consultation to date

Section 3 – Summary of topics covered by the SoCG

Section 4 – List of matters agreed

Section 5 – List of matters under discussion

Section 6 – List of matters not agreed

Overview of the proposals

- 1.4 Port of Tilbury London Limited ("PoTLL") is proposing a new port terminal on the north bank of the River Thames at Tilbury, a short distance to the east of its existing Port. The proposed port terminal will be constructed on land that formed the western part of the now redundant Tilbury Power Station and is bounded to the west by a waste water treatment works and to the east by the Tilbury B power station that is presently being demolished.
- 1.5 The proposed main uses on the site will be a Roll-on/Roll-off (RoRo) terminal and a Construction Materials and Aggregates terminal (the "CMAT"), and associated infrastructure including rail and road facilities and revisions to the existing marine infrastructure. An 'infrastructure corridor' is proposed that will accommodate road and rail links to the existing rail and road network. The CMAT will include stockpiling of construction materials and some processing of aggregates for the production of asphalt and concrete products.
- 1.6 It will require works including, but not limited to:

- creation of hard surfaced pavements;
- improvement of and extensions to the existing river jetty including creation of a new RoRo berth;
- associated dredging of berth pockets around the proposed and extended jetty and dredging of the approaches to these berth pockets;
- new and improved conveyors;
- erection of welfare buildings;
- erection of a single 10,200 sqm. warehouse
- a number of storage and production structures associated with the CMAT;
- the construction of a new link road from Ferry Road to Fort Road; and
- formation of a rail spur and sidings.

1.7 The proposed volumes of import/export of RoRo units for the terminal exceed the threshold of 250,000 units stated in the Planning Act 2008 for throughput per annum. The Tilbury2 project therefore constitutes a Nationally Significant Infrastructure Project (NSIP).

1.8 The application essentially seeks a DCO to approve an operational port and to allow PoTLL to benefit from its permitted development rights within the boundaries of the new port. The application seeks to establish a 'Rochdale Envelope' of development based upon the description within the DCO. In this context, the DCO will contain a framework through which environmental impacts will be controlled and managed.

Introduction to Thurrock Council

1.9 Thurrock Council is the host authority for the Tilbury2 proposals and has the following roles .

- A key partner and service provider promoting economic development, regeneration, infrastructure delivery, new development and tourism;
- The planning authority with responsibility for determining planning applications and preparing and reviewing the statutory development plan; as part of this function the Council has responsibility for the following matters : housing and economic growth, ecology (and the wider green grid), cultural heritage and landscape;
- The highway and transportation authority, with responsibility for the delivery of the Thurrock Local Transport Plan;

- Waste Planning Authority;
- Local Lead Flood Authority;
- Environmental Health Advisor with responsibility for noise and air quality;
and
- Contaminated land adviser with responsibility for ground conditions and hydrogeology

2.0 CONSULTATION TO DATE

2.1 This section provides a summary of the engagement between PoTLL and Thurrock Council that has taken place to date.

Pre-application meetings directly with Thurrock Council

Date	Activity
26 July 2016	Meeting between PoTLL and TC Planning to provide overview of Tilbury2 project and planning process
08 November 2016	Meeting between PoTLL and TC Planning to provide overview of wider Vision for Tilbury and how it relates to Tilbury2 scheme in preparation for meeting with Members Update on environmental work Presentation of surface access proposals
08 December 2016	Update meeting between PoTLL and TC Planning to review presentation to Members
05 January 2017	Presentation by PoTLL to Overview and Scrutiny Committee on their plans for the Tilbury2 site and the wider vision to improve the area around the Port
06 February 2017	Meeting between PoTLL and TC Planning. Update on the scheme Discussion on NSIP process Discussion on consultation arrangements
17 February 2017	Briefing of the CEO for Thurrock Council on the T2 project
07 April 2017	NSIP Training session for officers
18 April 2017	Meeting between PoTLL and TC Planning Summary of existing Port operations; Detail of the DCO process; Proposed Development; Infrastructure Corridor; Summary of the proposed Scoping Note; and Suggestion to hold joint meeting with Highways England.
04 May 2017	Discussion between Helen Horrocks (Thurrock Council Public Health) and Charlotte Clark (ARUP) to discuss Health Impact Assessment

11 May 2017	Meeting between PoTLL and TC Planning, Highways and Environmental Health; to discuss noise and AQ
16 May 2017	Discussion between Maria Payne (Health Intelligence Thurrock Council) and Charlotte Clark (ARUP) on Health Impact Assessment
26 May 2017	Meeting between PoTLL and TC Planning, PROW officer and landscape adviser on rights of way and socio-economic impacts
12 June 2017	Meeting between PoTLL and TC Planning, pollution officer, heritage adviser to discuss landscape and visual impact; heritage and waste issues.
14 June 2017	Meeting between PoTLL and TC Highways, Essex Highways, and Highways England to discuss proposals, baseline and modelling
18 July 2017	Follow up meeting between PoTLL and TC Highways, Essex Highways, and Highways England to discuss proposals, baseline and modelling
01 August 2017	Meeting between PoTLL and TC Planning General update Active travel study S106 agreement
15 August 2017	Meeting between PoTLL and LLFA to discuss proposals, drainage strategy, flood wall interaction and flood risk generally.
23 August 2017	Heritage meeting with PoTLL and TC, Historic England and English Heritage to discuss potential improvements to Tilbury Fort..
31 August 2017	Meeting between PoTLL and TC Planning:- Active travel study S106 agreement
07 September 2017	A teleconference between PoTLL (Atkins) and Thurrock Council (Richard Hatter) to discuss the waste and materials elements of the Environmental Statement.
13 September 2017	Meeting between PoTLL and TC Highways, and Highways England to discuss development traffic impact; ASDA roundabout mitigation; Travel Plan (Sustainable Distribution); Link Road; and Active Travel Measures;

03 October 2017	Teleconference between PoTLL (Bioscan) and TC and ECC to discuss ecology surveys
12 October 2017	Meeting between PoTLL and TC Highways and Highways England impact at A126 Marshfoot Road Interchange; ASDA roundabout; Link Road; and Active Travel Measures;

Pre-application heritage meetings with ECC Place Services acting for Thurrock Council

12 th June 2017	PoTLL's Built Heritage consultant at CgMs Ltd met with Thurrock Council (Matt Gallagher and Nicolas Page, Place Services) to discuss built heritage and landscape and visual impact considerations. This meeting was held to update the Council on the proposals and outline the baseline assessment undertake to date. This included discussing the identified viewpoint locations.
14 th August 2017	Thurrock Council (Nicolas Page, Place Services) provided a response on the PEIR [this was issued to PoTLL's planning consultants at Vincent and Goring on 18 th August 2017].
18 th August 2017	PoTLL's Built Heritage consultant at CgMs Ltd emailed Thurrock Council (Nicolas Page, Place Services) a full set of the wireline
23 rd August 2017	PoTLL's Built Heritage consultant at CgMs Ltd met with Thurrock Council (Matt Gallagher and Nicolas Page, Place Services), Historic England and English Heritage to discuss potential improvements to Tilbury Fort.
25 th September 2017 and 2 nd October 2017	PoTLL's Built Heritage consultant at CgMs Ltd emailed Thurrock Council (Matt Gallagher and Nicolas Page, Place Services) a selection of the Draft ES documents including the Built Heritage Assessment (September 2017) (sent 25 th September 2017) and Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement (sent 2 nd October 2017).

13 th and 16 th October 2017	Thurrock Council (Nicolas Page, Place Services) provided an email response on the draft submission documents (ES Chapter 12 and Draft Built Heritage Assessment).
-------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------

Post-application

Date	Activity
15 December 2017	Discussion between Sarah Horrocks (Atkins, on behalf of PoTLL) and Dean Page (TC) regarding air quality assessment and clarification regarding PM10 outputs
13 December 2017	Meeting between PoTLL and TC Highways to discuss Transport Assessment ASDA roundabout; Link Road; and Active Travel Measures
4 January 2018	Meeting between PoTLL and TC Economic Development officer to discuss economic impact assessment
18 January 2018	Meeting held between PoTLL and TC and ECC to discuss Waste issues
2 February 2018	Meeting held between PoTLL and TC with focus on Landscape and ecological issues
14 March 2018	Meeting between PoTLL and Thurrock Council to discuss Active Travel Study
17 April 2018	Conference call between PoTLL and TC to discuss ecological issues
24 May 2018	Meeting between PoTLL and TC to discuss TRMs

19 February 2018	Weekly conference calls to discuss outstanding matters
28 February 2018	
5 March 2018	
12 March 2018	
19 March 2018	
26 March 2018	
9 April 2018	
23 April 2018	
8 May 2018	
21 May 2018	
4 June 2018	
11 June 2018	
18 June 2018	
26 June 2018	
30 July 2018	Conference Call to discuss S106 agreement
2 August 2018	Conference Call to discuss noise limits with planning and environmental health officer prior to D6 submissions
9 August 2018	Conference Call to discuss protective provisions

Post application heritage meetings with ECC Place Services acting for Thurrock Council

14 th November 2017	DCO Application documentation (Archaeology and Cultural Heritage ES Chapter and supporting Technical Appendices) were sent to Richard Havis and Nicolas Page, Essex County Council Places Services post-submission
12 th December 2017	POTLL's archaeological and built heritage consultants at CgMs Ltd met with Richard Havis and

	Nicolas Page, Place Services, Essex County Council to discuss the SoCG
23 rd January 2018	PoTLL, and CgMs Ltd met with Historic England, the Principal Historic Environment Consultant, Essex County Council and Historic Building Consultant, Essex County Council to discuss the first draft of the Historic England Statement of Common Ground
13 th February 2018	Telephone call between CgMs Ltd and Richard Havis, Place Services regarding comments received from Pace Services relating to Terrestrial Archaeology

3.0 SUMMARY OF TOPICS COVERED BY THE SOCG

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

- General support for the scheme given overall economic implications
- Development Plan compliance
- Land side Transport
- Impact on the Tilbury-Gravesend Ferry
- Noise
- Air Quality
- Economic Impacts and Skills and Employment Strategy
- Landscape and Visual Amenity
- Terrestrial Ecology
- Cultural Heritage
- Health
- Hydrogeology and Ground Conditions
- Waste
- Water Resources and Flood Risk
- Cumulative Assessment Projects
- S106 Agreement
- Operational Management Plan
- Community Operational Engagement Plan
- Construction Environment Management Plan

4.0 LIST OF MATTERS AGREED

Ref	Description of matter	Details of agreement
4.1 General Support for the Scheme		
4.1.1	Importance of the future of the Port of Tilbury to the growth of Thurrock as part of the sub-region and region.	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.
4.2 Development Plan Compliance		
4.2.1	Overall compliance with economic and regeneration objectives of the development plan.	It is agreed that the proposals accords with the economic and regeneration objectives of the development plan. Tilbury is identified as a Regeneration Area and key location for employment in the Borough, providing additional jobs in logistics, port and riverside industries (paragraph 3.34). Tilbury is also defined as a Key Strategic Economic Hub by Spatial Policy CSSP2 (Sustainable Employment Growth). This Core Strategy policy identifies Tilbury's core economic sectors as including port and logistics related facilities. Support for Port facilities is also embraced in Thematic Policy CSTP17 (Strategic Freight Movement and Access to Ports). The proposal is also consistent with Thematic Policy CSTP28 (River Thames) which prioritises riverside development sites for uses that require access to the river frontage. This policy also safeguards existing and promotes new jetties for the transport of goods and materials.

4.2.2	Land use designations	It is agreed that the site is covered by a number of designations including 'white land' (absent any site specific designation), primary employment, and local wildlife sites. A small area in the northeast corner of the main site is designated as Green Belt. It is agreed that none of the land within the Order limits is designated as proposed or existing Open Space or Public Open Space within the development plan.
4.2.3	Green Belt	It is agreed that the alignment of the proposed railway line through part of the Green Belt comprises necessary transport infrastructure which would be compatible with paragraph 90 of the NPPF. Although comprising 'inappropriate development' the intrusion of part of the CMAT site into the Green Belt will cause limited harm to the Green Belt in practice. The Council agree with the analysis in Planning Policy Compliance Statement (Document Reference 6.2.1.A) at paras. 4.154 – 4.159. It is agreed 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 that very special circumstances exist for development to take place in the Green Belt.
4.3 Transport		
4.3.1	Scope of Assessments	It is agreed that the Scope of the assessments as set out in the Transport Assessment and the Traffic and Transport Chapter of the ES is appropriate.
4.3.2	Traffic Generation	It is agreed that the estimates of traffic generation as set out in the Transport Assessment (Document Reference

		6.2.13A) are robust and based upon worst case assumptions.
4.3.3	Traffic Distribution	It is agreed the distribution of traffic as set out in the Transport Assessment (Document Reference 6.2.13A) provides a reasonable estimate for assessment purposes.
4.3.4	Traffic modelling	It is agreed that the methodology and software used for undertaking traffic modelling as set out in the Transport Assessment (Document Reference 6.2.13A) is appropriate and provides a reasonable prediction of the impacts.
4.3.5	Tilbury – Gravesend Ferry	It is agreed that the proposals will have no adverse impact on the Tilbury -Gravesend Ferry and have the potential to introduce additional patronage.
4.3.6	Infrastructure Corridor Link Road Design	<p>Following further discussions it is agreed that the highway and access proposals in the infrastructure corridor are fit for purpose subject to the agreement to the relevant Protective Provisions in the DCO.</p> <p>At set out in TC's LIR (para. 7.8.9 – 7.8.14) it was considered by the local highways authority that the design of the junction between Ferry Road and the new link road should be reviewed and upgraded to a signalised junction, with Toucan crossing facilities, due to the traffic impact at this junction and the cycle path which crosses the road at this point.</p> <p>Since Deadline 1 further discussions on the details of the Active Travel measures have taken place with amendments agreed to respond to the concerns of TC, with a meeting held on 14 March 2018. At this meeting discussions included the location of the Toucan crossing and the form of the junction between St Andrews Road/Ferry</p>

		<p>Road and Link Road - it was agreed that a Toucan crossing will be placed on St Andrews Rd between the Hairpin bridge and Ferry Road but form of the St Andrews Road/Ferry Road and Link Road junction was acceptable..</p>
4.3.7	Mitigation at ASDA roundabout	<p>PoTLL and TC (together with Highways England) have agreed a package of mitigation measures at the ASDA roundabout.</p> <p>Further modelling information and a Stage 1 Road Safety Audit has been undertaken and accepted by TC.</p> <p>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.</p>
4.3.8	S106 active travel measures	<p>The Active Travel Measures included in the S106 are now agreed.</p> <p>Following further discussions since Deadline 1 a number of amendments have been agreed. These include</p> <ul style="list-style-type: none"> - relocation of the proposed Toucan crossing on St Andrews Road - inclusion of footpath FP146 between Bill Melroy Creek and Fort Road in the enhancement proposals

		<p>- enhancement to the crossing of the FP146 across the flood defence at Bill Melroy Creek</p> <p>- provision a shared pedestrian/cycling facility from the Fort Road railway bridge north to Brennen Road to allow for an improved cycle link with improvements being planned by TC.</p> <p>Following further discussions with TC and Highways England additional measures in respect of the Active Travel Strategy have been agreed in respect of lighting and security improvements at the footpath which crosses underneath St Andrew's Road south of the ASDA roundabout.</p> <p>These measures are now included in the updated Active Travel Plan which is appended to the agreed S106 Agreement</p>
4.3.9	Sustainable Distribution Plan	It is agreed that the Sustainable Distribution Plan submitted at Deadline 5 provides a suitable framework for preparation of future full Sustainable Distribution Plans in consultation with TC
4.3.10	Framework Travel Plan	It is agreed that the Framework Travel Plan submitted at Deadline 5 provides a suitable framework for the preparation of future full Travel Plans in consultation with TC
4.3.11	Lower Thames Crossing (LTC)	<p>It is agreed that Tilbury2 does not rely on the delivery of the Lower Thames Crossing.</p> <p>It is agreed that the quantitative cumulative impact of the proposals with the LTC within Thurrock requires impacts to be quantitatively modelled and mitigated for and responsibility for this assessment should not fall between the two projects. It is agreed that as LTC has identified Tilbury2 as a cumulative project within its</p>

		<p>scoping report, this means that the LTC project will carry out this exercise.</p> <p>It is further agreed that as there is no traffic modelling for the LTC available at present it would be impossible for PoTLL to model the impact of Tilbury2 on traffic in Thurrock were the LTC be constructed, and it is therefore appropriate for this not to have been included within the ES and for it not to be carried out during the Examination process.</p>
4.4 Noise		
4.4.1	Method of assessment	It is agreed that the standards and guidance used in the Environmental Statement (ES) (document reference 6.1) are appropriate for predicting and assessing noise and vibration impacts from the proposed scheme.
4.4.2	Thresholds for significance and mitigation	<p>It is agreed that the thresholds for significance and mitigation measures expressed in the ES are appropriate for assessing the noise impacts of the scheme.</p> <p>It is agreed that the Policy Significance Criteria with respect to effect thresholds, LOAEL and SOAEL, are acceptable and these are summarised in Table 17.16 for both construction and operational phases.</p>
4.4.3	Baseline Conditions	It is agreed that the identified receptors in the ES are representative of all of the nearest sensitive receptors to the Tilbury2 site and the infrastructure corridor. It is also agreed that the baseline measurements are representative of typical conditions at those receptors.
4.4.4	Construction Assessment	It is agreed that the plant and equipment used in the calculations in the ES provide for the assessment of a reasonable worst

		case including the assumptions for operating periods and mitigation measures.
4.4.5	Road Traffic Assessment	It is agreed that the noise assessments are based on reasonable traffic forecasts.
4.4.6	Railway Traffic Assessment	It is agreed that the operational noise assessment within the ES is based on a realistic worst case assessment of train types, flows and speeds.
4.4.7	Operational Assessment	It is agreed that the source noise data set out in the ES is representative of the operations described in the assessment and the acoustic penalties that have been taken into account for these sources are appropriate for the application design.
4.4.8	Operational assessment	It is agreed that the assessment of operational impacts within the ES is sufficient.
4.4.9	Operational Mitigation	<p>The approach to operational mitigation set out in the noise ES chapter is agreed.</p> <p>It is in particular agreed that Requirement 9 which requires the proposed noise barriers to be constructed prior to operation is acceptable.</p> <p>Receptor based mitigation : TC had concerns that it is not defined who would become eligible / receive an assessment and the geographical boundaries of this and how any receptor based mitigation would be funded.</p> <p>PoTLL have explained that R10(3) requires that no part of Work Nos. 1 to 8 can be brought into operational use until a written noise monitoring and mitigation scheme for the operation of those works based on the results of the noise reassessment is agreed with the relevant Local Planning Authority and Gravesham Borough Council and is</p>

		<p>implemented in accordance with the terms of the agreed written scheme.</p> <p>Through this scheme TC have the power to approve the nature and temporal length of monitoring and the trigger point at which PoTLL will be required to make an offer of mitigation to an affected receptor during such monitoring. PoTLL have confirmed that there will be no artificial boundary to the geographical extent of the scheme and that any receptor based mitigation would be funded by PoTLL.</p> <p>Following further discussions regarding R10 at the suggestion of TC R10(1) was amended to indicate that the re-assessment will be provided to TC for consideration. R10 is considered. The parties agree that R10 is satisfactory as now drafted.</p> <p>Without prejudice to the view of both TC and PoTLL that the existing drafting of Requirement 10 is satisfactory the parties discussed the wording of a potential "Operational noise limits and management" requirement with the Applicant. The draft wording of this is agreed to be acceptable in principle albeit both parties consider such a Requirement as unnecessary to make the development acceptable.</p>
4.4.10	CEMP and OMP	<p>It is agreed that the Construction Environment Management Plan (CEMP) covers the necessary environmental issues that need to be controlled as part of the mitigation of environmental impacts during construction.</p> <p>In particular it is agreed that employing s60 and s61 of the Control of Pollution Act 1974 as set out in the CEMP is an appropriate mechanism for controlling noise issues.</p> <p>It is agreed that the Operational Management Plan (OMP) lays out an</p>

		appropriate basis for control of future operation of the Port.
4.5 Air Quality		
4.5.1	Study Area	It is agreed that the assessment considers the most relevant locations for public exposure in relation to the impacts generated by the proposals, and all modelled receptors in this assessment are appropriate.
4.5.2	Baseline	It is agreed that the ES chapter accurately identifies the current and future baseline air quality conditions in the area.
4.5.3	Methodology	<p>It is agreed that the assessment methodology and significance criteria described in the ES provides an appropriate basis for the assessment of atmospheric emissions and air quality, in particular the modelling of transport emissions.</p> <p>It is agreed that the model used in the Environmental Statement is appropriate, and it is used in accordance with the criteria laid out in the Defra TG(16) Technical Guidance.</p> <p>It is agreed that the assessment represents a worst case scenario, and the model verification process is robust, and limits any uncertainties associated with the model.</p>
4.5.4	Assessment of effects	<p>It is agreed that all the modelled results fall either below or well below the relevant air quality objectives for NO₂, PM₁₀, and PM_{2.5}.</p> <p>While slight to moderate impacts were modelled for NO₂ at some “worst case” receptor locations, it is agreed that these results are not significant, as the air quality</p>

		<p>objective of 40 µg/m³ for annual mean NO₂ is met at all locations</p> <p>It is agreed that the PM₁₀ and PM_{2.5} impacts are negligible at all receptors and concentrations are all below the air quality objectives.</p> <p>It is agreed that the operation of the proposals will not have significant adverse long-term effects on air quality at the closest residential receptors.</p>
4.5.5	Mitigation	<p>It is agreed that the Construction Environment Management Plan (CEMP) covers the necessary environmental issues that need to be controlled as part of the mitigation of environmental impacts during construction.</p> <p>It is agreed that the Operational Management Plan (OMP) lays out an appropriate basis for control of future operation of the Port.</p>
4.5.6	Shore Power	<p>TC agree with PoTLL that the approach of the proposals to providing the infrastructure to facilitate the future use of shore power should vessels become equipped to use this and should electrical power capacity become available, will future proof the site in this regard. TC and PoTLL agree that it would not be reasonable to impose any further controls in this regard through the DCO.</p> <p>Both parties note that paragraph 7.4 of the Operational Management Plan refers to this matter.</p>

4.6 Socio-Economic Impacts		
4.6.1	Appropriate recognition of policies and legislation	It is agreed that Table 7.1 of the ES and its application throughout the assessment provide a sound framework for the impact assessment, referencing Council strategies and evidence where relevant.
4.6.2	Appropriate methodology	It is agreed that the methodology used in the ES is appropriate and robust.
4.6.3	Appropriate baseline	It is agreed that the baseline expressed in the ES provides sufficient and robust context for the impact assessment, referencing Council strategies and evidence where relevant.
4.6.4	Identification and estimation of impacts	It is agreed that the scope and extent of the impact assessment in the ES together provide the necessary information to Thurrock Council to inform their view on the impacts of Tilbury2, referencing other technical evidence where relevant to the assessment.
4.6.5	Identification and assessment of cumulative impacts	It is agreed that the scope and content of the cumulative assessment provide the necessary information to Thurrock to inform their view on the cumulative impacts of Tilbury2 with other developments.
4.6.6	Appropriate (both embedded and further) mitigation	It is agreed that the mitigation measures proposed within the ES are appropriate and proportionate.
4.6.7	Overall assessment	It is agreed that there is nothing of significance within the impact assessment and the conclusions reached that is challenged or disagreed with.

4.6.8	Overall effect	It is agreed that Tilbury2 is likely to have a positive socio-economic effect for Thurrock, forming a clear narrative across different geographic scales.
4.7 Skills and Employment Strategy		
4.7.1	Approach	It is agreed that the key principles, and overall approach to the SES are robust, proportionate and appropriate to the development proposals.
4.7.2	Content of the SES	The content and wording of the SES is agreed between Thurrock and PoTLL as a vehicle for maximising the job and skills opportunities to the area.
4.8 Landscape and Visual Amenity		
4.8.1	Methodology Concern over one omitted viewpoint.	It is agreed that the LVIA has been carried out using appropriate methodology. All viewpoints are agreed as acceptable except one. TC consider that there should have been an additional viewpoint from south of West Tilbury. PoTLL provided additional information showing visibility from West Tilbury church and this was considered a satisfactory clarification of the visibility of the proposals from this location.
4.8.2	Baseline	It is agreed that the ES properly portrays the existing and future landscape baseline
4.8.3	Predicted Effects	It is agreed that the ES properly portrays the predicted effects of the development
4.8.4	Infrastructure Corridor Landscape proposals	PoTLL have provided further details on the effectiveness of the landscape proposals alongside the Infrastructure Corridor (submitted to the ExA as Appendix E to

		<p>POTLL/T2/EX/49). It is agreed that these proposals can provide an effective visual screen and through additional detailed design this can be achieved this whilst respecting the local landscape character and minimising adverse effects on the setting of Tilbury Fort</p>
<p>4.8.5</p>	<p>Wider landscape improvements</p>	<p>The parties have discussed and considered wider landscape improvements suggested by TC in their answer to SWQ 2.15.1.</p> <p>It is agreed that the suggested landscape improvements would be outside the DCO boundary. Therefore PoTLL and TC have therefore considered the suggestions made against the tests for the acceptability of planning obligations as set out in Para 204 of the NPPF, namely that they should be necessary to make the development acceptable in planning terms, directly related to the development; and fairly and reasonably related in scale and kind to the development.</p> <p>It is agreed that in the overall planning balance, whilst TC may consider the improvements desirable, they are not necessary to make the development acceptable and would not therefore pass the first test of para. 204. TC and PoTLL also agreed that the Members of the TC's planning committee supported the Tilbury2 proposals without such a development consent obligation being proposed.</p> <p>Outside of the DCO process PoTLL continue to positively engage with local initiatives of the Council and others to improve the local environment and would work with TC in this regard in the future.</p>
<p>4.9 Terrestrial Ecology</p>		

4.9.1	Assessment of ecological value	It is agreed that the ecological value of the area is well-understood and significant detail has already been provided within the ES. The surveys that have been undertaken are considered appropriate and deal with all the plants, animals and habitats likely to be affected in an appropriate level of detail.
4.9.2	LoWS boundaries	It is agreed that the revised draft LoWS boundaries are correctly shown in the ES.
4.9.3	Past records for dormouse and a residential record for great crested newt, which are in doubt.	It is agreed that these records are likely to be erroneous; confirmed by further survey work in 2017. It is agreed that both species can now be assumed to be absent.
4.9.4	Water vole	It is agreed that water vole translocation will be required. The population can be wholly retained on site. Standard capture and translocation techniques are agreed to be applicable as set out in the draft Ecological Mitigation and Compensation Plan (EMCP) and as indicated in the Letter of No Impediment (LONI) issued by NE
4.9.5	Reptiles	It is agreed that reptile translocation will be required. A proportion of the population can be retained on site. Standard capture and translocation techniques are agreed to be applicable, as set out in the draft Ecological Mitigation and Compensation Plan (EMCP).
4.9.6	Bats and badger	It is agreed that an artificial badger sett and replacement roosts will be provided on-site to compensate for losses of the existing badger setts and pipistrelle roost. Standard licensed mitigation techniques will apply, as set out in the draft Ecological Mitigation and Compensation Plan (EMCP) and as indicated in the LONI issued by NE.
4.9.7	Successional processes	It is agreed that the site is subject to successional processes, which can be expected to accelerate further in the short-

		medium term. As a result of these processes, there is likely to be continuing decline in the condition of early successional habitats and their associated invertebrate interest.
4.9.8	Ecological compensation: on-site delivery	It is agreed that the principles of the on-site mitigation as set out within the Construction Environmental Management Plan (CEMP), Landscape and Ecology Management Plan (LEMP) and draft EMCP are appropriate.
4.9.9	Ecological compensation: location and extent of off-site delivery area. Compensation site should be found within Thurrock if at all possible.	It is agreed that off-site compensation is also necessary given the scale of the proposals. The aim is for off-site compensation to be located as close to Tilbury2 as practicable. However, options for a compensation site within Thurrock are limited and thus if a site is secured outside of the Borough it is agreed that it is an appropriate aim for it to be located in an ecologically compatible area of similar ecological/geographical character (i.e. coastal fringe if possible).
4.9.10	Recommendation that Defra metric should be used in calculating biodiversity offsets.	It is agreed that the Defra metric is suitable to be employed in defining the extent and nature of off-site compensation.
4.9.11	Cumulative effects of the loss of important Open Mosaic Habitat and other unmanaged sites in the vicinity likely to be particularly significant for invertebrates.	It is agreed that Open Mosaic Habitat creation and retention will form part of the Tilbury2 proposals with some off-site creation necessary, as set out in the EMCP.
4.9.12	Ecological Mitigation and	A draft EMCP (as enshrined at Schedule 2, Part 1, S5 of the draft DCO) has been provided by PoTLL to TC.

	<p>Compensation Plan (EMCP)</p>	<p>It is agreed that the contents in respect of protected species mitigation (for eels and nesting birds, in addition to protected species referred to at 4.9.4-4.9.6 above), INNS management, and the principles of on- and off-site habitat creation are acceptable.</p> <p>A further iteration of the EMCP identifying the invertebrate off-site compensation site at Mucking was provided to TC on 19 June 2018. The provision of the invertebrate compensation site at Mucking Landfill is within the borough of Thurrock is welcomed by TC. It is agreed that the general approach should result in a significant area of appropriate habitat for invertebrates, particularly when linked to the previous LDP compensation site. The methodology that has been adopted has worked well in previous mitigation schemes within the borough. TC considers the developing approach set out in the latest iteration of the EMCP will help to achieve a significant area of OMHPDL within the borough which can be managed as required in the long term by an appropriate conservation body. It is recognised that more detailed information will be provided in later iterations. This will include the Biodiversity Offsetting Calculations using the Essex/Defra metric.</p>
<p>4.9.13</p>	<p>HRA report considering possible effects on Thames Estuary & Marshes SPA/Ramsar Site/SSSI</p>	<p>A Stage 1 HRA report has been produced which concludes no likely significant effect on nearby SPAs/Ramsar Sites/SSSIs (or on features of qualifying interest) during construction and operation. A Stage 2 HRA report has also been produced which sets out a greater level of detail, and concludes no adverse effect on integrity. The conclusions of these reports are agreed.</p>
<p>4.10 Archaeology</p>		

4.10.1	Study Area	It is agreed that the study area used to inform the assessment of the Project on Terrestrial Archaeology (see Table 12.4 of Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement) is appropriate.
4.10.2	Methodology	It is agreed that the approach adopted in Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement (12.63-12.77 and matrices in Tables 12.5, 12.6 and 12.7) is appropriate to assess the magnitude and range of impacts from the proposed project on archaeological receptors.
4.10.3	Baseline Environment	It is agreed that the Terrestrial archaeological baseline environment has been adequately described in the Environmental Statement and supporting Technical Appendices 12A.
4.10.4	Mitigation	It is agreed that the measures presented in paragraphs 12.217-12.222 and Table 12.15 a and b of Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement and as set out in Appendix 12D: Terrestrial WSI are sufficient to minimise impacts to terrestrial archaeology during the construction and operation of the proposed project.
4.10.5	Impact Assessment	<p>It is agreed that as detailed design is not yet finalised the realistic worst case impact from the proposed development on terrestrial archaeology has been suitably assessed on a precautionary conservative basis in the Environmental Statement and supporting Technical Appendices.</p> <p>It is agreed that the direct impact on potential archaeological assets preserved within the buried peat deposits will be from piling only and the realistic worst case impact from piling will sit within or close to Historic England's acceptable zone of</p>

		<p>disturbance (Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement paragraphs 12.156-12.158 and 12.160 and Technical Appendix 12A).</p> <p>It is agreed that indirect impacts on potential archaeological assets preserved within buried peat deposits have been suitably assessed in Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement paragraphs 12.156-12.158 and 12.160 and Technical Appendix 12A.</p> <p>It is agreed that, in accordance with the outcome of the assessment presented in Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement, the residual impacts on potential terrestrial archaeological assets at the surface of the upper alluvial sequence during construction and operation will be neutral, assuming that the measures presented in Table 12.15a and b of Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement and the Terrestrial WSI are implemented.</p>
4.10.6	Cumulative Impact Assessment	It is agreed that Chapter 12 paragraph 12.243 has given attention to what cumulative impacts might occur and that any potential adverse cumulative effects on the archaeological resource should be mitigated through the delivery of approved mitigation strategies
4.10.7	Draft Development Consent Order	It is agreed that the draft DCO Schedule 1 paragraph 6 sets out the requirement that the authorised development must be carried out in accordance with the Terrestrial Written Scheme of Investigation (WSI). It is agreed that this requirement is necessary to ensure that all archaeological work is conducted with the appropriate level of specialist expertise under and in accordance with a scheme approved by the local planning authority.

		<p>It is agreed that the WSI pursuant to Schedule 1 paragraph 6 of the draft DCO provides the appropriate mechanisms by which mitigation (a summary of which is provided in Table 12.15 a and b of ES chapter) is to be agreed prior to the construction of the project to safeguard against any adverse effect on archaeological receptors.</p> <p>It is agreed that details of specific mitigation measures and their implementation, summarised in paragraphs 12.217-12.222 of Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement are set out in Technical Appendix 12D the Terrestrial Written Scheme of Investigation.</p>
4.11 Built Heritage		
4.11.1	Study Area	<p>It is agreed that the study area of 2km from the Site boundary for the built heritage assessment is appropriate.</p> <p>It is further agreed that the inclusion of Coalhouse Fort (Scheduled Monument), Cliffe Fort (Scheduled Monument) and Shornemead Fort (non-designated heritage asset) which lie beyond the 2km search radius is appropriate.</p> <p>This is detailed in Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement (para. 12.61 and 12.62), Appendix 12.B Built Heritage Assessment (Document Reference 6.2 12.B) (page 28 – 29) and shown in Figures 12.1 and 12.2 (Document Reference 6.3 Figure 12.1 and 6.3 Figure 12.2).</p>
4.11.2	Methodology	<p>The approach to assessing the significance and settings of the identified built heritage assets, and the potential impacts of the proposals upon their significance, is outlined in Technical Appendix 12.B Built Heritage Assessment (Document Reference 6.2 12.B) (page 28 – 31) and paragraphs 12.63 – 12.69 of Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement. The assessment has been informed by industry-standard guidelines</p>

		<p>including the English Heritage/Historic England guidance, '<i>Historic Environment Good Practice Advice in Planning: Note 3: The Setting of Heritage Assets</i>' (2015), and '<i>Conservation Principles, Policies and Guidance</i>' (English Heritage 2008). It is agreed that this approach is appropriate.</p> <p>It is agreed that the use of tables and matrices within Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement (Table 12.5, 12.6 and 12.7) have been used as supporting material to the detailed assessment of setting included within the Technical Appendix 12.B Built Heritage Assessment (Document Reference 6.2 12.B).</p> <p>It is agreed that the wireline images of the proposals (Document Reference 6.2 9.F) illustrate the potential maximum visual parameters of the scheme and are appropriate for the purpose of assessing potential impacts on the settings of built heritage assets,</p> <p>It is agreed that the indicative visual effect from the top deck of a cruise liner (Document Reference 6.2 9.H) is appropriate.</p> <p>PoTLL have provided additional information showing visibility from West Tilbury church and a wireline view from inside Tilbury Fort Chapel to St James Church. It is agreed that this demonstrates that inter-visibility of these two assets will remain even in the worst case scenario of the Rochdale envelope.</p>
4.11.3	Baseline Environment	It is agreed that there are no designated or non-designated built heritage assets within the Site boundary..
4.11.4	Impact Assessment	The Applicant has provided a detailed assessment of the potential impacts of the proposals on the settings of surrounding heritage assets. This is contained within Chapter 12: Archaeology and Cultural

		<p>Heritage of the Environmental Statement and Technical Appendix 12.B Built Heritage Assessment (Document Reference 6.2 12.B).</p> <p>It is agreed that the proposals will result in less than substantial harm to heritage significance in NPS terms.</p> <p>The magnitude of the residual impacts on the settings of the identified built heritage assets assessed in the built heritage assessment are agreed. This ascribes 'Moderate Adverse' impact on both Tilbury Fort and the Officers Barracks and 'Minor Adverse' impacts on the remaining Thurrock heritage assets described within the assessment.</p>
4.11.5	Mitigation	<p>The Applicant has proposed further mitigation and enhancements in paragraphs 12.228-12.236 of Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement.</p> <p>Embedded mitigation measures presented in paragraphs 12.144-12.150 and 12.152 of Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement. It is agreed that these will assist in minimising or reducing the impact of the proposals on the setting of Tilbury Fort.</p> <p>Further detailed discussions have been held on the following.</p> <p>Landscape mitigation : PoTLL provided a technical note to detail of the effectiveness of the proposed landscape mitigation along the infrastructure corridor (Appendix E to Document Reference PoTLL/T2/EX/49). It is agreed that this demonstrates that the proposed landscape measures located along the infrastructure corridor provide appropriate and effective mitigation for the landscape and heritage impacts on the setting of Tilbury Fort.</p> <p>External finishes : as additional mitigation, PoTLL have proposed a schedule of</p>

		<p>finishes using colours found in the surrounding landscape that would be used to ensure that building colours are chosen to minimise their impact on the landscape. It is agreed that this approach is considered acceptable and is an appropriate mitigation measure</p> <p>The Requirement 3 Colour Palette as submitted by PoTLL at Deadline 5 has now been agreed.</p> <p>Operational lighting : it is agreed that the preliminary lighting strategy and the requirement on PoTLL (R12) to provide a detailed strategy for approval of TC and GBC consistent with that strategy and the impact assessment in the ES will provide effective mitigation for the impact of operational lighting on heritage assets.</p> <p>Stacking heights : In response to the TC suggestion that consideration be given to the use of a height restriction zone adjacent to the western boundary (as suggested in their answer to First Written Question 1.13.5 [Rep 1-02]), TC and PoTLL have discussed stacking heights within the RoRo terminal further. It is agreed that the stacking heights of containers will in operation vary across the site and the portrayal and upper limit of 6 high containers across the whole site provides a worst case scenario for assessment purposes..</p> <p>The further discussions considered the starting point for assessment and any need for mitigation in the site specific circumstance. TC and PoTLL agreed that the proposals will result in less than substantial harm to heritage significance in NPS terms (see item 4.11.4 above in this SoCG) with the mitigation as proposed. It is also agreed that the Members of TC's planning committee supported the Tilbury2 proposals without a requirement to reduce stacking heights below the Rochdale envelope proposed in the application (i.e. six containers across the RoRo terminal as a worst case.</p>
--	--	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

4.11.5	Cumulative Effects Assessment	It is agreed that the cumulative effect of the Tilbury Energy Centre and Lower Thames Crossing with Tilbury2 could result in a major effect on the setting of Tilbury Fort. It is agreed that further mitigation to minimise this effect will fall to the promoters of those future schemes, once designs and embedded mitigation for each has been developed.
4.12 Hydrogeology and Ground Conditions		
4.12.1	Ground Investigation	It is agreed that an additional ground investigation (including soil, groundwater and gas monitoring), will be undertaken at a later stage as part of the detailed design.
4.12.2	Principal Receptor	It is agreed that the principal receptor from Tilbury2 would be controlled waters, including the Chalk Principal Aquifer underling the Tilbury site.
4.12.3	Piling Risk Assessment	It is agreed that a piling risk assessment will be undertaken at a later stage, once piling design is sufficiently detailed to determine a construction method which is protective of groundwater.
4.12.4	Assessment of Effects	It is agreed that the effects of the proposals on the hydrogeology and ground conditions in relation to physical effects, effects on geology and effects associated with ground contamination and waste assessment have been satisfactorily considered within the ES.
4.12.5	Methodology	It is agreed that the methodology utilised in the ES addresses the known existing ground conditions and potential impacts of the proposed development on ground contamination.
4.12.6	Mitigation Measures	It is agreed that the proposed approach to mitigating potential and existing contamination during the construction and

		operation of the new port (through the CEMP and OMP) is satisfactory.
4.13 Waste		
4.13.1	Methodology within the Environmental Statement to determine significance of waste arisings from the proposals	<p>It was been agreed by all parties that further assessment of the capacity in Thurrock would be required to be undertaken. It is also agreed that using a sequential approach the capacity data within Essex is also relevant in order to determine the significance of the impact of the quantity of waste predicted to be produced during construction/demolition.</p> <p>The 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 [PoTLL/T2/EX/60].</p>
4.13.2	Significance of waste arisings	It is agreed that 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.
4.13.3	Destination of waste	It is agreed that the destination of the waste produced is an issue for the contractors involved with the construction of the proposals in the development and given transport costs and the worst case scenario tonnage this is likely to be to available capacity within Thurrock.
4.14 Water Resources and Flood Risk		
4.14.1	Assessment of Flood Risk	<p>It is agreed that the application comprehensively assesses the risk of surface water flooding associated with the proposals.</p> <p>Once the requirements for the CMAT area are known the design will be</p>

		undertaken by the operator to the principles set out in section 6.4.3 of the drainage strategy and subject to approval by the LLFA via their protective provisions.
4.14.2	Culverting of existing watercourses	<p>It is agreed that the size of culverts should not reduce the cross-sectional area of the watercourse and it has been agreed the proposals will look to make the size of proposed culverts larger than existing culverts on the network.</p> <p>The final design of culverts in ordinary watercourses would be subject to LLFA via their protective provisions</p>
4.14.3	Surface water discharge into ordinary watercourses	<p>It is agreed that flows higher than those stated in the drainage strategy (Q1 greenfield run-off rate) could be discharged if it could be demonstrated that there was no increased flood risk</p> <p>Approval of this discharge will be controlled through the operation of the 'Discharge of Water' article in the DCO</p>
4.14.4	Water Quality - Administration and General Storage area	<p>It is agreed that the measure set out in section 6.4.2 of the drainage strategy are acceptable.</p> <p>This includes the use of pre-fabricated buildings which will be pre-fitted with green roofs and the use of porous paving.</p>
4.14.5	Water Quality - Infrastructure Corridor	Although the existing design is compliant with DMRB, it is agreed that further mitigation is provided to comply with CIRIA 753. Based on the concept design it is agreed that Micro

		<p>Pollutant Filters are provided to meet this requirements.</p> <p>The final drainage design and Water Quality provisions are subject to detailed design. Any Water Quality provisions will also needs to be agreed with the local highways authority, as the system will be adopted.</p>
4.14.6	Water Quality Refuelling system	<p>It is agreed that the measures set out in section 6.4.2 of the drainage strategy are acceptable. These state that the refuelling area will consist of concrete hardstanding and will be drained using a traditional piped drainage system, which will pass through a Full Retention Oil Interceptors to BS EN 85820, and will be constructed and maintained in accordance with the Control of Pollution (Oil Storage) (England) Regulations 2001.</p>
4.14.7	Water Quality - RoRo Terminal	<p>For the RoRo Terminal area, PoTLL propose to maintain and widen the existing ditches around the perimeter of the site. These will offer some mitigation in respect of water quality. Oil separators are also proposed which will offer mitigation against the level of Hydrocarbons.</p> <p>Whilst it is agreed that this does not provide the full mitigation that TC as the LLFA would like to see against CIRIA (the construction industry research and information association) C753 SuDS Manual recommendations, TC appreciate the difficulties associated with delivering an acceptable strategy for this area, and acknowledges that SUD systems</p>

		<p>have been included elsewhere within the scheme.</p> <p>It is agreed that PoTLL have undertaken a detailed review of other potential measures and explained why these are not considered practical and/or cost effective.</p> <p>It is agreed that PoTLL are implementing such measures that are reasonably possible and on balance TC does not wish to object to the scheme on this basis.</p>
4.15 Cumulative Assessment Projects		
4.15.1	List of projects identified	It is agreed that the list of projects identified is appropriate for the purposes of Cumulative Effects Assessment
4.15.2	Assessment of Cumulative Projects	It is agreed that the assessment of cumulative impacts contained within the Environmental Statement is fit for purpose.
4.15.3	Potential Tilbury Energy Centre	<p>PoTLL have undertaken a high level, proportionate, qualitative Cumulative Effects Assessment of Tilbury2 with Tilbury Energy Centre (TEC) [Rep3-027]. It is agreed that this is fit for purpose.</p> <p>It is agreed that the promotor of TEC has identified Tilbury2 as a cumulative project and that the TEC ES will undertake this assessment and identify any further mitigation that may be required as a result of cumulative effects arising.</p>
4.15.4	Lower Thames Crossing	It is agreed that access to Tilbury2 does not rely on the delivery of the Lower Thames Crossing.

		<p>PoTLL have undertaken a high level, proportionate, qualitative Cumulative Effects Assessment of Tilbury2 with Lower Thames Crossing (LTC) [Rep3-027]. It is agreed that this is fit for purpose.</p> <p>It is agreed that the promotor of LTC has identified Tilbury2 as a cumulative project and that the LTC ES will undertake this assessment and identify any further mitigation that may be required as a result of cumulative effects arising.</p>
<p>4.16 Operational Management Plan (Document reference 6.10)</p>		
4.16.1	Minimising operational environmental impacts	It is agreed that the Operational Management Plan will minimise environmental effects of the proposals during operation and is fit for purpose.
<p>4.17 Community Operational Engagement Plan (Document Reference 5.4)</p>		
4.17.1	Keeping the community informed and ensuring open communication between the community and PoTLL	It is agreed that the Community Operational Engagement Plan is fit for purpose and will help keep the local community informed during operation and sets out how any complaints can be voiced and dealt with.
<p>4.18 Construction Environment Management Plan (Document Reference 6.9)</p>		
4.18.1	Ensuring that the impact of the proposals during construction is minimised	It is agreed that the Construction Environment Management Plan (CEMP) covers the necessary environmental issues that need to be controlled as part of the mitigation of environmental impacts during

		construction. It is agreed that it is fit for purpose.
4.19 S106 Agreement		
4.19.1	The contents of the S106 agreement	<p>The S106 is now agreed between the parties and comprises :-</p> <ul style="list-style-type: none"> - implementation of the Active Travel Strategy - Implementation of the Skills and Employment Plan - Heritage contribution of £112,000 to be paid to TC to be available to English Heritage in respect of heritage enhancements at Tilbury Fort - Heritage contribution of £29,000 to be paid to TC to be available to GBC for heritage interpretation on the south side of the River Thames. - Ferry signage contribution to provide for real time information for the Ferry at Tilbury Station, Tilbury landing stage and land side in Gravesend to be implemented by TC. <p>The drafting of the S106 is agreed and the final signed version will be submitted prior to the close of the Examination on 20 August 2018.</p>
4.20 Public Health		
4.20.1	Methodology	It is agreed that methodology underlying the Health Assessment is satisfactory and that the key health effects of Tilbury2 have been identified.
4.20.2	Lighting	It is agreed that in respect of health issues, the mitigation for lighting impacts are acceptable.

4.20.3	Air Quality	It is agreed that the methodology underlying the assessment of health effects of air quality is acceptable.
4.20.4	Noise and vibration	<p>It is agreed that in respect of the residual health impacts from noise and vibration, that there will be a process of agreement with TC on a written noise monitoring and mitigation scheme, based on the results of a noise reassessment.</p> <p>Through this scheme TC is required to approve the nature and temporal length of monitoring and the trigger point at which PoTLL will be required to make an offer of mitigation to an affected receptor during such monitoring if, after all of the measures in the Operational Management Plan designed to reduce noise, there remains a residual effect.</p>
4.20.5	Promoting physical activity	It is agreed that in respect of health issues, the mitigation for physical activity impacts through the Active Travel Study are acceptable.
4.20.6	Neighbourhood quality – visual impact/landscape	It has been identified that there will be residual health effects for neighbourhood quality/visual amenity. It has been agreed that outside of the DCO process PoTLL will continue to positively engage with local initiatives of the Council and others to improve the local environment and would work with TC in this regard in the future.
4.20.7	Cumulative Health Impacts	It is agreed that the Cumulative Assessment is satisfactory with regard to highlighting at a high level the possible health effects, in so far as can reasonably be assessed from the information available to date. It is expected that the Tilbury2 development should be taken into account in future nationally significant infrastructure projects assessments, and particularly the proposed Tilbury

		Energy Centre and the proposed Lower Thames Crossing.
--	--	-------------------------------------------------------

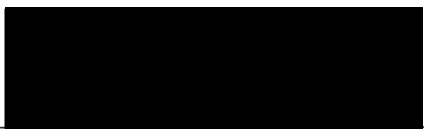

5.0 LIST OF MATTERS UNDER DISCUSSION

5.1	Development Consent Order	
5.1.1	Drafting of Protective Provisions	Drafts of the DCO have been exchanged and discussions regarding the highways and drainage protective provisions for TC have made good progress and are nearly complete. It is intended to submit the final dDCO with these matters agreed between the parties prior to the close of the Examination on 20 th August 2018.

6.0 LIST OF MATTERS NOT AGREED

6.1 No matters are not agreed between the parties.

7.0 AGREEMENT

Signed	
Name	Matthew Gallagher
Position	Principal Planning Officer
Organisation	Thurrock Council
Date	16 August 2018
Signed	
Name	Peter Ward
Position	Commercial Director
Organisation	Port of Tilbury London Limited
Date	16 August 2018

Appendix 2

SOCG002

Statement of Common Ground with Gravesham Borough Council

PLANNING ACT 2008
INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES 2010

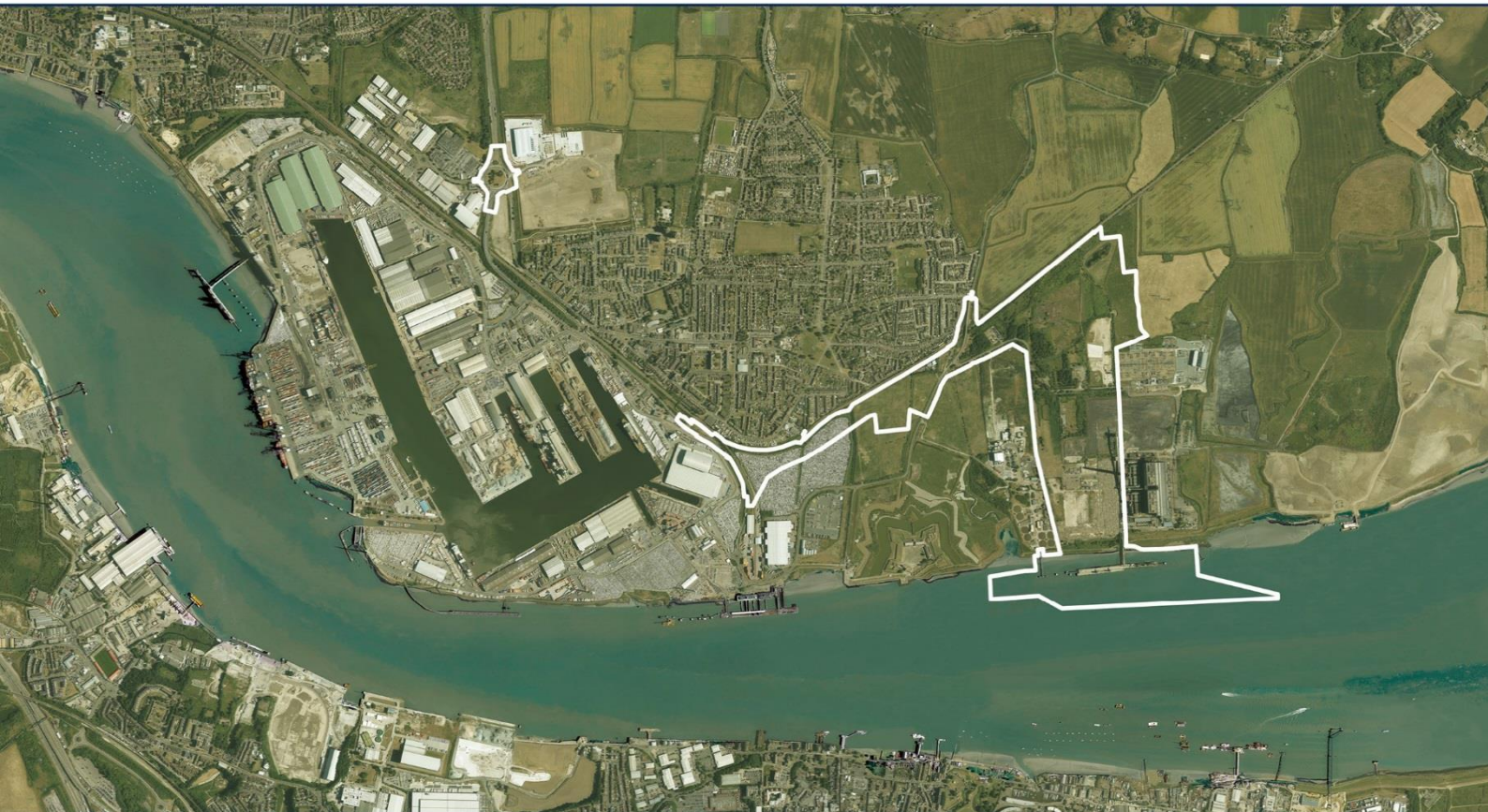
PROPOSED PORT TERMINAL AT
FORMER TILBURY POWER STATION

TILBURY2

TRO30003

STATEMENT OF COMMON GROUND
BETWEEN PORT OF TILBURY LONDON LIMITED AND
GRAVESHAM BOROUGH COUNCIL

DOCUMENT REF : SOCG002



PORT OF TILBURY

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

STATEMENT OF COMMON GROUND

**BETWEEN PORT OF TILBURY LONDON LIMITED AND
GRAVESHAM BOROUGH COUNCIL**

Revision	Date	Description of new version
1.0	30 January 2018	First composite draft following sections on noise and heritage sent separately.
2.0	9 February 2018	Second draft exchanged following meeting on 9 February 2018
3.0	30 April 2018	Third draft following on-going discussions and ISHs
4.0	14 June 2018	Fourth Draft for submission prior to the June ISHs
5.0	5 July 2018	Fifth draft for submission at Deadline 5
6.0	16 August 2018	Final version for submission at Deadline 7

CONTENTS

1.0	INTRODUCTION.....	4
2.0	CONSULTATION TO DATE.....	7
3.0	SUMMARY OF TOPICS COVERED BY THE SOCG	11
4.0	LIST OF MATTERS AGREED	12
5.0	LIST OF MATTERS UNDER DISCUSSION.....	23
6.0	MATTERS NOT AGREED	24
7.0	AGREEMENT	27

TILBURY2 PROJECT TEAM
PORT OF TILBURY LONDON LIMITED
Leslie Ford House
Port of Tilbury
Tilbury
Essex
RM18 7EH

www.tilbury2.co.uk

1.0 INTRODUCTION

Purpose of this document

- 1.1 This Statement of Common Ground ("SoCG") has been prepared in relation to the application by Port of Tilbury London Limited ("PoTLL") under section 37 of the Planning Act 2008 ("the Act") for an order granting development consent ("DCO") for the construction, operation and maintenance of a new port terminal and associated facilities in Tilbury, Essex known as 'Tilbury2' ("the proposals").
- 1.2 The aim of this SoCG between PoTLL and Gravesham Borough Council ("GBC") is to provide a clear record of engagement between the parties, including of the issues discussed between the parties and the current status of those discussions. The SoCG can be used as evidence of engagement for the purposes of the examination into the DCO application.

Structure of this Statement of Common Ground

- 1.3 This structure of this SoCG is as follows:

Section 1 – Introduction

Section 2 – Consultation to date

Section 3 – Summary of topics covered by the SoCG

Section 4 – List of matters agreed

Section 5 – List of matters under discussion

Section 6 – List of matters not agreed

Overview of the proposals

- 1.4 Port of Tilbury London Limited ("PoTLL") is proposing a new port terminal on the north bank of the River Thames at Tilbury, a short distance to the east of its existing Port. The proposed port terminal will be constructed on land that formed the western part of the now redundant Tilbury Power Station and is bounded to the west by a waste water treatment works and to the east by the Tilbury B power station that is presently being demolished.
- 1.5 The proposed main uses on the site will be a Roll-on/Roll-off (RoRo) terminal and a Construction Materials and Aggregates terminal (the "CMAT"), and associated infrastructure including rail and road facilities and revisions to the existing marine infrastructure. An 'infrastructure corridor' is proposed that will accommodate road and rail links to the existing rail and road network. The CMAT will include stockpiling of construction materials and some processing of aggregates for the production of asphalt and concrete products.
- 1.6 It will require works including, but not limited to:

- creation of hard surfaced pavements;
- improvement of and extensions to the existing river jetty including creation of a new RoRo berth;
- associated dredging of berth pockets around the proposed and extended jetty and dredging of the approaches to these berth pockets;
- new and improved conveyors;
- erection of welfare buildings;
- erection of a single 10,200 sqm. warehouse
- a number of storage and production structures associated with the CMAT;
- the construction of a new link road from Ferry Road to Fort Road; and
- formation of a rail spur and sidings.

1.7 The proposed volumes of import/export of RoRo units for the terminal exceed the threshold of 250,000 units stated in the Planning Act 2008 for throughput per annum. The Tilbury2 project therefore constitutes a Nationally Significant Infrastructure Project (NSIP).

1.8 The application essentially seeks a DCO to approve an operational port and to allow PoTLL to benefit from its permitted development rights within the boundaries of the new port. The application seeks to establish a 'Rochdale Envelope' of development based upon the description within the DCO. In this context, the DCO will contain a framework through which environmental impacts will be controlled and managed.

Introduction to Gravesham Borough Council

1.9 Gravesham Borough Council is a neighbouring local authority within the definition of the Duty to Co-operate under the Planning & Compulsory Purchase Act 2004. Tilbury2 is a strategic cross-boundary matter and GBC wish to engage with this process as an interested party.

1.10 Gravesham Borough Council has the following relevant roles and functions:-

- A key partner and service provider promoting economic development, regeneration, infrastructure delivery, new development and tourism;
- The planning authority with responsibility for determining planning applications and preparing and reviewing the statutory development plan within its administrative area; as part of this function the Council has responsibility for the following matters : regeneration, cultural heritage, landscape and ecology.

- Environmental Health Advisor with responsibility for noise and air quality.

2.0 CONSULTATION TO DATE

2.1 This section provides a summary of the engagement between PoTLL and Gravesham Borough Council that has taken place to date.

Pre-application

Date	Activity
27 February 2017	PoTLL provide Gravesham Borough Council with a draft of their Scoping Report
17 March 2017	Gravesham Borough Council provide written response to the draft Scoping Report to PoTLL
4 April 2017	PoTLL provide a written response to GBC's Scoping response
4 April 2017	Wendy Lane of Gravesham Borough Council attends a workshop with PoTLL and PINS at which the proposals and the NSIPs planning process are outlined
28 July 2017	Response of Gravesham Borough Council to S42 statutory consultation
18 August 2017	Telephone conference call held with Wendy Lane of GBC, Peter Ward (PoTLL) and Martin Friend (V&G).
18 August 2017	PoTLL's Built Heritage consultant at CgMs Ltd emailed Gravesham Borough Council (Allan Cox, Geoff Baker and Wendy Lane) a full set of the draft wirelines.
4 September 2017	PoTLL's heritage consultants meet with GBC Heritage Advisers to review response to PEIR.
30 th August 2017	PoTLL's Built Heritage consultant at CgMs Ltd emailed Gravesham Borough Council (Allan Cox, Geoff Baker and Wendy Lane) a revised set of the draft wirelines which included labels for Tilbury Fort, as per Gravesham Borough Council's (Allan Cox) email request on 21 st August 2017.

22 September 2017	<p>The following documents were sent to GBC for comment:-</p> <p>Draft Works Plans; Draft General Arrangement Plans; Draft Engineering Section Drawings and Plans; Draft Chapters 1-6 of the Environmental Statement; Draft Masterplanning Statement.</p>
25 th September 2017 and 2 nd October 2017	<p>PoTLL's Built Heritage consultant at CgMs Ltd emailed Gravesham Borough Council (Allan Cox, Geoff Baker and Wendy Lane) a selection of the Draft ES documents including the Built Heritage Assessment (September 2017) (sent 25th September 2017) and Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement (sent 2nd October 2017).</p>
26 th September 2017	<p>PoTLL's Built Heritage consultant at CgMs Ltd emailed Gravesham Borough Council (Allan Cox, Geoff Baker and Wendy Lane) further Draft ES documents, including the Noise and Vibration Chapter, Air Quality Chapter and Landscape and Visual Impact Assessment documents, following a telephone discussion with Allan Cox.</p>
12 th September	<p>Gravesham Borough Council (Allan Cox) provided PoTLL's Built Heritage consultant at CgMs Ltd with further comments following the meeting on the 4th September 2017.</p>
2 October 2017	<p>The following documents were sent to GBC for comment:-</p> <p>Draft DCO (including deemed marine licence); draft elements of the ES namely;</p> <p>Chapter 9 – Landscape and Visual Assessment;</p> <p>Chapter 11 – Marine Ecology</p> <p>Chapter 12 – Archaeology and Historic Environment;</p> <p>Chapter 16 – Water resources and flood risk</p> <p>Chapter 17 – Noise and Vibration</p>

	Chapter 18 – Air Quality Lighting Strategy CEMP, Operational Management Plan, Draft DCO
9 October 2017	Meeting to discuss noise issues.
13 October 2017	GBC provides a response to the pre-application engagement material
11 th October 2017	Gravesham Borough Council provided draft comments on the draft Built Heritage Assessment (September 2017).
14 th October 2017	Gravesham Borough Council provided informal comments on a selection of the Draft ES documents via email. This included comments on the draft Built Heritage Assessment (September 2017) and ES Chapter 12.
16 th October 2017	PoTLL's Built Heritage consultant at CgMs Ltd provided an email response to Gravesham Borough Council's comments on the draft Built Heritage Assessment (September 2017). Gravesham Borough Council (Geoff Baker and Allan Cox) provided email responses to this.

Post-application

<u>Date</u>	<u>Activity</u>
21 November 2017	Gravesham Borough Council confirmed the locations of the viewpoints from which they require night time views. PoTLL agree to provide night time views from all five locations in an email dated 22 nd November 2017.
2 nd November 2017	PoTLL letter to Gravesham Borough Council with draft DCO for review.
13 th and 14 th November 2017	DCO Application documentation (Archaeology and Cultural Heritage ES Chapter, Technical Appendix 12.B Built Heritage Assessment (October 2017) and

	the final set of wirelines) were sent to Gravesham Borough Council post-submission.
1 December 2017	Following a site visit Gravesham Borough Council (Geoff Baker) confirm in an email to PoTLL's Built Heritage consultant at CgMs Ltd that the Council no longer require an additional viewpoint from West Tilbury Conservation Area.
6 December 2017	PoTLL provide draft SoCG on heritage to GBC
7 December 2017	PoTLL provides draft planning obligation to GBC
14 December 2017	Meeting held to discuss SoCG in relation to Noise and Heritage topics
20 December 2017	Draft noise section of SoCG provided
30 January 2018	Composite Draft SoCG v1 provided
9 February 2018	Meeting held between GBC and PoTLL to discuss SoCG following provision of Aggregate Vessel Noise Assessment and 24/7 Working Note.
9 April 2018	Conference call to discuss SoCG
25 April 2018	Conference call to discuss SoCG
12 June 2018	Meeting held between GBC and PoTLL to discuss SoCG following deadline 4 submissions, focusing on air quality.
Post ISH	Email correspondence on outstanding issues including Mark Lane noise monitoring, S106 agreement and Requirement 10, and additional requirement on noise limits.

3.0 SUMMARY OF TOPICS COVERED BY THE SOCG

3.1 The following topics discussed between PoTLL and Gravesham Borough Council are

- General support for the scheme given overall economic implications
- Cultural Heritage with particular reference to impact on heritage assets in Gravesend
- Noise impacts
- Air Quality

3.2 For the avoidance of doubt, the matters covered in this SoCG are the only matters raised by Gravesham Borough Council that relate to its statutory functions identified above.

4.0 LIST OF MATTERS AGREED

Ref	Description of matter	Details of agreement
4.1 General Support for the Scheme		
4.1.1	Importance of the future of the Port of Tilbury to the sub-region	It is agreed that the Tilbury2 proposals are acceptable and bring benefits in terms of sustainable transport and employment; it is further agreed that the heritage of Gravesend is best appreciated in the context of a working and evolving river.
4.2 Built Heritage		
4.2.1	Study Area	<p>It is agreed that the study area of 2km from the Site boundary for the built heritage assessment is appropriate.</p> <p>It is further agreed that the inclusion of Coalhouse Fort (Scheduled Monument), Cliffe Fort (Scheduled Monument) and Shornemead Fort (non-designated heritage asset) which lie beyond the 2km search radius is appropriate.</p> <p>This is detailed in Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement (para. 12.61 and 12.62), Appendix 12.B Built Heritage Assessment (Document Reference 6.2 12.B) (page 28 – 29) and shown in Figures 12.1 and 12.2 (Document Reference 6.3 Figure 12.1 and 6.3 Figure 12.2).</p> <p>It is agreed that the viewpoint locations as shown within Document Reference 6.3 Figure 9.8 are appropriate in order to aid the assessment of potential impacts on the settings of identified built heritage assets on both the north (Essex) and south (Kent) sides of the River Thames. No viewpoint is required from West Tilbury Conservation Area.</p> <p>The location of night time viewpoints have been agreed.</p>

4.2.2	Methodology	<p>The approach to assessing the significance and settings of the identified built heritage assets, and the potential impacts of the proposals upon their significance, is outlined in Technical Appendix 12.B Built Heritage Assessment (Document Reference 6.2 12.B) (page 28 – 31) and paragraphs 12.63 – 12.69 of Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement. The assessment has been informed by industry-standard guidelines including the English Heritage/Historic England guidance, '<i>Historic Environment Good Practice Advice in Planning: Note 3: The Setting of Heritage Assets</i>' (2015), and '<i>Conservation Principles, Policies and Guidance</i>' (English Heritage 2008). It is agreed that this approach is appropriate.</p> <p>It is agreed that the use of tables and matrices within Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement (Table 12.5, 12.6 and 12.7) have been used as supporting material to the detailed assessment of setting included within the Technical Appendix 12.B Built Heritage Assessment (Document Reference 6.2 12.B).</p> <p>It is agreed that the wireline images of the proposals (Document Reference 6.2 9.F) illustrate the potential maximum visual parameters of the scheme and are appropriate for the purpose of assessing potential impacts on the settings of built heritage assets.</p>
4.2.3	Baseline Environment	<p>It is agreed that the relevant built heritage assets that have the potential to experience significant effects as a result of the proposals have been appropriately identified and assessed within Sections 5.3 – 5.6 of Technical Appendix 12.B Built Heritage Assessment (Document Reference 6.2 12.B) and Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement.</p>
4.2.4	The magnitude of impact on the settings	<p>PoTLL has provided a detailed assessment of the potential impacts of the</p>

	of the identified built heritage assets and the degree of harm.	<p>proposals on the settings of surrounding heritage assets. This is contained within Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement and Technical Appendix 12.B Built Heritage Assessment (Document Reference 6.2 12.B).</p> <p>It is agreed that intensification of the use in the area which would have historically been open marshland, in a baseline without the power station development, will impact on Gravesend as a riverside heritage town and particularly its inter-relationship with Tilbury2 Fort and the downstream forts. This impact does require mitigation (see below). GBC agrees that the harm is less than significant, and within the spectrum of harm, for south of the river, is at the lower end of that spectrum.</p>
4.2.5	Mitigation	<p>It is agreed that the embedded mitigation measures presented in paragraphs 12.144-12.150 and 12.152 of Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement are appropriate to help minimise potential impacts on built heritage assets.</p> <p>It is agreed that the detailed design of the colour and surfacing of the silo and other tall structures, and the waterside lighting strategy will be finalised and approved by Thurrock Council in consultation with Gravesham Borough Council, and that that these are appropriate mitigation measures.</p>
4.2.6	Cumulative Impact Assessment	<p>It is agreed that the Applicant has adequately considered the impacts on built heritage from the project, together with other projects within the Gravesend and Thurrock areas, as identified in detail within Technical Appendix 12.B Built Heritage Assessment (Document Reference 6.2 12.B) (page 82-83).</p>
4.2.7	Draft Development Consent Order	<p>It is agreed that the requirement set out in draft DCO Schedule 2 paragraph 3(3) outlines the maximum heights that each</p>

		building, structure or operation must not exceed.
4.2.8	Lighting	GBC considers that the issue of lighting has been addressed to their satisfaction. This is because of the clarity of likely impact as provided by the night-time visuals and GBC's explicit inclusion in the requirements concerned with the future lighting strategy and the agreement of materials.
4.2.9	S106 Agreement	<p>GBC and PoTLL agree that the S106 DCO Obligation between TC and PoTLL will include a financial contribution to heritage enhancements on the south side of the river (the sum to be determined in future discussions) based on a schedule forming part of the obligation outlining the nature of these enhancements. The agreement will include an obligation on TC to transfer this contribution to GBC. It is agreed that this will be an acceptable mechanism for both parties and has the support in principle of TC.</p> <p>A sum of £29,000 has been agreed between the parties and this is reflected in the completed S106 agreement. This will be used by GBC to enhance audio/visual interpretation at and close to new Tavern Fort.</p>
4.3 Noise		
4.3.1	Method of assessment	It is agreed that the standards and guidance used within the Environmental Statement (ES) are appropriate for predicting and assessing noise and vibration impacts from the proposed scheme.
4.3.2	Thresholds for significance .	It is agreed that the thresholds for significance within the ES are appropriate for assessing the noise impacts of the scheme subject to further discussions regarding practicable mitigation between LOAEL (Lowest Observed Adverse Effect

		<p>Level) and SOAEL (Significant Observed Adverse Effect Level).</p> <p>It is agreed that impacts over SOAEL must be avoided.</p>
4.3.3	Baseline Conditions	<p>It is agreed that the identified receptors within Gravesham are representative of all of the nearest sensitive receptors to the Tilbury2 site although GBC considers an additional receptor in Mark Lane should be added.</p> <p>It is also agreed that the baseline measurements within the ES are representative of typical conditions at those receptors measured to date.</p> <p>Following further discussions, PoTLL agreed to undertake further baseline assessment of conditions in Mark Lane has been undertaken.</p> <p>The Applicant has carried out noise monitoring at Mark Lane and has shared the results of this with GBC. GBC are satisfied with the methodology used to assess baseline noise at this location and the results of the assessment. It is agreed that this assessment shows that the results at this receptor are no greater than those modelled at other Gravesham receptors in the ES.</p> <p>It is agreed that the monitoring regime that must be agreed by GBC pursuant to Requirement 10 will include monitoring in Mark Lane once Tilbury2 is operational.</p>
4.3.4	Construction Assessment	<p>It is agreed that the list of indicative plant and equipment used in the construction noise calculations in the ES is a reasonable worst case assessment; as are the assumptions for operating periods for</p>

		that equipment and the mitigation measures that will be applied in respect of their operation.
4.3.5	Road Traffic Assessment	It is agreed that the noise assessments for the infrastructure corridor are based on appropriate traffic forecasts.
4.3.6	Railway Traffic Assessment	It is agreed that the noise assessment for rail traffic on the infrastructure corridor is based on a realistic worst case assessment of train types, flows and speeds.
4.3.7	Operational Assessment	It is agreed that the source noise data in the ES is representative of the operations described in the assessment and acoustic penalties for these sources are appropriate for the level of design as set out in the DCO application.
4.3.8	Operational assessment	It is agreed that the assessment of operational impacts of Tilbury2 within the ES is sufficient.
4.3.9	Operational Mitigation	It is agreed that the approach to operational noise mitigation should be based on the principle of ensuring that noise impacts are mitigated at source wherever possible based on using best practicable means and the mitigation measures set out in the Operational Management Plan, in order to avoid the need for receptor based mitigation controlled by Requirement 10.
4.3.10	Construction Environmental Management Plan (CEMP) – Noise and Vibration	It is agreed that the noise and vibration section of the CEMP is sufficient and contains best practice methods to limit noise impacts during construction.
4.3.11	Operation Environmental Plan	It is agreed that the noise and vibration section of the OMP is sufficient and contains best practice methods to limit noise impacts during operation although

	<p>(OMP)– Noise and Vibration</p>	<p>GBC still has concerns regarding noise control during operation (see Matters Not Agreed).</p> <p>PoTLL has agreed to amend the OMP to make it explicit that PoTLL will provide information to GBC regarding the following:-</p> <ul style="list-style-type: none"> • The internal road maintenance scheme (expressed in the OMP as a measure to reduce traffic noise). • Fork lift trucks, front loading shovels and bulk dumper trucks specification to enable to you see that they are low noise where possible. • Specification for plant to demonstrate that they are low noise and have background sensitive alarms that reduce noise. <p>GBC considers that these are helpful measures but still is still concerned regarding noise minimisation (see under not agreed).</p>
<p>4.3.12</p>	<p>Aggregate Vessel Noise Assessment</p>	<p>PoTLL provided a technical note entitled Aggregate Vessel Noise Assessment [as now attached as Appendix 3 to PoTLL’s ‘Response to Relevant Representations Document’ (Document Reference PoTLL/T2/EX/32)].</p> <p>GBC have reviewed this and it is agreed that this provides 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 impact on the acoustic amenity of residential properties in Gravesend is agreed.</p>

4.4	Air Quality	
4.4.1	Effects of air pollutants	It is agreed that Table 18.1 is comprehensive in setting out the effects of Air Pollutants
4.4.2	Parameters for worst case scenario	It is agreed that the ES defines the “reasonably likely worst case scenario” for air quality assessment with GBC being particularly interested in <ul style="list-style-type: none"> - shipping emissions; and - fugitive emissions of dust, particulate matter and odour from the CMAT facilities and aggregate handling areas once operational.
4.4.3	Baseline Data	It is agreed that the ES has used the air quality information currently available in Gravesham and these data (for NO ₂ and PM ₁₀) were used appropriately within the ES.
4.4.4	SoS Scoping opinion and Shipping Emissions	GBC agrees that the SoS Scoping Opinion relating to air quality accepted that no further assessment of operational rail and shipping emissions was necessary. <p>GBC has reviewed the information submitted by the Applicant at Deadline 3, specifically, Appendix 3 to PoTLL’s Summary of Case at ISH of 19th April which included a detailed modelling assessment of shipping emissions of NO_x and PM_{2.5} associated with Tilbury2.</p> <p>The conclusions of the report, which is that the effect of shipping emissions on receptors in Gravesham is negligible and that the assessment considered a “reasonable worst case scenario”, are agreed.</p>
4.4.5	Traffic emissions	GBC agrees that the conclusions drawn in the ES for the road traffic assessment are

		robust. There are no significant air quality impacts of road traffic within the GBC area.
4.4.6	Construction Environmental Management Plan	It is agreed that the CEMP will adequately control air quality impacts during construction
4.4.8	Operational management plan and air quality monitoring	<p>It is agreed that further air quality survey work is not required for the consideration of this DCO.</p> <p>It is agreed that air quality monitoring is currently undertaken in Gravesend by GBC. It is agreed that the Northfleet AQMA monitoring station has not recorded any exceedances of the AQS objectives for PM₁₀ and NO₂ in the last ten years. The current aggregate and bulk handling within the existing port is 1.5 km north east of this monitoring station. The Tilbury2 CMAT will be a similar distance and orientation in relation to Gravesend Town Centre.</p> <p>GBC welcome the monitoring that is proposed in the OMP within Thurrock and it is agreed that this will need to encompass seasonality and ensure a robust three month data set is collected for review purposes pre and post operation of Tilbury2.</p> <p>It is also agreed that monitoring proposed in the OMP will be repeated at 3 years after first operation or earlier if there is a significant change in CMAT facilities. The OMP will be amended to reflect this.</p> <p>It is agreed that the monitoring locations and the method for sharing the results and interpreting the review findings will be agreed with Thurrock Council in discussion with GBC and the OMP will be amended to reflect this.</p>

		<p>Subject to these amendments it is agreed that the use of dust deposition gauges is appropriate and that there is a suitable review process in place through the OMP which allows for additional types of monitoring to be used if dust deposition monitoring is not satisfactory.</p> <p>It is agreed that there is not a significant impact from Tilbury2 on PM_{2.5} concentrations such that would require continuous monitoring either as part of the OMP or LAQM. Whilst it remains GBC's desire for PM_{2.5} monitoring to be undertaken on the southern shore it is agreed that it is not necessary as part of this DCO.</p> <p>A further draft of the OMP was provided to GBC on 2 July 2018</p> <p>GBC are content with its contents in relation to Air Quality.</p>
<p>4.5 Cumulative effects</p>		
<p>4.4.1</p>	<p>Lower Thames Crossing</p>	<p>It is agreed that the quantitative cumulative impact of the proposals with the LTC in relation to traffic within Gravesham needs to be modelled and mitigated for and responsibility for this assessment should not fall between the two projects. It is agreed that as LTC has identified Tilbury2 as a cumulative project within its scoping report, this means that the LTC project will carry out this quantitative exercise.</p> <p>It is further agreed that as there is no traffic modelling for the LTC available at present that Highways England have said PoTLL can use (as confirmed by Highways England in their Deadline 3 response to the comments by Essex County Council in respect of FWQ 1.18.6) it would be</p>

		impossible for PoTLL to model the impact of Tilbury2 on traffic in Gravesham were the LTC be constructed, and it is therefore appropriate for this not to have been included within the ES and for it not to be carried out during the Examination process, albeit PoTLL have now carried out a high-level, proportionate and qualitative cumulative effects assessment for Tilbury2 with the LTC and Tilbury Energy Centre.
4.6 Skills and Employment Strategy (SES)		
4.6.1	Wording of SES	Following changes to drafting to make clear that the initiatives in the strategy will include Gravesham and that GBC will participate in the proposed Forum, the document is now agreed.

5.0 LIST OF MATTERS UNDER DISCUSSION

5.1 No matters remain under discussion.

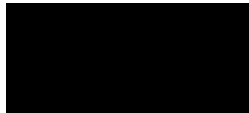
6.0 MATTERS NOT AGREED

Ref	Description of stakeholder position	Current issue
6.1 NOISE		
6.1.1	GBC are concerned about the proposed 24/7 working of the CMAT	<p>PoTLL have provided a document to GBC explaining the commercial and operational imperative for 24/7 working at Tilbury2 [as now attached as Appendix 2 to PoTLL's 'Response to Relevant Representations Document' (Document Reference AS-049)].</p> <p>GBC have considered this and understand and appreciate this imperative and consider that PoTLL have provided a robust justification in this regard.</p> <p>However, GBC remain concerned about 24/7 working and the impacts on the night time environment in Gravesend.</p>
6.1.2	GBC are concerned about operational mitigation for noise	<p>GBC consider that limiting some operations at night if Lowest Observed Adverse Effect Level (LOAEL) to SOAEL and above is identified through the re-assessment of predicted noise impacts required by Requirement 10 of the DCO as opposed to offering receptor based mitigation as set out in Requirement 10</p> <p>PoTLL cannot agree to such an approach given the constraint this could impose on operations and productivity at the Tilbury2 site.</p> <p>Each party has made representations to the ExA in this regard."</p>

6.1.2	Operational Management Plan – noise	<p>Each party has made representations to the ExA regarding operational noise monitoring and limits. The last representations made at Deadline 6 reflect their respective positions.</p> <p>GBC consider that noise limits following further monitoring should be imposed. PoTLL do not agree with this view considering that such a requirement would fail the relevant tests, since it would be unreasonable and unenforceable.</p> <p>Entirely without prejudice to its position that such a requirement is unreasonable and unnecessary, PoTLL has proposed wording for a requirement which would result in the imposition of source-based noise limits.</p> <p>GBC wrote to PoTLL on 13 August 2018 (copied to the ExA) explaining that they did not agree PoTLL's proposed wording. PoTLL will make final submissions on this point at Deadline 7.</p>
<p>6.2 Air Quality</p>		
6.2.1	Operation – future availability and use of shore power	<p>Each party has made representations regarding shore power at the Issue Specific Hearings and no further discussion is considered necessary.</p> <p>PoTLL will provide necessary infrastructure to ensure shore power can be facilitated in the future once electrical capacity becomes available and ships using Tilbury2 have the ability to receive shore power. Such provision is secured through section 7.4 of the</p>

		<p>Operational Management Plan (REP1-008). 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.</p> <p>GBC have suggested to the ExA that some form of trigger should be included within the DCO to ensure the full installation of shore power. PoTLL do not agree that this meets the test for requirements as it is not necessary to make the proposals acceptable; nor is it needed to ensure NPS compliance.</p> <p>As a matter separate to the DCO process, recognising GBC's status as an important local stakeholder and GBC's concerns regarding shipping emissions, PoTLL has committed to GBC to maintain a regular dialogue and engagement with GBC on the initiatives, for example shore power, that PoTLL and the industry more widely is pushing forward. PoTLL hopes that such engagement will demonstrate to GBC PoTLL's proactivity on the matter and will ensure that GBC is kept up to date as to the state of technological adaptation within the industry</p>
--	--	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

7.0 AGREEMENT

Signed	<i>Wendy Lane</i>
Name	Wendy Lane
Position	Assistant Director (Planning)
Organisation	Gravesham Borough Council
Date	16/08/18
Signed	
Name	Peter Ward
Position	Commercial Director
Organisation	Port of Tilbury London Limited
Date :	16/08/18

Appendix 3

SOCG003

Statement of Common Ground with Essex County Council

PLANNING ACT 2008
INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES 2010

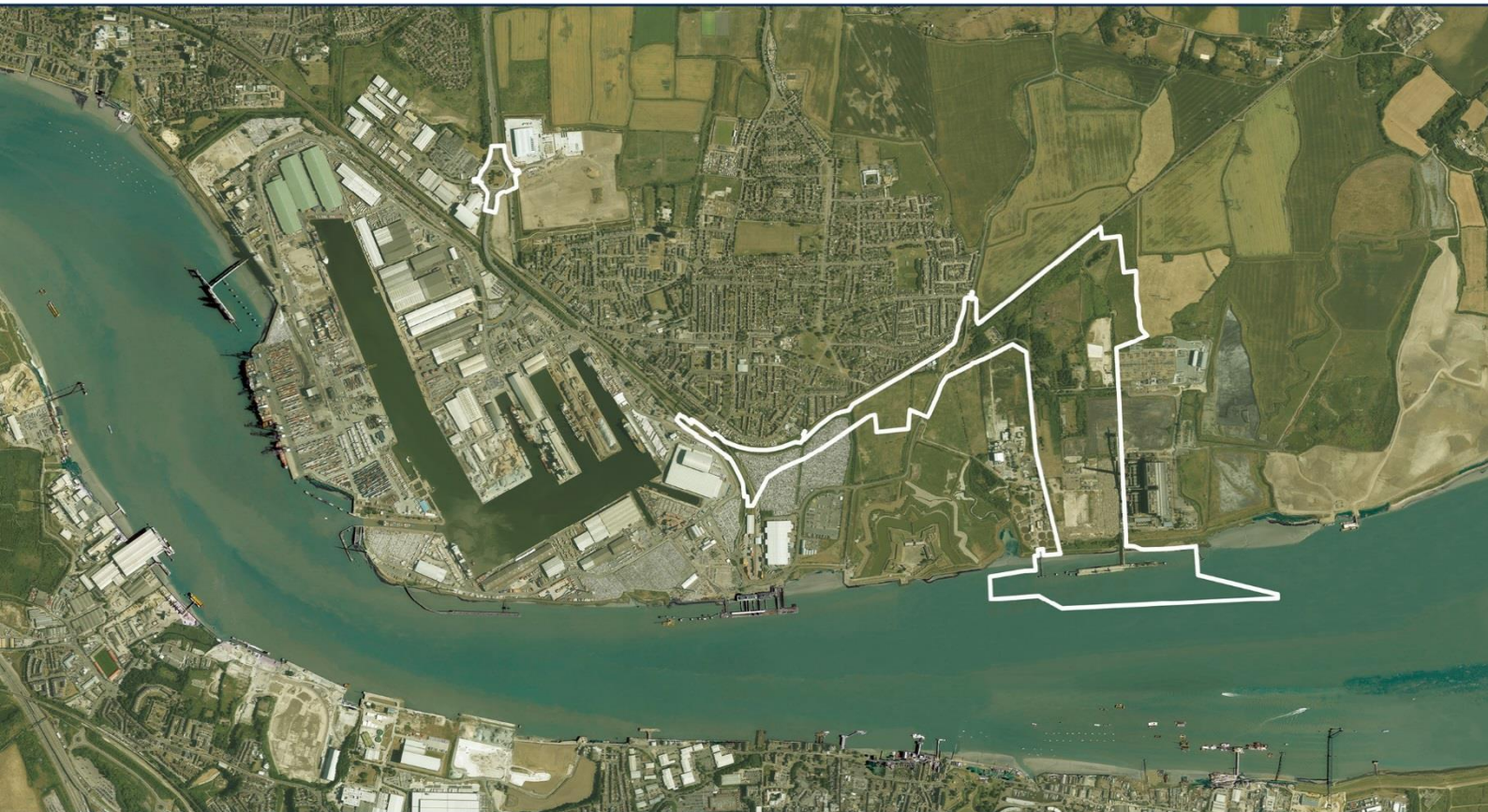
PROPOSED PORT TERMINAL AT
FORMER TILBURY POWER STATION

TILBURY2

TRO30003

STATEMENT OF COMMON GROUND
BETWEEN PORT OF TILBURY LONDON LIMITED AND
ESSEX COUNTY COUNCIL

DOCUMENT REF : SOCG003



PORT OF TILBURY

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

STATEMENT OF COMMON GROUND

**BETWEEN PORT OF TILBURY LONDON LIMITED AND
ESSEX COUNTY COUNCIL**

Revision	Date	Description of new version
1.0	7 December 2017	Outline SoCG
2.0	30 January 2018	Updated to reflect on-going discussions
3.0	12 February 2018	Updated by ECC and agreed by PoTLL.
4.0	12 April 2018	Draft provided by PoTLL to ECC
5.0	26 April 2018	Agreed for submission at Deadline 3
6.0	14 June 2018	Agreed for submission at Deadline 4.5
7.0	14 August 2018	Final version agreed for submission at Deadline 7

CONTENTS

1.0 INTRODUCTION..... 4

2.0 CONSULTATION TO DATE..... 7

3.0 SUMMARY OF TOPICS COVERED BY THE SOCG 10

4.0 LIST OF MATTERS AGREED 11

5.0 LIST OF MATTERS UNDER DISCUSSION..... 17

6.0 AGREEMENT 18

TILBURY2 PROJECT TEAM
PORT OF TILBURY LONDON LIMITED
Leslie Ford House
Port of Tilbury
Tilbury
Essex
RM18 7EH

www.tilbury2.co.uk

1.0 INTRODUCTION

Purpose of this document

- 1.1 This Statement of Common Ground ("SoCG") has been prepared in relation to the application by Port of Tilbury London Limited ("PoTLL") under section 37 of the Planning Act 2008 ("the Act") for an order granting development consent ("DCO") for the construction, operation and maintenance of a new port terminal and associated facilities in Tilbury, Essex known as 'Tilbury2' ("the proposals").
- 1.2 The aim of this SoCG between PoTLL and Essex County Council ("ECC") is to provide a clear record of engagement between the parties, including of the issues discussed between the parties and the current status of those discussions. The SoCG can be used as evidence of engagement for the purposes of the examination into the DCO application.

Structure of this Statement of Common Ground

- 1.3 This structure of this SoCG is as follows:
- Section 1 – Introduction
 - Section 2 – Consultation to date
 - Section 3 – Summary of topics covered by the SoCG
 - Section 4 – List of matters agreed
 - Section 5 – List of matters under discussion
- No matters are not agreed between the parties.

Overview of the proposals

- 1.4 Port of Tilbury London Limited ("PoTLL") is proposing a new port terminal on the north bank of the River Thames at Tilbury, a short distance to the east of its existing Port. The proposed port terminal will be constructed on land that formed the western part of the now redundant Tilbury Power Station and is bounded to the west by a waste water treatment works and to the east by the Tilbury B power station that is presently being demolished.
- 1.5 The proposed main uses on the site will be a Roll-on/Roll-off (RoRo) terminal and a Construction Materials and Aggregates terminal (the "CMAT"), and associated infrastructure including rail and road facilities and revisions to the existing marine infrastructure. An 'infrastructure corridor' is proposed that will accommodate road and rail links to the existing rail and road network. The CMAT will include stockpiling of construction materials and some processing of aggregates for the production of asphalt and concrete products.
- 1.6 It will require works including, but not limited to:

- creation of hard surfaced pavements;
- improvement of and extensions to the existing river jetty including creation of a new RoRo berth;
- associated dredging of berth pockets around the proposed and extended jetty and dredging of the approaches to these berth pockets;
- new and improved conveyors;
- erection of welfare buildings;
- erection of a single 10,200 sqm. warehouse
- a number of storage and production structures associated with the CMAT;
- the construction of a new link road from Ferry Road to Fort Road; and
- formation of a rail spur and sidings.

1.7 The proposed volumes of import/export of RoRo units for the terminal exceed the threshold of 250,000 units stated in the Planning Act 2008 for throughput per annum. The Tilbury2 project therefore constitutes a Nationally Significant Infrastructure Project (NSIP).

1.8 The application essentially seeks a DCO to approve an operational port and to allow PoTLL to benefit from its permitted development rights within the boundaries of the new port. The application seeks to establish a 'Rochdale Envelope' of development based upon the description within the DCO. Whilst future use of the site may change it would necessarily be based on the "Not Environmentally Worse Than" (NEWT) approach within the Rochdale Envelope defined by this application, given that any development outside of this would require a separate planning application, as it would fall beyond the scope of permitted development powers.

Introduction to Essex County Council

1.9 Essex County Council is a neighbouring strategic authority within the definition of the Duty to Co-operate under the Planning & Compulsory Purchase Act 2004. Tilbury2 is a strategic cross-boundary matter and ECC wish to engage with this process as an interested party.

1.10 Essex County Council is a relevant strategic authority, with the following roles:

- A key partner and service provider within Essex promoting economic development, regeneration, infrastructure delivery and new development;
- The highway and transportation authority, with responsibility for the delivery of the Essex Local Transport Plan;

- Minerals and Waste Planning Authority, Local Lead Flood Authority and Public Health Advisor for the County of Essex; and
- The local education authority for Essex.

2.0 CONSULTATION TO DATE

2.1 This section provides a summary of the engagement between PoTLL and Essex County Council that has taken place to date.

Pre-application

Date	Activity
27 February 2017	PoTLL provide Essex County Council with a draft of their Scoping Report
17 March 2017	Essex County Council provide written response to the draft Scoping Report to PoTLL
4 April 2017	Graham Thomas of Essex County Council attends a workshop with PoTLL and PINS at which the proposals and the NSIPs planning process are outlined
6 April 2017	PoTLL's transport consultants send Transport Assessment scoping note to ECC Highways for comment
10 April 2017	PoTLL respond by letter to matters raised by Essex County Council in their response to the draft Scoping Report
24 May 2017	PoTLL's transport consultants meet with two officers from ECC Transportation (Mark Lawrence and Beverley Gould). The scope of the TA is agreed.
14 June 2017	Joint meeting with PoTLL's transport consultants, Highways England, Thurrock Council and ECC Transportation (Mark Lawrence & Alastair Southgate). Baseline traffic conditions, Tilbury2 proposals and link road matters discussed.
30 June 2017	PoTLL's transport consultants issue baseline highway conditions technical note to ECC Transportation
4 July 2017	PoTLL's planning consultants e-mail Essex County Council following publication of PEIR to offer any further clarification

14 July 2017	PoTLL's transport consultants send technical note on Development Traffic Profiles to ECC Transportation
28 July 2017	Response of Essex County Council to S42 statutory consultation
1 August 2017	PoTLL's transport consultants send updated technical note on baseline and TA modelling to ECC Transportation
4 August 2017	PoTLL's transport consultants email Essex County Council Strategic Planning in response to S42 letter to explain nature of agreement reached on highways modelling. Agreed that no sensitivity testing of the Lower Thames Crossing was required due to the limited information and unknown likelihood of delivery
30 August 2017	PoTLL's transport consultants send draft Framework Travel Plan to ECC Transportation

Note – ECC officers have attended meetings as advisers to Thurrock Council in relation to flood risk/drainage and heritage

Post-application

<u>Date</u>	<u>Activity</u>
7 December 2017	PoTLL's planning consultants email first draft of SoCG to ECC
8 December 2017	Meeting held to discuss Waste and Transportation Issues
8 January 2018	ECC submit Relevant Representation
18 January 2018	Meeting held to discuss Waste issues
15 March 2018	ECC emailed POTLL the additional clarification requested on ECC's Relevant Representation regarding Highways and Transportation.
16 March 2018	Telephone call to update all discussions

20 March 2018	ECC emailed POTLL revisions to the SOCG as part of the ongoing dialogue
10 April 2018	Telephone conference to discuss highways and transportation issues
17 April 2018	Telephone conference to discuss Skills and Employment Strategy
20 th April 2018	ECC emailed POTLL comments in respect of the working draft revised versions of the Skills and Employment Strategy, Travel Framework Plan and SOCG.
24 April 2018	Telephone conference to discuss outstanding issues.
24 April 2018	Updated Framework Travel Plan Provided by PoTLL
25 April 2018	Updated Skills and Employment Strategy provided
13 June 2018	Telephone conference to discuss updated SES

3.0 SUMMARY OF TOPICS COVERED BY THE SOCG

- 3.1 The SoCG covers matters raised by Essex County Council in its Relevant Representations. Some of these matters relate to its statutory functions as adjoining highways authority, minerals and waste authority and education authority. These matters are as follows :-
- General support for the scheme given overall economic implications
 - Traffic forecasting and modelling
 - Minerals planning matters
 - Waste matters
- 3.2 Other matters are outside of ECC's statutory function but are matters on which ECC, as a neighbouring authority has an interest in, concerning Landscape and visual impact and Ecology. ECC is minded that Thurrock Council has also raised these issues and is pursuing these matters as the host authority. ECC supports the approach being developed by Thurrock Council and the inclusion of these matters within their SoCG, therefore ECC has no further comments to make on these matters.
- 3.3 ECC has a service level agreement with Thurrock Council for the provision of advice as: Lead Local Flood Authority and on Historic Environment. Water resources and flood risk issues; as well as Terrestrial Archaeology and Built Heritage issues are therefore dealt with in the SoCG with Thurrock Council.

4.0 LIST OF MATTERS AGREED

Ref	Description of matter	Details of agreement
4.1	General Support for the Scheme and Economic Benefits	
4.1.1	Importance of the future of the Port of Tilbury to the sub-region	It is agreed that the proposals are of paramount importance for securing on-going growth in the London and south east and eastern regions, of which Essex is a part.
4.1.2	Maximising the benefits of the proposal to skills and employment in south Essex.	Following a number of revisions to the SES to ensure that the initiatives taken apply to the wider South Essex area, the Skills and Employment Strategy is now agreed.
4.2	Highways and transportation	
4.2.1	Scope of Transport Assessment	It is agreed that the scope of the Transport Assessment accords with guidance and provides a comprehensive basis for the preparation of the Transport Assessment.
4.2.2	Detailed assessment of junctions in Essex that form part of the County Council highways network	It is agreed that detailed assessments of junctions that form part of the Essex County Council highways network are not required as they lie outside of the scope of the Transport Assessment due to the expected number of development related trips.
4.2.3	Wider strategic network	ECC accept that M25 J30 forms part of the Strategic Road Network which is the responsibility of Highways England. Although as an important strategic interchange, the performance can effect part of the ECC network.

		<p>ECC understands that the outcome of the further modelling undertaken for this junction is that, subject to some mitigation works, HE raise no objection to the Tilbury2 proposals and the impact of them on this junction.</p> <p>On this basis ECC agree that the proposals are acceptable in this regard.</p>
4.2.4	Framework Travel Plan : clarification, information and mitigation needs further discussion	<p>ECC provided further clarification on their comments on the Framework Travel Plan with regard to staff numbers, shifts, public transport and pedestrian/cycle infrastructure.</p> <p>A further draft of the FTP was provided to ECC on 17 April 2018 and a telecon held on 24 April to discuss this draft, after which further changes were made by PoTLL</p> <p>ECC has reviewed the revised version dated 24/4/2018, and are now satisfied with the revised draft as proposed subject to these being incorporated into the FTP. PoTLL will include these changes in the update of the FTP to be submitted to the ExA.</p>
4.2.5	Tilbury2 and LTC	<p>It is agreed that in the absence of traffic data it is impossible to consider the cumulative traffic impact of Tilbury2 with LTC and that it falls to Lower Thames Crossing proposals to take account of Tilbury 2 as likely foreseeable development. ECC have confirmed</p>

		<p>this view in their response to FWQ 1.18.6. It is further noted by both parties that Highways England have now confirmed that no data will be available.</p>
4.2.6	Rail Freight capacity	<p>PoTLL have explained to ECC that they have existing train paths that would be utilised at Tilbury2 as the proposals include the relocation of an existing railhead. They have also provided ECC with the letter from Network Rail that paths exist. ECC do not dispute this evidence.</p> <p>Moreover, it is agreed that ECC's request is for clarification from Network Rail (NR), as the responsible authority, that it is considering the cumulative impacts of freight growth (PoTLL growth plus other planned freight growth) and passenger growth both on the Essex Thameside line and North London Lines (including Gospel Oak to Barking), including reflecting the aspirations for increased passenger services contained within the Draft London Plan and Mayor's Transport Strategy.</p> <p>ECC has reviewed the NR response to FWQ 1.18.3, dated 19 March 2018 and recognise that the Port of Tilbury and Network Rail have continued to discuss rail freight requirements related to the application and ECC accepts the NR position as the responsible authority, and their statement 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</p>

		<p>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 further noted by ECC and PoTLL that the SoCG with London Gateway Port Limited (LGPL) indicates agreement between PoTLL and LGPL that there needs to be a long term strategy in relation to rail freight access across the wider UK network and that Network Rail need to give consideration to wider routing of freight trains destined for or originating from the Thameside Corridor as part of their long term strategy for freight and that both PoTLL and LGPL should work with Network Rail to ensure sufficient capacity in the future. ECC agree that this collaborative approach is important in the future.</p>
<p>4.3 Minerals</p>		
<p>4.3.1</p>	<p>Availability of minerals wharves and mineral resources</p>	<p>It is agreed that the adopted Essex Minerals Local Plan (July 2014) seeks to ensure a local supply of aggregates in the County and that Tilbury2 would assist in this objective given that (i) there are no wharves for landing minerals in Essex and (ii) mineral resources in the south of the County are extremely limited.</p>

4.4 Waste		
4.4.1	Methodology within the Environmental Statement to determine significance of waste arisings from the proposals	It is agreed that the use of the waste capacity data within Essex as a proxy (given the lack of available data for Thurrock) in order to determine the significance of the impact of the quantity of waste predicted to be produced during construction/demolition is appropriate. ECC therefore withdraw their objections to the scheme in relation to waste issues made in their Relevant Representation.
4.4.2	Destination of waste	It is agreed that the destination of the waste produced is an issue for the contractors involved with the construction of the proposals in the development but that waste is unlikely to be taken into Essex due to costs of haulage and availability of sites within Thurrock.
4.5 Landscape and visual impact		
4.5.1	Methodology for assessment	It is agreed that methodology used to assess the potential effects on landscape and visual amenity is acceptable.
4.5.2	Principles of Landscape and Visual Impact Issues	ECC is minded that Thurrock Council has also raised these issues and is pursuing these matters as the host authority. ECC supports the approach being developed by Thurrock Council and the inclusion of these matters within their SoCG, therefore ECC has no further comments to make on these matters.

4.5 Ecology		
4.5.1	Methodology for assessment	It is agreed that the methodology used to assess the potential effects on ecology is acceptable and that the suite of studies undertaken is acceptable.
4.5.2	Assessment of effects	It is agreed that the aim of the proposals is for only temporary net loss in biodiversity with potential neutral or net gains over time.
4.5.3	Principle of off-site compensation	The principle of off-site habitat compensation for invertebrates is agreed.
4.5.4	Habitats Regulations Assessment	It is agreed that the shadow HRA for likely impacts on European Sites is acceptable.
4.5.5	Principles of Ecological Issues	Now that there is ecological information on designated sites (both statutory and non-statutory) and protected & priority species and habitats, the principles of ecological issues are included within the Thurrock Council Statement of Common Ground, ECC support the approach being developed by Thurrock Council and has no further comments to make

5.0 LIST OF MATTERS UNDER DISCUSSION

No matters are now under discussion as all matters are now agreed.

6.0 AGREEMENT

Signed	
Name	Lesley Stenhouse
Position	Principal Spatial Planner
Organisation	Essex County Council
Date	14 August 2018
Signed	
Name	Peter Ward
Position	Commercial Director
Organisation	Port of Tilbury London Limited
Date	14 August 2018

Appendix 4

SOCG004

Statement of Common Ground with Environment Agency

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

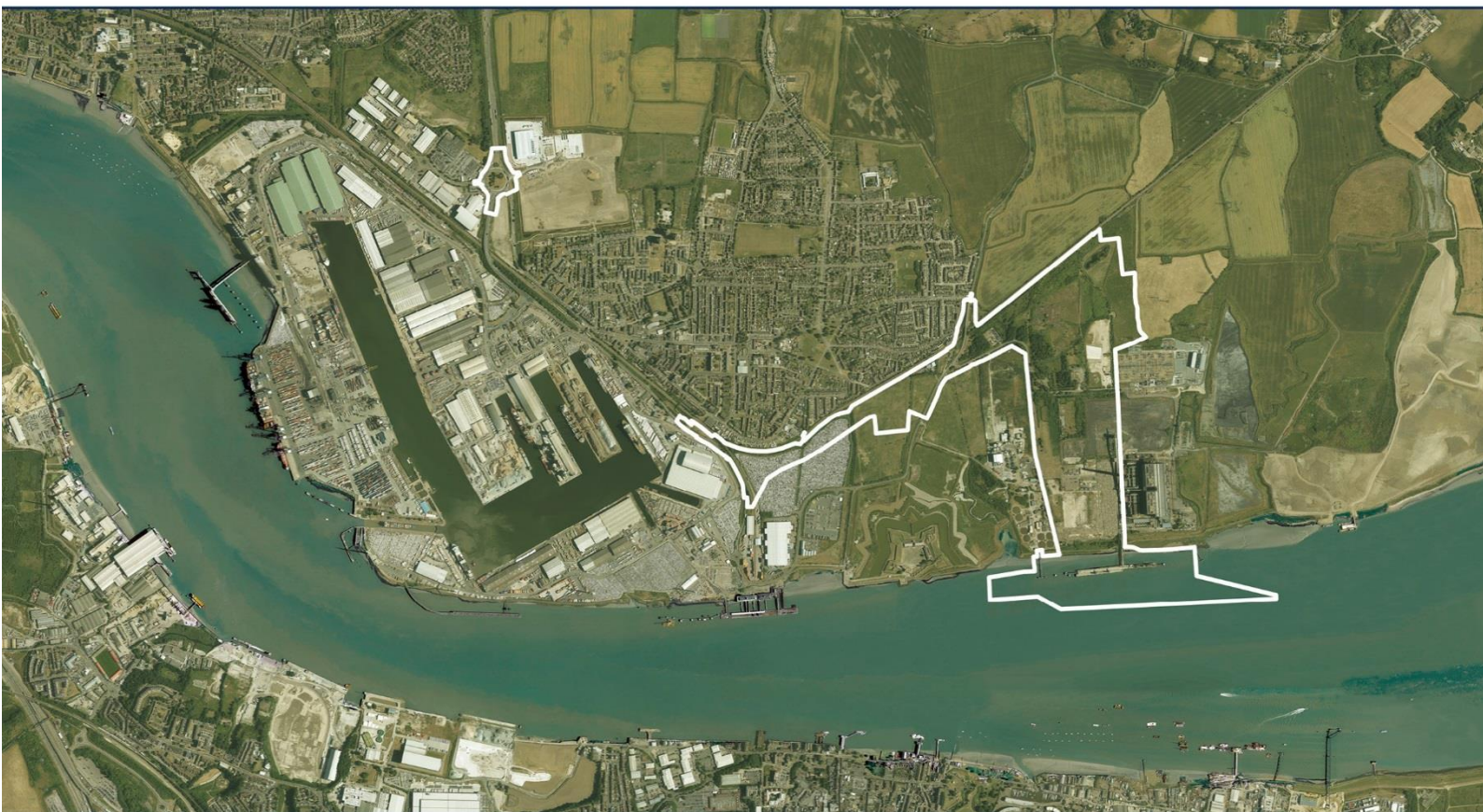
PROPOSED PORT TERMINAL AT
FORMER TILBURY POWER STATION

TILBURY2

TRO30003

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

DOCUMENT REF : SoCG004



PORT OF TILBURY

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

STATEMENT OF COMMON GROUND

BETWEEN PORT OF LONDON AUTHORITY AND THE ENVIRONMENT AGENCY

CONTENTS

1.0 INTRODUCTION.....3

2.0 CONSULTATION TO DATE.....5

3.0 SUMMARY OF TOPICS COVERED BY THE SOCG9

4.0 LIST OF MATTERS AGREED 10

5.0 LIST OF MATTERS NOT YET AGREED BUT UNDER DISCUSSION23

6.0 LIST OF MATTERS NOT AGREED..... 24

7.0 AGREEMENT 25

Revision	Date	Description of new version
1.0	1 st Feb 2018	Second draft with updated text
2.0	8 th Feb 2018	Third draft with minor amendments to text
3.0	30 th April 2018	Agreed for submission at Deadline 3
4.0	22 nd June 2018	Agreed for submission ahead of ISHs
5.0	3 rd August 2018	Fifth draft updated with current status
6.0	15 th August 2018	Deadline 7 submission

TILBURY2 PROJECT TEAM
 PORT OF TILBURY LONDON LIMITED
 Leslie Ford House
 Port of Tilbury
 Tilbury
 Essex
 RM18 7EH

1.0 INTRODUCTION

Purpose of this document

- 1.1 This Statement of Common Ground ("SoCG") has been prepared in relation to the application by Port of Tilbury London Limited ("PoTLL") under section 37 of the Planning Act 2008 ("the Act") for an order granting development consent ("DCO") for the construction, operation and maintenance of a new port terminal and associated facilities in Tilbury, Essex known as 'Tilbury2' ("the proposals").
- 1.2 The aim of this SoCG between PoTLL and the Environment Agency ("EA") is to provide a clear record of engagement between the parties, including of the issues discussed between the parties and the current status of those discussions. The SoCG can be used as evidence of engagement for the purposes of the examination into the DCO application.

Structure of this Statement of Common Ground

- 1.3 The structure of this SoCG is as follows:
- Section 1 – Introduction
 - Section 2 – Consultation to date
 - Section 3 – Summary of topics covered by the SoCG
 - Section 4 – List of matters agreed
 - Section 5 – List of matters under discussion
 - Section 6 – List of matters not agreed

The Proposals

- 1.4 The proposals comprises a new port terminal and associated facilities on the north bank of the River Thames at Tilbury in Essex, a short distance to the east of the existing Port of Tilbury. The proposed port terminal will be constructed on land that formed the western part of the now redundant Tilbury Power Station. The Scheme is known as 'Tilbury2'.
- 1.5 The proposed main uses on the site will be a Roll-on/Roll-off ("RoRo") terminal and a Construction Materials and Aggregates terminal ("the CMAT"), and associated infrastructure including rail and road facilities and revisions to the existing marine infrastructure. An 'infrastructure corridor' is proposed that will accommodate road and rail links to the existing rail and road network. The CMAT will include stockpiling of construction materials and some processing of aggregates for the production of asphalt and concrete products.

- 1.6 The proposals will require works including, but not limited to:
- creation of hard surfaced pavements;
 - improvement of and extensions to the existing river jetty including creation of a new RoRo berth;
 - associated dredging of berth pockets around the proposed and extended jetty and dredging of the approaches to these berth pockets;
 - new and improved conveyors;
 - erection of welfare buildings;
 - erection of a single 10,200 sqm. warehouse and a number of storage and production structures associated with the CMAT;
 - the construction of a new link road from Ferry Road to Fort Road; and
 - formation of a rail spur and sidings.
- 1.7 The proposed volumes of import/export of RoRo units for the terminal exceed the threshold of 250,000 units stated in the Act for throughput per annum. The Tilbury2 project therefore constitutes a Nationally Significant Infrastructure Project ("NSIP").

Introduction to Environment Agency

- 1.8 The Environment Agency is an executive non-departmental public body, sponsored by the Department for Environment, Food and Rural Affairs. The Environment Agency works to create better places for people and wildlife, and support sustainable development. Within England the Environment Agency is responsible for:
- Regulating major industry and waste;
 - Treatment of contaminated land;
 - Water quality and resources;
 - Fisheries;
 - Inland river, estuary and harbour navigations; and
 - Conservation and ecology.
- 1.9 The Environment Agency is also responsible for managing the risk of flooding from main rivers, reservoirs, estuaries and the sea.

2.0 CONSULTATION TO DATE

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

Pre-application

Date	Activity
10 th February 2017	Meeting held to discuss Flood Risk Assessment, Flood Protection, Surface Water Drainage and Environmental Permitting / Pollution.
27 th February 2017	PoTLL provide EA with an early draft of their Scoping Report.
1 st March 2017	Meeting held to seek EA views of the scope of assessments for the EIA. This meeting covered all aspects of the EA's input into the scheme, including marine.
23 rd March 2017	Response on the draft Scoping Report received from the EA.
25 th March 2017	A scoping report was submitted to the Planning Inspectorate on 25th March 17 to request a scoping opinion.
30 th March 2017	Proposed specification for the benthic survey distributed by PoTLL consultants.
7 th April 2017	Teleconference held to agree proposal for benthic survey.
10 th April 2017	Finalised benthic survey specification circulated.
25 th April 2017	EA provide written response to the Scoping Report to PINSL.
6 th July 2017	Email to agree methodology for flood breach modelling.

Date	Activity
28 th July 2017	Response of EA to S42 statutory consultation (letter reference AE/2017/121765/01-L01).
2 nd August 2017	Email to confirm that information relating to the additional hydrogeology & ground conditions ground investigation will be provided at the detailed design stage, i.e. post DCO submission.
9 th August 2017	Teleconference to discuss the results of the dredge sediment contamination analysis and the approach to assessing and mitigating for tentacled lagoon worm.
10 th August 2017	Request to EA for WFD water quality sampling data from Thames Middle of the last five years to support WFD Assessment. Data received from EA on 17/09/2017.
15 th August 2017	Meeting to discuss drainage strategy, flood breach modelling and proposals for watercourse crossings and river realignments.
23 rd August 2017	Email to confirm that the Alluvium is considered to have negligible groundwater resource value and its sensitivity as a controlled waters receptor is also negligible and it is therefore not considered further in the hydrogeology and ground conditions assessment.
29 th August 2017	Meeting to discuss interaction between the proposed RoRo access bridge and the existing flood defence.
4 th September 2017	Meeting to discuss tentacled lagoon worm and appropriate 'reasonable precautions' that can be put forward to prevent committing an offence under the Wildlife and Countryside Act.
5 th September 2017	A meeting was held with the EA and HR Wallingford to discuss further the high perylene concentrations in the sediments to be dredged and modelling to understand the impact on water quality as part of

Date	Activity
	the WFD assessment post data gathering and research as no EQS is available for perylene.
12 th September 2017	A further meeting was held with the EA to discuss the high perylene contamination results after review of other available sediment data from the Thames.
26 th September 2017	Telecom to discuss proposed watercourse crossings and enhancements.
12 th October 2017	Pre-application agreement advice letter issued by EA (letter reference AE/2017/122064/01-L01).
18 th October 2017	Pre-application agreement advice letter issued by EA (letter reference AE/2017/122092/01-L01).
19 th October 2017	Meeting with EA to discuss issues related to future Thames barrier and potential impact on port.

Post-application

<u>Date</u>	<u>Activity</u>
21 December 2017	Meeting with EA to discuss flood risk and culvert design
5 th January 2018	Relevant Representations letter issued by EA (letter reference AE/2017/122299/01-L01)
08 February 2018	Call with EA to discuss SoCG matters
12 March 2018	PoTLL position on eels and saltmarsh matters presented to EA via email. Response received from EA on saltmarsh (13 March) and eels (21 March 2018). Further information has since been provided by PoTLL and both matters are back with the EA for further consideration.
29 th March 2018	Call with EA to discuss their initial thoughts on the FRA addendum issued on 15 th March and submitted at Deadline 1.
25 th April 2018	Call with the EA to discuss updates to the SoCG matters.
2 nd May 2018	Call with the EA to discuss intertidal habitats
2 nd May 2018	'Interaction of Tilbury2 and River Thames Flood Defences' report [REP3-024] issued to EA.
July 2018	Various email correspondence finalising Protective Provisions
1 st August 2018	Call with EA to discuss SoCG matters
13 th August 2018	Call with technical specialists and solicitors to discuss how approval of abstraction can be wrapped up within the protective provisions
14-15 th August 2018	Continued liaison with EA to discuss disapplication of s24 Water Resources Act.

- 2.3 The parties continue to actively engage on those matters which are not yet agreed. A further iteration of this SoCG will be submitted into the examination in due course to document the progress that is expected to be made.

3.0 SUMMARY OF TOPICS COVERED BY THE SOCG

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

- Marine Ecology
- Terrestrial Ecology (including intertidal habitats)
- Hydrogeology and Ground Conditions
- Flood Risk
- Flood Risk Management
- Water Framework Directive Assessment
- Combination effects
- Protective Provisions

3.2 For the avoidance of doubt, the matters covered in this SoCG are the only matters raised by the EA that relate to its statutory functions. The EA therefore has no comment to make on any other issues relating to its statutory functions.

4.0 LIST OF MATTERS AGREED

Ref	Description of matter	Details of agreement
4.1	Marine Ecology	
4.1.1	Dispersive dredging conditions.	It is agreed that dispersive dredging methods will not be utilised during the months of June to August inclusive. This will be secured through the operation of the DML. It is also proposed to restrict WID to the ebb tide only. This will be reflected in the CEMP and OMP.
4.1.2	WFD Assessment	It is agreed that the WFD Assessment submitted with the Tilbury2 application is acceptable.
4.1.3	<p>Specific pollutants and priority hazardous substances</p> <p>The practise of using zinc sacrificial anodes for marine corrosion protection of metal structures needs review and possible alternatives should be investigated with a view to replacing zinc with other materials less close to their EQS limits.</p>	The detail of corrosion protection of metal marine structures will be agreed with the Environment Agency in detailed design, pursuant to the Agency's protective provisions or flood risk activity permit in the DCO .
4.2	Terrestrial Ecology (including inter-tidal habitats)	
4.2.1	Loss and replacement of wetland habitat (ditches and ponds)	It is agreed that losses of ditch (measured in metres) and losses of ponds (measured in surface area of standing water) will be fully compensated to ensure no net loss of these habitats.

Ref	Description of matter	Details of agreement
		It is agreed that the EA will be consulted on the detailed design of pond and reedbed construction
4.2.2	Riparian mammals	It is agreed that measures to ensure continued and/or future passage of riparian mammals (e.g. water voles) will be incorporated into the detailed design of realigned and new watercourses where possible, and that the Environment Agency will be able to control this through the operation of their protective provisions on 'Main rivers.'
4.2.3	<p>Riparian mammals:</p> <p>The Environment Agency has requested cross sections of watercourses and plans are needed to ensure that the biodiversity function of drainage ditches is maximised. The developer should produce detailed designs for the concentric rings of open ditches needed to provide enhanced water vole habitat.</p>	<p>Indicative cross-sections of proposed watercourses/ditches will be provided to ensure the Environment Agency is happy with the proposed approach for riparian mammal mitigation. Full detailed designs will be able to be considered by the Environment Agency pursuant to their protective provisions.</p> <p>Planning consent has been granted for the concentric rings of open ditches, including details regarding optimisation for water voles. The EA has responded as a consultee on that application (Thurrock Council planning reference 18/00448/FUL) and has agreed that this would provide suitable habitat for water voles relocated from the Tilbury2 site.</p>
4.2.4	Invasive non-native species (INNS)	It is agreed that the measures incorporated in the CEMP are appropriate. If pre-construction surveys identify INNS, a method

Ref	Description of matter	Details of agreement
		statement as part of a biosecurity plan, will be produced and EA agreement sought. Post-construction surveys and control of INNS are secured via the LEMP and EMCP.
4.2.5	Fish, Eels and protected species along watercourse and ditch network	It is agreed that the measures incorporated in section 6.0 of the CEMP and section 7.0 of the draft EMCP are appropriate.
4.2.6	Eels - precautionary measures	<p>It is agreed that the provisions for eels and their passage set out in the EMCP are appropriate, specifically:</p> <ul style="list-style-type: none"> • Fish and eel passage will be retained under any crossing installed as part of the works, and the Environment Agency will have the opportunity to approve the detailed design of the proposed Thames outfall, including the incorporation of eel-friendly control structures ('eel flaps'), pursuant to their protective provisions; • Compensatory wet ditch habitats will be provided ensuring no net diminution of the quantum of this habitat due to the development. <p>It is agreed that provided these measures are undertaken then there is not anticipated to be any detrimental impact on any eels and further eel surveys are unnecessary.</p>

Ref	Description of matter	Details of agreement
4.2.7	The River Thames Wall poses a hard defence, posing a barrier to inward migration of foreshore habitats, including saltmarsh, in the event of sea level rise.	<p>The Environment Agency have queried the effect of the proposals on saltmarsh post construction and in the event of sea level rise.</p> <p>The effects caused by the seawall to saltmarsh in relation to sea level rise would occur irrespective of the Tilbury development, which does not envisage any changes to the existing seawall and as such, these effects are not caused by the proposal.</p> <p>Different are the effects to saltmarsh caused by the installation of new structures (e.g. outfall) which will be mitigated by PoTLL (see 4.2.10 below).</p>
4.2.8	Ecological compensation: on-site delivery	It is agreed that the principles of the on-site mitigation as set out within the Construction Environmental Management Plan (CEMP), Landscape and Ecology Management Plan (LEMP) and draft Ecological Mitigation and Compensation Plan (EMCP) are appropriate. It is agreed that further details will be provided in future revisions of the EMCP.
4.2.9	Ecological compensation: off-site delivery	It is agreed that the off-site compensation proposed in the EMCP for Paglesham provides suitable mitigation/compensation for coastal floodplain grazing marsh, scrub and reptiles. It is agreed that further details of management of the Paglesham site, and details of other off-site receptor/s for brownfield habitats and invertebrates will be provided

Ref	Description of matter	Details of agreement
		in future revisions of the EMCP on which EA agreement will be sought.
4.2.10	Intertidal Habitats: mitigation and compensation measures	There is agreement on the principles of measures proposed to mitigate losses of inter-tidal habitats. In particular, the measures agreed to mitigate proposed construction of a piped outfall to the Thames include: minimisation of temporary incursions during construction; saltmarsh turf collection and re-laying following pipe installation; new saltmarsh generation via installation of groynes and natural accretion, followed by annual monitoring. The EA will be consulted upon the detailed designs of the mitigation, and approval sought pursuant to their protective provisions.
4.2.11	Phasing Plan	There is agreement that habitat creation will need to be phased. Advance habitat creation for water voles has been progressed via a separate planning consent, the proposals for which the EA agreed were appropriate during consultation. It is also agreed that the Applicant will provide a phasing plan, which is to be presented at section 10.0 of the EMCP, and upon which the EA will also be consulted.
4.3 Hydrogeology and Ground Conditions		
4.3.1	Ground investigation & quantitative risk assessment	It has been agreed that information from the proposed additional ground investigation,

Ref	Description of matter	Details of agreement
		along with quantitative risk assessment, will be submitted at a later stage as part of the detailed design and will be controlled through the protective provisions for the EA's benefit within the DCO.
4.3.2	Piling Risk Assessment	It has been agreed that a piling risk assessment will be undertaken at a later stage, once piling design is sufficiently detailed to determine a construction method for the protection of groundwater and that this is secured in the CEMP.
4.3.3	Alluvium as a controlled waters receptor	It has been agreed that the Alluvium is considered to have negligible groundwater resource value and its sensitivity as a controlled waters receptor is also negligible and it is therefore appropriate that it is not considered further in the hydrogeology and ground conditions assessment. The EA is satisfied that the assessment has, however, considered potential migration of contamination from the Alluvium into underlying aquifers and surface watercourses.
4.3.4	Options appraisal and remediation strategy	Following completion of the additional site investigation, if the findings of the GQRA determine that a Detailed Quantitative Risk Assessment, remediation strategy and verification report are required, these will also be completed and submitted to Environment Agency Groundwater

Ref	Description of matter	Details of agreement
		and Contaminated Land Officer for approval, as secured through the CEMP.
4.4 Flood Risk		
4.4.1	Flood Risk Assessment – clarity on flood depths	An addendum to the FRA has been submitted which provides clarity on the specific flood levels and depths in these fields, both with the baseline scenario and the proposed works, and therefore provides more clarity of the precise increase in flood depths, not just the depth bands as shown on the maps.
4.4.2	Flood Breach Modelling Methodology	<p>It is agreed that the breach methodology outlined; the location, breach width, duration, roughness values, simulations and use of LIDAR and topographical survey are all appropriate.</p> <p>It is agreed that Tilbury East and West Flood Storage Area embankments are now included within the breach model.</p> <p>New national breach modelling guidance and River Thames flood levels have been released. It was agreed that the updated levels and guidance will be reviewed and compared in relation to the levels used in the existing breach model.</p> <p>It is agreed that as the previous guidance and data used in the FRA provides a precautionary approach the model does not need updating.</p>
4.4.3	Climate Change allowance	It is agreed that Tilbury2 is not considered 'Safety Critical Infrastructure' and therefore it is

Ref	Description of matter	Details of agreement
		not appropriate to apply the NPSP H++ climate change guidance to this scheme. This has been clarified in the addendum to the FRA.
4.4.4	Surface water discharge directly into River Thames	It is agreed that surface water can be discharged directly to the River Thames unattenuated, in line with UK legislation, that allows unrestricted peak flow discharges to large tidal water bodies.
4.4.5	Surface water discharge into watercourses other than the River Thames	It is agreed that flows could be discharged to the existing watercourses at rates higher than greenfield peak flows if it could be demonstrated that there would be no increased flood risk.
4.5 Flood Risk Management		
4.5.1	In line with the TE2100 Plan, there is the future requirement to raise the flood defences to either 7.40 m AOD or 8 m AOD in the Tilbury reach.	<p>It is agreed that the EA would not expect the flood wall to be raised to 8mOD along the entire frontage or where the flood defence is being replaced/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.</p> <p>Impact on the existing flood defence will be dealt with at the detailed design stage through the EA's proposed plan approval role under protective provisions in the DCO or via a flood risk activity permit.</p> <p>Further detail on how the Tilbury2 scheme will interact with the River Thames Flood Defences was submitted at deadline 3 [REP3-</p>

Ref	Description of matter	Details of agreement
		024]. The EA are in agreement with the content of this report.
4.5.2	Permanent non-moveable aspects of the proposal within 16m of the flood defence	It is agreed that moveable aspects of the proposals (such as fencing) can be located less than 16m away from the landward toe of the flood defences.
4.5.3	Condition of existing flood defence	<p>It is agreed that some of the existing flood defence panels either side of the proposed bridge abutment may need to be replaced to address possible future differential settlement and the new structure tied in with the existing defence. Impact on the existing flood defence, and determination of responsibility for any panel replacement will be dealt with at the detailed design stage through the EA's proposed plan approval role under protective provisions in the DCO or via a flood risk activity permit.</p> <p>Further detail on how the Tilbury2 scheme will interact with the River Thames Flood Defences was submitted at deadline 3 [REP3-024]. The EA are in agreement with the content of this report.</p>
4.5.4	Crossing of existing watercourses	<p>It is agreed that the crossing of watercourses by the infrastructure corridor is generally accepted and that this will be done through box culverts where possible.</p> <p>It is agreed that such design will ensure no reduction in the size of the culverts to ensure that the capacity to carry peak flow is maintained and where possible enhanced – i.e. where possible</p>

Ref	Description of matter	Details of agreement
		<p>largest possible culvert size will be used.</p> <p>The Applicant has agreed with the EA to undertake some further work to provide clarity on how the concept design was developed.</p> <p>Detailed design of such culverts will be approved by the EA pursuant to their protective provisions within the DCO or via a flood risk activity permit.</p>
4.5.5	Outflows from the Tilbury Flood Storage Area to be not interrupted and that any potential interruption to these flows must be subject to review by a Reservoir Construction Engineer	It is agreed that as long as any additional culverts are of equal or greater capacity to the existing culverts there should not be an issue. This would be able to be confirmed in detailed design through the operation of the EA's protective provisions within the DCO or via a flood risk activity permit .
4.5.6	Drainage Strategy – water quality	<p>Water Quality enhancements have been provided as documented in the drainage strategy and have been maximised as far as reasonable practical, throughout the project. There are significant restraints on the RoRo pavement (as discussed in the Drainage Strategy (Document Reference 6.2.16.E)), and a zoned approach has been proposed with oil interceptors and pollution control valves, to treat hydrocarbons and to control accidental pollution releases.</p> <p>Any fuel storage will need to be constructed and maintained in</p>

Ref	Description of matter	Details of agreement
		accordance with the Control of Pollution (Oil Storage) (England) Regulations 2001
4.5.7	Safeguarding for a future Thames Barrier	A Memorandum of Understanding between the Environment Agency and PoTLL regarding the inter-relationship between the proposals for Tilbury2 and the potential new Thames Flood Barrier has been drafted independent of this agreement. As a result, the Environment Agency's concerns in respect of this issue are being addressed.
4.5.8	The supporting wall of East Dock Sewer (where the infrastructure corridor joins the Dock Road), is in very poor condition and will need to be replaced to allow the construction of the new road connections	The impact on the supporting wall of East Dock Sewer will be further investigated during detailed design once the full impact that specifically arises from the Tilbury2 proposals has been assessed. This will ultimately be able to be determined as part of the operation of the Environment Agency's protective provisions or via a flood risk activity permit .
4.5.9	Flood Emergency Plan	<p>It is not possible to provide definitive finished floor levels or a final Flood Emergency Plan given the stage of the development proposals. However, it is noted that the draft DCO requires PoTLL to comply with the FRA, which includes the requirement to produce a Flood Emergency Plan.</p> <p>The FRA addendum clarifies some of the principles of Flood Risk Management to be incorporated on the site.</p>

Ref	Description of matter	Details of agreement
4.6	WFD assessment	
4.6.1	Terrestrial habitats.	It is agreed that the WFD assessment is satisfactory from a terrestrial habitat perspective.
4.6.2	Channel realignments design	Channel realignments will be designed using natural channel design avoiding hard protection wherever possible. Hard protection shall only be used when there is a threat to an asset through erosion or bank instability. A multi-stage channel will be designed accordingly. This will be able to be confirmed at detailed design through the operation of the EA's protective provisions or via a flood risk activity permit.
4.6.3	Culvert length	A new light well will be installed where practicable for any new culverts which are greater than 30m in length. This will be able to be confirmed at detailed design through the operation of the EA's protective provisions or via a flood risk activity permit.
4.6.4	Watercourse and ponds design, compensation and enhancement	It is agreed that the proposals for new wetland features, which are intended to provide a greater pond area and a greater ditch length than the existing situation, would deliver a 'net gain' position for ponds and ditches. The compensation/enhancement plan (presented at Figure 1 of the EMCP) would meet these requirements.

Ref	Description of matter	Details of agreement
4.7	Combination effects	
4.7.1	Suspended sediment from dredging at Tilbury2 and the London Gateway Port could act in combination and interfere with each other's operations.	<p>It is agreed that currently there are too many uncertainties and assumption to make a meaningful judgement on how Tilbury2 maintenance dredging which is some time away, could affect LGP's currently unknown annual dredging programme which could in itself change in time.</p> <p>It is agreed that pre-approval for maintenance dredging will be required from the PLA, who will be aware of what LGP is planning at that point, and could thus impose restrictions on Tilbury2 (or indeed LGP) as necessary.</p>
4.7.2	The potential uplift in water temperature near the new port, when the proposed power station is built, could cause sufficient changes in solubility of EQS substances to alter the conclusions of WFD compliance. Thermal discharges from the proposed power station, assuming it is built, should be considered within this stage of consultations, prior to issue of DCO.	<p>It is agreed that there is currently insufficient detail available from the Tilbury Energy Centre (TEC) for a detailed cumulative assessment to be able to be made. The high level cumulative environmental assessment undertaken by PoTLL [REP1-016] suggested a limited interaction between the potential discharge of cooling water and the maintenance dredging operations. This is corroborated by the initial findings of the work being undertaken by the EA in conjunction with the TEC [REP3-034 paragraph 4.1].</p> <p>It is agreed that cumulative effects of Tilbury2 and the proposed power station (including potential effects to water quality) have been considered within this stage of</p>

Ref	Description of matter	Details of agreement
		consultation, as far as possible with the existing information.
4.8	Protective Provisions	
	DCO – Disapplications and Protective Provisions.	Protective Provisions for the protection of the EA are now all agreed save for water abstraction.



5.0 LIST OF MATTERS NOT YET AGREED BUT UNDER DISCUSSION

Ref	Description of stakeholder issue	Current position
5.1	Protective Provisions	
5.1.1	DCO – Disapplications and Protective Provisions of s24 Water Resources Act 1991.	<p>The Applicant seeks disapplication of s24 solely for the purposes of dewatering in relation to the construction works. The Applicant is of the view that s24 Water Resources Act 1991 can be disappplied in part by article 3 because dewatering during construction appears to be something that can be covered under the protective provisions. Whilst this issue is yet to be resolved, both parties intend to continue discussions and inform the Secretary of State if we reach agreement.</p> <p>Protective Provisions for the protection of the EA are not yet agreed between the parties but both parties aim to reach agreement by the end of the Examination.</p>

6.0 LIST OF MATTERS NOT AGREED

Ref	Description of stakeholder issue	Current position
6.1	None	

7.0 AGREEMENT

Signed	
Name	Ali Taylor
Position	Environment, Planning & Engagement Manager
Organisation	Environment Agency
Date	16 August 2018
Signed	
Name	Peter Ward
Position	Commercial Director
Organisation	Port of Tilbury London Limited

Appendix 5

SOCG005

Statement of Common Ground with Natural England

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

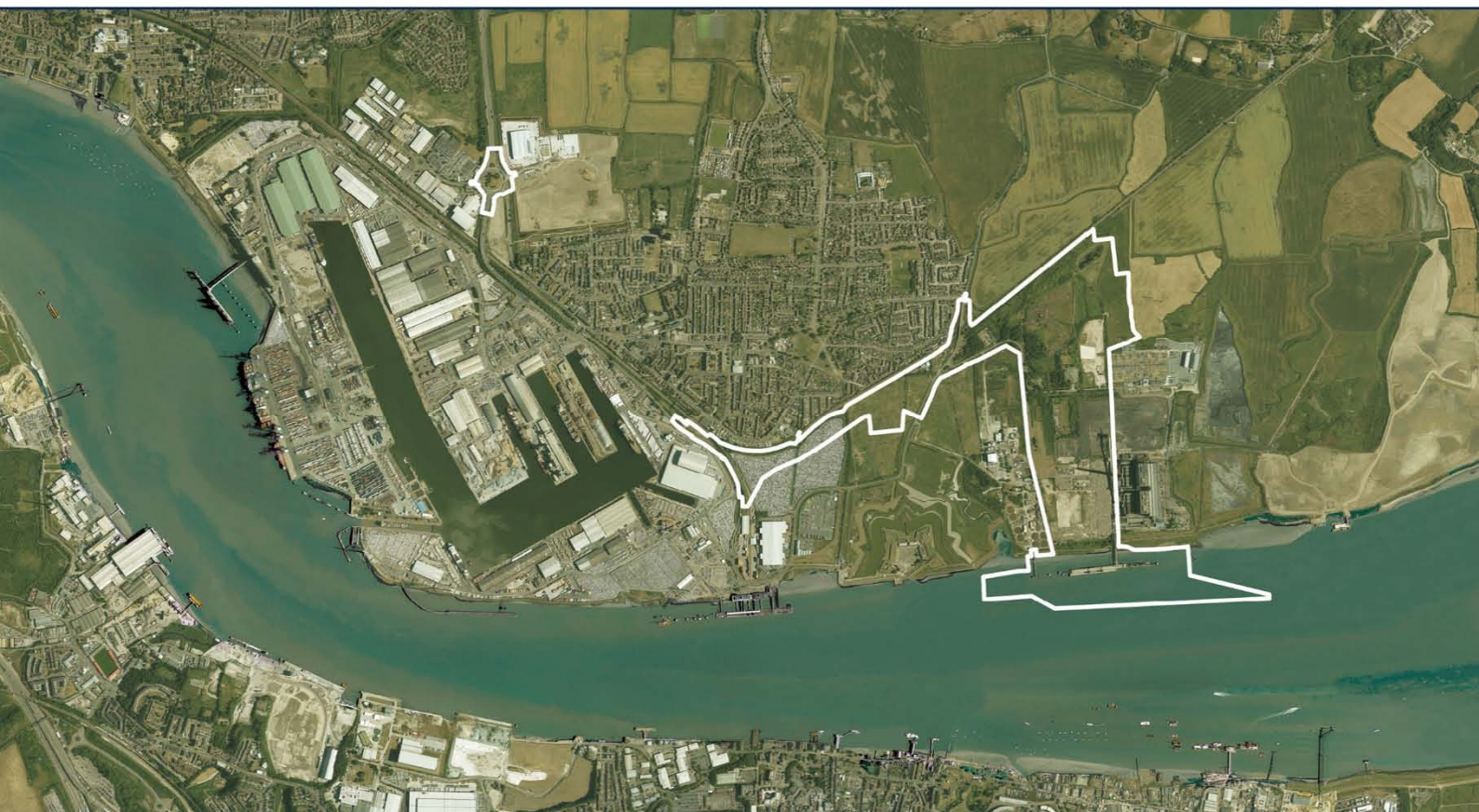
PROPOSED PORT TERMINAL AT
FORMER TILBURY POWER STATION

TILBURY2

TRO30003

STATEMENT OF COMMON GROUND
BETWEEN PORT OF TILBURY LONDON LIMITED AND
NATURAL ENGLAND

DOCUMENT REF : SoCG005



STATEMENT OF COMMON GROUND BETWEEN PORT OF TILBURY LONDON LIMITED AND NATURAL ENGLAND

(Final Version 16 August 2018)

1. INTRODUCTION

Purpose of this document

1.1 This Statement of Common Ground ("SoCG") has been prepared in relation to the application by Port of Tilbury London Limited ("PoTLL") under section 37 of the Planning Act 2008 ("the Act") for an order granting development consent ("DCO") for the construction, operation and maintenance of a new port terminal and associated facilities in Tilbury, Essex known as 'Tilbury2' ("the Scheme").

1.2 The aim of this SoCG between PoTLL and Natural England is to provide a clear record of engagement between the parties, including of the issues discussed between the parties and the status of those discussions at the point of completion of the Examination. The SoCG can be used as evidence of engagement for the purposes of the examination into the DCO application.

Structure of this Statement of Common Ground

1.3 This structure of this SOCG is as follows:

Section 1 – Introduction

Section 2 – Consultation to date

Section 3 – Summary of topics covered by the SoCG

Section 4 – List of matters agreed

Section 5 – List of matters not agreed

The Scheme

1.4 The Scheme comprises a new port terminal and associated facilities on the north bank of the River Thames at Tilbury in Essex, a short distance to the east of the existing Port of Tilbury. The proposed port terminal will be constructed on land that formed the western part of the now redundant Tilbury Power Station. The Scheme is known as 'Tilbury2'.

1.5 The proposed main uses on the site will be a Roll-on/Roll-off ("RoRo") terminal and a Construction Materials and Aggregates terminal ("the CMAT"), and associated infrastructure including rail and road facilities and revisions to the existing marine infrastructure. An 'infrastructure corridor' is proposed that will accommodate road and rail links to the existing rail and road network. The CMAT will include stockpiling of construction materials and some processing of aggregates for the production of asphalt and concrete products.

1.6 The Scheme will require works including, but not limited to:

1.6.1 creation of hard surfaced pavements;

1.6.2 improvement of and extensions to the existing river jetty including creation of a new RoRo berth;

1.6.3 associated dredging of berth pockets around the proposed and extended jetty and dredging of the approaches to these berth pockets;

- 1.6.4 new and improved conveyors;
 - 1.6.5 erection of welfare buildings;
 - 1.6.6 erection of a single 10,200 sqm. warehouse a number of storage and production structures associated with the CMAT;
 - 1.6.7 the construction of a new link road from Ferry Road to Fort Road; and
 - 1.6.8 formation of a rail spur and sidings.
- 1.7 The proposed volumes of import/export of RoRo units for the terminal exceed the threshold of 250,000 units stated in the Act for throughput per annum. The Tilbury2 project therefore constitutes a Nationally Significant Infrastructure Project ("NSIP").

2. CONSULTATION TO DATE

- 2.1 This section provides a summary of the engagement between PoTLL and Natural England that has taken place to date, in addition to that recorded in the responses submitted as part of the ongoing Examination process. Copies of key correspondence and minutes of meetings referred to below are provided in Appendix A of this SoCG for reference.

Pre-application

Date	Activity
26 September 2016	Natural England (NE) issues response to scoping consultation for EIA of previous (non-NSIP) port-expansion scheme (this subsequently became the Tilbury2 NSIP project) (NE letter reference: 194979 Tilbury Port EIA Scoping (Thurrock))
31 January 2017	Correspondence between Dominic Woodfield (Bioscan) (DW) and Jonathan Bustard (NE) (JB) regarding historic lichen records for Lytag Site believed to be in NE possession
06 February 2017	DW sends introductory e-mail to NE confirming commencement of NSIP pre-consultation processes and seeking to set calendar dates for meetings and key milestones.
08 February 2017	Jamie Melvin (NE) (JM) responds to DW confirming he is the lead point of contact and setting out the terms of engagement through NE's Discretionary Advice Service ("DAS").
22 February 2017	DW sends completed DAS application form to NE and requests to fix meeting dates.
08 March 2017	Historic (2006) Natural England assessment of the Lytag Brownfield site provided to Bioscan
10 March 2017	E-mail to JM and JB from Martin Friend on behalf of PoTLL inviting NE to attend stakeholder meeting with PINS at Port of Tilbury on 04 April 2017.
22 March 2017	Meeting with JM and JB at Port of Tilbury (Natural England reference: 11835/209261) (Agreed record of meeting)

Date	Activity
	attached at Appendix A.1)
25 April 2017	Environmental Impact Assessment Scoping Consultation response issued by NE (Natural England reference: 211894)
09 & 16 May 2017	E-mail correspondence with NE about reviewing the 2007 and 2016 invertebrate datasets pursuant to agreeing a common ground position on evaluation.
08 June 2017	NE copied in on correspondence following up on PoTLL meetings with Buglife and The Land Trust and inviting them to participate in site visits to Canvey Wick and West Thurrock Lagoon & Marshes to explore their potential (both SSSI and non-SSSI elements) as locations for off-site compensation delivery. Meeting ultimately postponed due to difficulties with availability.
05 July 2017	DW e-mail to NE asking whether NE have everything they need in order to respond to the s.42 PEIR consultation and seeking to re-schedule postponed Canvey Wick / West Thurrock meeting.
13 July 2017	JB e-mail to DW suggesting any meeting to discuss off-site compensatory provision be postponed until after the s.42 consultation.
21 July 2017	DW e-mail to confirm instruction to NE (under DAS) to undertake specialist review of the invertebrate data in PEIR appendices 10.K and 10.J for the purposes of reaching a common-ground position about the value of the invertebrate assemblage of the site generally, and the Lytag Site/TEEC/Tilbury Marshes components within it.
25 July 2017	NE (JB) confirms receipt of instruction and in respect of off-site compensation at Canvey/W. Thurrock advises that "our position of principle is that [off-site compensation delivery] wouldn't be appropriate within SSSI land.
27 July 2017	Discussions commence with NE senior invertebrate specialist (David Heaver) over interim evaluation of Tilbury 2 site invertebrate assemblage using 2007 and 2016 data.
28 July 2017	NE issue formal response to s.42 consultation (NE letter reference: 218441 Tilbury2 Port Expansion (Thurrock))
23/24 August 2017	NE advise Shelley Vince (Atkins – Marine Ecology) via e-mail that Natural England has proposed that the former Thames Estuary rMCZ be split into two separate sites. Tilbury2 would fall outside of both of the updated rMCZ designations. However, due to the migration of fish (specifically smelt <i>Osmerus eperlanus</i>) up the river, some activities such as piling or dredging may need to be assessed for impact.
01 September 2017	DW e-mail to JB requesting to make contact with NE protected species staff to discuss progression of protected species mitigation matters pursuant to Letters of No

Date	Activity
	Impediment.
04 September 2017	<p>Teleconference between (amongst others) Shelley Vince (Atkins – Marine Ecology) and Amanda Yeoman (NE) to discuss approach to be taken to marine ecology assessment with regards to tentacled lagoon worm and the recommended Thames Estuary MCZ.</p> <p>In the meeting it was agreed that EIA could assume tentacled lagoon worm was not present at Tilbury2.</p> <p>It was agreed that on a precautionary basis mitigation measures should be put in place to protect tentacled lagoon worms at Swanscombe; mitigation measures such as restricting Water Injection Dredging (WID) to ebb tide only (this was later included in mitigation identified in the ES).</p>
08 September 2017	Conclusion of discussions with NE senior invertebrate specialist (David Heaver) over interim evaluation of Tilbury 2 site invertebrate assemblage using 2007 and 2016 data.
12 September 2017	Meeting with NE (JB), The Land Trust, Buglife and PoTLL at Canvey Wick and then West Thurrock Lagoon & Marshes to discuss possible options for off-site compensation at these sites.
05 October 2017	Invertebrate 2017 survey data spreadsheet provided to NE specialist (David Heaver).
11 October 2017	Conclusion of additional discussions with NE senior invertebrate specialist (David Heaver) over evaluation of Tilbury 2 site invertebrate assemblage using 2017 data.
20 October 2017	Response to first draft SoCG issued by JB (NE). Agreement confirmed on statements regarding rMCZ and tentacled lagoon worm. Telephone conversation with JB, during which it was agreed that substantive comments on HRA are to follow. Discussions about LoNI are to follow once outline method statements have been received. Various other comments on first draft SoCG made.
25 October 2017	NE issue formal response to the HRA report, setting out that it considers that the evidence to date is insufficient to enable a conclusion of No Likely Significant Effect on the SPA to be drawn and that additional detail on bird numbers is required. NE also recommended that the list of projects for which in combination effects are considered should be reviewed. (NE letter reference: DAS 11835 209261 Port of Tilbury 2 HRA).

Post-application acceptance

Date	Activity
11 December 2017	Meeting with JM, JB (NE) and PoTLL at Port of Tilbury (Natural England reference: 11835/209261). Agreed record of meeting attached at Appendix A.2.
14/15 December 2017	NE issue high level Letter of No Impediment (LoNI) in relation to protected species (NE letter reference: DAS/11835/227719).
18 December 2017	<p>Brief position statement issued to JB/JM, setting out the rationale for excluding TEC and LTC from the cumulative impact assessment. The document has been drafted by the PoTLL planning and legal team and sets out why these additional projects had not been and could not be assessed in combination (further to the rationale provided at Chapters 2 and 20 of the ES) and which will be expanded upon in PoTLL's Response to Relevant Representations document to be submitted to the Examination.</p> <p>Dormouse survey addendum document issued to JB/JM and the Protected Species Licensing Officer assigned to the project (Sonya Gray), which sets out that no dormouse activity was confirmed during the final (November 2017) survey visit.</p>
08 January 2018	NE issue Relevant Representations as part of the s56 consultation response (NE letter reference: TR030003).
05 February 2018	Meeting at NE Cambridge Office to discuss NE's issues with HRA, progress towards full LoNI, off-site compensation and cumulative impact assessment and progression on matters of common ground. Agreed record of meeting attached at Appendix A.3.
09 Feb 2018	PoTLL issue a 'bird note' to NE, which details winter bird use of the Tilbury2 intertidal area, including the results of the on-going wintering bird monitoring since ES submission. Revised versions submitted to NE 19 March 2018 and 09 April 2018 incorporate monitoring data from February and March 2018 respectively.
09 March 2018	JB advises PoTLL that NE is "actively considering notification as Site of Special Scientific Interest (SSSI) areas of the development site holding features of nationally significant nature conservation importance".
16 March 2018	Meeting at Pinsent Masons (PoTLL's legal advisors) offices. Discussion included compensation site selection processes, the interplay between on-site and off-site compensation site delivery, consideration of SSSI notification, and HRA matters. Agreed record of meeting attached at Appendix A.4.
16-20 March 2018	Letters of No Impediment (LoNI) issued by NE in respect of mitigation proposed for badger, bats and water voles.

Date	Activity
23, 29 March 2018	<p>Email discussion of matters arising out of meeting of 16 March, including interplay between on-site and off-site compensation site delivery, and the ability to discuss the candidate brownfield compensation site.</p> <p>Discussions continued as to whether on-site mitigation proposed for water voles could be delivered off-site instead in order to allow relocation of brownfield substrates on-site rather than an off-site receptor further afield, and NE responded with apparent concerns about incompatibility with existing water vole populations.</p>
17 April 2018	<p>In view of commercial confidentiality restrictions limiting PoTLL's ability to reveal to NE the identity of compensation sites under consideration, PoTLL (DW) provided details of the selection characteristics common to the candidate receptor sites/areas, i.e. those which are under active landowner negotiation, and invited NE to comment.</p>
10 May 2018	<p>In response to PoTLL's request, NE provide list by email of examples of compensation sites which are subject to long (99-year +) leases.</p>
19 April 2018	<p>The Applicant requests a response from NE on various matters to enable progression of SoCG including: a response to the 'bird note' including its suitability as a basis for assessing cumulative effects, a response to the proposed brownfield receptor site selection criteria, and details of a site known by NE with a secured a 99-year lease. The Applicant also requested a response to all questions arising out of the Applicant's response to the Written Reps and NE's answers to the FWQs [REP2-007], including how the Lytag site sits in 'league-table' terms, and details of project-specific noise arising from the Goshem's Farm jetty piling and temporally aligned bird use data.</p>
24 April 2018	<p>The Applicant requests a response from NE to the Applicant's email of 19 April 2018 in order to progress SoCG.</p>
10 May 2018	<p>In response to the Applicant's request of 19 April, NE provide list by email of examples of compensation sites which are subject to long (99-year +) leases.</p>
16 May 2018	<p>Telephone meeting between NE (JB, JM) and PoTLL (DW, RR) at which NE are informed of imminent issue of the Stage 2 HRA report, and proposed winter Bird Monitoring and Action Plan (BMAP). Matters discussed include consideration of SSSI notification; and related invertebrate/brownfield compensation matters. NE are not in a position to revert on the outstanding actions re details of how the Lytag site sits in 'league-table' terms, and details of project-specific noise arising from the Goshem's Farm jetty piling and temporally aligned bird use data.</p>

Date	Activity
23 May 2018	Direct submission of Stage 2 HRA Report to NE following submission to PINS the previous evening with covering e-mail request for feedback so that SoCG matters can be discussed further in view of impending hearings.
30 May 2018	E-mail request to NE for feedback on HRA Stage 2 report and other outstanding matters including order of NE priority/preference as to whether the on-site mitigation proposed for water voles should be delivered off-site instead in order to allow relocation of brownfield substrates on-site rather than an off-site receptor further afield.
20 June 2018	The Applicant provides NE with the revised EMCP and requests a call to progress SoCG matters.
25 June 2018	NE submit letter to the Examination (copying it to the Applicant) in response to the Applicant's Cumulative Effects Assessment document (NE letter reference: Tilbury 2 CEA).
28 June 2018	NE provide feedback on the EMCP (specifically the off-site compensation site for open mosaic habitat and invertebrates at Mucking) during ISH; and agree to provide a detailed response on the HRA Stage 2 report.
04 July 2018	The Applicant provides NE with a revised draft version of the SoCG and draft version of the minutes from the meeting of 05 February 2018.
23 July 2018	The Applicant requests a response from NE to its Bird Monitoring and Action Plan (BMAP). The Applicant also prompts NE for a response to the SoCG draft including the accompanying minutes of the 5 th February meeting. A call is proposed to works through these matters.
26 July 2018	The Applicant advises NE of the intention to re-run the HRA construction-phase noise disturbance assessments assuming a 500m Zone of Influence, and requests NE's response to this (suggesting a call/meeting if it NE believe this matter warrants discussion).
06 August 2018	NE (JM) e-mail Applicant with a copy of their Deadline 6 submission and the suggestion of a call to move things forward on the SoCG.
07 August 2018	Telecon between NE (JM) and Applicant (DW) to progress SoCG. A further revision is issued to NE the next day.
16 August 2018	Minutes from the meeting notes of the 05 February 2018 meeting agreed. Final version of the Statement of Common Ground agreed.

3. **SUMMARY OF TOPICS COVERED BY THE SOCG**

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

- [1] Habitats Regulations Assessment (HRA) reporting and Stage 2 conclusion of No Adverse Effect on Integrity;
- [2] Off-site compensation provision (terrestrial habitats/taxa);
- [3] Completeness of survey data;
- [4] Value of the invertebrate assemblage of the landward elements of the Site (including infrastructure corridor);
- [5] Value of the vascular and non-vascular plant assemblage of the landward elements of the Site;
- [6] Value of the breeding bird assemblage (including rare/declining birds such as Cetti's warbler and nightingale);
- [7] Protected species mitigation (specifically for badger, water vole, and bats), including Letters of No Impediment;
- [8] Brownfield/invertebrate receptor site selection
- [9] Approach to be taken to the assessment of effects on protected marine invertebrate species, in particular tentacled lagoon worm; and
- [10] Approach to be taken to the recommended Thames Estuary Marine Conservation Zone.

3.2 For the avoidance of doubt, matters not covered in this SoCG have not been discussed between the parties as they have not been raised by Natural England in its capacity as the Statutory Nature Conservation Organisation. As such, Natural England has no comment to make on those issues.

4. **LIST OF MATTERS AGREED**

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

Ref	Description of matter	Details of agreement
Terrestrial Ecology		
[1]	Habitats Regulations Assessment (HRA) reporting and Stage 2 conclusion of No Adverse Effect on Integrity	<p>The need for a Habitats Regulations Assessment (HRA) Stage 1 screening assessment is an agreed matter, and a Stage 1 HRA report was produced and submitted with the DCO application [APP-060]. A Stage 2 HRA (Appropriate Assessment) report was produced for Deadline 4 [REP4-018] and it is agreed that this provides for an increased level of confidence in respect of the applicable requirements of the Regulations and having regard to relevant case law. It is also agreed that the methodology, coverage and structure of the HRA reports are appropriate.</p> <p>Natural England ultimately has no fundamental or in-principle objection to the Tilbury2 project on Habitats Regulations grounds and agrees that there should be no need for HRA to proceed to stage 3 or 4.</p>
[2]	Off-site compensation provision (terrestrial habitats and species)	<p>There is agreement that the mitigation hierarchy should be followed to adequately assess the environmental assets and the significance of the impacts on these assets, i.e. considering alternatives, avoidance, mitigation and compensation for residual impacts.</p> <p>However, given that there is no alternative to the construction footprint presented in the ES documents which would permit full avoidance, it is agreed that some off-site compensatory provision of replacement terrestrial habitats will be required in order for the project to have the potential to deliver no net loss and achieve net gain.</p> <p>It is agreed that the off-site compensatory provision presented within the EMCP at the Paglesham receptor site in Essex is adequate in respect of quantum delivered of:</p> <ul style="list-style-type: none"> - Coastal and Floodplain Grazing Marsh - Scrub - Reptile habitats

Ref	Description of matter	Details of agreement
[3]	Completeness of survey data	<p>The survey data submitted with the ES is sufficiently comprehensive for determination purposes in all respects other than in respect of intertidal bird numbers where additional data was requested by NE to corroborate the survey findings presented in the ES and provide context over a longer time series.</p> <p>It is agreed that the package of contextual detail on the use of the intertidal areas by wintering birds (the “bird note”) adequately addresses any perceived shortfall, and as part of the environmental information before the Examination, provides an adequate basis for determination. It also provides an adequate basis from which to assess the potential for ‘adverse effect on integrity’ in relation to bird populations using habitats functionally linked to the Thames Estuary and Marshes SPA/Ramsar. It is noted and agreed that this forms part of the baseline upon which the Stage 2 HRA report and its conclusion of No Adverse Effect on Integrity is predicated.</p>
[4]	The value of the invertebrate assemblage of the Tilbury 2 site (including infrastructure corridor)	<p>It is agreed that the invertebrate assemblage of the Tilbury 2 site (not including the infrastructure corridor) is measureable as of national importance on the basis of the 2007, 2016 and 2017 datasets and by reference to the geographic terms of reference set out by CIEEM in the 2016 EclA Guidelines. There is no assemblage context in Europe but given the preponderance of species in the assemblage that are rare or scarce in the UK but widespread in Europe (e.g. <i>Ceratina cyanea</i>), is not likely to be of international importance. Considered together the Lytag Site along with ‘the rest’ of the Tilbury2 site are clearly of very high value (although the Applicant considers that decline associated with succession is evident – see item 3 under matters not agreed below). The Tilbury Energy and Environment Centre (TEEC) seems to have suffered disproportionately since 2007, and without management it looks like it will decline further. In the infrastructure corridor, the grassland and wetland interest is only of generic quality, but the brownfield resource moves it above the TEEC site in ranking with respect to its assemblage representation. The coastal strip supports a number of species of elevated value, albeit this is in the context of forming part of a wider connected resource.</p>

Ref	Description of matter	Details of agreement
[5]	Value of the vascular and non-vascular plant assemblage of the landward elements of the Site	The value of the vascular plant and lichen assemblage is agreed as District/Borough level. Species identified with conservation designations are as presented at Table 10.25 of ES Chapter 10. Four nationally scarce lichens and six nationally scarce plants were recorded within the Order Limits, but no nationally rare species have been identified in recent years.
[6]	Value of the breeding bird assemblage	The value of the breeding bird assemblage is agreed as District/Borough level, with small numbers of breeding Cetti's warbler, nightingale, cuckoo and linnet, and a single pair of long-eared owl. Turtle dove has been recorded only from land outside the Order Limits (3 territories reported by WYG in 2010 using land to the east of the Site).
[7]	Protected species mitigation (specifically for badger, water vole and bats), including Letters of No Impediment	<p>It is agreed that the licensed mitigation proposed for bats, badgers and water vole is appropriate and Letters of No Impediment have been issued. The LoNI are in respect of translocation of water voles, and the destruction of a low-conservation status roosting place for pipistrelle bats and of a breeding badger sett.</p> <p>It is agreed that details of mitigation for other species (including common reptiles, eels, Schedule 1 birds and nesting bird species generally) will be presented in the Ecological Mitigation and Compensation Plan (EMCP).</p>
[8]	Brownfield/invertebrate receptor site selection	It is agreed that the proposed compensation site at Mucking Landfill is appropriate in terms of its specific location and its position within the wider landscape; and meets the Applicant's own criteria used in selecting Mucking Landfill as a receptor for brownfield substrates and to act as a brownfield/invertebrate receptor.
Marine Ecology		
[9]	Approach to be taken to the assessment of potential effects on tentacled lagoon worm.	It is agreed that tentacled lagoon worm is not known to be present or expected to colonise near to Tilbury2 and the environmental assessment should be produced on this basis.

Ref	Description of matter	Details of agreement
		It is agreed that removal of substrate from dredging or loss/disturbance of habitat from piling at Tilbury2 is not a concern as regards this species and that the assessment should focus on the plume from Water Injection Dredging (WID) and subsequent smothering.
[10]	Approach to be taken to the recommended Thames Estuary Marine Conservation Zone	It is agreed that the updated rMCZ designation extents indicated by NE in their e-mails to Shelley Vince of 23/24 August 2017 have been appropriately considered in the ES and related assessments.


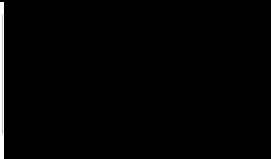
5. LIST OF MATTERS NOT AGREED

Ref	Description of stakeholder issue	Current position
Terrestrial Ecology		
[1]	The Habitats Regulations Assessment (HRA) Stage 2 (Appropriate Assessment) conclusion of No Adverse Effect on Integrity of the Thames Estuary & Marshes SPA/Ramsar Site	<p>The Stage 2 HRA report concludes No Adverse Effect on Integrity (AEoI) of the Thames Estuary & Marshes SPA/Ramsar Site either alone or (on the basis of current information) in-combination with other projects. NE's position prior to release of this document is set out within its Deadline 3 submission [REP3-042] in response to question 2.5. With the benefit of the additional contextual data provided by the 'bird note' and the more robust assessment provided by the Stage 2 HRA report, the two parties have been moving towards a position of agreement. In addition, the provision of a Bird Monitoring Action Plan (BMAP) to be secured through the DCO is welcomed by NE and provides additional reassurance in relation to potential construction phase disturbance issues.</p> <p>Notwithstanding the position set out at agreed matter [1] above, Natural England has residual concerns relating to noise disturbance, sedimentation, water quality and in combination effects (NE's final position is set out in its Deadline 6 submission [REP6-007]). The Applicant's position is set out in its Response to ExA's Report on the Implications for European Sites [REP6-020], and final HRA report [PoTLL/T2/EX/214].</p>
[2]	NE, in their Deadline 1 WR response to FWQ 1.11.10 [REP3-042] suggested that " <i>Noise generation by piling within the river is likely to significantly disturb birds of the SPA and Ramsar site assemblage without additional mitigation</i> " and that consequently " <i>...the design and methodology will require careful programme timing to avoid the sensitive September – end March period...</i> "	This was NE's position prior to release of the Stage 2 HRA report. With the benefit of the additional contextual data provided by the 'bird note' and the more robust assessment provided by the Stage 2 HRA report, the two parties are moving towards a position of agreement and it is anticipated that this will include agreement that such restrictions are not required. In addition, the provision of a Bird Monitoring Action Plan (BMAP) to be secured through the DCO is welcomed by NE and will provide additional reassurance in relation to potential construction phase disturbance issues.
[3]	Loss of biodiversity interest from the Lytag and TEEC sites in short/medium term due to brownfield	It is agreed that brownfield sites generally undergo a process of succession which sees their value for early successional species peak and then

Ref	Description of stakeholder issue	Current position
Terrestrial Ecology		
	successional processes	<p>diminish after a matter of decades, although the precise timescales applicable at Tilbury2 are a matter still under discussion.</p> <p>The Applicant's position is that the balance of evidence indicates that both the Lytag and TEEC sites have reached a tipping point in the successional process. These processes can now be expected to accelerate further, leading in a relatively short timescale (perhaps as little as 5-10 years) to significant suppression of the particular biodiversity interests associated with early successional and open ground habitats.</p> <p>Natural England maintains that the timescale of succession is uncertain and that succession in the absence of management is a feature of many of the UK's most important environmental sites. The concept of a 'tipping point' is not accepted. NE does not consider that this has scientific recognition or metric, assumes successional change is a point inflection, and assumes the communities on the other side will be of diminished in value (which may not be the case). NE also remain of the view that successional processes could be interrupted and even reversed through basic on site management. These comments are made without the benefit of having seen the site and the change in character which the Applicant maintains has taken place even in the last two years.</p>
[4]	Cumulative impact assessment	<p>It is accepted that the Qualitative Cumulative Effects Assessment (CEA) is taken as far as reasonable, proportionate and practicable on the basis of such information as is yet available about TEC and LTC to PoTLL and the Examination.</p> <p>NE considers that there should be sufficient survey data available for the Applicant to conduct a more quantitative and detailed assessment and that this is required for the purposes of EIA, HRA and to demonstrate consistency with the Planning Inspectorate Advice Note 17.</p>

Ref	Description of stakeholder issue	Current position
Terrestrial Ecology		
		<p>NE's position is, given that the CEA identifies that the cumulative effect on brownfield sites could be 'near total elimination', it considers more collaborative working with the promoters of other schemes would have been best practice and provided better certainty that the environmental challenges being face in the area can be addressed.</p> <p>The Applicant has been available to engage in such discussions with the promoters of TEC and LTC; however, neither scheme has sought to engage in collaborative working, despite details of the Applicant's scheme having long been available for discussion. The Applicant considers that it has drawn upon all the information available but cannot reasonably be expected to reach more detailed/quantitative conclusions in the absence of detailed design information from TEC or LTC progressing or being made available. The Applicant considers that the Tilbury2 scheme is compliant with the Conservation of Habitats and Species Regulations 2017 on its own terms; and it cannot reasonably be required to mitigate other developments (which have yet to be clearly defined and which may never be consented).</p>
[4]	Brownfield/invertebrate receptor site provision	Notwithstanding the Applicant's comments at Deadline 6 over the degree of uplift from the approved restoration scheme at Mucking, NE have residual concern over the principle that the site is already subject to an approved environmental enhancement scheme.

6. **AGREEMENT**

Signed	
Name	Aidan Lonergan
Position	Area Manager – West Anglia
Organisation	Natural England
Date	16 August 2018
Signed	
Name	Peter Ward
Position	Commercial Director
Organisation	Port of Tilbury London Limited
Date	16 August 2018

Appendix 6

SOCG006

Statement of Common Ground with Historic England

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

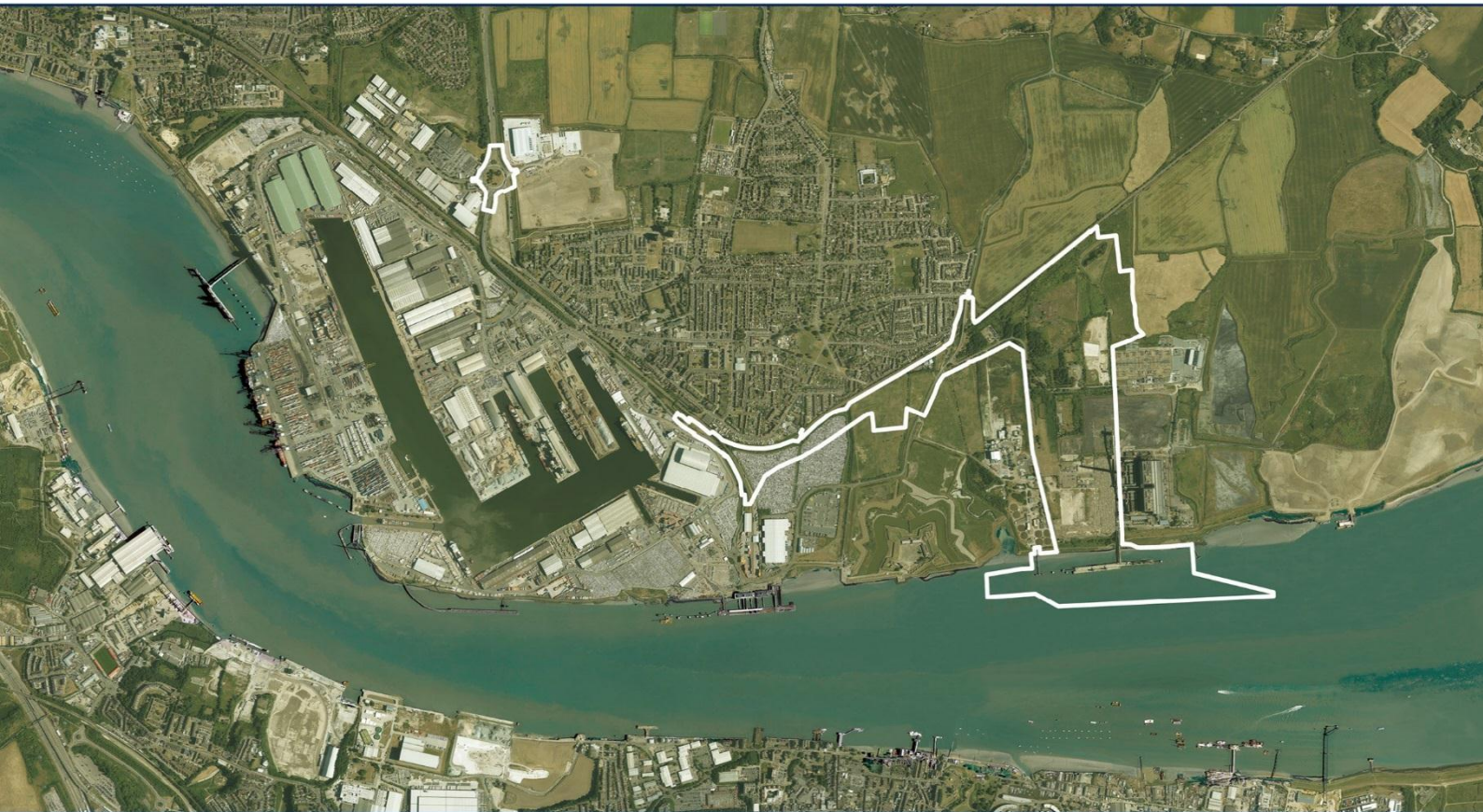
PROPOSED PORT TERMINAL AT
FORMER TILBURY POWER STATION

TILBURY2

TRO30003

STATEMENT OF COMMON GROUND
BETWEEN PORT OF TILBURY LONDON LIMITED AND
HISTORIC BUILDINGS AND MONUMENTS COMMISSION
FOR ENGLAND (HISTORIC ENGLAND)

DOCUMENT REF: SOCG006



PORT OF TILBURY

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

STATEMENT OF COMMON GROUND

**BETWEEN PORT OF TILBURY LONDON LIMITED AND HISTORIC BUILDINGS
AND MONUMENTS COMMISSION FOR ENGLAND (HISTORIC ENGLAND)**

Revision	Date	Description of new version
1.0	6 th December 2017	First draft for Historic England comments.
2.0	13 th February 2018	Second draft following comments from Historic England
3.0	8 th March 2018	Third draft following comments from Historic England
4.0	16 th March 2018	4 th draft for submission at Deadline 1
5.0	5 th April 2018	5 th draft following Historic England's Written Reps
6.0	23 April 2018	6 th Draft Following Historic England comments received by email 17/4/2018
7.0	3 rd May 2018	7 th Draft for Historic England comment
8.0	22 nd May 2018	8 th Draft following comments from Historic England
9.0	12 th June 2018	9 th draft following meeting with Historic England on 12 th June
10.0	2 nd August 2018	10 th draft for Historic England comment
11.0	9 th August 2018	11 th draft for Historic England Comment
12.0	9 th August 2018	12 th draft for Historic England Comment
13.0	13 th August 2018	13 th draft for Historic England Comment
14.0	14 th August 2018	14 th draft following discussions with Historic England on 14 th August.
15.0	15 th August 2018	15 th draft for formal sign off

CONTENTS

1.0	INTRODUCTION.....	6
2.0	CONSULTATION TO DATE.....	9
3.0	SUMMARY OF TOPICS COVERED BY THE SOCG	14
4.0	LIST OF MATTERS AGREED	15
5.0	LIST OF MATTERS UNDER DISCUSSION.....	24
6.0	LIST OF MATTERS NOT AGREED.....	25
7.0	AGREEMENT.....	27

TILBURY2 PROJECT TEAM
PORT OF TILBURY LONDON LIMITED
Leslie Ford House
Port of Tilbury
Tilbury
Essex
RM18 7EH

www.tilbury2.co.uk

1.0 INTRODUCTION

Purpose of this document

- 1.1 This Statement of Common Ground ("SoCG") has been prepared in relation to the application by Port of Tilbury London Limited ("PoTLL") under section 37 of the Planning Act 2008 (as amended) ("PA2008") for an order granting development consent ("DCO") for the construction, operation and maintenance of a new port terminal and associated facilities in Tilbury, Essex known as 'Tilbury2' ("the proposals").
- 1.2 The aim of this SoCG between PoTLL and Historic Buildings and Monuments Commission for England (Historic England) is to provide a clear record of engagement between the parties, including of the issues discussed between the parties and the current status of those discussions. The SoCG can be used as evidence of engagement for the purposes of the examination into the DCO application.

Structure of this Statement of Common Ground

- 1.3 The structure of this SoCG is as follows:

Section 1 – Introduction

Section 2 – Consultation to date

Section 3 – Summary of topics covered by the SoCG

Section 4 – List of matters agreed

Section 5 – List of matters under discussion

Section 6 – List of matters not agreed

Overview of the proposals

- 1.4 Port of Tilbury London Limited ("PoTLL") is proposing a new port terminal on the north bank of the River Thames at Tilbury, a short distance to the east of its existing Port. The proposed port terminal will be constructed on land that formed the western part of the now redundant Tilbury Power Station and is bounded to the west by a waste water treatment works and to the east by the Tilbury B power station that is presently being demolished.
- 1.5 The proposed main uses on the site will be a Roll-on/Roll-off (RoRo) terminal and a Construction Materials and Aggregates terminal (the "CMAT"), and associated infrastructure including rail and road facilities and revisions to the existing marine infrastructure. An 'infrastructure corridor' is proposed that will accommodate road and rail links to the existing rail and road network. The CMAT will include stockpiling of construction materials and some processing of aggregates for the production of asphalt and concrete products.

- 1.6 It will require works including, but not limited to:
- creation of hard surfaced pavements;
 - improvement of and extensions to the existing river jetty including creation of a new RoRo berth;
 - associated dredging of berth pockets around the proposed and extended jetty and dredging of the approaches to these berth pockets;
 - new and improved conveyors;
 - erection of welfare buildings;
 - erection of a single 10,200 sqm. warehouse
 - a number of storage and production structures associated with the CMAT;
 - the construction of a new link road from Ferry Road to Fort Road; and
 - formation of a rail spur and sidings.
- 1.7 The proposed volumes of import/export of RoRo units for the terminal exceed the threshold of 250,000 units stated in the Planning Act 2008 (PA2008) for throughput per annum. The Tilbury2 project therefore constitutes a Nationally Significant Infrastructure Project (NSIP).
- 1.8 The application essentially seeks a DCO to approve an operational port and to allow PoTLL to benefit from its permitted development rights within the boundaries of the new port. The application seeks to establish a 'Rochdale Envelope' of development based upon the description within the DCO. In this context, the DCO will contain a framework through which environmental impacts will be controlled and managed.

Introduction to Historic England

- 1.9 Historic Buildings and Monuments Commission for England (Historic England) is a non-departmental public body of the British Government sponsored by the Department of Digital, Culture, Media and Sport (DCMS). Historic England provides statutory advice on behalf of the UK government on matters relating to all aspects of the historic environment including both terrestrial and marine archaeology and built heritage.
- 1.10 PoTLL undertook a formal statutory consultation as part of the DCO process which ended on 28th July 2017. As part of this process PoTLL and their consultants at CgMs Ltd undertook a programme of both statutory and non-statutory on-going pre-application consultation with Historic England in their role as statutory advisors to the Planning Inspectorate (PINS) and the Marine Management Organisation (MMO), in accordance with the Planning

Act 2008 and the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended). This engagement continues and will be ongoing throughout examination, determination and as far as relevant any implementation.

2.0 CONSULTATION AND ENGAGEMENT TO DATE

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

Pre DCO Application - Archaeology

Date	Activity
24 th April 2017	Statutory Response to Scoping Report from Historic England (within PINS Scoping Opinion of May 2017).
23 rd May 2017	PoTLL's archaeological consultant at CgMs Ltd met with Historic England and the Principal Historic Environment Consultant, Essex County Council to discuss submission of the PEIR, baseline assessments and approach to work to date.
26 th May 2017	Historic England sent letter to archaeological consultant at CgMs Ltd following consultation meeting with initial response to baseline assessments completed to that date.
5 th June 2017	Historic England sent an email to archaeological consultant at CgMs Ltd following consultation meeting with initial response to baseline assessments completed to that date.
11 th July 2017	PoTLL's archaeological consultant at CgMs Ltd met with Historic England and the Principal Historic Environment Consultant, Essex County Council following PEIR submission to discuss the PEIR documentation, baseline investigations undertaken to that date and future mitigation.
21 st July 2017	Historic England provided a response to the archaeological consultant at CgMs Ltd relating to the draft Marine WSI originally circulated 14 th June 2017.
27 th July 2017	Historic England provided a formal response on the PEIR to PoTLL's planning consultants at Vincent

	and Gorbing.
30 th August 2017	PoTLL's archaeological consultant at CgMs Ltd met with Historic England and the Principal Historic Environment Consultant, Essex County Council to discuss in detail Historic England's response to the PEIR, to address actions undertaken and addressed in the PEIR response table circulated by CgMs prior to the meeting and to highlight emerging areas of common ground.
13 th October 2017	Historic England response letter to the PoTLL's planning consultants at Vincent and Gorbing on the draft submission documents (ES chapter and Technical Appendices) prior to DCO application submission.
16 th October 2017	Historic England response letter to the POTLL's built heritage consultant at CgMs Heritage on the draft ES chapter

Pre DCO Application – Built Heritage

29 th November 2016	Initial informal meeting held with Historic England and English Heritage at Tilbury Fort to introduce the forthcoming proposals and to discuss potential preliminary opportunities to enhance Tilbury Fort as a visitor attraction.
24 th April 2017	Statutory Response to Scoping Report from Historic England (within PINS Scoping Opinion of May 2017).
23 rd May 2017	PoTLL's Built Heritage consultant at CgMs Ltd met with Historic England) to review baseline information to date and the approach to the heritage assessment prior to publication of the PEIR. This included discussing the viewpoint locations map prepared to inform the LVIA. A number of additional viewpoints were requested by Historic England from both the north and south side of the river from which HE required visualisations. The locations of the viewpoints on the south side of the river were provided to Historic England via email on 18 th May

	2017 and had been agreed in consultation with Gravesham Borough Council.
2 nd June 2017	Historic England provided an email response endorsing the minutes of the meeting held on 23 rd May 2017 and confirming acceptance of the locations of additional viewpoints that were circulated by PoTLL's Built Heritage consultant at CgMs Ltd on 31 st May 2017 and 1 st June 2017.
11 th July 2017	<p>PoTLL's Built Heritage consultant at CgMs Ltd met with Historic England following the PEIR submission. The purpose of this meeting was to go through the PEIR and baseline Built Heritage Assessment (June 2017) and to discuss any key issues. Queries were raised in regard to some elements of the proposals, including the extension of the jetty to the west in proximity to Tilbury Fort. It was specifically noted that the Computer Generated Views submitted with the PEIR were not of a sufficient level of detail to inform an assessment of potential visual impacts upon built heritage assets. It was explained that these would be updated to form full wireline views in due course and would be issued to statutory consultees accordingly.</p> <p>On 8th August 2017 Historic England confirms the meeting minutes issued on 20th July 2017.</p>
27 th July 2017	Historic England provided a formal response on the PEIR to PoTLL's planning consultants at Vincent and Goring.
15 th August 2017	Historic England provided comments on the first five wireline images that were issued via email by PoTLL's Built Heritage consultant at CgMs Ltd on 24 th July 2017.
18 th August 2017	PoTLL's Built Heritage consultant at CgMs Ltd emailed Historic England a full set of the wirelines.
23 rd August 2017	PoTLL's Built Heritage consultant at CgMs Ltd met with Historic England English Heritage and Thurrock Council to discuss potential improvements to Tilbury Fort.

25 th September 2017 and 2 nd October 2017	PoTLL's Built Heritage consultant at CgMs Ltd emailed Historic England a selection of the Draft ES documents including the Built Heritage Assessment (September 2017) (sent 25 th September 2017) and Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement (sent 2 nd October 2017).
13 th October 2017	Historic England response letter to the POTLL's planning consultants at Vincent and Gorbing on the draft submission documents (ES chapter and archaeology and built heritage Technical Appendices) prior to submission of the DCO.

Post-DCO Application – Archaeology and Built Heritage

<u>Date</u>	<u>Activity</u>
7 th November 2017	PoTLL letter to Historic England with draft DCO for review
7 th November 2017	PoTLL met with Historic England, English Heritage and members of the Historic England Advisory Committee to present the proposals. A digital copy of the presentation was sent to Historic England following this meeting, as well as additional copies of the final wirelines as per Historic England's request.
13 th November and 14 th November 2017	DCO application documentation (Archaeology and Cultural Heritage ES chapter and supporting Technical Appendices) were sent to Historic England post-submission.
23 rd January 2018	PoTLL, and CgMs Ltd met with Historic England, the Principal Historic Environment Consultant, Essex County Council and Historic Building Consultant, Essex County Council to discuss the first draft of the Statement of Common Ground
12 th February 2018	Conference Call between Historic England, POTLL, CgMs Ltd and Vincent and Gorbing to discuss comments received from Historic England on the first draft of the Statement of Common Ground relating to Terrestrial Archaeology and Built Heritage

5th March 2018	Email from HE to POTLL, Vincent and Gorbings and CgMs Ltd to progress this SoCG.
6 th March 2018	Meeting between Historic England, POTLL and CgMs Ltd to discuss Built Heritage matters relating to mitigation
22 nd March 2018	Written Reps received from Historic England relating to Archaeology and Built Heritage
24 April 2018	CgMs Heritage emailed draft Marine Written Scheme of Investigation to Historic England
27 th April 2018	Comments received from Historic England on the draft Marine Written Scheme of Investigation (Wessex Archaeology April 2018)
18 th May 2018	Conference Call with Historic England, POTLL and CGMS Ltd to discuss Built Heritage and potential further mitigation including colour palettes.
12 th June 2018	Con Call with Historic England, POTLL and CgMs Ltd to discuss SoCG
25 th June 2018	Comments received from Historic England on the draft Marine Written Scheme of Investigation (Wessex Archaeology June 2018)
5 th July 2018	CgMs Heritage emailed updated draft Marine Written Scheme of Investigation (Wessex Archaeology June 2018 POTLL/T2/EX/150)
16 th July 2018	Historic England responded on proposed colour palettes requesting a method statement.
25 th July 2018	Comments received from Historic England on the draft Marine Written Scheme of Investigation POTLL/T2/EX/150)

~~2.3 — The referenced parties continue to actively engage on these matters which are not yet agreed. A further iteration of this SoCG will be submitted into the examination in due course to document the progress that is expected to be made.~~

3.0 SUMMARY OF TOPICS COVERED BY THE SOCG

3.1 The following topics discussed between PoTLL and Historic England are reported and commented on further in this SoCG:

- Terrestrial archaeology
- Marine archaeology
- Built heritage

4.0 LIST OF MATTERS AGREED

Ref	Description of matter	Details of agreement
4.1	Terrestrial Archaeology	
4.1.1	Study Area	It is agreed that the study area used to inform the assessment of the Project on Terrestrial Archaeology (see paragraphs 12.34, 12.61 and 12.62 and Table 12.4 of Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement) is appropriate.
4.1.2	Methodology	<p>It is agreed that the approach adopted in Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement (12.63-12.64, 12.70-12.76 and matrices in Tables 12.5, 12.6 and 12.7) is appropriate to assess the magnitude and range of impacts from the proposed project on archaeological receptors.</p> <p>In addition it is agreed that the criteria for establishing the importance of heritage assets (Table 12.5 of Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement) also considers that undesignated assets of recognised international importance have a very high value</p>
4.1.3	Baseline Environment	<p>It is agreed that the Terrestrial archaeological baseline environment has been adequately described in the Environmental Statement and supporting Technical Appendices 12A.</p> <p>It is agreed that the remains of a late Mesolithic skeleton found at Tilbury Docks approximately 1500m west of Tilbury2 is a rare find and consequently is considered to be national or international importance (high or very high value). As presented in ES paragraph 12.90 of Chapter 12: Archaeology and Cultural Heritage and in the Technical Appendix 12A</p>

		<p>For clarification it is agreed that the peat deposits at Tilbury2 are diachronous as presented in Technical Appendix 12A AS2.</p>
4.1.4	Impact Assessment	<p>It is agreed that as detailed design is not yet finalised the realistic worst case impact from the proposed development on terrestrial archaeology has been suitably assessed on a precautionary conservative basis in the Environmental Statement and supporting Technical Appendices.</p> <p>It is agreed that compression caused by shallow foundations could effect evidence of RSL fluctuations. However the large amount of sediment currently overlying the peat deposits will already be causing some level of compression. Consequently the indirect effect is likely to be negligible but has been considered within the Mitigation Strategy as discussed above.</p> <p>It is agreed that although the effect of compression on the alluvial sequence may not be uniformly distributed across the entire site, the relative difference in stress induced by the construction within a small area will not be so great to cause a shear failure in the deposits. Thus this will not have a significant impact on the affected deposits.</p> <p>It is agreed that, in accordance with the outcome of the assessment presented in Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement, the impacts on terrestrial archaeology during construction and operation are unlikely to be significant, assuming that the measures presented in Table 12.15a and b of Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement and the Terrestrial WSI are implemented.</p>
4.1.5	Cumulative Impact Assessment	<p>Chapter 12 paragraph 12.243 has given attention to what cumulative impacts might occur and that any potential adverse cumulative effects on the archaeological</p>

		resource should be mitigated through the delivery of approved mitigation strategies.
4.1.6	Mitigation	<p>It is agreed that the measures presented in paragraphs 12.217-12.222 and Table 12.15 a and b of Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement and as set out in Terrestrial WSI are sufficient to minimise impacts to terrestrial archaeology during the construction and operation of the proposed project and has taken into account the diachronous nature of the peat and the potential effect of compression on Relative Sea Level (RSL) fluctuations.</p> <p>It is agreed that the mitigation strategy will be implemented in accordance with the Terrestrial WSI.</p>
4.2 Marine Archaeology		
4.2.1	Study Area	It is agreed that the study area used to inform the assessment of the Project on Marine Archaeology (see paragraphs 12.34, 12.61 and 12.62 and Table 12.4 of Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement) is appropriate.
4.2.2	Methodology	It is agreed that the approach adopted in Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement (12.63-12.64, 12.70-12.76 and matrices in Tables 12.5, 12.6 and 12.7) is appropriate to assess the magnitude and range of impacts from the proposed project on archaeological receptors.
4.2.3	Baseline Environment	<p>It is agreed that the marine archaeological baseline environment has been adequately described in the Environmental Statement in Chapter 12 paragraphs 12.87, 12.88, 12.95-12.98.</p> <p>The marine archaeological baseline environment has been adequately described in the supporting Technical Appendices 12A and 12C.</p>

		<p>It is agreed that the remains of a late Mesolithic skeleton found at Tilbury Docks approximately 1500m west of Tilbury2 is a rare find and consequently is considered to be national or international importance (high or very high value). If a similar find was recovered in the intertidal or marine zone it would be considered of equivalent importance but the potential for discovery is very low.</p> <p>It is agreed that the term ‘modern debris’ used in Chapter 12 Table 12.8a, Table 12.11a and 12.15a refers to debris that can be anticipated relating to recent river bed activity. The term was incorporated in the geophysical survey report (Appendix 12A AS5) and relate to anomalies that have no archaeological interest.</p> <p>It is agreed that any Roman wreck, if discovered, would be of national importance although such discovery is unlikely at this location as presented in Chapter 12 Table 12.8c, Technical Appendix 12A paragraph 1.3.9 and AS3 Table 4.</p>
4.2.4	Impact Assessment	<p>It is agreed that as detailed design is not yet finalised the realistic worst case impact from the proposed development on marine archaeology has been suitably assessed in the Environmental Statement and the supporting Technical Appendices</p> <p>In accordance with the outcome of the assessment presented in Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement, the impacts on marine archaeology during construction and operation are unlikely to be significant, assuming that the mitigation measures set out in the draft Marine WSI (as yet to be finalised) are implemented.</p> <p>It is agreed that the calculation to establish the worst case impact from piling (Chapter 12 paragraph 12.166 and Technical Appendix 12A) considers the maximum zone of disturbance across the site in accordance with Historic England’s</p>

		<p>guidelines (Piling and Archaeology 2015). The site in this instance is the marine and intertidal zone (the intertidal zone and the area seaward of the low water mark within the order limits).</p> <p>It is understood that the two types of dredging options which are proposed are backhoe and WID. Consequently a programme of mitigation measures in advance of WID and Backhoe dredging will be secured as outlined in the draft Marine WSI (yet to be finalised) and delivered through a task specific method statement.</p>
4.2.5	Cumulative Impact Assessment	<p>It is agreed that Chapter 12 paragraph 12.243 has given attention to what cumulative impacts might occur and that any potential adverse cumulative effects on the archaeological resource should be mitigated through the delivery of approved mitigation strategies.</p>
4.2.6	Mitigation	<p>It is agreed that the measures presented in paragraphs 12.223-12.226 of Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement are sufficient in principle and subject to delivery, to reduce impacts to marine archaeology during the construction (and operation) of the proposed project.</p> <p>It is agreed that the mitigation strategy will be implemented in accordance with the draft Marine WSI (yet to be finalised).</p> <p>It is agreed that the Marine WSI can be offered to the Examining Authority as a certified document.</p>
4.3 Built Heritage		
4.3.1	Study Area	<p>It is agreed that the study area of 2km from the Site boundary for the built heritage assessment is appropriate.</p> <p>It is further agreed that the inclusion of Coalhouse Fort (Scheduled Monument),</p>

		<p>Cliffe Fort (Scheduled Monument) and Shornemead Fort (non-designated heritage asset) which lie beyond the 2km search radius is appropriate.</p> <p>This is detailed in Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement (para. 12.61 and 12.62), Appendix 12.B Built Heritage Assessment (Document Reference 6.1 12.B) (page 28 – 29) and shown in Figures 12.1 and 12.2 (Document Reference 6.3 Figure 12.1 and 6.3 Figure 12.2).</p> <p>It is agreed that the viewpoint locations as shown within Document Reference 6.3 Figure 9.8 are appropriate and have been agreed in consultation with Historic England in order to aid the assessment of potential impacts on the settings of identified built heritage assets on both the north (Essex) and south (Kent) sides of the River Thames.</p>
4.3.2	Methodology	<p>The approach to assessing the significance and settings of the identified built heritage assets, and the potential impacts of the proposals upon their significance, is outlined in Technical Appendix 12.B Built Heritage Assessment (Document Reference 6.1 12.B) (page 28 – 31) and paragraphs 12.63 – 12.69 of Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement. The assessment has been informed by industry-standard guidelines including the English Heritage/Historic England guidance, '<i>Historic Environment Good Practice Advice in Planning: Note 3: The Setting of Heritage Assets</i>' (2015), and '<i>Conservation Principles, Policies and Guidance</i>' (English Heritage 2008). It is agreed that this approach is appropriate.</p> <p>It is agreed that the use of tables and matrices within Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement (Table 12.5, 12.6 and 12.7) have been used as supporting material to the detailed assessment of setting included within the Technical Appendix 12.B Built Heritage Assessment (Document Reference 6.1 12.B).</p>

		<p>It is agreed that the wireline images of the proposals (Document Reference 6.1 9.F) illustrate the potential maximum visual parameters of the scheme and are appropriate for the purpose of assessing potential impacts on the settings of built heritage assets.</p> <p>It is agreed that two usages of the term 'significance' are adequately defined in the ES at paragraph 12.63.</p>
4.3.3	<p>Baseline Environment</p> <p>Historic England have requested further information in relation to ES paragraphs:</p> <p>12.99 /100</p> <p>12.102</p>	<p>It is agreed that there are no designated or non-designated built heritage assets within the Site boundary.</p> <p>It is agreed that the relevant built heritage assets that have the potential to experience significant effects as a result of the proposals have been appropriately identified and assessed within Sections 5.3 – 5.6 of Technical Appendix 12.B Built Heritage Assessment (Document Reference 6.1 12.B) and Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement. This includes Scheduled Monuments, Listed Buildings</p> <p>It is agreed that the assessment of significance and sensitivity of the identified built heritage assets contained within the Sections 5.3 – 5.6 of Technical Appendix 12.B Built Heritage Assessment (Document Reference 6.1 12.B) and Table 12.9 of Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement is appropriate.</p>
4.3.4	<p>Impact Assessment</p> <p>Historic England have requested further information in relation to ES paragraphs:</p> <p>12.191 – 12.196</p>	<p>It is agreed that the potential impacts on the built heritage assets surrounding the Site during the construction and operational phase include impacts on the settings of designated heritage assets including Scheduled Monuments, Listed Buildings and Conservation Areas. This has been assessed in detail within Technical Appendix 12.B Built Heritage Assessment (Document Reference 6.1 12.B) and Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement.</p> <p>It is agreed that the harm which proposed</p>

		<p>development would cause to the significance of the designated and non-designated heritage assets would be less than substantial in NPS terms.</p> <p>It is agreed that the principal impacts on the historic environment are related to the setting of Tilbury Fort, but that there will also be impacts on other designated heritage assets as assessed and recorded in the Applicant's submissions.</p>
4.3.5	Cumulative Impact Assessment	<p>It is agreed that the Applicant has considered the impacts on built heritage from the project, together with other projects within the Thames, Thurrock and Gravesham areas, as identified in detail within Technical Appendix 12.B Built Heritage Assessment (Document Reference 6.1 12.B) (page 82-83).</p>
4.3.6		<p>It is agreed that the requirement set out in draft DCO Schedule 2 paragraph 3(3) outlines the maximum heights that each building, structure or operation must not exceed.</p>
4.3.7		<p>It is agreed that the requirement set out in draft DCO Schedule 2 paragraph 12(1) that a written scheme of the proposed operational lighting to be approved in writing by the relevant planning authority in consultation with Historic England.</p>
4.3.8	Mitigation	<p>It is agreed that preparation of the development proposals has been informed by measures to minimise the impact on the setting of heritage assets, and that this contributes to embedded mitigation.</p> <p>It is agreed that the embedded mitigation measures presented in paragraphs 12.144-12.150 and 12.152 of Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement and the General Arrangement Plan for container stacking (GA Sheet 3) will contribute towards minimising potential impacts on built heritage assets.</p>

		<p>It is agreed that a suitable palette of materials and finishes for buildings within the envelope, but not nominated in the DCO, will contribute towards mitigation. and that HE has been will be invited for further comment on the palette when the specification is developed.</p> <p>It is agreed that the English Heritage Trust will be added to the parties for consultation and agreement of mitigation proposals, in particular with respect of Tilbury Fort as a visitor attraction. This will be secured under a separate SoCG.</p>
4.3.9		<p>Vibration monitoring and mitigation through the construction phase at Tilbury Fort has been offered by PoTLL and is set out in the CEMP. This process will be undertaken in consultation with both Historic England and the English Heritage Trust, as set out in the CEMP.</p>

5.0 LIST OF MATTERS UNDER DISCUSSION

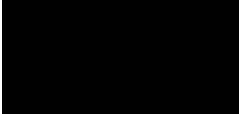
Ref	Description of stakeholder position	Current issue
5.1 Marine Archaeology		
5.1.1	Mitigation	<p>The wording of the draft Marine WSI has been the subject of discussion between the parties. Historic England made comments to PoTLL on the Deadline 5 WSI and responses to this have been incorporated into the version submitted by PoTLL at Deadline 6.</p> <p>PoTLL considers this to be the final version of the WSI but acknowledges that Historic England may wish to make further comment which PoTLL will seek to resolve any issues it considers appropriate to do so by Deadline 7. At Deadline 7 both parties will express their final position on this document and related DCO drafting.</p>
5.3 Built Heritage		
5.3.3	Mitigation	<p>Additional mitigation is being discussed with regard to a proposed colour palette for built form on the development site which wouldn't require additional planning permission.</p>

6.0 LIST OF MATTERS NOT AGREED

Ref	Description of stakeholder position	Current issue
6.1	Draft Development Consent Order	
6.1.1	Historic England have provided recommended wording within the DCO and DML to secure the archaeological mitigation strategy.	The applicant does not agree to this wording as the both the draft Terrestrial and Marine WSIs address all the requirements set out in Historic England's recommended wording of the DCO. Consequently the Applicant considers it would be unnecessary duplication if the wording within the draft WSI was also used in the DCO.
6.2	Marine Archaeology	
6.2.1	Historic England requested in their letter dated 27 th April 2018 that measures should be taken to establish foreshore elevations at Tilbury Fort as baseline conditions against which any changes can be measured before, during and after completion of the proposed capital dredge programme.	HR Wallingford's model (ES Appendix 16D) shows that there are no hydrodynamic or sedimentation effects shown on Tilbury Fort's foreshore, so any effects will be small and probably not detectable in natural variation. Based on this evidence the applicant does not consider that a monitoring programme is needed along the Tilbury Fort foreshore.
6.2.2	Historic England recommend that a condition should be used within the draft DML to secure the agreement with the MMO of task or activity specific method statements and an archaeological protocol in accordance with the Marine WSI	PoTLL do not agree to this as the WSI already provides for method statements and an archaeological protocol to be submitted to the MMO including timescales for approving documentation.

6.3 Built Heritage		
6.3.1		<p>The Magnitude of Impact is not agreed. Historic England considers the impact of construction on Tilbury Fort to be major adverse. The Applicant has identified the effects to be temporary in nature and likely to be of medium adverse magnitude of impact. The significance of effect is considered, by PoTLL to be Moderate to Major Adverse</p> <p>Historic England considers the Significance of Effect on Tilbury Fort to be Major Adverse during the operational phase of the proposals. The Applicant considers the Magnitude of Effect on Tilbury Fort to be Moderate to Major Adverse.</p> <p>The Summary Table 12.16 identifies that the Residual Significance of Effects on Built Heritage Assets will be moderate adverse in relation to Tilbury Fort. This assessment is not agreed.</p>
6.3.2		<p>It is not agreed that the assessment of impact has been undertaken with appropriate consideration of the future baseline where Tilbury B and its twin chimneys are no longer extant.</p>

7.0 AGREEMENT

Signed	
Name	John Neale
Position	Planning Director – East of England
Organisation	Historic England
Date	15 August 2018
Signed	
Name	Peter Ward
Position	Commercial Director
Organisation	Port of Tilbury London Limited
Date	

Appendix 7

SOCG008

Statement of Common Ground with Marine Management Organisation



PORT OF
TILBURY
LONDON

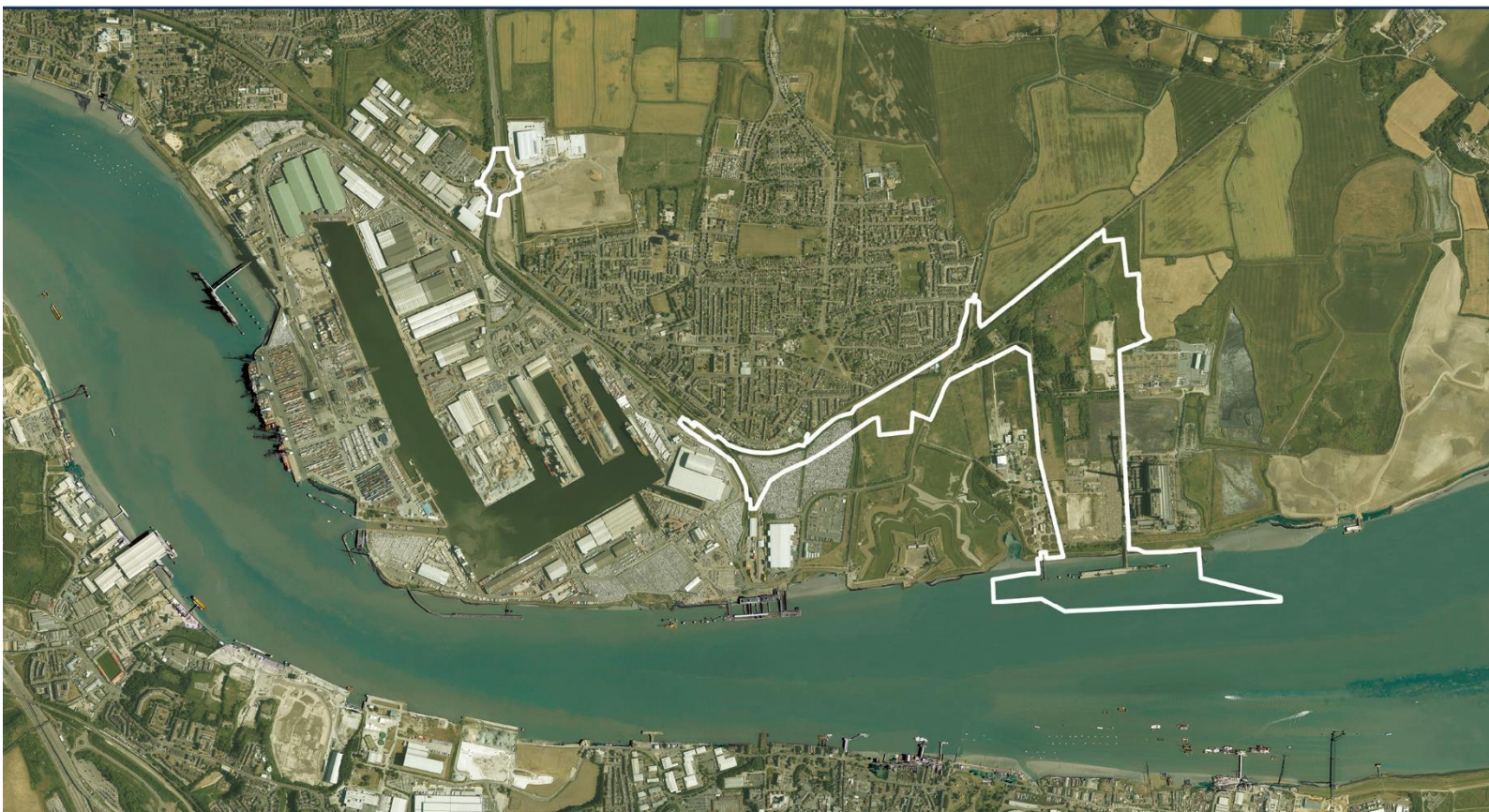
PLANNING ACT 2008

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

PROPOSED PORT TERMINAL AT
FORMER TILBURY POWER STATION

TILBURY2

STATEMENT OF COMMON GROUND WITH
THE MARINE MANAGEMENT ORGANISATION
DOCUMENT REF: SOCG008



TILBURY2

PORT OF TILBURY**PROPOSED PORT TERMINAL AT FORMER TILBURY POWER STATION
'TILBURY2'****STATEMENT OF COMMON GROUND****BETWEEN THE PORT OF TILBURY LONDON LIMITED AND THE MARINE
MANAGEMENT ORGANISATION****CONTENTS**

1.0	INTRODUCTION.....	3
2.0	CONSULTATION TO DATE.....	5
3.0	SUMMARY OF TOPICS COVERED BY THE SOCG.....	8
4.0	LIST OF MATTERS AGREED	10
5.0	LIST OF MATTERS UNDER DISCUSSION.....	19
6.0	LIST OF MATTERS NOT AGREED.....	20
7.0	AGREEMENT	21

Revision	Date	Description of new version
1.0	13 February 20118	Agreed with MMO for draft submission to Deadline 1
2.0	25 April 2018	Agreed with MMO for draft submission to Deadline 3
3.0	18 June 2018	Agreed with MMO for draft submission at Deadline 4.5
4.0	16 August 2018	Agreed with the MMO for submission to Deadline 7

TILBURY2 PROJECT TEAM
PORT OF TILBURY LONDON LIMITED
Leslie Ford House
Port of Tilbury
Tilbury, Essex
RM18 7EH
www.tilbury2.co.uk

1.0 INTRODUCTION

Purpose of this document

- 1.1 This Statement of Common Ground ("SoCG") has been prepared in relation to the application by Port of Tilbury London Limited ("PoTLL") under section 37 of the Planning Act 2008 ("the Act") for an order granting development consent ("DCO") for the construction, operation and maintenance of a new port terminal and associated facilities in Tilbury, Essex, known as 'Tilbury2' ("the Scheme").
- 1.2 The aim of this SoCG between PoTLL and the Marine Management Organisation ("MMO") is to provide a clear record of engagement between the parties, including the issues discussed between the parties and the current status of those discussions. The SoCG can be used as evidence of engagement for the purposes of the examination into the DCO application.

Introduction to the Marine Management Organisation

- 1.3 The MMO is an executive non-departmental public body (NDPB) established and given powers under the Marine and Coastal Access Act (MCAA) 2009. The MMO was established to make a significant contribution to sustainable development in the marine area and to promote the UK government's vision for clean, healthy, safe productive and biologically diverse oceans and seas.
- 1.4 The MMO is the competent authority for the UK Marine Area as defined by section 42 of the MCAA. Within this area, the MMO is responsible for licensing any works as defined by section 66 of the MCAA.
- 1.5 Under the Harbours Act 1964 (Delegation of Functions) Order 2010, the Secretary of State delegated the exercise of specified functions to the MMO, including, but not limited to, functions exercisable under section 14 and 16 of the Harbours Act 1964. Through these functions, the MMO is responsible for processing applications for Harbour Revision and Harbour Empowerment Orders respectively.
- 1.6 The MMO has a statutory responsibility under the MCAA for monitoring compliance and enforces the conditions within the Deemed Marine Licences consented through the DCO.
- 1.7 PoTLL has engaged with the MMO on the Scheme during the pre-application process, including both non-statutory engagement and formal statutory consultation carried out pursuant to section 42 of the Act.

Structure of this Statement of Common Ground

- 1.8 The structure of this SoCG is as follows:

Section 1 – Introduction

Section 2 – Consultation to date

Section 3 – Summary of topics covered by the SoCG

Section 4 – List of matters agreed

Section 5 – List of matters under discussion

Section 6 – List of matters not agreed

Section 7 – Agreement

The Scheme

1.9 The Scheme comprises a new port terminal and associated facilities on the north bank of the River Thames at Tilbury in Essex, a short distance to the east of the existing Port of Tilbury. The proposed port terminal will be constructed on land that formed the western part of the now redundant Tilbury Power Station. The Scheme is known as 'Tilbury2'.

1.10 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.

1.11 The Scheme will require works including, but not limited to:

- erection of a single 10,200 sqm. warehouse and a number of storage and production structures associated with the CMAT;
- creation of hard surfaced pavements;
- new and improved conveyors;
- erection of welfare buildings;
- the construction of a new link road from Ferry Road to Fort Road; and
- formation of a rail spur and sidings.

The marine works of the Scheme, and to which this document specifically relates to, include:

- improvement of and extensions to the existing river jetty including creation of a new RoRo berth; and
- associated dredging of berth pockets around the proposed and extended jetty and dredging of the approaches to these berth pockets.

1.12 The proposed volumes of import/export of RoRo units for the terminal exceed the threshold of 250,000 units stated in the Act for throughput per annum. The Tilbury2 project therefore constitutes a Nationally Significant Infrastructure Project ("NSIP").

2.0 CONSULTATION TO DATE

2.1 This section provides a summary of the engagement between PoTLL and the MMO that has taken place to date.

Pre-application

Date	Activity
14 th February 2017	Meeting to provide the MMO with an overview of the project, enquire about licensing requirements for surveys and discuss the environmental assessments to support the DCO application.
March 2017	An early draft of the Tilbury 2 scoping report was distributed to the MMO to seek initial views on the content of the report ahead of its submission to the Secretary of State.
7 th March 2017	A sampling plan request was submitted to the MMO and PLA for the dredge sediment sampling and analysis requirements.
24 th March 2017	Meeting to update the MMO on the progress of the project and seek initial comments on the Tilbury 2 scoping report, ahead of submission of the report to the Planning Inspectorate.
30 th March 2017	The proposed specification for the benthic survey was distributed to the MMO, the Environment Agency (EA) and the Port of London Authority (PLA) on 30th March 2017.
7 th April 2017	A teleconference was held to discuss and agree the benthic survey proposal.
10 th April 2017	The finalised specification for the benthic survey was circulated on 10th April 2017.
12 th April 2017	Exemption notification submitted to the MMO providing notice of intention to carry out geotechnical investigations under The Marine Licensing (Exempted Activities) Order 2011 (as amended) (MMO Exemption ref number: EXE_2017_00105). Acknowledgement of the notification received from the MMO on 18/04/2017.

Date	Activity
2 nd May 2017	Dredge sediment sampling plan received from the MMO/PLA.
28 th July 2017	The MMO provided a section 42 response covering the following topics: benthic ecology, conservation, fisheries, coastal processes, underwater noise, and dredge and disposal.
6 th July 2017	The results of the benthic survey were provided to the MMO for review.
20 th July 2017	Confirmation received from the MMO that the benthic survey report adequately characterises the Tilbury2 area.
3 rd August 2017	In response to a comment received in the MMO's section 42 response regarding assessing the disposal site, an email was sent to Heather Hamilton on 03/08/2017 stating that as outlined in the PEIR, the would EIA assess the capacity of the disposal site to receive the material from Tilbury2. A response was received from Heather Hamilton dated 4/8/2017 stating that this would be sufficient and that no further assessment of the disposal site would be required.
9 th August 2017	A teleconference was held on 9th August 2017 with the MMO, Cefas, EA and PLA to discuss the results of the dredge sediment contamination analysis and tentacled lagoon worm.
15 th August 2017	Freedom of Information Request submitted to the MMO to obtain information relating to conditions that have been placed on previous licences to protect tentacled lagoon worm. Responses to the request, providing information were received on 22 nd August 2017 and 23 rd August 2017.
4 th September 2017	Teleconference with the EA, NE and MMO to discuss tentacled lagoon worm and appropriate 'reasonable precautions' that can be put forward to prevent committing an offence under the Wildlife and Countryside Act.
2 nd October 2017	Draft of ES chapters (incl. Marine Ecology, Noise), DCO, DML, CEMP, OMP, and Dredging Plan were sent to the MMO for comments.

Date	Activity
16 th October 2017	The MMO provided comments on the draft DCO and DML, which included additional conditions.

Post-application

<u>Date</u>	<u>Activity</u>
20 th December 2017	<p>A draft DML was sent to the MMO for comments together with a 'signpost' document which explains how the applicant considers certain conditions sought by the MMO in the DML are already dealt with via the various PLA-related provisions in the DCO.</p> <p>To this the MMO requested clarification (11/01/2018), for which a meeting and site visit at Tilbury2 was agreed for 15th February 2018.</p>
15 th February 2018	MMO site visit to Tiblury2 followed by meeting between MMO and PoTLL at Tilbury, to discuss the DML. MMO was awaiting comments from Cefas to comment on the SoCG draft and related marine ecology matters.
9 th March 2018	MMO provided comments from Cefas on the final ES relating to marine ecology.
13 th March 2018	MMO provided additional comments from Cefas regarding marine benthic receptors.
16 th March 2018	<p>PoTLL issued to the MMO:</p> <ul style="list-style-type: none"> - a set of responses to the comments received 9th and 13th March; and - a revised version of the DML and draft meeting notes (February).
21 st March 2018	MMO issued comments to the revised version of the DML for PoTLL to consider.

Date	Activity
4 th April 2018	MMO issued their comments to the 16 th March set of responses on marine ecology.
18-19 April 2018	ISH during which PoTLL informed that updated versions of underwater noise assessment (including smaller diameter piles) and CEA (including LTC) would be submitted to D4.
25 th April 2018	MMO and PoTLL agree to submit updated SoCG to D4 to reflect that underwater noise and CEA matters were still being reviewed in light of the statements made during the ISH.
6 th June 2018	<p>Meeting with MMO in London to discuss content and drafting of the DML.</p> <p>MMO informed that updated underwater noise and CEA assessments submitted by PoTLL to D4 are being reviewed and a response would be provided soon.</p>
11 th June 2018	MMO issued a response regarding the updated underwater noise assessment.

2.2 PoTLL and the MMO are agreed on all provisions of the DML save for the arbitration clause. This is the final iteration of this SoCG to be submitted into the examination.

3.0 SUMMARY OF TOPICS COVERED BY THE SOCG

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

- Marine Ecology – Approach to assessment
- Marine Ecology – Baseline data
- Marine Ecology – Assessment of potential effects
- Marine Ecology – Mitigation
- Coastal Processes
- Deemed Marine Licence

- 3.2 For the avoidance of doubt, matters not covered in this SoCG have not been discussed between the parties as they have not been raised by the MMO in its capacity as regulator for Marine Licence applications in English waters. As such, the MMO has no comment to make on those issues.

4.0 LIST OF MATTERS AGREED

Ref	Description of matter	Details of agreement
4.1 Marine Ecology – Approach to assessment		
4.1.1	Topics covered	It is agreed that the Environmental Statement (ES) covers the appropriate marine ecology topics.
4.1.2	Maintenance Dredging	It is agreed that paragraph 5.12 of the ES should read: 'Maintenance dredging will be needed, which has been assumed to require the removal of up to 100,000 cubic meters of material <i>per annum</i> '. This is correctly described in Table 11.1 of the same ES.
4.1.3	Benthic Ecology	MMO / Cefas requested further justification for the value classification of the 'intertidal community' receptor group, to which PoTLL provided a response [see page 10, Annex I, REP2-012] and the following was concluded: It is agreed that the approach and assessment methodology for benthic ecology is appropriate.
4.1.4	Marine Conservation Zone Assessment	It is agreed that the approach and assessment methodology of the MCZ assessment is appropriate.
4.2 Marine Ecology - Baseline data		
4.2.1	Benthic Ecology	It is agreed that additional survey work was required to inform the benthic ecology baseline. The specification of the survey was agreed prior to its commencement and it is agreed that the results of the survey are appropriate to characterise the benthic environment for the project.
4.2.2	Tentacled lagoon worm	It is agreed that tentacled lagoon worm are not present at Tilbury2 and there is a low risk of this species colonising the area in the future. It is agreed that it was appropriate for the environmental assessments that support the Tilbury2 DCO application to be undertaken on the basis that tentacled lagoon worm is not present at Tilbury2.

Ref	Description of matter	Details of agreement
4.2.3	Chemical analysis of dredge sediment	<p>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.</p> <p>It is agreed that no further testing of the 2017 samples is required.</p>
4.2.4	Fish Ecology	<p>It is agreed that sufficient existing data has been utilised to characterise the baseline environment for fish ecology in the environmental assessments, and no further survey work is required.</p>
4.2.5	Plankton data	<p>It is agreed that the plankton data used as baseline for the assessment is a few years old, but it is the most up to date information available. The assessment concluded that the impacts to plankton will not be significant and that the species composition is unlikely to have changed as to render the assessment obsolete [see paragraph 8.1, Annex I, REP2-012]. After discussion between PoTLL, the MMO and Cefas, the following was concluded on this matter:</p> <p>It is agreed that the species composition is unlikely to have changed and no further action is required on this point.</p>
4.3 Marine Ecology – Assessment of potential effects		
4.3.1	Assessment of effects at the sediments disposal site	<p>It is agreed that it was appropriate for the assessment of the effect of disposing of dredged material from Tilbury2 at a designated sea disposal site within the ES only covers the capacity of the site to receive the material and an assessment of the level of contamination in the dredged material, relative to Cefas Action levels.</p>
4.3.2	Dredged sediment contamination	<p>It is agreed that no water injection dredging will take place within the exclusion zone (approach channel at</p>

Ref	Description of matter	Details of agreement
		<p>sample no.8), as indicated in the relevant co-ordinates table of the DML.</p> <p>It is agreed that the material in the exclusion zone can be removed by backhoe dredging, and that this material will not be disposed of at sea.</p> <p>It is agreed that should PoTLL wish to narrow down the exclusion zone, further sampling and analysis of sediment in the approach channel should be undertaken. The sampling plan for this should be agreed with the MMO and PLA.</p> <p>It is agreed that dredge sediment contamination sampling shows that the material from within the berth pockets is acceptable for WID or backhoe dredging and disposal at sea.</p> <p>It is agreed that these measures are secured through the operation of the DML.</p>
4.3.3	Benthic ecology receptors	<p>Following clarification provided by PoTLL to MMO/Cefas on the assessment of effects from WID to benthic ecology receptors [see pages 11-12, Annex I, REP2-012], the MMO considers that this matter has been sufficiently addressed.</p> <p>It is agreed that the assessment of potential effects from WID to benthic species is appropriate.</p>
4.3.4	Benthic Sensitivity	<p>Following a review by PoTLL of the ecological 'value' of the intertidal and subtidal community of invertebrates, a re-assessment concluded that the residual effects are not expected to be significant, and the MMO/Cefas considers that this matter has been sufficiently addressed [see paragraph 7 Annex I, REP2-012].</p> <p>It is agreed that the assessment of potential effects to the intertidal community and subtidal community of marine invertebrates is appropriate.</p>
4.3.5	Plankton Sensitivity	<p>It is agreed that the sensitivity value of ichthyoplankton described originally in the ES should be changed to medium.</p> <p>It is agreed that following this change and the implementation of the mitigation measures outlined in</p>

Ref	Description of matter	Details of agreement
		<p>the ES, the effects are unlikely to be significant [see paragraph 8.2, Annex I, REP2-012].</p> <p>It is agreed that no further action is required.</p>
4.3.6	Seawall ecological features	<p>Following clarification provided by PoTLL to MMO/Cefas on the assessment of ecological features on the seawall [see page 8, Annex I, REP2-012], it is agreed that this matter has been sufficiently addressed.</p>
4.3.7	Spatial extent of baseline	<p>Following figures and information provided by PoTLL to MMO/Cefas on the habitats and spatial extent affected by the dredge, it is agreed that this evidence is sufficient to support the notion that the habitats extend over the spatial area of impact resulting from the dredge [see page 9, Annex I, REP2-012].</p> <p>It is agreed that this matter has been sufficiently addressed.</p>
4.3.8	Suspended sediments and dissolved oxygen background conditions	<p>Following clarification provided by PoTLL to the MMO/Cefas on the suspended sediment and dissolved oxygen levels in relation to background condition expected to arise from WID [see page 10, Annex I, REP2-012], it is agreed that this matter has been sufficiently addressed.</p> <p>It is agreed that WID will not result in significant increases in suspended sediments and levels of dissolved oxygen in respect to background conditions.</p>
4.3.9	Fish ecology	<p>The MMO / Cefas requested clarification on the methodology and modelling approach used to assess effects of underwater noise to fish ecology receptors (i.e. far-field propagating parameters, and pile strike conversion factors), to which PoTLL provided a response [see paragraphs 4-5, Annex I, REP2-012] and the following was concluded:</p> <p>It was agreed that the approach and assessment methodology for fish ecology is appropriate.</p> <p>However, following comments made during the Issue Specific Hearing (18 April 2018) that PoTLL will</p>

Ref	Description of matter	Details of agreement
		<p>submit an update on the piling details, the MMO would like to review this information before agreeing on this matter. The MMO / Cefas have reviewed the information.</p> <p>It is agreed that the approach and assessment methodology for fish ecology is appropriate.</p>
4.3.10	Underwater noise	<p>Following clarification provided by PoTLL to Cefas on the noise assessment methodology, the following was concluded:</p> <p>It was agreed that the approach and assessment methodology for underwater noise is appropriate.</p> <p>However, following comments made during the Issue Specific Hearing (18 April 2018) that PoTLL will submit an update on the piling details, the MMO would like to review this information before agreeing on this matter. The MMO / Cefas have reviewed the information.</p> <p>It is agreed that the approach and assessment methodology for underwater noise is appropriate.</p>
4.3.11	Marine invertebrates	<p>The MMO welcomes the response from PoTLL regarding the assessment of potential impact to marine invertebrates and related peer-review literature, and considers their comments have been appropriately addressed by the Applicant [see paragraph 3, Annex I, REP2-012].</p> <p>It was agreed that the assessment of potential effects from underwater noise to marine invertebrates is appropriate.</p> <p>However, following comments made during the Issue Specific Hearing (18 April 2018) that PoTLL will submit an update on the piling details, the MMO would like to review this information before agreeing on this matter. The MMO / Cefas have reviewed the information.</p> <p>It is agreed that the assessment of potential effects from underwater noise to marine invertebrates is appropriate.</p>

Ref	Description of matter	Details of agreement
4.3.12	Fish Ecology receptors	<p>Following clarification provided by PoTLL to MMO/Cefas on the timing and methodology of the marine piling works [see paragraph 2, Annex I, REP2-012], the following was concluded:</p> <p>It was agreed that establishing a daily 14-hour non-piling window is an effective mitigation approach against impacts from underwater noise to fish, particularly during the more sensitive months in the River Thames of April to September.</p> <p>The MMO notes that a daily 14-hour non-piling window has been added to the draft DML. If this changes the DML/CEMP should be updated to reflect this.</p> <p>Furthermore, following comments made during the Issue Specific Hearing (18 April 2018) that PoTLL will submit an update on the piling details, the MMO would like to review this information before agreeing on this matter.</p> <p>The MMO / Cefas have reviewed the information and considers that this does not alter its previous opinion relating to potential impacts.</p> <p>It is agreed that the daily non-piling window remains an appropriate mitigation measure and the assessment of potential effects from underwater noise to fish receptors is appropriate.</p>
4.3.13	Effect of Underwater Noise to fish	<p>Following a review by PoTLL of the potential effects from underwater noise to fish behaviour, a re-assessment concluded that the impacts to fish receptors are expected to be limited to a relatively short temporal disturbance, and the effects are expected to be minor and therefore not significant [see paragraph 11, Annex I, REP2-012].</p> <p>It was agreed that the assessment of effects to fish ecology is appropriate.</p> <p>However, following comments made during the Issue Specific Hearing (18 April 2018) that PoTLL will submit an update on the piling details which could affect fish through underwater noise, the MMO would like to review this information before agreeing on this matter.</p>

Ref	Description of matter	Details of agreement
		<p>The MMO / Cefas have reviewed the information.</p> <p>It is agreed that the assessment of effects to fish ecology is appropriate.</p>
4.3.14	Marine mammals receptors	<p>It was agreed that the assessment of effects to marine mammals contained in the ES is appropriate.</p> <p>However, following comments made during the Issue Specific Hearing (18 April 2018) that PoTLL will submit an update on the piling details which could affect marine mammals through underwater noise, the MMO would like to review this information before agreeing on this matter.</p> <p>The MMO / Cefas have reviewed the information.</p> <p>It is agreed that the assessment of effects to marine mammals contained in the ES is appropriate.</p>
4.3.15	Cumulative Impact Assessment	<p>PoTLL provided a Qualitative Cumulative Effects Assessment of Tilbury2 with Lower Thames Crossing and Tilbury Energy Centre at Deadline 3 [REP3-027].</p> <p>The CEA outlines the mitigation measures committed by PoTLL to protect the marine environment and water quality and concludes that given these mitigation measures, and based on the information that is currently available, it is considered that the cumulative effects of the two projects on marine ecology due to changes in water quality would not be significant (paragraph 4.59-4.61).</p> <p>It is agreed that the Qualitative Cumulative Effects Assessment of Tilbury2 with the LTC and TEC prepared by PoTLL [REP3-027] is fit for purpose.</p>
4.4 Marine Ecology - Mitigation		
4.4.1	Mitigation/reasonable precautions for tentacled lagoon worm.	<p>It is agreed that restricting water injection dredging to being undertaken on the ebb tide only (controlled through the DML) will provide suitable mitigation/reasonable precautions to protect tentacled lagoon worm, and no further mitigation for this species is necessary.</p>

Ref	Description of matter	Details of agreement
4.4.2	Mitigation for benthic ecology receptors	<p>It was agreed that the embedded mitigation proposed in the ES and contained in the CEMP and through the operation of the DML, are suitable and no further mitigation measures for benthic ecology are required.</p> <p>However, following comments made during the Issue Specific Hearing (18 April 2018) that PoTLL will submit an update on the piling details, the MMO would like to review this information before agreeing on this matter.</p> <p>The MMO / Cefas have reviewed the information.</p> <p>It is agreed that the embedded mitigation proposed in the ES and contained in the CEMP and through the operation of the DML, are suitable and no further mitigation measures for benthic ecology are required.</p>
4.4.3	Mitigation for fish ecology receptors	<p>It was agreed that the embedded mitigation proposed in the ES and contained in the CEMP and through the operation of the DML (including the 14-hour non-piling window referenced in s 5.3.4 of this table) are suitable and no further mitigation measures for fish receptors are required.</p> <p>However, following comments made during the Issue Specific Hearing (18 April 2018) that PoTLL will submit an update on the piling details which could affect fish through underwater noise, the MMO would like to review this information before agreeing on this matter.</p> <p>The MMO / Cefas have reviewed the information.</p> <p>It is agreed that the embedded mitigation proposed in the ES and contained in the CEMP and through the operation of the port are suitable and no further mitigation measures for fish receptors are required.</p>
4.4.4	Mitigation for marine mammal receptors	<p>It was agreed that the embedded mitigation proposed in the ES and contained in the CEMP and through the operation of the DML, are suitable and no further mitigation measures for marine mammals are required.</p> <p>However, following comments made during the Issue Specific Hearing (18 April 2018) that PoTLL will submit an update on the piling details which could</p>

Ref	Description of matter	Details of agreement
		<p>affect marine mammals through underwater noise, the MMO would like to review this information before agreeing on this matter. The MMO / Cefas have reviewed the information.</p> <p>It is agreed that the embedded mitigation proposed in the ES and contained in the CEMP and through the operation of the DML, are suitable and no further mitigation measures for marine mammals are required.</p>
4.5 Coastal Processes		
4.5.1	Coastal processes approach to assessment	It is agreed that the approach and assessment methodology for coastal processes contained within the ES is appropriate.
4.5.2	Suitability of coastal processes baseline data	It is agreed that the coastal processes baseline data contained within the ES and in the relevant appendices is suitable and appropriate.
4.5.3	Coastal processes mitigation	It is agreed that mitigation measures are not required for coastal processes as any changes to coastal process from the construction and operation of the scheme will be minimal and very localised.
4.6 Deemed Marine Licence		
4.6.1	DCO and DML Structure	<p>PoTLL and MMO have agreed the interaction between the DCO and DML and relevant Harbour Powers. This will be reflected in the final drafting of the DCO.</p> <p>PoTLL and the MMO are agreed on all provisions of the DML save for the arbitration clause.</p>



5.0 LIST OF MATTERS UNDER DISCUSSION

No matters under discussion.

6.0 LIST OF MATTERS NOT AGREED

As set out above PoTLL and the MMO do not agree regarding the inclusion of the arbitration clause in the DML. The MMO does not agree with the inclusion of this clause however PoTLL considers that it is necessary. Both parties will make submissions on this point at Deadline 7.

7.0 AGREEMENT

Signed	
Name	Victoria Pointer
Position	Head of Marine Licensing
Organisation	Marine Management Organisation
Date	16 August 2018
Signed	
Name	Peter Ward
Position	Commercial Director
Organisation	Port of Tilbury Limited
Date	16 August 2018

Appendix 8

SOCG009

Statement of Common Ground with Highways England

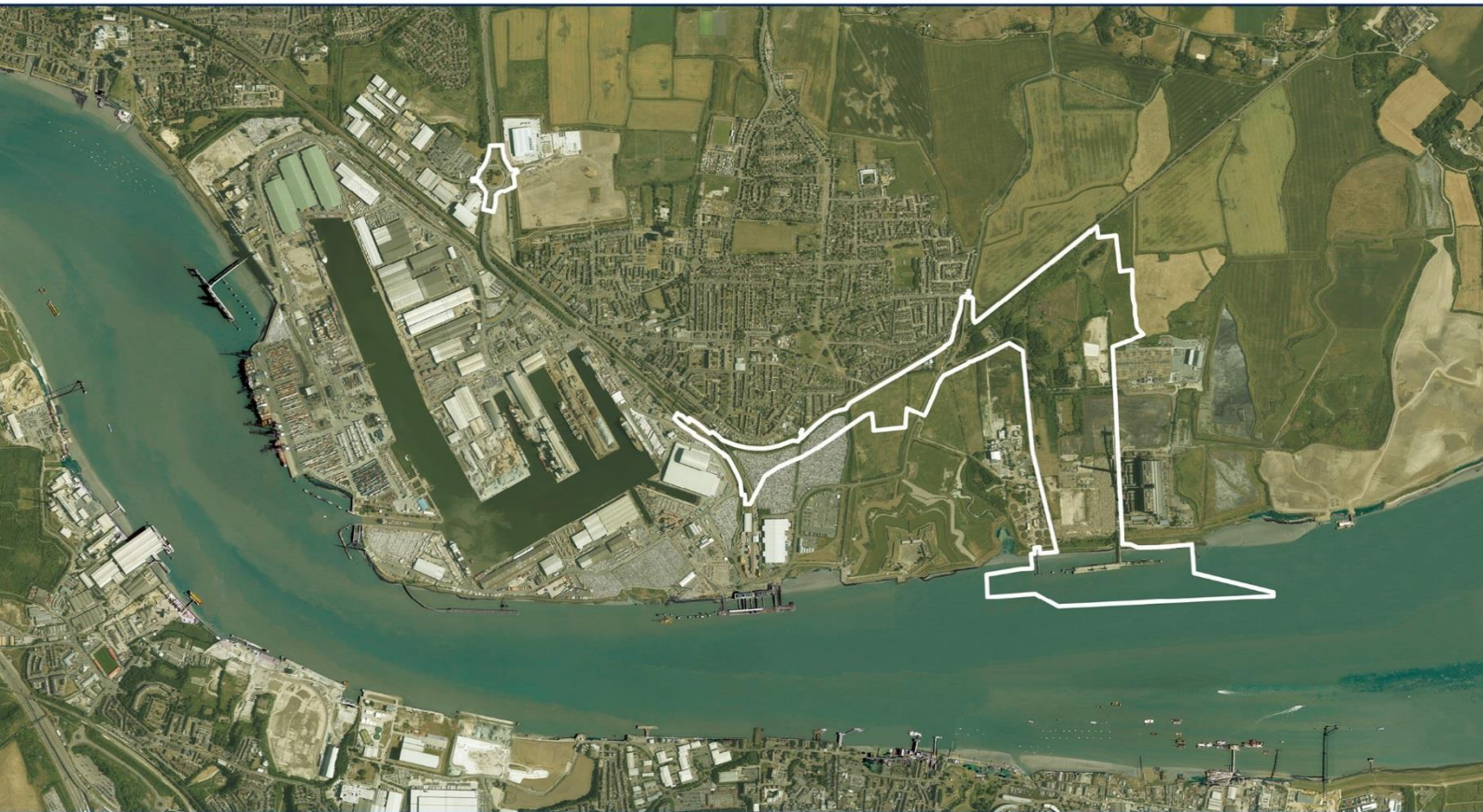
PLANNING ACT 2008
INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE)
RULES 2010

PROPOSED PORT TERMINAL AT
FORMER TILBURY POWER STATION

TILBURY2

TRO30003

STATEMENT OF COMMON GROUND
BETWEEN PORT OF TILBURY LONDON LIMITED
AND HIGHWAYS ENGLAND - SOCG009



PORT OF TILBURY

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

STATEMENT OF COMMON GROUND

**BETWEEN PORT OF TILBURY LONDON LIMITED AND
HIGHWAYS ENGLAND**

Revision	Date	Description of new version
1.0	19/3/18	First Draft
2.0	30/4/18	Second Draft
3.0	22/5/18	Third Draft
4.0	22/6/18	Fourth Draft
5.0	3/8/18	Fifth Draft
6.0	16/8/18	Final

CONTENTS

1.0	INTRODUCTION.....	4
2.0	CONSULTATION TO DATE.....	6
3.0	SUMMARY OF TOPICS COVERED BY THE SOCG.....	8
4.0	LIST OF MATTERS AGREED	9
5.0	LIST OF MATTERS UNDER DISCUSSION.....	14
6.0	LIST OF MATTERS NOT AGREED.....	16
7.0	AGREEMENT	17

TILBURY2 PROJECT TEAM
PORT OF TILBURY LONDON LIMITED
Leslie Ford House
Port of Tilbury
Tilbury
Essex
RM18 7EH

www.tilbury2.co.uk

1.0 INTRODUCTION

Purpose of this document

- 1.1 This Statement of Common Ground ("SoCG") has been prepared in relation to the application by Port of Tilbury London Limited ("PoTLL") under section 37 of the Planning Act 2008 ("the Act") for an order granting development consent ("DCO") for the construction, operation and maintenance of a new port terminal and associated facilities in Tilbury, Essex known as 'Tilbury2' ("the proposals").
- 1.2 The aim of this SoCG between PoTLL and Highways England ("HE") is to provide a clear record of engagement between the parties, including of the issues discussed between the parties and the current status of those discussions. The SoCG can be used as evidence of engagement for the purposes of the examination into the DCO application.

Structure of this Statement of Common Ground

- 1.3 The structure of this SoCG is as follows:

Section 1 – Introduction

Section 2 – Consultation to date

Section 3 – Summary of topics covered by the SoCG

Section 4 – List of matters agreed

Section 5 – List of matters under discussion

Section 6 – List of matters not agreed

Overview of the proposals

- 1.4 Port of Tilbury London Limited ("PoTLL") is proposing a new port terminal on the north bank of the River Thames at Tilbury, a short distance to the east of its existing Port. The proposed port terminal will be constructed on land that formed the western part of the now redundant Tilbury Power Station and is bounded to the west by a waste water treatment works and to the east by the Tilbury B power station that is presently being demolished.
- 1.5 The proposed main uses on the site will be a Roll-on/Roll-off (RoRo) terminal and a Construction Materials and Aggregates terminal (the "CMAT"), and associated infrastructure including rail and road facilities and revisions to the existing marine infrastructure. An 'infrastructure corridor' is proposed that will accommodate road and rail links to the existing rail and road network. The CMAT will include stockpiling of construction materials and some processing of aggregates for the production of asphalt and concrete products.
- 1.6 It will require works including, but not limited to:
- creation of hard surfaced pavements;

- improvement of and extensions to the existing river jetty including creation of a new RoRo berth;
- associated dredging of berth pockets around the proposed and extended jetty and dredging of the approaches to these berth pockets;
- new and improved conveyors;
- erection of welfare buildings;
- erection of a single 10,200 sqm. warehouse
- a number of storage and production structures associated with the CMAT;
- the construction of a new link road from Ferry Road to Fort Road; and
- formation of a rail spur and sidings.

1.7 The proposed volumes of import/export of RoRo units for the terminal exceed the threshold of 250,000 units stated in the Planning Act 2008 for throughput per annum. The Tilbury2 project therefore constitutes a Nationally Significant Infrastructure Project (NSIP).

1.8 The application essentially seeks a DCO to approve an operational port and to allow PoTLL to benefit from its permitted development rights within the boundaries of the new port. The application seeks to establish a 'Rochdale Envelope' of development based upon the description within the DCO. In this context, the DCO will contain a framework through which environmental impacts will be controlled and managed.

Introduction to Highways England

1.9 Highways England is a strategic road authority appointed by the Secretary of State for Transport as highway authority, traffic authority and street authority for the strategic road network. For the Tilbury2 proposals Highways England interest is the strategic road network extending from the existing Port of Tilbury entrance including the A1089 and A13 trunk roads and J30 of the M25 Motorway.

2.0 CONSULTATION TO DATE

2.1 This section provides a summary of the engagement between PoTLL and Highways England that has taken place.

Pre-application

<u>Date</u>	<u>Activity</u>
21 February 2017	Meeting between PoTLL and HE to present the proposals and discuss the DCO process
6 April 2017	PoTLL issued Transport Assessment Scoping Note to HE
19 April 2017	Meeting between PoTLL and HE to review the submitted TA Scoping report
9 May 2017	PoTLL issued updated Transport Assessment Scoping Note to HE
16 May 2017	Meeting between PoTLL and HE to review revised TA Scoping report and agree parameters.
11 May 2017	PoTLL issued final Transport Assessment Scoping Note to HE
14 June 2017	Meeting between PoTLL and TC Highways, Essex Highways, and HE to discuss proposals, baseline and modelling methodology
30 June 2017	PoTLL issued Baseline Traffic Conditions and Modelling Note to HE detailing assessment year traffic and base traffic modelling.
14 July 2017	PoTLL issued Development Traffic Profiles Note to HE providing details of traffic generation across the day.
18 July 2017	Follow up meeting between PoTLL, TC Highways and HE to discuss proposals, baseline traffic conditions and development traffic profiles.
1 August 2017	PoTLL issued Baseline Traffic Conditions and Modelling Addendum to HE.
10 August 2017	PoTLL issued Development Scenario Note to HE detailing modelling of the development impact within study network.
24 August 2017	Follow up meeting between PoTLL, TC Highways and HE to discuss proposals, offsite traffic impact and Active Travel measures.
30 August 2017	PoTLL issued draft Framework Travel Plan to HE.
13 September 2017	Meeting between PoTLL and TC Highways, and HE to discuss development traffic impact; ASDA roundabout mitigation; Travel Plan (Sustainable Distribution); Link Road; and Active Travel Measures;
22 September 2017	PoTLL issued to HE: <ul style="list-style-type: none"> • Draft CTMP; • Updated M25 J30 forecasts with HGV's; • Assessment of Marshfoot Interchange;

	<ul style="list-style-type: none"> • Summary of ASDA roundabout modelling;
25 September 2017	PoTLL issued to HE draft of Landside Transport Chapter of ES.
29 September 2017	PoTLL issued to HE draft of Sustainable Distribution Plan.
12 October 2017	Meeting between PoTLL and TC Highways and Highways England to discuss impact at A126 Marshfoot Road Interchange; ASDA roundabout; Link Road; and Active Travel Measures;

Post-application

<u>Date</u>	<u>Activity</u>
5 January 2018	Meeting between PoTLL and HE to discuss progress on consideration of application
28 February 2018	Meeting between PoTLL and HE to discuss traffic generation
10 May 2018	Meeting between PoTLL and HE to discuss traffic generation, M25 J30 and ASDA roundabout
6 June 2018	Meeting between PoTLL and HE to discuss M25 J30
8 June 2018	Meeting between PoTLL and HE to discuss M25 J30 and ASDA roundabout.
18 June 2018	Meeting between PoTLL and HE to discuss the dDCO, including its protective provisions
20 June 2018	Meeting between PoTLL, HE and Thurrock Council to discuss mitigation at ASDA roundabout
21 June 2018	Telecon between PoTLL and HE to discuss the dDCO, including its protective provisions
5, 17 & 24 July 2018	Meetings between PoTLL and HE to discuss M25 J30
January – August 2018	Weekly telecons between PoTLL and HE to monitor progress of ongoing technical discussions

2.2

2.3

3.0 SUMMARY OF TOPICS COVERED BY THE SOCG

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

- NPS compliance
- Land side Transport
 - o Transport Assessment (TA)
 - o Framework Travel Plan (FTP)
 - o Sustainable Distribution Plan (SDP)
- Construction Environment Management Plan (CEMP)
 - o Construction Traffic Management Plan (CTMP)
- Draft Development Consent Order
- Interaction with Lower Thames Crossing

4.0 LIST OF MATTERS AGREED

Ref	Description of matter	Details of agreement
4.1	Policy Compliance	
4.1.1	Transport Assessment	It is agreed that the submitted TA has been prepared in accordance with DfT Planning Practice Guidance Travel Plans, Transport Assessments and Statements which supersedes the previous DfT WebTAG methodology in the "Guidance on TA".
4.2	Landside Transport	
4.2.1	Scope of Transport Assessment	It is agreed that the Scope of the assessments as set out in the Transport Assessment Scoping Note (Appendix A of TA – document reference 6.2.13A) is appropriate.
4.2.2	Policy	It is agreed that the policy basis set out in the Transport Assessment (Document Reference 6.2.13A) is applicable
4.2.3	Traffic Distribution	The distribution of traffic as set out in the Transport Assessment (Document Reference 6.2.13A) provides a reasonable estimate of the routes that future Tilbury2 traffic will use.
4.2.4	Asda Roundabout Design Compliance	It is agreed that mitigation improvements should be designed in accordance with DMRB.
4.2.5	Traffic Generation	It is agreed that the predicted traffic generation set out in the TA provides a suitable basis for assessment of the impact of Tilbury2 on the SRN

4.2.6	A1089/A13 interchange & A1089/Marshfoot Road interchange	It is agreed that the operation of these interchanges would not be adversely affected by the Tilbury2 development traffic.
4.2.7	M25 J30	<p>It is agreed that the southbound and eastbound approaches to the junction would not be adversely affected by the predicted Tilbury2 development traffic.</p> <p>It is agreed that the methodology, parameters and software used for undertaking traffic modelling at the junction is appropriate and the modelling accurately represents the impact of Tilbury2 development traffic.</p> <p>It is agreed that subject to improvements to road markings on the westbound and northbound approaches to the junction (as shown in principle on drawing numbers ITL11323-SK-048A and ITL11323-051 attached at Appendix A to this document) the impact of Tilbury2 development traffic at M25J30 would be within acceptable levels.</p> <p>It is agreed that these works should be secured through inclusion in Requirement 7 of the DCO.</p>
4.2.8	ASDA Roundabout	<p>It is agreed that the traffic modelling of the ASDA roundabout accurately represents the impact of Tilbury2 development traffic.</p> <p>An outline scheme of measures to mitigate the impact has been agreed.</p>

4.2.9	Asda Roundabout – Speed Cameras	<p>Highways England and PoTLL have been in discussions with Essex Police as to the need for speed cameras to enforce the speed limits proposed as part of the Asda Roundabout works.</p> <p>The parties agree that it is appropriate to deal with this on the face of the Order as follows:</p> <ul style="list-style-type: none"> • detailed design assessments and audits will be carried out after the grant of development consent; • Essex Police must be notified as a consequence of Article 52 (5); • the installation of appropriate speed limit enforcement measures, if the detailed design shows these as being necessary, could be a condition of any approval given by Highways England to the Asda Roundabout works as a whole pursuant to the HE PPs; and • if any measures were to be required, article 8 would give PoTLL the power to install them subject to HE’s consent. <p>Although, it is acknowledged that Essex Police’s current view, based on the outline design of the Asda Roundabout works, is that speed enforcement measures (i.e. speed cameras) will be necessary, this issue will be further considered at the detailed design stage and appropriate DCO powers are in place to enable</p>
-------	---------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

		them to be delivered, if they are required.
4.3 Framework Travel Plan		
4.3.1	Framework Travel Plan	It is agreed that the Framework Travel Plan submitted prior to Deadline 3 provides a suitable framework for the preparation of future full Travel Plans in consultation with HE.
4.4 Sustainable Distribution Plan		
4.4.1	Sustainable Distribution Plan	It is agreed that the Sustainable Distribution Plan submitted prior to Deadline 3 provides a suitable framework for preparation of future full Sustainable Distribution Plans in consultation with HE.
4.5 Construction Environment Management Plan		
4.5.1	Construction Environment Management Plan	The contents of this document are agreed between PoTLL and HE.
4.5.2	Construction Traffic Management Plan	The contents of this document are agreed between PoTLL and HE.
4.6 Draft Development Consent Order		
4.6.1	Use of powers under articles 6 (and Schedule 1 (Work No. 11 and ancillary works powers)); 8 (street works); 10 (construction and maintenance of new, altered or diverted streets); 12 (permanent stopping up of highways); 13 (temporary stopping up of highways); 15 (agreements with street authorities); 32	It is agreed that the use of these powers by PoTLL in respect of the Asda Roundabout is subject to the safeguards of HE consent provided for in the dDCO powers and HE's control through the HE PPs and on the basis of PoTLL's approach and application of these powers as outlined in Section 6 of Highways England Paper TILBURY2 (Document Ref: PoTLL/T2/EX/116) and subject to any representations which the parties made at deadline 6.

	(temporary use of land for constructing the authorised development); 33 (temporary use of land for maintaining the authorised development); and 52(3) (TRMs not proposed at the time of the Order)	
4.6.2	Article 11 (classification of roads), Schedule 3 and the Classifications of Roads Plans	These provisions and plans are agreed by Highways England.
4.6.3	Protective Provisions (Schedule 10, Part 9)	These are agreed in principle save for the issues set out in the 'matters under discussion section' of this SoCG.
4.6.4	Requirement 7	The wording of Requirement 7 of the DCO included in the DCO submitted at Deadline 7 is agreed between the parties except in relation to the proposal for PoTLL's costs contribution to the M25 J30 works to be capped.
4.7 Lower Thames Crossing Interaction		
4.7.1	On-site mitigation and proposed Lower Thames Crossing	PoTLL, LTC and HE have met since Deadline 6 to discuss HE's concerns expressed in their Deadline 6 submissions as to how Tilbury2's onsite ecological mitigation area will interact with the LTC emerging proposals which may be promoted at the statutory consultation pre-application planning stage. It is agreed that the on-site ecological mitigation for Tilbury2 would not present an insurmountable impediment to the emerging proposals being brought forward. PoTLL and HE have agreed to continue to liaise on the matter as the two projects progress

5.0 LIST OF MATTERS UNDER DISCUSSION


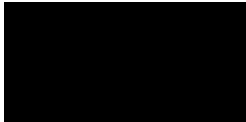
Ref	Description of stakeholder position	Current issue
5.1 Land side Transport		
-	-	-
5.2 Draft Development Consent Order		
5.2.1	Protective Provisions (Schedule 10, Part 9)	<p>The following are the main outstanding issues remaining:</p> <ul style="list-style-type: none"> (a) — PoTLL payment for dilapidation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

		<p>issues that are still under discussion have now narrowed to the provision of security, public liability insurance, PoTLL payment for dilapidation of traffic routes, PoTLL's role in settling claims under indemnity, requirement for further stakeholder liaison and HE approval of the identity of the contractor for the Asda Roundabout works.</p> <p>The parties have submitted their current position on these issues in their Protective Provisions submitted at Deadline 7, but are continuing discussions with the aim of presenting any further and final position on these issues by the end of Examination.</p>
--	--	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

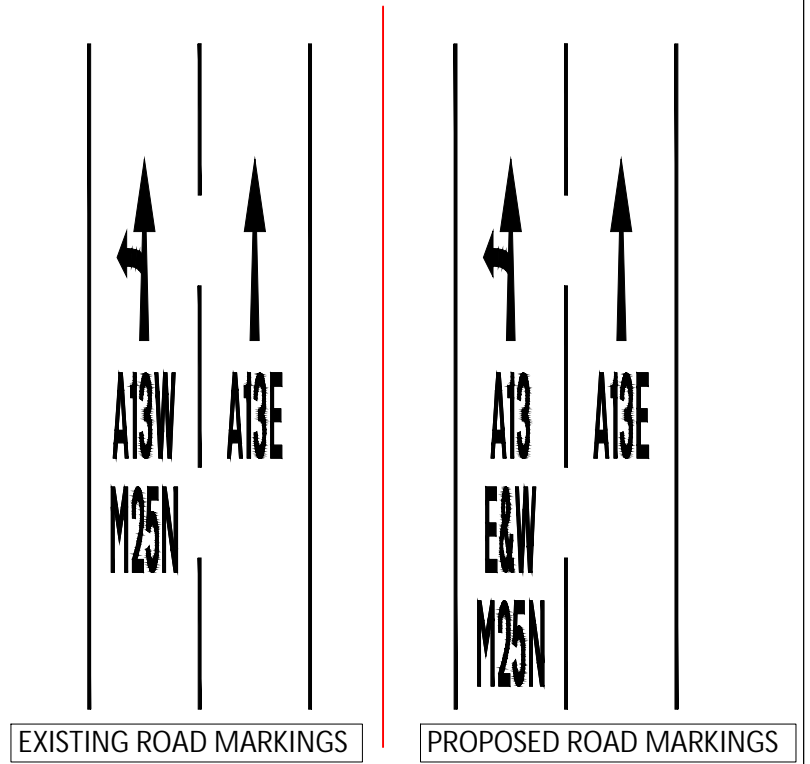
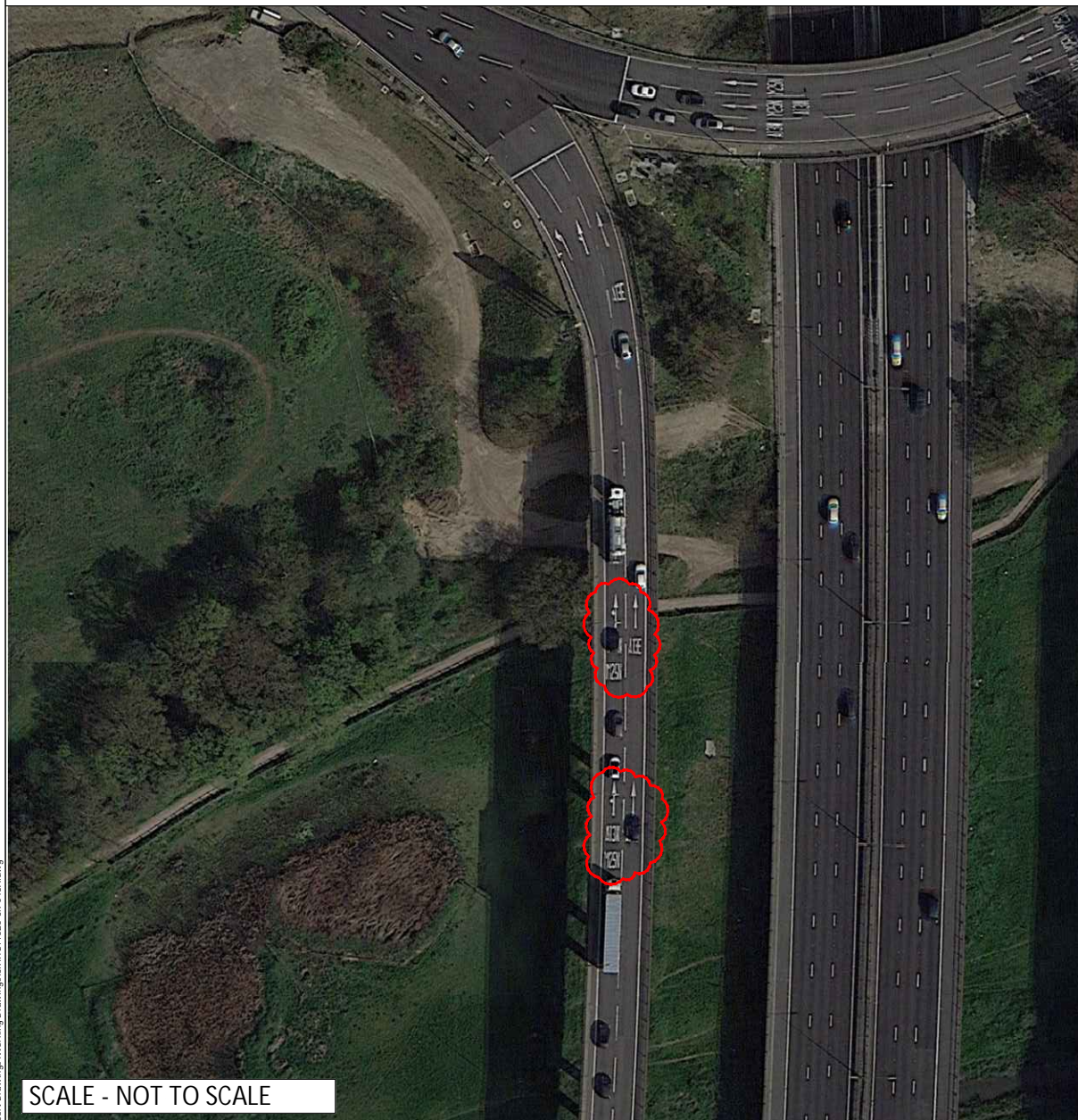
6.0 LIST OF MATTERS NOT AGREED

Ref	Description of stakeholder position	Current issue
6.1.1	Requirement 7	As expressed in their Deadline 7 submissions, PoTLL considers that there should be a cap to the contribution it makes to M25 J30 works secured by Requirement 7. It is Highways England's position that there should be no cap and that PoTLL should pay the full costs of the works. Both parties have made submissions on this point at Deadline 7.

7.0 AGREEMENT

Signed	
Name	Paul Harwood
Position	Regional Lead Spatial Planning
Organisation	Highways England
Date	16 August 2018
Signed	
Name	Peter Ward
Position	Commercial Director
Organisation	Port of Tilbury London Limited

Appendix A – Drawing Numbers ITL11323-SK-048A & ITL11323-SK-051



REPRODUCED FROM THE ORDNANCE SURVEY MAP WITH THE PERMISSION OF THE CONTROLLER OF HER MAJESTY'S STATIONERY OFFICE. LICENCE No. 100044286. © CROWN COPYRIGHT RESERVED.

DRAWING ISSUED FOR FEASIBILITY CONSIDERATION AND PLANNING PURPOSES ONLY. DRAWING NOT TO BE USED FOR CONSTRUCTION. I-TRANSPORT LLP ACCEPT NO RESPONSIBILITY FOR ERRORS MADE BY OTHERS IN SCALING FROM THIS DRAWING. MEASUREMENTS SHOULD BE TAKEN FROM FIGURED DIMENSIONS ONLY. CDM REQUIREMENTS CONSIDERED AT FEASIBILITY STAGE ONLY. FURTHER CONSIDERATION REQUIRED BY DETAILED DESIGN TEAM.

CLIENT: PORT OF TILBURY

REV	DATE	BY	DESCRIPTION	CHK	APD
A	07.08.18	MC	ADDITIONAL DETAIL ADDED	PH	PH

STATUS: FOR INFORMATION

SCALE @ A3: AS SHOWN	CHECKED: PH	APPROVED: PH
FILE REF: ITL11323	DRAWN: MC	DATE: 26.06.18
DRAWING No: ITL11323-SK-048		
PROJECT No: ITL11323		REV: A

TITLE: M25 JUNCTION 30 NORTHBOUND OFF SLIP MITIGATION

PROJECT: TILBURY 2



4 Lombard Street, London, EC3V 9HD
Tel: 020 7190 2820
Fax: 020 7190 2821
www.i-transport.co.uk

T:\Projects\11000 Series\Project Numbers\11323\ITL11323\Port of Tilbury Power Station\Tech\Acad\1-Transport Drawings\Working Drawings\SK01\11323-SK-048A.dwg

EXISTING ROAD MARKINGS
AT POINT F

POTENTIAL ROAD MARKINGS
AT POINT F

EXISTING ROAD MARKINGS
AT POINTS A TO E

PROPOSED ROAD MARKINGS
AT POINTS A TO E

↑
M25S
A282

↑
M25
S&N

↑
M25S
A282

↑
M25N

↑
A13

↑
A13

↑
M25S
A282

↑
M25
S&N

↑
A13

↑
A13



REPRODUCED FROM THE ORDNANCE SURVEY
MAP WITH THE PERMISSION OF THE
CONTROLLER OF HER MAJESTY'S STATIONERY
OFFICE. LICENCE No. 100044286.
© CROWN COPYRIGHT RESERVED.

DRAWING ISSUED FOR FEASIBILITY CONSIDERATION AND PLANNING PURPOSES ONLY. DRAWING
NOT TO BE USED FOR CONSTRUCTION. I-TRANSPORT LLP ACCEPT NO RESPONSIBILITY FOR
ERRORS MADE BY OTHERS IN SCALING FROM THIS DRAWING. MEASUREMENTS SHOULD BE
TAKEN FROM FIGURED DIMENSIONS ONLY. CDM REQUIREMENTS CONSIDERED AT FEASIBILITY
STAGE ONLY. FURTHER CONSIDERATION REQUIRED BY DETAILED DESIGN TEAM.



85 Gresham Street, London, EC2V 7NQ Tel: 0203 705 9215

www.i-transport.co.uk

REV	DATE	BY	DESCRIPTION	CHK	APD

STATUS: ISSUE

TITLE:
A13 WESTBOUND ROAD MARKING IMPROVEMENTS

PROJECT:
TILBURY 2

CLIENT:
PORT OF TILBURY

SCALE @ A3: N.T.S	CHECKED: PH	APPROVED: PH
FILE REF: ITL11323	DRAWN: MC	DATE: 26.07.18
DRAWING No: ITL11323-SK-051		
PROJECT No: ITL11323		REV: -

T:\Projects\11000 Series Project Numbers\11323\ITL11323\11323-SK-051.dwg

Appendix 9

SOCG012

Statement of Common Ground with Network Rail

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

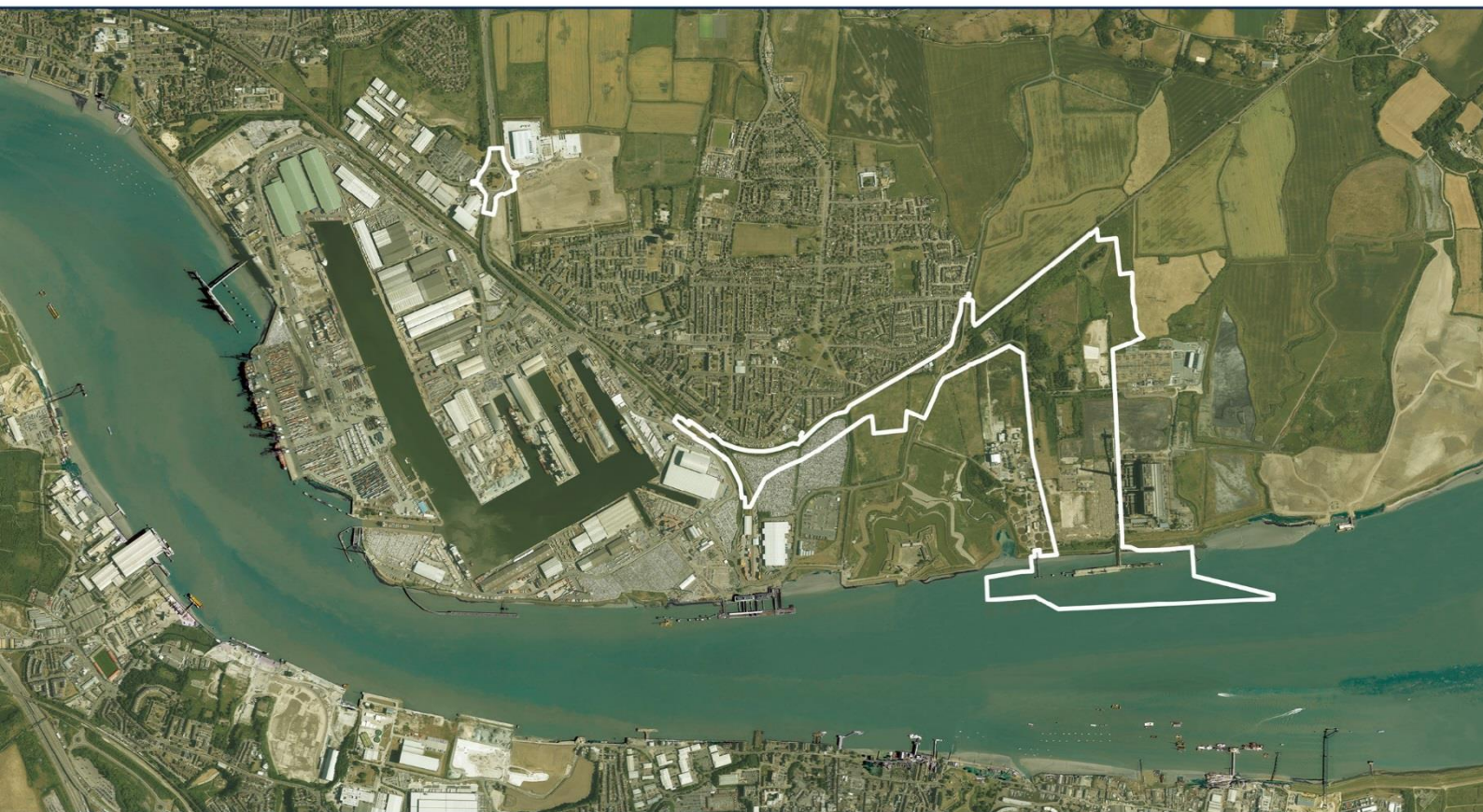
PROPOSED PORT TERMINAL AT
FORMER TILBURY POWER STATION

TILBURY2

TRO30003

STATEMENT OF COMMON GROUND
BETWEEN PORT OF TILBURY LONDON LIMITED
AND NETWORK RAIL

DOCUMENT REF : SOCG012



STATEMENT OF COMMON GROUND

BETWEEN PORT OF TILBURY LONDON LIMITED AND NETWORK RAIL

1. INTRODUCTION AND PURPOSE

- 1.1 Application for Development Consent for a proposed port terminal at the former Tilbury Power Station ("the Application") was made by the Port of Tilbury London Limited ("PoTLL") on 31st October 2017 and was accepted for examination by the Planning Inspectorate on 21st November 2017 (reference number:TR03003).
- 1.2 This Statement of Common Ground ("SoCG") has been prepared by PoTLL and Network Rail Infrastructure Limited ("Network Rail") in accordance with the guidance published by the Department of Communities and Local Government.
- 1.3 The purpose of the SoCG is to set out agreed factual information about the Application. It is intended that the SoCG should identify matters on which PoTLL and Network Rail agree.
- 1.4 PoTLL and Network Rail are collectively referred to in this SoCG as "the parties". The parties have been, and continue to be, in direct communication in respect of the interface between the proposed port terminal at the former Tilbury power station ("Tilbury2") and Network Rail's land ownership interests.

2. OVERVIEW OF THE PROPOSALS

- 2.1 PoTLL is proposing a new port terminal on the north bank of the River Thames at Tilbury, a short distance to the east of its existing Port. The proposed port terminal will be constructed on land that formed the western part of the now redundant Tilbury Power Station and is bounded to the west by a waste water treatment works and to the east by the Tilbury B power station that is presently being demolished.
- 2.2 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.
- 2.3 It will require works including, but not limited to:
 - creation of hard surfaced pavements;
 - improvement of and extensions to the existing river jetty including creation of a new RoRo berth;
 - associated dredging of berth pockets around the proposed and extended jetty and dredging of the approaches to these berth pockets;
 - new and improved conveyors;
 - erection of welfare buildings;
 - erection of a single 10,200 sqm. warehouse
 - a number of storage and production structures associated with the CMAT;

- the construction of a new link road from Ferry Road to Fort Road; and
 - formation of a rail spur and sidings.
- 2.4 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.
- 2.5 The application essentially seeks a DCO to approve an operational port and to allow PoTLL to benefit from its permitted development rights within the boundaries of the new port. The application seeks to establish a 'Rochdale Envelope' of development based upon the description within the DCO. Whilst future use of the site may change it would necessarily be based on the "Not Environmentally Worse Than" approach within the Rochdale Envelope defined by this application, given that any development outside of this would require a separate planning application, as it would fall beyond the scope of permitted development powers.

3. THE ROLE OF NETWORK RAIL AND THE APPLICATION


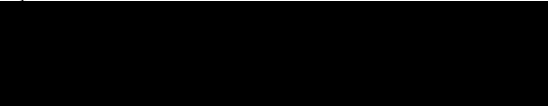

- 3.1 Network Rail is the owner and operator of Great Britain's railway infrastructure. It is a statutory undertaker in respect of its railway undertaking, with statutory and regulatory obligations in respect of it.
- 3.2 The Application includes provisions which would, if granted, allow PoTLL to (i) acquire Network Rail land permanently; (ii) possess Network Rail land temporarily; and (iii) acquire rights over network Rail land permanently.
- 3.3 Tilbury2 involves the following interfaces with Network Rail:
- The proposed re-routing of the existing railhead serving PoTLL's Tilbury riverside Terminal to the Tilbury2 site;
 - The proposed closure of a public footpath (Footpath 144) and unmanned pedestrian level crossing over the London, Tilbury and Southend line; and
 - The extension of a road overbridge at Fort Road that will cross the London, Tilbury and Southend line.

4. AGREED POSITION OF THE PARTIES

- 4.1 Network Rail and the Port of Tilbury have been in discussions since inception of the Tilbury2 project. These discussions have continued to progress positively with regard to the DCO, a Framework Agreement and the associated land transfer arrangements.
- 4.2 The parties will work together with a view to completing the Framework Agreement by the end of August following which Network Rail will withdraw its objection.
- 4.3 Network Rail confirm that they agree the Protective Provisions for the protection of Railway Interests at Part 6 of Schedule 10 to the draft DCO submitted by the Applicant at Deadline 6 [Revision 5 of the draft DCO]
- 4.4 Network Rail has appointed independent surveyors to act on its behalf to negotiate the purchase by the Port of Tilbury of land required for the Tilbury2 scheme. The Port of Tilbury has underwritten the costs of this appointment. The purchase of the land concerned has been agreed in principle and the negotiations over the value/price to be paid are to commence shortly.

- 4.5 This jointly agreed statement should be read as updating the relevant section of the "Update of Statement of Reasons Appendix F (Land Negotiations Tracker) V4" submitted for Deadline 6 (3rd August 2018).

5. **AGREEMENT**

Signed	
Name	
Position	SURVEYOR
Organisation	On Behalf of Network Rail
Date	15 August 2018
Signed	
Name	Peter Ward
Position	Commercial Director
Organisation	Port of Tilbury London Limited
Date	15 August 2018

Appendix 10

SOCG013

Statement of Common Ground with Kent County Council

PLANNING ACT 2008
INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES 2010

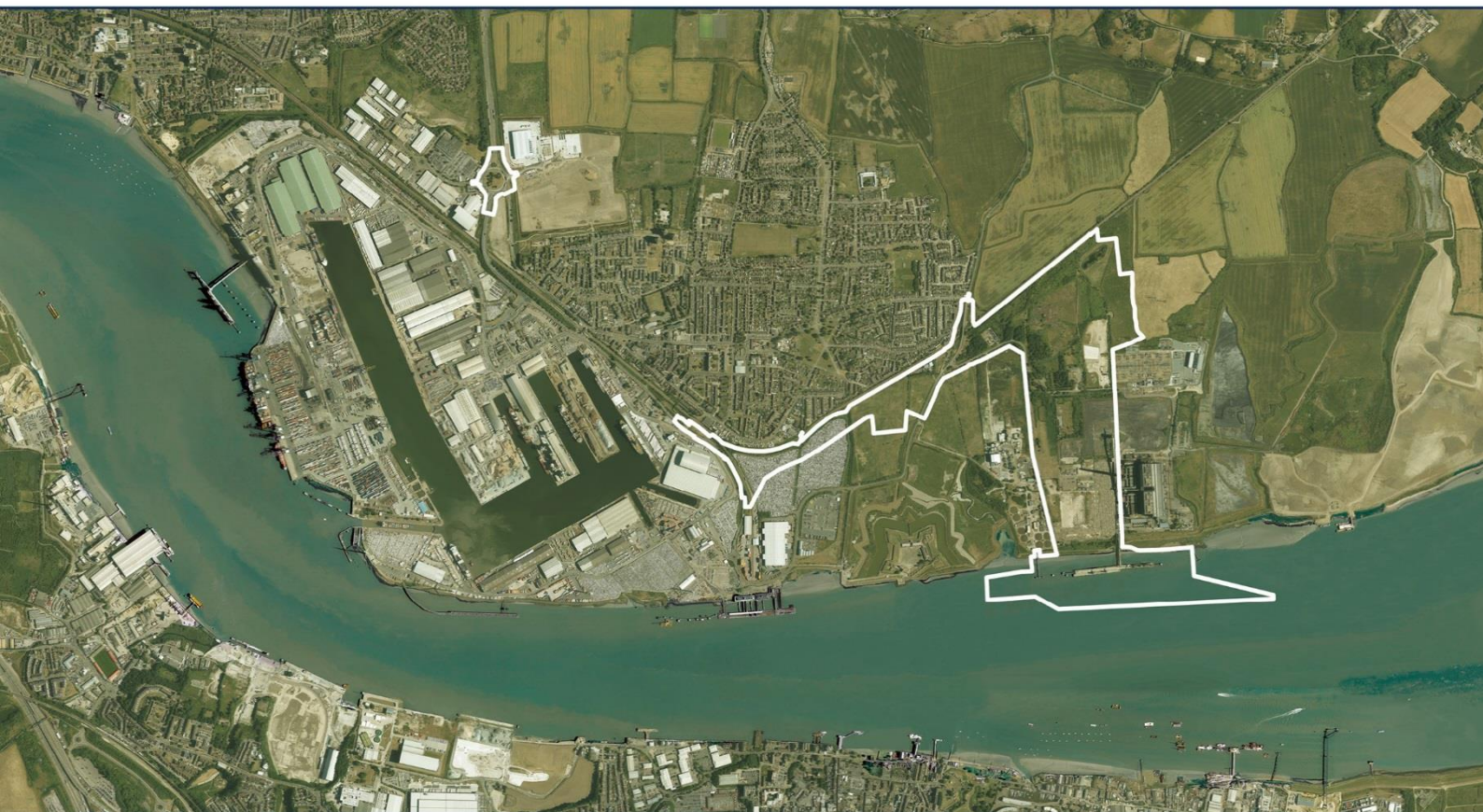
PROPOSED PORT TERMINAL AT
FORMER TILBURY POWER STATION

TILBURY2

TRO30003

STATEMENT OF COMMON GROUND
BETWEEN PORT OF TILBURY LONDON LIMITED AND
KENT COUNTY COUNCIL

DOCUMENT REF : SOCG013



PORT OF TILBURY

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

STATEMENT OF COMMON GROUND

**BETWEEN PORT OF TILBURY LONDON LIMITED AND
KENT COUNTY COUNCIL**

Revision	Date	Description of new version
1.0	8 February 2018	First draft provided to KCC following their relevant representations.
2.0	22 February 2018	Second draft issued with addition of socio economic section
3.0	16 March 2018	Third Draft issued by PoTLL following comments by KCC
4.0	19 March 2018	Agreed for submission at D1
5.0	8 May 2018	Fifth draft issued by PoTLL to KCC
6.0	16 May 2018	Proposed changes agreed by both parties

CONTENTS

1.0	INTRODUCTION.....	4
2.0	CONSULTATION TO DATE.....	7
3.0	SUMMARY OF TOPICS COVERED BY THE SOCG	8
4.0	LIST OF MATTERS AGREED	9
5.0	LIST OF MATTERS UNDER DISCUSSION.....	14
6.0	LIST OF MATTERS NOT AGREED.....	15
7.0	AGREEMENT	16

TILBURY2 PROJECT TEAM
PORT OF TILBURY LONDON LIMITED
Leslie Ford House
Port of Tilbury
Tilbury
Essex
RM18 7EH

www.tilbury2.co.uk

1.0 INTRODUCTION

Purpose of this document

- 1.1 This Statement of Common Ground ("SoCG") has been prepared in relation to the application by Port of Tilbury London Limited ("PoTLL") under section 37 of the Planning Act 2008 ("the Act") for an order granting development consent ("DCO") for the construction, operation and maintenance of a new port terminal and associated facilities in Tilbury, Essex known as 'Tilbury2' ("the proposals").
- 1.2 The aim of this SoCG between PoTLL and Kent County Council ("KCC") is to provide a clear record of engagement between the parties, including of the issues discussed between the parties and the current status of those discussions. The SoCG can be used as evidence of engagement for the purposes of the examination into the DCO application.

Structure of this Statement of Common Ground

- 1.3 This structure of this SoCG is as follows:

Section 1 – Introduction

Section 2 – Consultation to date

Section 3 – Summary of topics covered by the SoCG

Section 4 – List of matters agreed

Section 5 – List of matters under discussion

Section 6 – List of matters not agreed [this will be added at the end of the process if any outstanding issues persist]

Overview of the proposals

- 1.4 Port of Tilbury London Limited ("PoTLL") is proposing a new port terminal on the north bank of the River Thames at Tilbury, a short distance to the east of its existing Port. The proposed port terminal will be constructed on land that formed the western part of the now redundant Tilbury Power Station and is bounded to the west by a waste water treatment works and to the east by the Tilbury B power station that is presently being demolished.
- 1.5 The proposed main uses on the site will be a Roll-on/Roll-off (RoRo) terminal and a Construction Materials and Aggregates terminal (the "CMAT"), and associated infrastructure including rail and road facilities and revisions to the existing marine infrastructure. An 'infrastructure corridor' is proposed that will accommodate road and rail links to the existing rail and road network. The CMAT will include stockpiling of construction materials and some processing of aggregates for the production of asphalt and concrete products.
- 1.6 It will require works including, but not limited to:

- creation of hard surfaced pavements;
- improvement of and extensions to the existing river jetty including creation of a new RoRo berth;
- associated dredging of berth pockets around the proposed and extended jetty and dredging of the approaches to these berth pockets;
- new and improved conveyors;
- erection of welfare buildings;
- erection of a single 10,200 sqm. warehouse
- a number of storage and production structures associated with the CMAT;
- the construction of a new link road from Ferry Road to Fort Road; and
- formation of a rail spur and sidings.

1.7 The proposed volumes of import/export of RoRo units for the terminal exceed the threshold of 250,000 units stated in the Planning Act 2008 for throughput per annum. The Tilbury2 project therefore constitutes a Nationally Significant Infrastructure Project (NSIP).

1.8 The application essentially seeks a DCO to approve an operational port and to allow PoTLL to benefit from its permitted development rights within the boundaries of the new port. The application seeks to establish a 'Rochdale Envelope' of development based upon the description within the DCO. Whilst future use of the site may change it would necessarily be based on the "Not Environmentally Worse Than" (NEWT) approach within the Rochdale Envelope defined by this application, given that any development outside of this would require a separate planning application, as it would fall beyond the scope of permitted development powers.

Introduction to Kent County Council

1.9 Kent County Council is a neighbouring strategic authority within the definition of the Duty to Co-operate under the Planning & Compulsory Purchase Act 2004. Tilbury2 is a strategic cross-boundary matter and KCC wishes to engage with this process as an interested party.

1.10 Kent County Council is a relevant strategic authority, with the following roles:

- A key partner and service provider within Kent, promoting sustainable economic development, regeneration, infrastructure delivery and new development;

- The highway and transportation authority for Kent, with responsibility for the delivery of the Kent Local Transport Plan (LTP4);
- Minerals and Waste Planning Authority;
- Local Lead Flood Authority; and
- Public Health Advisor for the County of Kent.

2.0 CONSULTATION TO DATE

2.1 This section provides a summary of the engagement between PoTLL and Kent County Council that has taken place to date.

Pre-application

Date	Activity
27 February 2017	PoTLL provide Kent County Council with a draft of their Scoping Report although no formal response was received at this stage.
28 March 2017	Kent County Council consulted by the SoS as part on PoTLL's Scoping Report
28 April 2017	Kent County Council respond to the SoS on PoTLL's Scoping Report. PoTLL gave consideration to that response.
19 June 2017	PoTLL undertook a statutory consultation under Section 42 of the Planning Act 2008. KCC was invited to respond to the consultation and was provided with a copy of PoTLL's "Preliminary Environmental Information Report (PEIR)"
1 August 2017	Kent County Council responded to PoTLL on the PIER. PoTLL gave consideration to that response.

Note – KCC was also consulted on the Statement of Community Consultation.

Post-application

<u>Date</u>	<u>Activity</u>
8 January 2018	KCC responded with Relevant Representation to the ExA. PoTLL considered this response and contacted KCC in order to explore their comments in further detail.
15 February 2018	KCC attended a briefing meeting with PoTLL and were taken to the site in order to be familiar with the site and its context.

3.0 SUMMARY OF TOPICS COVERED BY THE SOCG

3.1 The SoCG covers matters raised by Kent County Council in its Relevant Representation. Some of these matters relate to its statutory functions as adjoining highways authority, minerals and waste authority and education authority. These matters are as follows:

- Highways and transportation
- Minerals planning

3.2 Other matters are outside of KCC's statutory function but are matters on which KCC as a neighbouring authority has an interest. These matters are:

- Maritime pollution
- Biodiversity

4.0 LIST OF MATTERS AGREED

Ref	Description of matter	Details of agreement
4.1	Highways and transportation	
4.1.1	Scope of Transport Assessment	It is agreed that the scope of the Transport Assessment accords with guidance and provides a comprehensive basis for the preparation of the Transport Assessment.
4.1.2	Impact on KCC road network	Following the provision of traffic impact clarifications, KCC and PoTLL agree that there will not be a significant impact on Kent's road network as a result of the Tilbury2 proposal.
4.1.3	Train paths	KCC has reviewed the NR response to FWQ 1.18.3, dated 19 March 2018 and recognises that the Port of Tilbury and Network Rail have continued to discuss rail freight requirements related to the application. KCC accepts NR's position as the responsible authority and their statement that <i>"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"</i> .
4.1.4	HGV Parking	It is agreed that the Tilbury2 proposal includes sufficient areas within its boundary to accommodate parking for all

		vehicles associated with its operation, as illustrated on the general arrangement plans (Document Reference 2.2).
4.2 Minerals		
4.2.1	Importation of aggregate	<p>It is agreed that there are benefits in providing enhanced aggregate import capacity in Essex to reduce importation of land-won reserves from Kent, reducing the reliance of Essex on the Kent reserves.</p> <p>It is agreed that the future is likely to see an increase in the importance of marine aggregates, as the land-won aggregate resources are worked out or are unavailable, and the Tilbury2 proposal will also help satisfy demands in the eastern region in this regard.</p>
4.3 Biodiversity		
4.3.1	Methodology for assessment and range of ecological surveys undertaken	It is agreed by KCC and PoTLL that on this issue, KCC defers to the relevant stakeholders in Essex, and as such, KCC has no further comment to make.
4.3.2	Assessment of effects	It is agreed by KCC and PoTLL that on this issue, KCC defers to the relevant stakeholders in Essex and KCC has no further comment to make.
4.3.3.	Ecological mitigation : on-site delivery	It is agreed by KCC and PoTLL that on this issue, KCC defers to the relevant stakeholders in Essex and KCC has no further comment to make.

4.3.4	Use of native species to encourage biodiversity	It is agreed that detailed landscape planting, planted pursuant to the Landscape and Ecology Management Plan (LEMP), should be informed by ecological advice on suitable and locally native trees/shrubs, with reference to the biodiversity of Thames Terrace grasslands and coastal floodplain and grazing marsh.
4.3.5	KCC suggests that the scheme ensures that niches for wildlife, such as bat tubes, bricks and swift bricks, are integrated into to new structures at the facility where possible. Further, the significant extent of new highway planned within the site should ensure wildlife-friendly surface water drainage gullies and other infrastructure.	Whilst this matter was raised by KCC, it is agreed by KCC and PoTLL that on this issue KCC defers to the relevant stakeholders in Essex and KCC has no further comment to make.
4.3.6	KCC considers that if off-site compensatory habitat provision is required, it would be beneficial to work closely with other strategic developments nearby to utilise opportunities that can deliver a more ecologically coherent outcome than that which could be achieved working independently.	Whilst this matter was raised by KCC, it is agreed by KCC and PoTLL that on this issue, KCC defers to the relevant stakeholders in Essex and KCC has no further comment to make.
4.3.7	HRA report considering possible effects on Thames Estuary & Marshes SPA.	KCC is generally supportive of the conclusions. The proposed mitigation and avoidance measures should be outlined in the LEMP and CEMP and fully complied with. KCC defers to the relevant

		<p>stakeholders in Essex and KCC has no further comment to make on this matter.</p>
<p>4.4 Project Resilience</p>		
<p>4.4.1</p>	<p>Risk of maritime pollution incidents from vessels using the facility and no reference appears to have been made to this issue.</p>	<p>This was a matter raised by KCC in its Relevant Representation submission. PoTLL has discussed this matter further with KCC and highlighted the comments in relation to this matter at Section 15.155 of the Environmental Statement.</p> <p>No land-based refuelling will take place at the Site and there will be no planned maintenance of vessels or maintenance facilities. However, there could be river-based refuelling from bunkering vessels. Both the vessel operator and bunkering contractor (licenced by the PLA) would be responsible for ensuring procedures / measures are in place to minimise the potential for spillages / leaks during any refuelling. The refuelling activities would be under the control of the PLA, who would be responsible for dealing with any associated spillages / leaks. Maintenance may be undertaken in emergencies. Spillages / leaks from this would be dealt with by the PLA. Spill kits will be put in place at the jetty for use in the event of accidental spillages / leaks from equipment on the pontoon.</p> <p>KCC is pleased to see that the PoTLL has recognised the clean-up response roles of the Port of London Authority licensing and</p>

		<p>Thames Oil Spill Clearance Association (TOSCA).</p> <p>The availability of Spill Kits in jetty area is also noted and strongly supported by KCC.</p> <p>It is therefore agreed that this matter has been addressed.</p>
4.5 Socio-Economic effects		
4.5.1	Assessment of overarching socio-economic effects	<p>It is agreed that the proposal will secure, through both construction and operational stages, on-going socio-economic benefits and should contribute to sub-regional and regional economic success.</p>


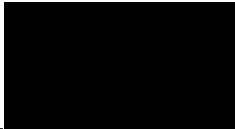
5.0 LIST OF MATTERS UNDER DISCUSSION

None

6.0 LIST OF MATTERS NOT AGREED

None

7.0 AGREEMENT

Signed	
Name	Katie Stewart
Position	Director of Environment, Planning and Enforcement
Organisation	Kent County Council
Date	14/06/2018
Signed	
Name	Peter Ward
Position	Commercial Director
Organisation	Port of Tilbury London Limited

Appendix 11

SOCG014

Statement of Common Ground with Buglife

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

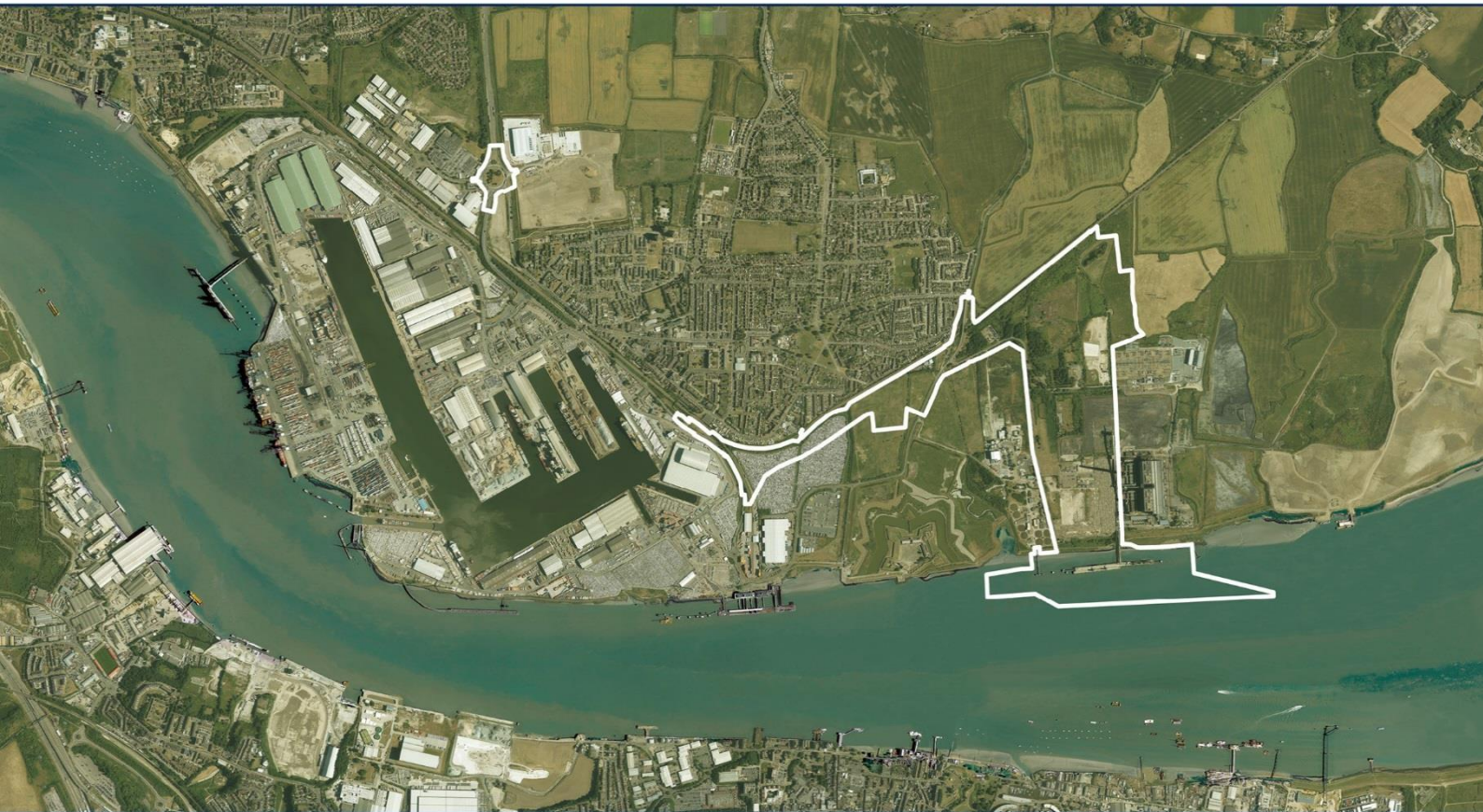
PROPOSED PORT TERMINAL AT
FORMER TILBURY POWER STATION

TILBURY2

TRO30003

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

DOCUMENT REF : SOCG014



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

UPDATED FOR DEADLINE 6

1. INTRODUCTION

Purpose of this document

- 1.1 This Statement of Common Ground ("SoCG") has been prepared in relation to the application by Port of Tilbury London Limited ("PoTLL") under section 37 of the Planning Act 2008 ("the Act") for an order granting development consent ("DCO") for the construction, operation and maintenance of a new port terminal and associated facilities in Tilbury, Essex known as 'Tilbury2' ("the Scheme").
- 1.2 The aim of this SoCG between PoTLL and Buglife is to provide a clear record of engagement between the parties, including of the issues discussed between the parties and the current status of those discussions. The SoCG can be used as evidence of engagement for the purposes of the examination into the DCO application.

Structure of this Statement of Common Ground

- 1.3 This structure of this SOCG is as follows:

Section 1 – Introduction

Section 2 – Consultation to date

Section 3 – Summary of topics covered by the SoCG

Section 4 – List of matters agreed

Section 5 – List of matters under discussion

Section 6 – List of matters not agreed

The Scheme

- 1.4 The Scheme comprises a new port terminal and associated facilities on the north bank of the River Thames at Tilbury in Essex, a short distance to the east of the existing Port of Tilbury. The proposed port terminal will be constructed on land that formed the western part of the now redundant Tilbury Power Station. The Scheme is known as 'Tilbury2'.
- 1.5 The proposed main uses on the site will be a Roll-on/Roll-off ("RoRo") terminal and a Construction Materials and Aggregates terminal ("the CMAT"), and associated infrastructure including rail and road facilities and revisions to the existing marine infrastructure. An 'infrastructure corridor' is proposed that will accommodate road and rail links to the existing rail and road network. The CMAT will include stockpiling of

construction materials and some processing of aggregates for the production of asphalt and concrete products.

- 1.6 The Scheme will require works including, but not limited to:
- 1.6.1 creation of hard surfaced pavements;
 - 1.6.2 improvement of and extensions to the existing river jetty including creation of a new RoRo berth;
 - 1.6.3 associated dredging of berth pockets around the proposed and extended jetty and dredging of the approaches to these berth pockets;
 - 1.6.4 new and improved conveyors;
 - 1.6.5 erection of welfare buildings;
 - 1.6.6 erection of a single 10,200 sqm. warehouse a number of storage and production structures associated with the CMAT;
 - 1.6.7 the construction of a new link road from Ferry Road to Fort Road; and
 - 1.6.8 formation of a rail spur and sidings.
- 1.7 The proposed volumes of import/export of RoRo units for the terminal exceed the threshold of 250,000 units stated in the Act for throughput per annum. The Tilbury2 project therefore constitutes a Nationally Significant Infrastructure Project ("NSIP").

2. **CONSULTATION TO DATE**

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

Pre-application

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

Post-application acceptance

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

2.2 [The parties continue to actively engage on those matters which are not yet agreed. A further iteration of this SoCG will be submitted into the examination in due course to document the progress that is expected to be made.]

3. SUMMARY OF TOPICS COVERED BY THE SOCG

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

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

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

4. LIST OF MATTERS AGREED

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

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

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

5. **LIST OF MATTERS UNDER DISCUSSION**

Ref	Description of stakeholder issue	Current position
Terrestrial Ecology		

[1]	Successional processes and the relative invertebrate value of the components of the Site.	<p>Brownfield sites <u>generally can</u> undergo a process of succession which sees their value for early successional species peak and then diminish after a matter of decades.</p> <p>It is PoTLL's view that the Lytag Site (represented by the Lytag Brownfield LoWS), though still of high national value, seems to have declined in condition and is now arguably on a par or even overshadowed by the interest associated with the rest of the Tilbury2 site. The Tilbury Energy and Environment Centre (TEEC) seems to have suffered disproportionately between the survey periods, and without management it looks like it will decline further. The balance of evidence is that both the Lytag and TEEC sites have reached a tipping point in the successional process. It is PoTLL's view that these processes can now be expected to accelerate further, leading in a relatively short timescale (perhaps as little as 5-10 years) to significant suppression of the particular biodiversity interests associated with early successional and open ground habitats. For the infrastructure corridor, the grassland and wetland interest is only of generic quality, but the brownfield resource moves it above the TEEC site in ranking with respect to its assemblage representation. The Coastal Strip supports a number of species of elevated value, albeit this is in the context of forming part of a wider connected resource.</p> <p>Buglife's view is that <u>the site is not diminishing in value and that</u> the site mosaic (including the Lytag Brownfield LoWS) supports a nationally important assemblage of invertebrates, on a site of outstanding habitat quality and diversity. The site's value is in its mosaic of habitats across the entire site, making assessment of individual compartments individually inappropriate, in line with the characterisation of the Open mosaic habitat on previously developed land Priority Habitat description. This is backed up by the 2016 and 2017 invertebrate surveys which identify a site of the highest quality, with assemblages comparable to nearby South Essex brownfield SSSI sites. Aerial assessment of the site suggests that there has been some development of scrub in areas of the site, but this is not indicative of the wider site deteriorating. An absence of activity and management will inevitably lead to succession on ALL sites, regardless of their wildlife value. At present the scrub is likely to be a benefit to the site, providing structural and habitat</p>
-----	-------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Ref	Description of stakeholder issue	Current position
Terrestrial Ecology		
		<p>variety, shelter and additional habitat resources. There is no indication that the currently open areas of the site are suffering from any significant or irreversible scrub invasion, nor that the site is deteriorating in value, albeit that this judgment is made without the benefit of a site visit and solely drawing on the submitted information. Site wide variation in nutrient status, substrates and habitat type underpin the value of such wildlife-rich brownfield sites. Some localised areas of raised nutrient status may have become dense scrub, but this is localised and appears to be having no negative impact on the site's invertebrate assemblage albeit that this judgment is again made without the benefit of a site visit and solely drawing on the submitted information. The suggestion of a 5-10 year period in which the site will lose its interest is without any basis in fact. In addition, it is important to note that should scrub become an issue in future, simple management would be able to manage the open habitats- an absence of current management cannot be used to justify the wholesale loss of a nationally important site.</p> <p>PoTLL and Buglife will continue to discuss the above issues in order to seek an agreed position or narrow down the areas of disagreement.</p>

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

Ref	Description of stakeholder issue	Current position
Terrestrial Ecology		
		PoTLL and Buglife will continue to discuss this in order to reach an agreed position or narrow the areas of disagreement.

[3]	Effectiveness of proposed re-creation of brownfield habitats	<p>Successful off-site habitat creation/re-creation of brownfield habitats is essential in order for no net loss and/or net gain in biodiversity to result from the Tilbury2 proposals. PoTLL maintain that successful brownfield habitat creation/re-creation is achievable in principle on the basis that brownfield sites are themselves habitats of anthropogenic origin, developed over comparatively short timescales (decades) as opposed to irreplaceable habitats such as ancient woodland which have developed over centuries. It is a logical proposition that putting in place the same processes, substrates and environmental context that have created Thames Estuary brownfields must be possible in other parts of the Thames Estuary. It must also be the case that translocation of brownfield substrates to such locations must carry with it the possibility of transfer of at least a proportion of the associated plant, invertebrate and lichen species, assisting in the process of establishment of new communities of such species at the receptor location.</p> <p>Buglife have discussed habitat creation methods with PoTLL, including providing suggestions for methodologies, considerations and best practice such as re-use of substrates from the application site. However, Buglife is concerned that the main compensation measures for the loss of a nationally important invertebrate site are reliant on untested habitat creation methods. There is very little evidence of the successful recreation of large-scale brownfield habitats, particularly ones with such a fine-scale mosaic and diverse features as those at the former Tilbury Power Station. These concerns were discussed at previous meetings, but Buglife maintains the position that there is insufficient evidence to suggest that the habitats can be reasonably created to ensure that the habitats and features utilised by the invertebrate assemblage are replicated. The habitats at the former Tilbury Power Station have developed over many decades, making their recreation much more complicated than is assumed. <u>Buglife's view is that the evidence of success at the London Distribution Park is of too small a scale and diversity of habitat to provide confidence that this methodology can confidently compensate for the loss of a SSSI quality site such as the Tilbury Power Station site.</u></p> <p>Buglife awaits the details of the compensation plan which is currently subject to an NDA, but regardless is concerned that the approach to the loss of the</p>
-----	--------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Ref	Description of stakeholder issue	Current position
Terrestrial Ecology		
		<p>site is based on recreating low nutrient, brownfield habitats on an arable field, a wholly inappropriate starting point for a low nutrient habitat.</p> <p>PoTLL have pointed towards their successful habitat compensation as part of the London Distribution Park, however, for which the survey data is currently not will be available later this year, and which Buglife are invited to visit. It is noted that while the <u>LDP</u> application site itself was of a significantly lower level of importance, much simpler in terms of habitats and features, while the newly created habitat is <u>thus</u> of a much smaller scale and significantly less diverse than what would be required for Tilbury2 compensation; however it nonetheless offers something which would be highly complementary to the Tilbury2 off-site proposals.</p> <p><u>It is agreed that the Mucking site will have a secure future by way of a 3-way management agreement (between PoTLL, Enover and TTNP) which will cover a 99-year period. However, Buglife have some residual concerns over the value and nature of the enhancement, with the landfill site due to be restored to low nutrient grassland in an existing funded agreement, which includes long-term management for wildlife interest. It is PoTLL's view, however, that as the pre-existing proposals for restoration (which would see the land capped with topsoil and restored to species-poor homogenous grassland) are of very low value to invertebrates, the Tilbury2 proposals offer something which is a genuine and significant uplift over the existing agreement.</u></p>

6. LIST OF MATTERS NOT AGREED

NONE AT THIS STAGE

7. **AGREEMENT**

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

Appendix 12

SOCG015

Statement of Common Ground with English Heritage

Planning Act 2008
Infrastructure Planning (Examination Procedure)
Rules 2010

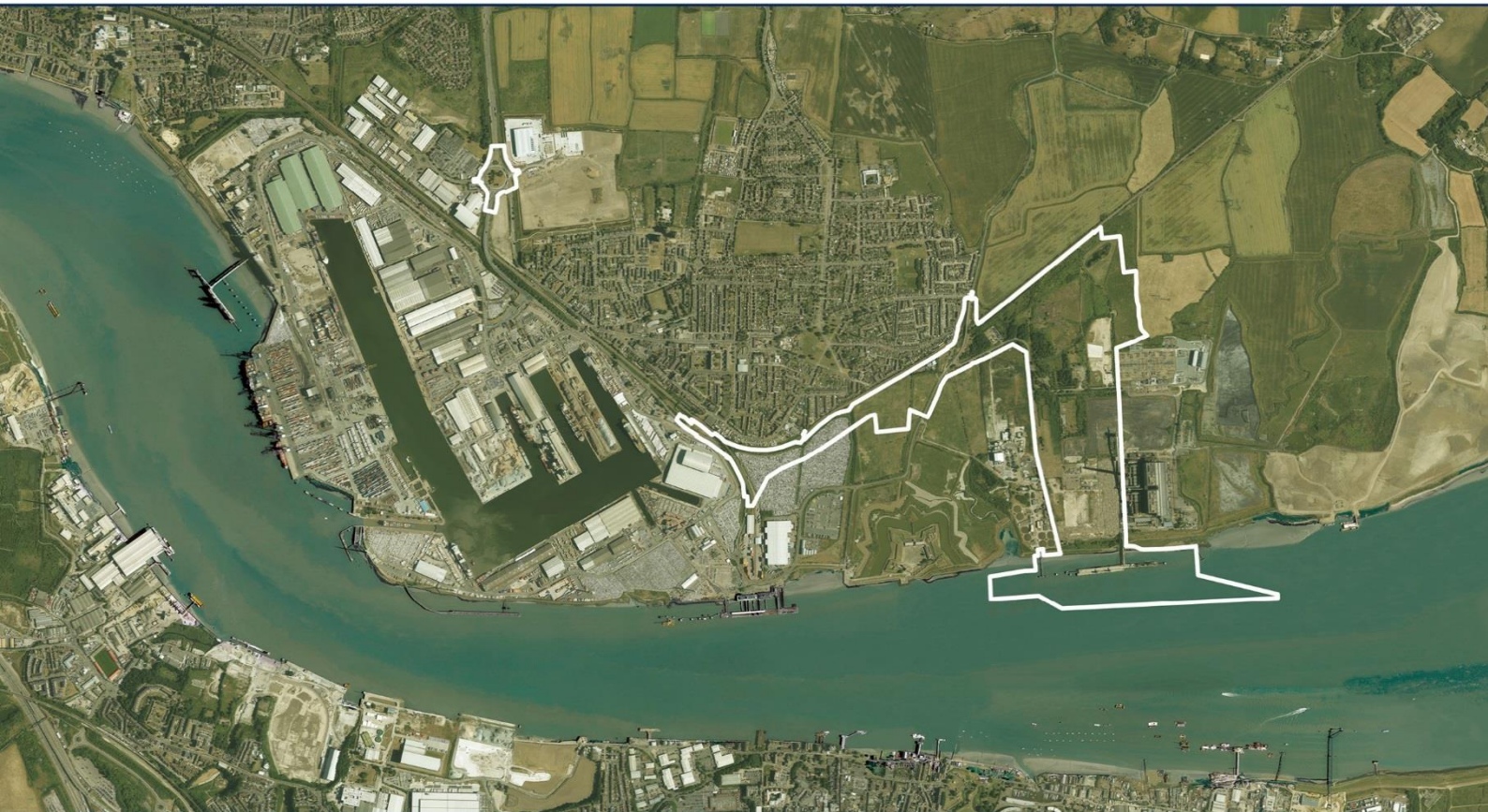
PROPOSED PORT TERMINAL AT
FORMER TILBURY POWER STATION

TILBURY2

TRO30003

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

DOCUMENT REF : SOCG015



PORT OF TILBURY

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

STATEMENT OF COMMON GROUND

BETWEEN PORT OF TILBURY LONDON LIMITED AND ENGLISH HERITAGE

Revision	Date	Description of new version
1.0	15 February 2018	V1.0
2.0	28 February 2018	V1.4
3.0	04 April 2018	V1.5
4.0	26 April 2018	V1.6
5.0	02 July 2018	V1.8
6.0	14 August 2018	V1.9
7.0	15 August 2018	V1.10

CONTENTS

1.0	INTRODUCTION.....	4
2.0	CONSULTATION TO DATE.....	6
3.0	SUMMARY OF TOPICS COVERED BY THE SOCG	9
4.0	LIST OF MATTERS AGREED	10
5.0	LIST OF MATTERS UNDER DISCUSSION.....	15
6.0	LIST OF MATTERS NOT AGREED.....	17
7.0	AGREEMENT	19

TILBURY2 PROJECT TEAM
PORT OF TILBURY LONDON LIMITED
Leslie Ford House
Port of Tilbury
Tilbury
Essex
RM18 7EH

www.tilbury2.co.uk

1.0 INTRODUCTION

Purpose of this document

- 1.1 This Statement of Common Ground ("SoCG") has been prepared in relation to the application by Port of Tilbury London Limited ("PoTLL") under section 37 of the Planning Act 2008 ("the Act") for an order granting development consent ("DCO") for the construction, operation and maintenance of a new port terminal and associated facilities in Tilbury, Essex known as 'Tilbury2' ("the proposals").
- 1.2 The aim of this SoCG between PoTLL and English Heritage is to provide a clear record of engagement between the parties, including of the issues discussed between the parties and the current status of those discussions. The SoCG can be used as evidence of engagement for the purposes of the examination into the DCO application.

Structure of this Statement of Common Ground

- 1.3 This structure of this SoCG is as follows:
- Section 1 – Introduction
 - Section 2 – Consultation to date
 - Section 3 – Summary of topics covered by the SoCG
 - Section 4 – List of matters agreed
 - Section 5 – List of matters under discussion

Overview of the proposals

- 1.4 Port of Tilbury London Limited ("PoTLL") is proposing a new port terminal on the north bank of the River Thames at Tilbury, a short distance to the east of its existing Port. The proposed port terminal will be constructed on land that formed the western part of the now redundant Tilbury Power Station and is bounded to the west by a waste water treatment works and to the east by the Tilbury B power station that is presently being demolished.
- 1.5 The proposed main uses on the site will be a Roll-on/Roll-off (RoRo) terminal and a Construction Materials and Aggregates terminal (the "CMAT"), and associated infrastructure including rail and road facilities and revisions to the existing marine infrastructure. An 'infrastructure corridor' is proposed that will accommodate road and rail links to the existing rail and road network. The CMAT will include stockpiling of construction materials and some processing of aggregates for the production of asphalt and concrete products.
- 1.6 It will require works including, but not limited to:
- creation of hard surfaced pavements;

- improvement of and extensions to the existing river jetty including creation of a new RoRo berth;
- associated dredging of berth pockets around the proposed and extended jetty and dredging of the approaches to these berth pockets;
- new and improved conveyors;
- erection of welfare buildings;
- erection of a single 10,200 sqm. warehouse
- a number of storage and production structures associated with the CMAT;
- the construction of a new link road from Ferry Road to Fort Road; and
- formation of a rail spur and sidings.

1.7 The proposed volumes of import/export of RoRo units for the terminal exceed the threshold of 250,000 units stated in the Planning Act 2008 for throughput per annum. The Tilbury2 project therefore constitutes a Nationally Significant Infrastructure Project (NSIP).

1.8 The application essentially seeks a DCO to approve an operational port and to allow PoTLL to benefit from its permitted development rights within the boundaries of the new port. The application seeks to establish a 'Rochdale Envelope' of development based upon the description within the DCO. Whilst future use of the site may change it would necessarily be based on the "Not Environmentally Worse Than" (NEWT) approach within the Rochdale Envelope defined by this application, given that any development outside of this would require a separate planning application, as it would fall beyond the scope of permitted development powers.

Introduction to English Heritage

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

1.10 POTLL undertook a formal statutory consultation as part of the DCO process which ended on 28th July 2017. As part of this process POTLL and their consultants at CgMs Ltd undertook a programme of pre-application consultation with English Heritage in their role as operators and custodians of Tilbury Fort. This consultation will be ongoing until consent is reached.

2.0 CONSULTATION TO DATE

- 2.1 This section provides a summary of the engagement between PoTLL and English Heritage that has taken place to date, above and beyond formal statutory consultation.
- 2.2 Copies of key letters and minutes of meetings referred to below are provided in Appendix A of this SoCG for reference.

Pre-application – Commercial Operation of Tilbury Fort

29 th November 2016	Initial informal meeting held with Historic England and English Heritage at Tilbury Fort to introduce the forthcoming proposals and to discuss potential preliminary opportunities to enhance Tilbury Fort as a visitor attraction.
23 rd August 2017	<p>PoTLL's Built Heritage consultant at CgMs Ltd met with Historic England, English Heritage and Thurrock Council to discuss:</p> <ul style="list-style-type: none"> • Potential improvements to access to the Fort and wayfinding, including PoTLL's proposed Active Travel Plan which includes enhancements to the landscape to the north of the Fort. Surfacing of improved footpaths, etc. which require consideration. • Car-parking provisions – existing and desired. • Consideration of a Conservation Management Plan for Tilbury Fort. • Consideration of a water bodies management plan. <p>Further discussion required with all consultees to agree appropriate mitigation measures.</p>
7 th November 2017	<p>PoTLL's Built Heritage consultant at CgMs Ltd met with Historic England Advisory Committee and English Heritage to discuss:</p> <ul style="list-style-type: none"> • Existing port uses • Ports National Planning Policy Statement (NPS) background • The need for expansion, public benefit and the surrounding context of the Site; • An explanation of the 'maximum worst case visual envelope' based on the 'Rochdale

	<p>Envelope'. Each attendee was given a printed pack of wirelines; and</p> <ul style="list-style-type: none"> • An overview of the engineering reasons why the only option is to extend the jetty to the west.
--	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Post-application – Commercial Operation of Tilbury Fort

<u>Date</u>	<u>Activity</u>
7 th November 2017	PoTLL letter to Historic England with draft DCO for review
7 th November 2017	PoTLL met with Historic England, English Heritage and members of the Historic England Advisory Committee to present the proposals.
12 th February 2018	PoTLL met with English Heritage to discuss the DCO process and drafting of the SoCG.
29 th March 2018	<p>PoTLL met with English Heritage to:</p> <ul style="list-style-type: none"> • Update on the DCO process • Discuss written responses to the Inspectors' First Written Questions (FWQ) • Continue drafting the SoCG.
27 th April 2018	<p>Conference call held between English Heritage and PoTLL to:</p> <ul style="list-style-type: none"> • Update on the DCO process • Discuss representations made at the ISH • Discuss mitigation & enhancement opportunities • Continue drafting the SoCG.
14 May 2018	<p>Conference call held between English Heritage and PoTLL to :</p> <ul style="list-style-type: none"> • Discuss scope of S106 items related to the commercial operation of Tilbury Fort.
01 July 2018	Correspondence regarding detail of items to be considered for S106 with Thurrock Council.
11 August 2018	Correspondence from EH regarding costings for signage and repairs to the access road.

~~2.3 The parties continue to actively engage on those matters which are not yet agreed. A further iteration of this SoCG will be submitted into the examination at Deadline 5 on 5th July.~~

3.0 SUMMARY OF TOPICS COVERED BY THE SOCG

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

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

4.0 LIST OF MATTERS AGREED

Ref	Description of matter	Details of agreement
4.1 Commercial Operation of Tilbury Fort		
4.1.1	Study Area	<p>It is agreed that the study area of 2km from the Site boundary for the built heritage assessment is appropriate.</p> <p>It is further agreed that the inclusion of Coalhouse Fort (Scheduled Monument), Cliffe Fort (Scheduled Monument) and Shornemead Fort (non-designated heritage asset) which lie beyond the 2km search radius is appropriate.</p> <p>This is detailed in Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement (para. 12.61 and 12.62), Appendix 12.B Built Heritage Assessment (Document Reference 6.1 12.B) (page 28 – 29) and shown in Figures 12.1 and 12.2 (Document Reference 6.3 Figure 12.1 and 6.3 Figure 12.2).</p> <p>It is agreed that the viewpoint locations as shown within Document Reference 6.3 Figure 9.8 are appropriate and have been agreed in consultation with statutory consultees in order to aid the assessment of potential impacts on the setting of Tilbury Fort.</p>
4.1.2	Methodology	<p>The approach to assessing the significance and settings of the identified built heritage assets, and the potential impacts of the proposals upon their significance, is outlined in Technical Appendix 12.B Built Heritage Assessment (Document Reference 6.1 12.B) (page 28 – 31) and paragraphs 12.63 – 12.69 of Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement. The assessment has been informed by industry-standard guidelines including the /Historic England guidance, '<i>Historic Environment Good Practice Advice in Planning: Note 3: The Setting of Heritage</i></p>

		<p><i>Assets'</i> (2015), and <i>Conservation Principles, Policies and Guidance'</i> (2008). It is agreed that this approach is appropriate.</p> <p>It is agreed that the use of tables and matrices within Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement (Table 12.5, 12.6 and 12.7) have been used as supporting material to the detailed assessment of setting included within the Technical Appendix 12.B Built Heritage Assessment (Document Reference 6.1 12.B).</p> <p>It is agreed that the wireline images of the proposals (Document Reference 6.1 9.F) illustrate the potential maximum visual parameters of the scheme and are appropriate for the purpose of assessing potential impacts on the setting of Tilbury Fort.</p>
4.1.3	Baseline Environment	<p>It is agreed that there are no designated or non-designated built heritage assets within the Site boundary.</p> <p>It is agreed that the relevant built heritage assets that have the potential to experience significant harm as a result of the proposals have been appropriately identified and assessed within Sections 5.3 – 5.6 of Technical Appendix 12.B Built Heritage Assessment (Document Reference 6.1 12.B) and Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement.</p> <p>It is agreed that the assessment of significance and sensitivity of the identified built heritage assets contained within the Sections 5.3 – 5.6 of Technical Appendix 12.B Built Heritage Assessment (Document Reference 6.1 12.B) and Table 12.9 of Chapter 12: Archaeology and Cultural Heritage of the Environmental Statement is appropriate.</p>
4.1.4	Mitigation	<p>It is agreed that the Active Travel Study which is in development with Thurrock</p>

		Council has the potential to increase visitor numbers to the Fort, though EH consider this is only likely when combined with further mitigation and compensation
4.1.5	Impact Assessment	It is agreed that the potential impacts on Tilbury Fort during the construction and operational phase include impacts on the setting and may cause impacts on the commercial operation of Tilbury Fort. English Heritage has provided PoTLL with existing visitor numbers and details of commercial operations over the past ten years to enable further understanding of this matter.
4.1.6	Access	<p>It is agreed enhanced parking and access ways at Tilbury Fort would be beneficial to the visitor experience.</p> <p>It is agreed that, as part of the Active Travel Study, wayfinding would be helpful for Tilbury Fort. The importance of this part of the river in relation to the Cruise Terminal Complex and the Fort has been fed into the Cultural and Heritage Strategy prepared by Thurrock Council.</p>
4.1.7	Enhancement	<p>It is agreed that there are opportunities for improved access, increased visitor numbers and management resulting from the Active Travel Study.</p> <p>It is agreed that there are opportunities for English Heritage to contribute to wayfinding and heritage interpretation content of the Active Travel Study.</p> <p>It is agreed that there are opportunities for English Heritage to have input in to the wayfinding and heritage interpretation content of the Active Travel Study.</p>
4.1.8	Tilbury Fort as a commercial operation	It is agreed that the setting of the monument and visitors' ability to understand its form and function are central to the visitor experience. It is

		<p>agreed that a positive visitor experience drives commercial performance in terms of admission sales, retail sales and sales of English Heritage membership, which is essential to the Fort's financial sustainability.</p> <p>It is agreed that the Fort does not only operate as a visitor attraction; it is also a home to three residential tenants and is used as a filming location. Since 2015 filming and residential sources contributed 82% of the Fort's total income (£893k). EH consider that these revenue streams rely on the setting and environment of the Fort to continue their current growth trends and are essential in generating the funds that enable the monument to be maintained.</p>
4.1.9	Flood risk	EH & PoTLL agree that the moats have been appropriately factored into Flood Risk Assessment and that the dredging of the moats would not change the predicted impact of the model.
4.1.10	Setting	It is agreed that Historic England is the statutory body responsible for planning matters that may have an impact on heritage assets in England, and that the opinions of English Heritage mirror those of Historic England in respect of impact and effect as assessed in planning and EIA terms.
4.1.11	Visitor Experience	<p>It is agreed that £112,000 will be secured through a Section 106 agreement with Thurrock Council to mitigate the residual impacts of the development which will include an obligation for the monies to be passed to EH. This is related to costs associated to:</p> <p>1/ Interpretation signage at the Fort</p> <p>2/ Repairs to driveway</p>

		<p>The Tilbury Fort contribution is defined in the S106 as the contribution in the sum of £112,000 for the purpose of implementing measures to realise tourism and heritage benefits at Tilbury Fort. It is agreed that whilst there is some flexibility in the application of this contribution it has been derived from detailed discussions on the improvements to the Fort access and interpretation at the site, sums in respect of which have been agreed</p>
--	--	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

5.0 LIST OF MATTERS UNDER DISCUSSION


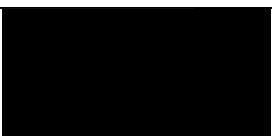
Ref	Description of stakeholder position	Current issue
5.1 Commercial Operation of Tilbury Fort		
5.1.2	Visitor Experience [Moved to Matters Agreed]	<p>The effect of the proposed development on visitor numbers is at issue as EH considers that the proposals will affect the setting and therefore the appeal of the site.</p> <p>PoTLL propose a financial sum that will be secured through a section 106 agreement with Thurrock Council to mitigate the residual impacts of the development which will include an obligation for the monies to be passed to EH. There is discussion between the parties as to the value and specific purposes of a financial contribution to be made from PoTLL to EH in relation to elements within the Fort that could improve the visitor experience to the Fort specifically,:</p> <ul style="list-style-type: none"> 1/ Interpretation signage at the Fort 2/ Repairs to driveway
5.1.7	Enhancement [Moved to Matters Agreed]	<p>Opportunities for improved access, increased visitor numbers and management resulting from the Active Travel Study remain under discussion.</p> <p>Opportunities for English Heritage to contribute to wayfinding and heritage interpretation content of the Active Travel Study remain under discussion.</p> <p>Clarity is sought by EH regarding the adoption and maintenance of the works proposed in the Active Travel Plan.</p>

6.0 LIST OF MATTERS NOT AGREED

6.1.1	Setting	<p>The degree of impact on setting is a matter not agreed between the parties, as is the proper engagement of paragraph 134 of the NPPF in the context of the NPS and the timing and results of the balancing exercise of the harm of the proposal versus the public benefit.</p> <p>EH and PoTLL are not agreed regarding the visitor experience, residential letting, and filming at Tilbury Fort is underpinned by setting and legibility of the heritage asset for the visitor. EH and POTLL remain in discussion about how potential impact on the commercial operation of Tilbury Fort could be addressed. The degree to which the existing setting of the Fort can be characterised as industrial remains at issue.</p> <p>The degree of impact on the Fort's setting is described as 'minor to moderate' in the Built Heritage Assessment and this remains not agreed between the parties.</p>
6.1.2		<p>EH is concerned that an increase in traffic during both construction and operation is likely to affect access to the Fort. This matter is not agreed as PoTLL considers that the results of the Transport Assessment indicate that this will not be an issue.</p> <p>The scale of necessary mitigation and compensation to offset impacts is not agreed.</p> <p>Several items put forward by English Heritage to address compensation and mitigation as detailed in English Heritage's written submission in April 2018 remain without agreement at Deadline 7 on 16th August 2018 :</p>

		<ul style="list-style-type: none"> - Re-instatement of the timber bridges over the inner and outer moats to allow visitors to better read the significance of the monument from the landward side (value £793k) - Orientational signage to aid visitors to navigate the site and identify key points of interest (value £42k) - Funding of audio tour to aid visitors understanding of the Fort and its setting (value £20k)
6.1.3	Commercial Operations at Tilbury Fort	The potential effect of the proposals on the residential, filming and visitor access and amenity at the Fort is not agreed.
6.1.4	Ecology The moats are not scoped into the ES preventing restoration associated to the T2 proposals.	Details of ecology, landscape treatment and setting impacts on Tilbury Fort are not agreed.
6.1.5	Impact	<p>The degree of impact that the operation of the new development will have on the Fort as a tourism receptor is not agreed.</p> <p>This is identified as negligible by PoTLL in the Socio-Economic ES chapter. This assessment has been questioned by EH in its written representations.</p>

7.0 AGREEMENT

Signed	
Name	Jenny Mayer
Position	Head of Historic Properties East of England
Organisation	English Heritage
Date	16 th August 2018
Signed	
Name	Peter Ward
Position	Commercial Director
Organisation	Port of Tilbury London Limited
Date	16 August 2018

Appendix 13

SOCG016

Statement of Common Ground with London Gateway Port Limited

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

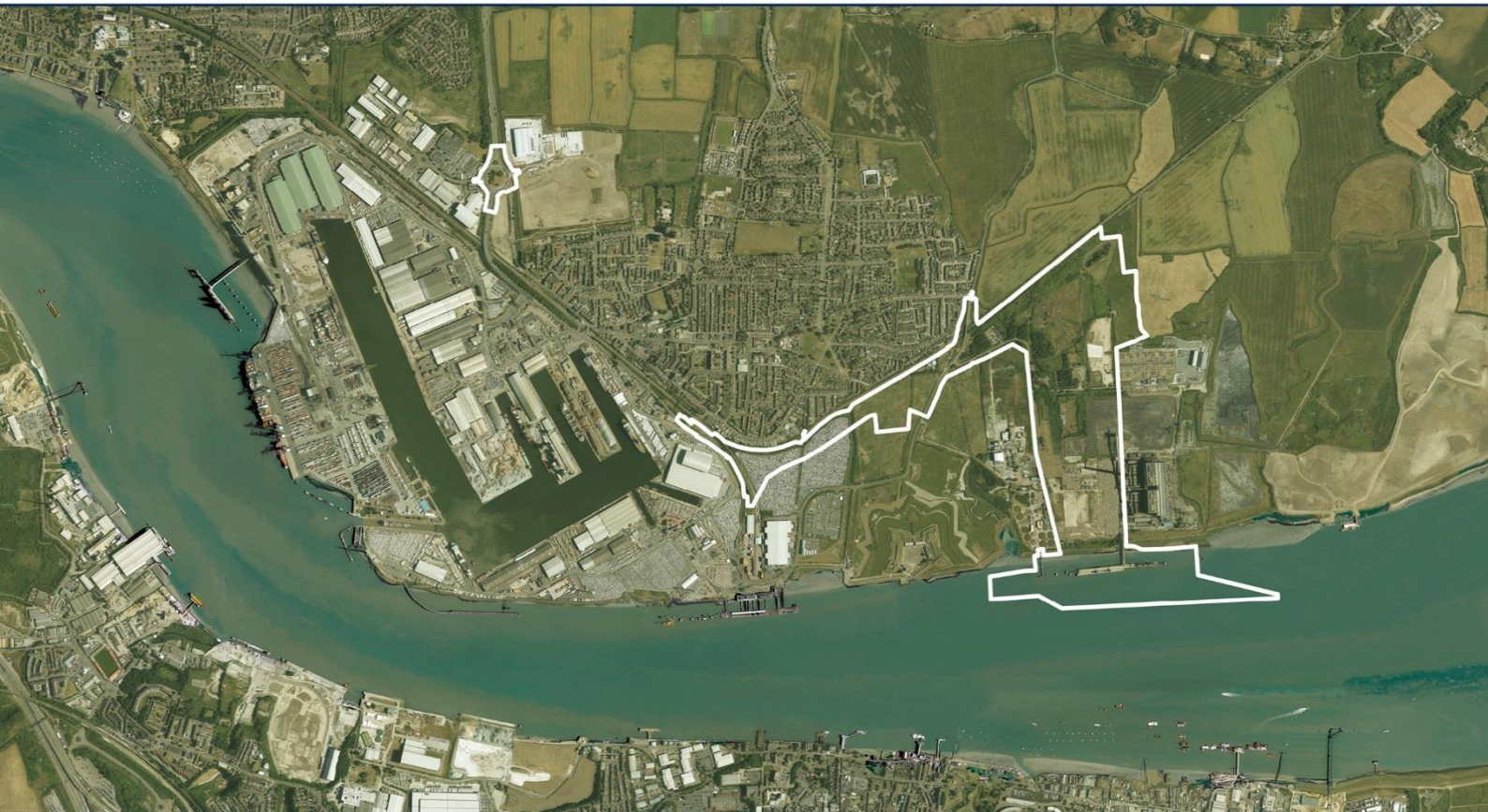
PROPOSED PORT TERMINAL AT
FORMER TILBURY POWER STATION

TILBURY2

TRO30003

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

DOCUMENT REF : SOCG016



PORT OF TILBURY

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

STATEMENT OF COMMON GROUND

**BETWEEN PORT OF TILBURY LONDON LIMITED AND LONDON GATEWAY
PORT LIMITED**

Revision	Date	Description of new version
4.0	21/2/18	Revision Draft
5.0	14/2/18	Revision Draft

CONTENTS

1.0	INTRODUCTION	4
2.0	CONSULTATION TO DATE	7
3.0	SUMMARY OF TOPICS COVERED BY THE SOCG	8
4.0	LIST OF MATTERS AGREED	9
5.0	LIST OF MATTERS UNDER DISCUSSION	10
6.0	AGREEMENT	10

TILBURY2 PROJECT TEAM
PORT OF TILBURY LONDON LIMITED
Leslie Ford House
Port of Tilbury
Tilbury
Essex
RM18 7EH

www.tilbury2.co.uk

1.0 INTRODUCTION

Purpose of this document

This Statement of Common Ground ("SoCG") has been prepared in relation to the application by Port of Tilbury London Limited ("PoTLL") under section 37 of the Planning Act 2008 ("the Act") for an order granting development consent ("DCO") for the construction, operation and maintenance of a new port terminal and associated facilities in Tilbury, Essex known as 'Tilbury2' ("the proposals").

The aim of this SoCG between PoTLL and London Gateway Port Limited (LGPL) is to provide a clear record of engagement between the parties, including of the issues discussed between the parties and the current status of those discussions. The SoCG can be used as evidence of engagement for the purposes of the examination into the DCO application.

Structure of this Statement of Common Ground

This structure of this SoCG is as follows:

- Section 1 – Introduction
- Section 2 – Consultation to date
- Section 3 – Summary of topics covered by the SoCG
- Section 4 – List of matters agreed
- Section 5 – List of matters under discussion
- Section 6 – List of matters not agreed

Overview of the proposals

- 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 land that formed the western part of the now redundant Tilbury Power Station and is bounded to the west by a waste water treatment works and to the east by the Tilbury B power station that is presently being demolished.
- 1.2 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 It will require works including, but not limited to:
 - creation of hard surfaced pavements;

- improvement of and extensions to the existing river jetty including creation of a new RoRo berth;
- associated dredging of berth pockets around the proposed and extended jetty and dredging of the approaches to these berth pockets;
- new and improved conveyors;
- erection of welfare buildings;
- erection of a single 10,200 sqm. warehouse
- a number of storage and production structures associated with the CMAT;
- the construction of a new link road from Ferry Road to Fort Road; and
- formation of a rail spur and sidings.

1.4 The proposed volumes of import/export of RoRo units for the terminal exceed the threshold of 250,000 units stated in the Planning Act 2008 for throughput per annum. The Tilbury2 project therefore constitutes a Nationally Significant Infrastructure Project (NSIP).

1.5 The application essentially seeks a DCO to approve an operational port and to allow PoTLL to benefit from its permitted development rights within the boundaries of the new port. The application seeks to establish a 'Rochdale Envelope' of development based upon the description within the DCO. Whilst future use of the site may change it would necessarily be based on the "Not Environmentally Worse Than" (NEWT) approach within the Rochdale Envelope defined by this application, given that any development outside of this would require a separate planning application, as it would fall beyond the scope of permitted development powers.

Introduction to London Gateway Port

1.6 London Gateway Port (LGP) is the UK's newest deep-sea container terminal, located on the north banks of the River Thames, just 25 miles from Central London and 6 miles down river from The Port Of Tilbury. LGP is permitted pursuant to the London Gateway Port Harbour Empowerment Order (Ref 2008 No.1261) and when fully developed shall comprise six deep water shipping berths providing for an annual throughput of up to 3.5 million TEU (Twenty Foot Equivalent Unit) containers along with landside storage areas and two rail terminals. A logistics Park (LGLP), which is consented under a Local Development Order, is located on land adjacent to LGP. When fully developed this shall provide up to 829,700 square metres of 'B' class floorspace. Currently the port comprises three riverside deep water berths and 1250m of quayside along with landside storage areas and automated rail loading systems, whilst approximately 86,000 square metres of LGLP is occupied and operational.

2.0 CONSULTATION TO DATE

This section provides a summary of the engagement between PoTLL and LGPL that has taken place to date.

Copies of key letters and minutes of meetings referred to below are provided in Appendix A of this SoCG for reference.

Pre-application

Date	Activity
June 2017	Attendance by LGPL representative at statutory consultation events where an overview of the project was given

Post-application

<u>Date</u>	<u>Activity</u>
January 2018	Conference Call between Peter Ward (Commercial Director) POTLL and Trevor Hutchinson Planning advisor to LGPL
January 2018	Conference call between Forth Ports COO / London Gateway CEO where it was agreed POTLL would draft a SOCG regarding the LGPL S56 response submitted to the Planning Inspectorate
February / March 2018	Calls between Peter Ward (Commercial Director) POTLL and Trevor Hutchinson Planning advisor to LGPL to discuss and agree SOCG

The parties continue to actively engage on those matters which are not yet agreed. A further iteration of this SoCG will be submitted into the examination in due course to document the progress that is expected to be made.

3.0 SUMMARY OF TOPICS COVERED BY THE SOCG

The main topics that have been discussed between PoTLL and LGPL are those matters that formed LGPL's relevant representation.

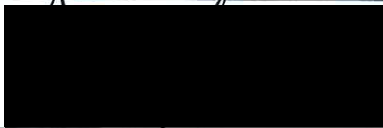

4.0 LIST OF MATTERS AGREED

Ref	Description of matter	Details of agreement
4.1	Freight Destinations	
4.1.1	Some of the rail destinations for aggregates transported from the CMAT will be sent to destinations further afield than a 30 mile radius including destinations in the Midlands	It is agreed that destinations for aggregate will be greater than a 30 mile radius and that to transport aggregates economically in large volumes the use of rail is an important requirement over longer distances. Thus some rail movements associated with Tilbury 2 shall be required to utilise the wider rail network beyond the Thameside corridor including routes across North London
4.1.2	Status of proposals	It is agreed that the proposals are considered sustainable development
4.2	Wider freight network	
4.2.1	LGPL are concerned that the wider freight network beyond East London needs to be considered by Network Rail in terms of potential capacity constraints in the future	It is agreed by POTLL / LGPL that there needs to be a long term strategy in relation to rail freight across the wider UK network and that Network Rail need to give consideration to wider routing of freight trains destined for or originating from the Thameside corridor as part of their long term strategy for freight.
4.3	Future Movements by rail	
4.3.1	LGPL is a committed development in the area and is obligated to transport 33% of port throughput plus 10% of park throughput by rail. On-site handling capacity at LGP is capable of supporting these levels.	It is agreed and understood by POTLL that this is a long term commitment for LGPL and that it is in the interests of both ports that they work together to ensure there is sufficient capacity on the network beyond the Tilbury 2 development.

4.3.2	Assessment of capacity on North London rail routes	It is agreed by both parties there is a future need for Network rail to undertake further assessment to inform understanding of the ability of routes across North London to accommodate the level of freight traffic generated by all committed/ proposed developments as they grow, alongside proposed additional passenger rail paths.
-------	----------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

5.0 LIST OF MATTERS UNDER DISCUSSION

6.0 AGREEMENT

Signed	
Name	Chris Lewis
Position	CEO
Organisation	DP World London Gateway Port Ltd
Date	15 th March 2018
Signed	
Name	Peter Ward

Position	Commercial Director
Organisation	Port of Tilbury London Limited
Date	15 th March 2015

Appendix 14

SOCG017

Statement of Common Ground with Public Health England

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

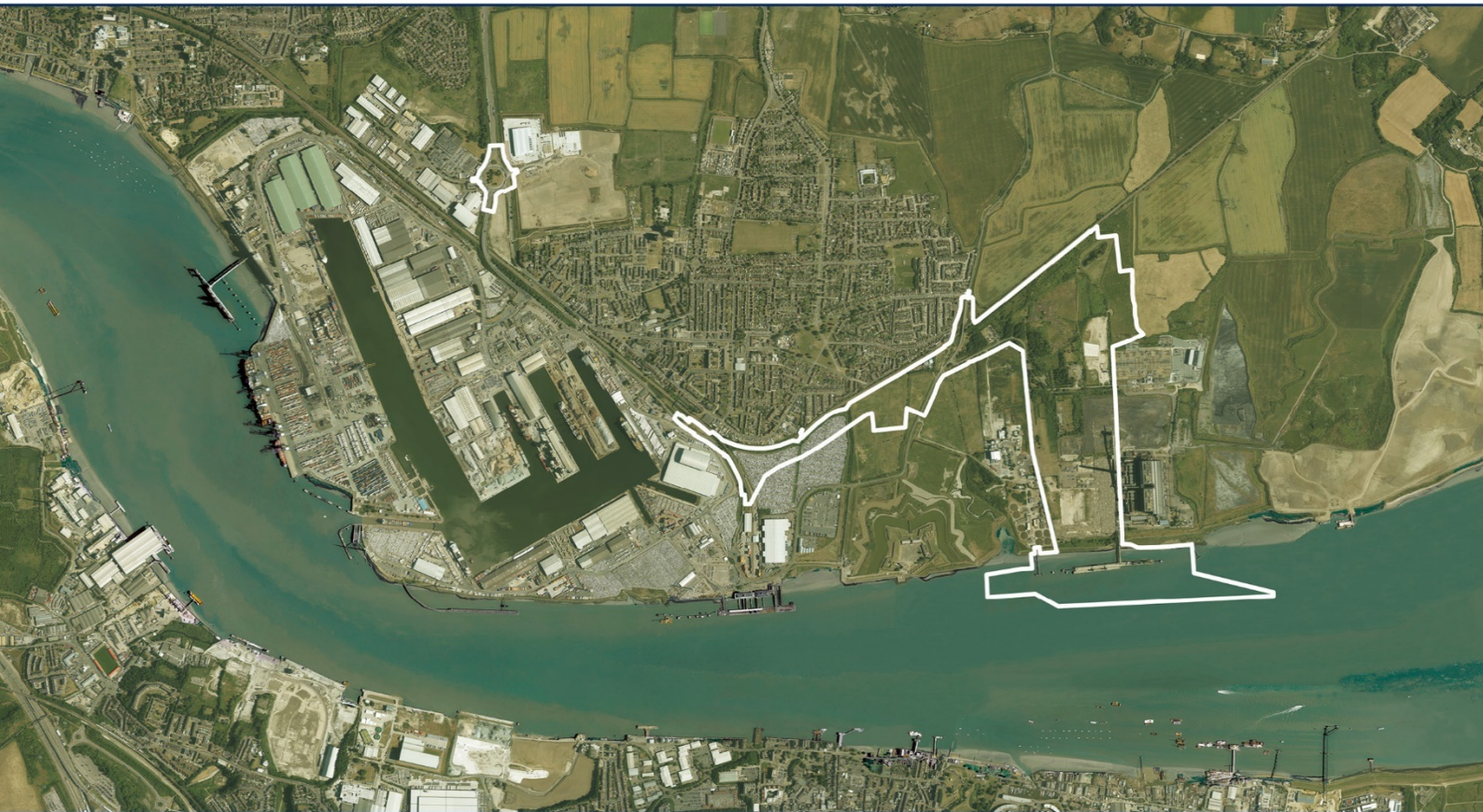
PROPOSED PORT TERMINAL AT
FORMER TILBURY POWER STATION

TILBURY2

TRO30003

STATEMENT OF COMMON GROUND
BETWEEN PORT OF TILBURY LONDON LIMITED AND
PUBLIC HEALTH ENGLAND

DOCUMENT REF : SOCG017





Peter Ward
Port of Tilbury London Limited
Lesley Ford House
Port of Tilbury
Tilbury
Essex RM18 7EH

Your Ref:
Our Ref 43302

15th March 2018

Dear Mr Ward

Nationally Significant Infrastructure Project – Port of Tilbury2 Statement of Common Ground

Thank you for providing a draft statement of common ground (SoCG) relating to the above development. Where possible, Public Health England (PHE) prefers to provide comments in the form of a letter rather than a SoCG.

We replied to earlier consultations as listed below and this response should be read in conjunction with that earlier correspondence.

- Request for Scoping Opinion 24th April 2017
- Section 55 Consultation 9th January 2018

We have discussed the SoCG at a teleconference on the 13th February 2018 and reviewed the draft Statement (received on the 15th February 2018). As discussed at the teleconference our response focuses on chemicals, poisons and radiation. We are unable to comment on noise and would suggest the local authority is contacted in the first instance. We also note that other matters that were not raised in our Section 55 (Registration of Interest) response have been included in the draft SoCG. Hence our response below focuses on the issues highlighted in our Section 55 response:

1) Matters with which PHE is in agreement

Issues specific to the Environmental Statement:

Cumulative Impacts (Section 4.6, pages 15 -16)

Port of Tilbury London Limited (PoTLL) state they have adequately considered the synergistic impacts on health arising from the combination of environmental disciplines assessed in the environmental statement (ES), together with other projects within the Gravesend and Thurrock areas, as identified in detail within Table 8.9 (Document Reference 6.1, 8.173) (page 8-40). PoTLL state that the cumulative impacts of Lower Thames Crossing (LTC) with Tilbury2 will need to be considered by Highways England in their Environmental Impact Assessment of the Lower Thames Crossing proposals.

In addition PoTLL state that as traffic modelling for the LTC is not available at present, it would be impossible for PoTLL to model the impact of Tilbury2 on traffic in Thurrock. It is therefore appropriate for this not to have been included within the ES and for it not to be carried out during the Examination process.

PHE response

We note that where possible, the operator has considered the cumulative impact on air quality from the Tilbury2 development in conjunction with other significant projects within the area and we acknowledge the operator's approach.

Electric and magnetic fields (Section 4.5, page 14 -15)

PoTLL state that "For the general public in the UK exposure should comply with the European Council (1999) and ICNRIP (1998) (International Commission on Non-ionizing Radiation Protection) which recommends 'safe' exposure levels for electric and magnetic fields associated with electrical infrastructure. These are guidelines which are not legally binding and apply to areas where members of the public would be considered to spend a significant amount of time.

PoTLL also state "It is expected that there will be two buried 11KV ring mains for RoRo and CMAT along with the associated HV and LV switchgear for RoRo and CMAT connecting to the UKPN facility. It is expected that the proposed scheme will not result in a significant change in overhead power lines or electrical infrastructure which will be subject to detailed design and which will comply with the existing guidelines for public exposure for electric and magnetic fields via compliance with existing standards for electrical infrastructure including overhead power lines, underground power cables and substations. The proposed scheme will therefore not alter the exposure level for members of the public.

PHE response

We consider that the public health impacts likely to arise as a result of electric and magnetic fields associated with the proposed development have been considered appropriately by the operator.

Please note that there are no matters still under discussion.

Should you have any questions or concerns please do not hesitate to contact us.

Yours sincerely

nsipconsultations@phe.gov.uk

Please mark any correspondence for the attention of National Infrastructure Planning Administration.

Appendix 15

SOCG018

Statement of Common Ground with London Resort Company Holdings

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

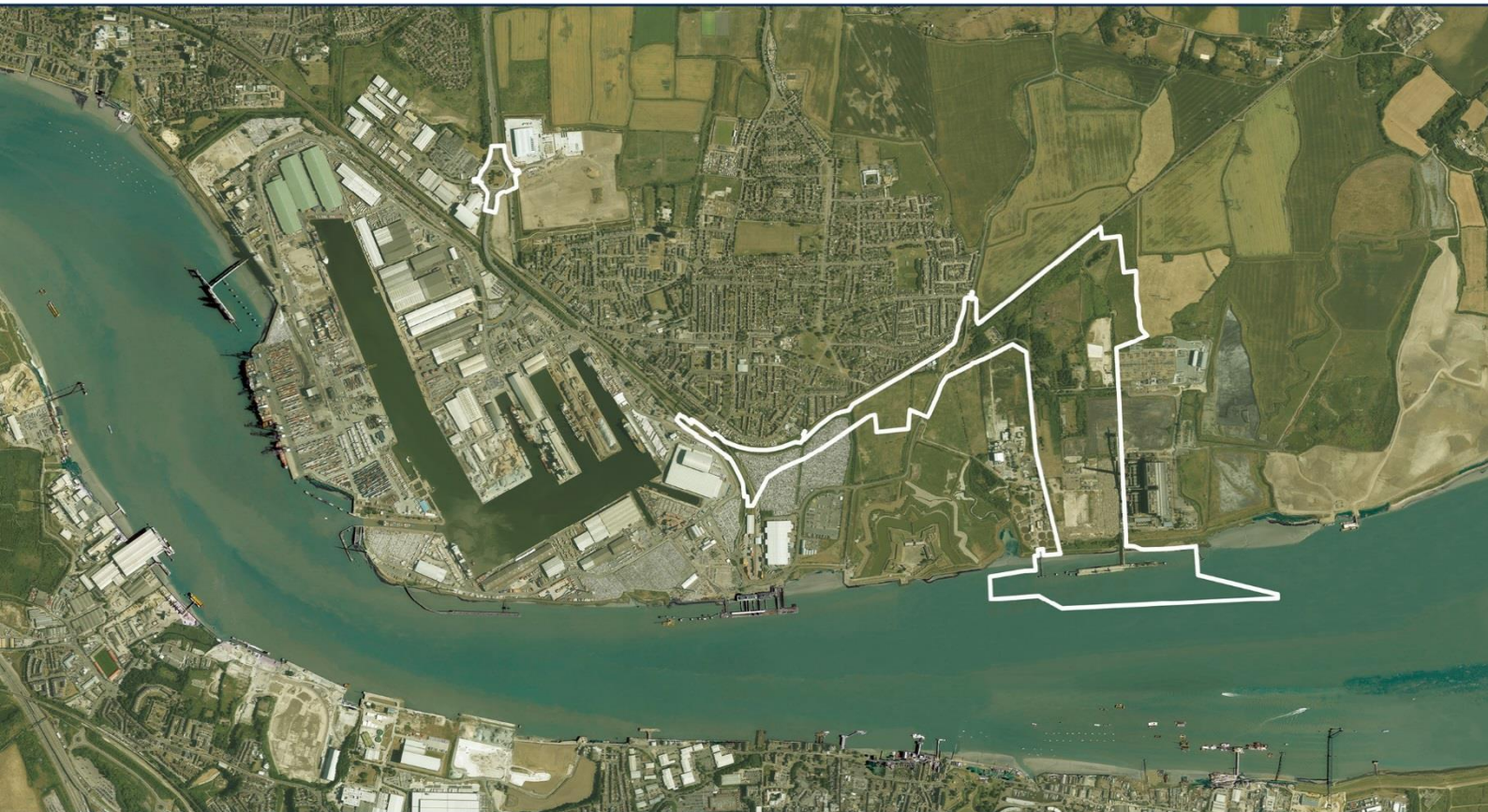
PROPOSED PORT TERMINAL AT
FORMER TILBURY POWER STATION

TILBURY2

TRO30003

STATEMENT OF COMMON GROUND
BETWEEN PORT OF TILBURY LONDON LIMITED AND
LONDON RESORT COMPANY HOLDINGS (LRCH)

DOCUMENT REF : SOCG018



PORT OF TILBURY

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

STATEMENT OF COMMON GROUND

**BETWEEN PORT OF TILBURY LONDON LIMITED AND
LONDON RESORT COMPANY HOLDINGS (LRCH)**

Revision	Date	Description of new version
1.0	14/2/18	Initial draft
2.0	18/02/18	Final agreed version

CONTENTS

1.0	INTRODUCTION	4
2.0	CONSULTATION TO DATE	7
3.0	SUMMARY OF TOPICS COVERED BY THE SOCG	8
4.0	LIST OF MATTERS AGREED	9
5.0	LIST OF MATTERS UNDER DISCUSSION	9
6.0	AGREEMENT	10

TILBURY2 PROJECT TEAM
PORT OF TILBURY LONDON LIMITED
Leslie Ford House
Port of Tilbury
Tilbury
Essex
RM18 7EH

www.tilbury2.co.uk

1.0 INTRODUCTION

Purpose of this document

- 1.1 This Statement of Common Ground ("SoCG") has been prepared in relation to the application by Port of Tilbury London Limited ("PoTLL") under section 37 of the Planning Act 2008 ("the Act") for an order granting development consent ("DCO") for the construction, operation and maintenance of a new port terminal and associated facilities in Tilbury, Essex known as 'Tilbury2' ("the proposals").
- 1.2 The aim of this SoCG between PoTLL and London Resort Company Holdings ("LRCH") ("the parties") is to provide a clear record of engagement between the parties, including of the issues discussed between the parties and the current status of those discussions. The SoCG can be used as evidence of engagement for the purposes of the examination into the DCO application.

Structure of this Statement of Common Ground

- 1.3 This structure of this SoCG is as follows:

Section 1 – Introduction

Section 2 – Consultation to date

Section 3 – Summary of topics covered by the SoCG

Section 4 – List of matters agreed

Section 5 – List of matters under discussion

Section 6 – List of matters not agreed

Overview of the proposals

- 1.4 PoTLL is proposing a new port terminal on the north bank of the River Thames at Tilbury, a short distance to the east of its existing Port. The proposed port terminal will be constructed on land that formed the western part of the now redundant Tilbury Power Station and is bounded to the west by a waste water treatment works and to the east by the Tilbury B power station that is presently being demolished.
- 1.5 The proposed main uses on the site will be a Roll-on/Roll-off (RoRo) terminal and a Construction Materials and Aggregates terminal (the "CMAT"), and associated infrastructure including rail and road facilities and revisions to the existing marine infrastructure. An 'infrastructure corridor' is proposed that will accommodate road and rail links to the existing rail and road network. The CMAT will include stockpiling of construction materials and some processing of aggregates for the production of asphalt and concrete products.

- 1.6 It will require works including, but not limited to:
- creation of hard surfaced pavements;
 - improvement of and extensions to the existing river jetty including creation of a new RoRo berth;
 - associated dredging of berth pockets around the proposed and extended jetty and dredging of the approaches to these berth pockets;
 - new and improved conveyors;
 - erection of welfare buildings;
 - erection of a single 10,200 sqm. warehouse
 - a number of storage and production structures associated with the CMAT;
 - the construction of a new link road from Ferry Road to Fort Road; and
 - formation of a rail spur and sidings.
- 1.7 The proposed volumes of import/export of RoRo units for the terminal exceed the threshold of 250,000 units stated in the Planning Act 2008 for throughput per annum. The Tilbury2 project therefore constitutes a Nationally Significant Infrastructure Project (NSIP).
- 1.8 The application essentially seeks a DCO for an operational port and to allow PoTLL to benefit from its permitted development rights within the boundaries of the new port. The application seeks to establish a 'Rochdale Envelope' of development based upon the description within the DCO. Whilst future use of the site may change it would necessarily be based on the "Not Environmentally Worse Than" (NEWT) approach within the Rochdale Envelope defined by this application, given that any development outside of this would require a separate planning application, as it would fall beyond the scope of permitted development powers.

Introduction to London Resort Company Holdings Limited

- 1.9 LRCH is a UK-registered company established to promote a world-class entertainment resort and visitor attraction. It is advised by a team with experience of delivering some of the world's largest leisure, sports and entertainment developments, and is supported by international investors.
- 1.10 The proposed Entertainment Resort will include a leisure park containing themed rides and attractions, entertainment venues and restaurants; further retail, dining and entertainment attractions outside of the leisure park, hotels, service buildings and a staff training academy, as well as up to 3,550 hotel rooms and substantial improvements to transport

infrastructure. The proposals also include a dedicated people mover transport link between Ebbsfleet International Station and the centre of the Entertainment Resort, a new direct road connection from the A2(T), a coach station and river bus facilities. The landscape strategy for the proposed development will incorporate new habitats, quiet zones for visitors, enhanced river frontages and the extensive restoration of land used in the past for chalk extraction, industrial activities and waste disposal.

- 1.11 The Entertainment Resort will be built on the Swanscombe Peninsula on the south bank of the River Thames, 5 km to the west of Tilbury2. POTLL has agreed a MOU with LRCH to support the construction of the Entertainment Resort through the use of the port for construction consolidation and the supply of construction materials to Swanscombe Peninsula by river transport.

2.0 CONSULTATION TO DATE

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

Pre-application

Date	Activity
09th March 2015	Introductory meeting between PoTLL and LRCH
20th May 2015	Demonstration of barge movement from PoTLL
30th September 2015	Progress meeting between PoTLL and LRCH
27 TH February 2017	Meeting to discuss the T2 project and an update for LRCH on progress on their project
19 th May 2017	Meeting with LRCH to discuss how the port could assist in supporting the construction phase of LRCH and an update on T2
9 TH June 2017	Meeting with CEO Forth Ports / LRCH to discuss MOU and an update on respective projects (MOU was subsequently agreed and signed by both parties)
14 th September 2017	Further meeting to discuss how potential logistics would work in terms of POTLL supporting the LRCH project

Post-application

<u>Date</u>	<u>Activity</u>
January 2018	Conference call to discuss LRCH section 56 submission and how we would deal with through a SOCG (Action POTLL to draft SOCG)

- 2.3 The parties continue to engage actively on those matters which are not yet agreed. A further iteration of this SoCG will be submitted into the examination in due course to document the progress that is expected to be made.


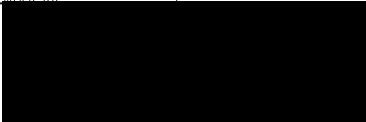
3.0 SUMMARY OF TOPICS COVERED BY THE SOCG

- 3.1 The following topics have been discussed between PoTLL and LRCH and relate only to the section 56 response submitted by LRCH.

4.0 LIST OF MATTERS AGREED

Ref	Description of matter	Details of agreement
4.1	Project Support	
4.1.1	LRCH has been engaged in informal dialogue with PoTLL with regard to the proposed Entertainment Resort since 2014 and both parties have signed an MOU to work together with PoTLL supporting the project from the existing port	It is agreed that LRCH is supportive of the T2 expansion and PoTLL is supportive of the LRCH project and to provide logistical support from the existing port facilities which will be facilitated by the expansion of T2
4.2	Cumulative impacts	
4.2.1	LRCH will consider the T2 project as part of its DCO application	It is agreed that Tilbury2 will be considered by LRCH in relation to predicted cumulative effects as part of its EIA process.
4.4	LRCH / POTLL MOU	
4.4.1	LRCH has plans to utilise the existing port for logistical support during the construction and post operational phase of LRCH's proposed Entertainment Resort	It is agreed and documented in an MOU how the two parties will work together to utilise the river and PoTLL's port facilities.

5.0 AGREEMENT

Signed	
Name	HUMPHREY PERCY
Position	CEO
Organisation	London Resort Company Holdings Limited
Date	20-03-18
Signed	
Name	PETER WARD
Position	COMMERCIAL DIRECTOR
Organisation	Port of Tilbury London Limited
Date	18/3/18

Appendix 16

SOCG019

Statement of Common Ground with Cadent Gas Limited

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

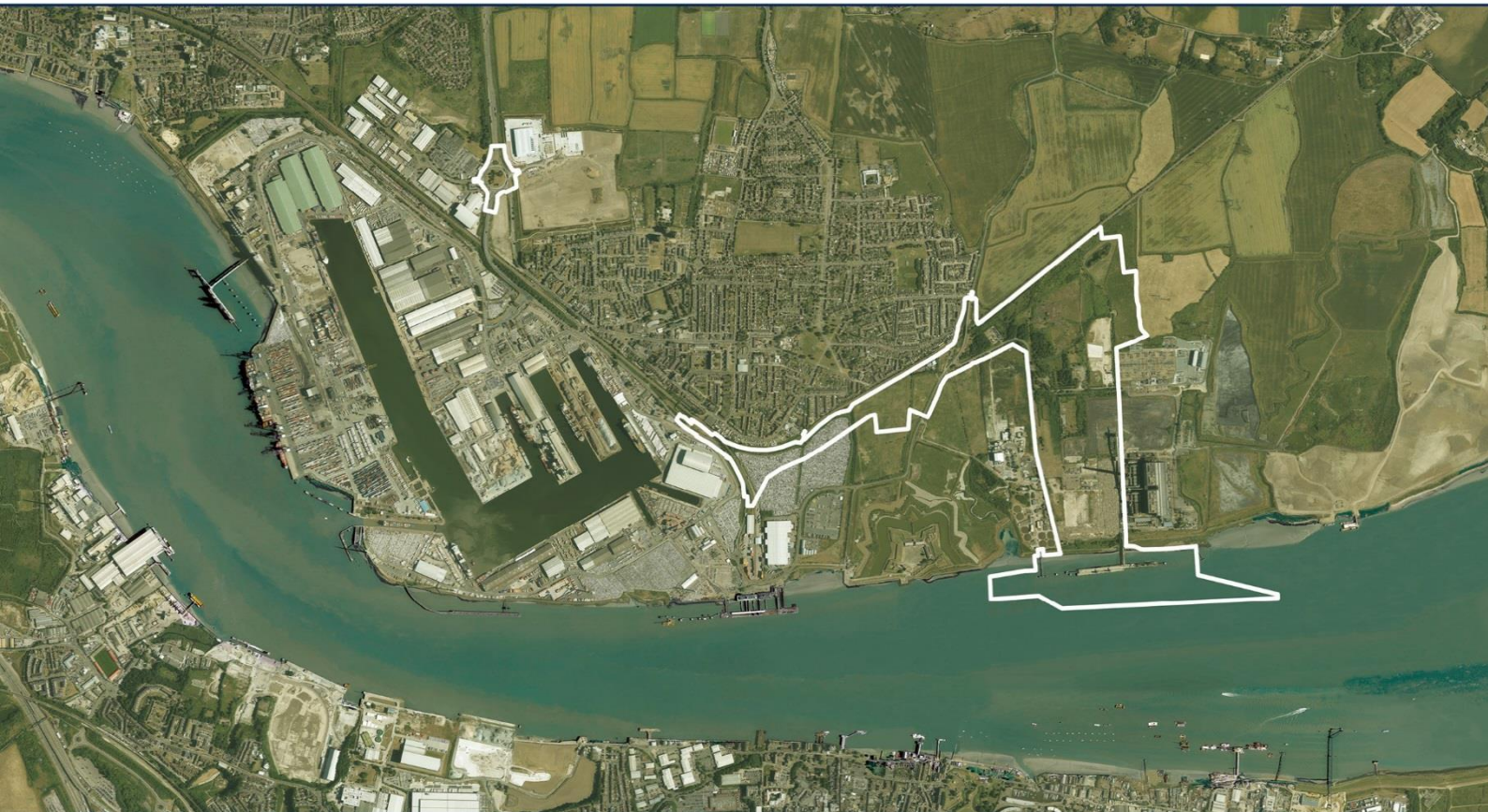
PROPOSED PORT TERMINAL AT
FORMER TILBURY POWER STATION

TILBURY2

TRO30003

STATEMENT OF COMMON GROUND
BETWEEN PORT OF TILBURY LONDON LIMITED
AND CADENT GAS LIMITED

DOCUMENT REF : SOCG019



**STATEMENT OF COMMON GROUND BETWEEN
PORT OF TILBURY LONDON LIMITED AND CADENT GAS LIMITED**

1. INTRODUCTION AND PURPOSE

- 1.1 Application for Development Consent for a proposed port terminal at the former Tilbury Power Station ("the Application") was made by the Port of Tilbury London Limited ("PoTLL") on 31st October 2017 and was accepted for examination by the Planning Inspectorate on 21st November 2017 (reference number:TR03003).
- 1.2 This Statement of Common Ground ("SOCG") has been prepared by PoTLL and Cadent Gas Limited in accordance with the guidance published by the Department of Communities and Local Government.
- 1.3 The purpose of the SOCG is to set out agreed factual information about the Application. It is intended that the SOCG should identify matters on which PoTLL and Cadent agree. As well as identifying matters which are not in dispute, the SOCG may also identify areas where agreement has not been reached. Where relevant, the SOCG will include references to show where these matters are dealt with in the Application, written representations or other documentary evidence.
- 1.4 PoTLL and Cadent are collectively referred to in this SOCG as "the parties". The parties have been, and continue to be, in direct communication in respect of the interface between the proposed port terminal at the former Tilbury power station ("Tilbury2") and Cadent's land ownership interests.
- 1.5 It is envisaged that the SOCG will evolve during the Examination. Subsequent drafts will be agreed and issued.

2. OVERVIEW OF THE PROPOSALS

- 2.1 PoTLL is proposing a new port terminal on the north bank of the River Thames at Tilbury, a short distance to the east of its existing Port. The proposed port terminal will be constructed on land that formed the western part of the now redundant Tilbury Power Station and is bounded to the west by a waste water treatment works and to the east by the Tilbury B power station that is presently being demolished.
- 2.2 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.
- 2.3 It will require works including, but not limited to:
- creation of hard surfaced pavements;
 - improvement of and extensions to the existing river jetty including creation of a new RoRo berth;
 - associated dredging of berth pockets around the proposed and extended jetty and dredging of the approaches to these berth pockets;
 - new and improved conveyors;

- erection of welfare buildings;
- erection of a single 10,200 sqm. warehouse
- a number of storage and production structures associated with the CMAT;
- the construction of a new link road from Ferry Road to Fort Road; and
- formation of a rail spur and sidings.

2.4 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.

2.5 The application essentially seeks a DCO to approve an operational port and to allow PoTLL to benefit from its permitted development rights within the boundaries of the new port. The application seeks to establish a 'Rochdale Envelope' of development based upon the description within the DCO. Whilst future use of the site may change it would necessarily be based on the "Not Environmentally Worse Than" approach within the Rochdale Envelope defined by this application, given that any development outside of this would require a separate planning application, as it would fall beyond the scope of permitted development powers.

3. **THE ROLE OF CADENT AND THE APPLICATION**

3.1 Cadent operates the gas distribution networks in north London and central and north west England.. It is a statutory undertaker for the purposes of the Planning Act 2008 and the provisions in the Draft Development Consent Order submitted within the Application ("the draft order").

3.2 The Application includes provisions which would, if granted and subject to the protective provisions, allow PoTLL to acquire land and rights over land containing Cadent's apparatus permanently, to override or extinguish or appropriate Cadent's rights or grant restrictive covenants interfering with such rights and to take powers of temporary possession and survey over land containing Cadent's apparatus.

3.3 Cadent owns apparatus which might be affected by the carrying out of works numbers 9A, 9B and 12 as described in the draft order.

3.4 For the purposes of this SoCG, the term "Authorised Development" has the same meaning as in the draft order.

4. **MATTERS AGREED IN PRINCIPLE**

4.1 This section of the SOCG describes the matters agreed in principle between the parties.

4.2 These matters are:

- that Cadent has no objection in principle to Tilbury2.
- that the draft order should contain appropriately worded protective provisions for the protection of Cadent;

that the draft order should include sufficient land to allow for agreed diversions of Cadent's apparatus and the grant of new land rights required for such alternative apparatus as is required in light of the impacts of the Authorised Development on Cadent's existing apparatus or where these fall outside the Order Land that PoTLL have sufficient property rights to grant any necessary easements for any required diversions.

- 4.3 Agreement has been reached on the form of the protective provisions to be included in the Order. The parties have also agreed that in the event that PoTLL does have to divert Cadent's apparatus lying within the Fort Bridge highway it will create a diversion within land which it already owns. This commitment, along with certain others, will be included in a side agreement, the text of which is agreed. Once the documentation has been executed by the parties then Cadent will withdraw their objection to the Order.

Appendix 17

SOCG020

**Statement of Common Ground with National Grid Electricity
Transmission**

PLANNING ACT 2008
INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES
2010

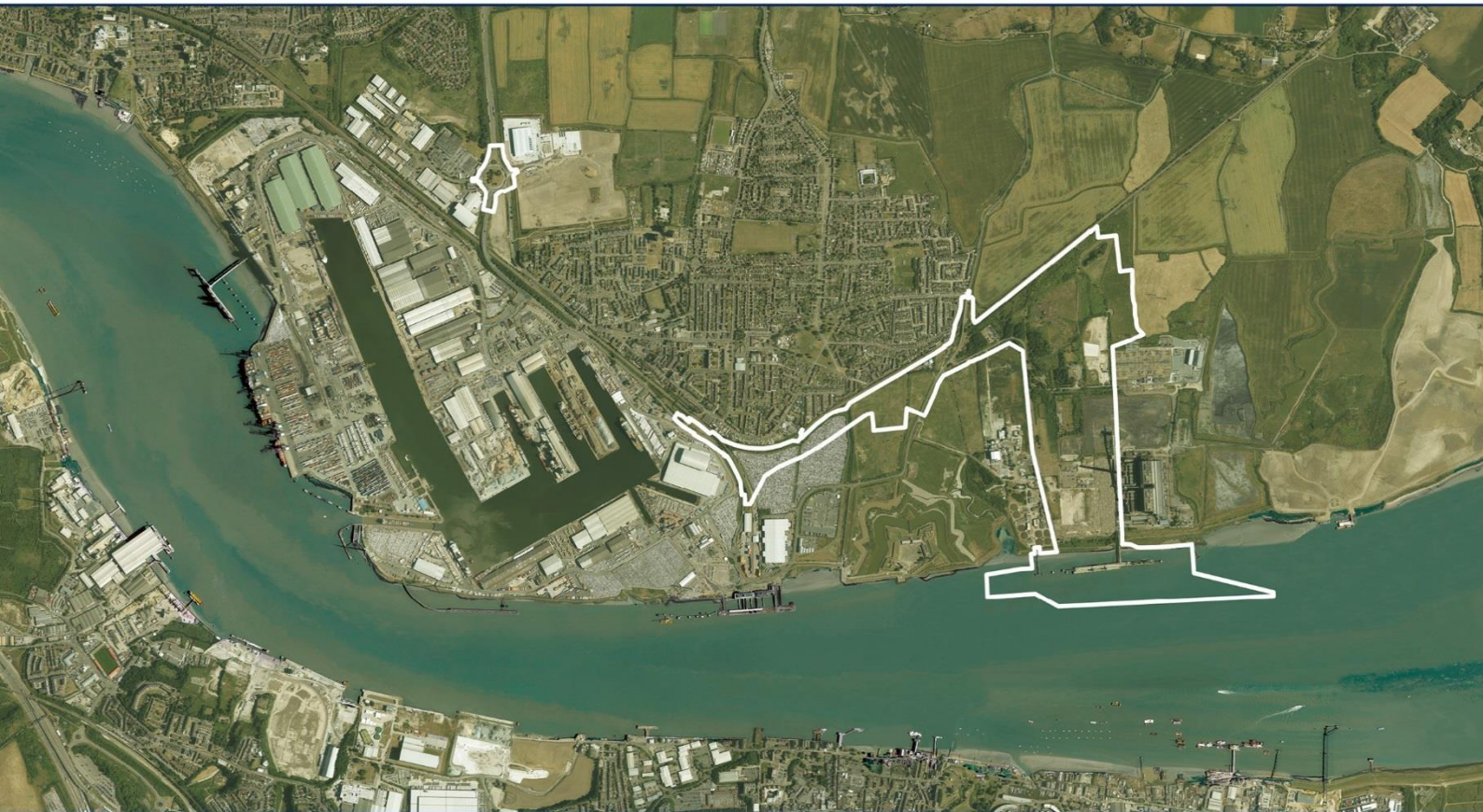
PROPOSED PORT TERMINAL AT
FORMER TILBURY POWER STATION

TILBURY2

TRO30003

STATEMENT OF COMMON GROUND
BETWEEN PORT OF TILBURY LONDON LIMITED AND
NATIONAL GRID ELECTRICITY TRANSMISSION PLC

DOCUMENT REF : SOCG020



PORT OF TILBURY

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

STATEMENT OF COMMON GROUND

**BETWEEN PORT OF TILBURY LONDON LIMITED AND
NATIONAL GRID ELECTRICITY TRANSMISSION PLC**

Revision	Date	Description of new version
1.0	18 June 2018	Draft agreed for submission at Deadline 4.5
2.0	05 July 2018	Final Version Agreed for submission at Deadline 5

STATEMENT OF COMMON GROUND
BETWEEN PORT OF TILBURY LONDON LIMITED
AND NATIONAL GRID ELECTRICITY TRANSMISSION PLC

1. INTRODUCTION AND PURPOSE

- 1.1 Application for Development Consent for a proposed port terminal at the former Tilbury Power Station ("the Application") was made by the Port of Tilbury London Limited ("PoTLL") on 31st October 2017 and was accepted for examination by the Planning Inspectorate on 21st November 2017 (reference number:TR03003).
- 1.2 This Statement of Common Ground ("SOCG") has been prepared by PoTLL and National Grid Electricity Transmission plc ("NGET") in accordance with the guidance published by the Department of Communities and Local Government.
- 1.3 The purpose of the SOCG is to set out agreed factual information about the Application. It is intended that the SOCG should identify matters on which PoTLL and NGET agree. As well as identifying matters which are not in dispute, the SOCG may also identify areas where agreement has not been reached. Where relevant, the SOCG will include references to show where these matters are dealt with in the Application, written representations or other documentary evidence.
- 1.4 PoTLL and NGET have been, and continue to be, in direct communication in respect of the interface between the proposed port terminal at the former Tilbury power station ("Tilbury2") and NGET's land ownership interests.

2. OVERVIEW OF THE PROPOSALS

- 2.1 PoTLL is proposing a new port terminal on the north bank of the River Thames at Tilbury, a short distance to the east of its existing Port. The proposed port terminal will be constructed on land that formed the western part of the now redundant Tilbury Power Station and is bounded to the west by a waste water treatment works and to the east by the Tilbury B power station that is presently being demolished.
- 2.2 The proposed main uses on the site will be a Roll-on/Roll-off ("RoRo") terminal and a Construction Materials and Aggregates Terminal ("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.
- 2.3 It will require works including, but not limited to:
- creation of hard surfaced pavements;
 - improvement of and extensions to the existing river jetty including creation of a new RoRo berth;
 - associated dredging of berth pockets around the proposed and extended jetty and dredging of the approaches to these berth pockets;
 - new and improved conveyors;
 - erection of welfare buildings;

- erection of a single 10,200 sqm. warehouse
- a number of storage and production structures associated with the CMAT;
- the construction of a new link road from Ferry Road to Fort Road; and
- formation of a rail spur and sidings.

2.4 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.

2.5 The application essentially seeks a DCO to approve an operational port and to allow PoTLL to benefit from its permitted development rights within the boundaries of the new port. The application seeks to establish a 'Rochdale Envelope' of development based upon the description within the DCO. Whilst future use of the site may change it would necessarily be based on the "Not Environmentally Worse Than" approach within the Rochdale Envelope defined by this application, given that any development outside of this would require a separate planning application, as it would fall beyond the scope of permitted development powers.

3. THE ROLE OF NGET AND THE APPLICATION

3.1 NGET owns and operates the regulated electricity transmission network in England and Wales. It is a statutory undertaker for the purposes of the Planning Act 2008 and the provisions in the Draft Development Consent Order submitted within the Application ("the draft order").

3.2 The Application includes provisions which would, if granted and subject to the protective provisions, allow PoTLL to acquire land or rights, take powers of temporary possession over land containing NGET's apparatus, stop up private means of access, extinguish private rights over land, appropriate and use sub-soil, override easements and other rights and create restrictive covenants all of which may affect NGET's property rights and access to their Apparatus..

3.3 For the purposes of this SoCG, the term "Authorised Development" has the same meaning as "the authorised development" in the draft order.

4. MATTERS AGREED IN PRINCIPLE

4.1 This section of the SOCG describes the matters agreed in principle between the parties.

4.2 These matters are that NGET has no objection in principle to Tilbury2 subject the provision of 24 hour vehicular and pedestrian access to and from National Grid's Substations.

4.3 [PoTLL and NGET have reached agreement on the form of the Protective Provisions to be included in the Order.](#)

4.4 [PoTLL has agreed that the Fort Road Overbridge shall be constructed with a headroom clearance of not less than 6 metres in order to maintain access to the National Grid Substation by Abnormal Indivisible Load Vehicles including Girded Frame Trailers and Flat Top Trailers. This can be achieved within the current limits of deviation in the draft order. This commitment, along with -others, is to be included in a side agreement, the text of which is agreed. Once the documentation has been executed, National Grid will withdraw their objection to the Order.](#)

