

Record of consultation undertaken between ExA's Procedural Decision Letter of 02 November and Procedural Deadline C

Section 1: Consultation letters issued

Reference	A
Date	05/11/20
Consultee(s)	Natural England
Topic(s)	Impact of the causeway and its maintenance beyond the lifetime of the Proposed Development

Reference	B
Date	06/11/20
Consultee(s)	Thurrock Council Environment Agency
Topic(s)	Flood risk

Reference	C
Date	09/11/20
Consultee(s)	Historic England Thurrock Council
Topic(s)	Cultural Heritage

Reference	D
Date	16/11/20
Consultee(s)	Thurrock Council Environment Agency Natural England Port of London Authority Marine Management Organisation Port of Tilbury London Ltd
Topic(s)	Saltmarsh creation Impact of the causeway and its maintenance beyond the lifetime of the Proposed Development

Reference	E
Date	24/11/20
Consultee(s)	Natural England
Topic(s)	Update of the HRA Report

Reference	F
Date	30/11/20
Consultee(s)	Historic England Thurrock Council
Topic(s)	Cultural Heritage

Reference	G
Date	August-November 2020
Consultee(s)	Port of London Authority Port of Tilbury London Ltd
Topic(s)	Shipping and navigation

These consultation letters are shown in turn on the following pages.

Reference	A
Date	05/11/20
Consultee(s)	Natural England
Topic(s)	Impact of the causeway and its maintenance beyond the lifetime of the Proposed Development

From: [Tom Dearing](#)
To: [Bustard, Jonathan](#)
Cc: [Chellis, Laura](#); [Stephanie Boswall](#); [Andrew Troup](#)
Subject: Thurrock FGP causeway - public access restrictions
Date: 05 November 2020 16:28:00
Attachments: OXF10872_causeway_public_access_restrictions.pdf
image003.png

Hi Jonathan,

As discussed today we have taken on board Natural England's point about restricting public access to the causeway. I am intending to submit the attached document into the examination setting out how that would be done, and am sharing this as a draft now as requested.

Regards,
Tom

Tom Dearing

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Reference	B
Date	06/11/20
Consultee(s)	Thurrock Council Environment Agency
Topic(s)	Flood risk

From: [Tom Dearing](#)
To: [Purvis, Chris](#); [Abbott, Pat](#)
Cc: [Stephanie Boswall](#); [Andrew Troup](#); [Jonathan Morley](#); [Paula McGeady](#)
Subject: EN010092 - Thurrock FGP - consultation on revised flood risk and drainage documents
Date: 06 November 2020 15:25:00
Attachments: Attached_documents.zip
EN010092_Flood_Risk_Consultation_Letter_06.11.20.pdf
image002.png

Dear Pat and Chris,

As you're aware the Examining Authority (ExA) has taken a procedural decision (letter of 02 November) to delay the start of examination and to request further information on several points by new Procedural Deadline C on 14 December. We are requested to provide at that time also details of any further consultation undertaken.

This email is to consult you further about application document revisions made in response to the flood risk points raised in the ExA's procedural decision letter. Please see attached a consultation letter and the revised documents with tracked changes. I would ask for any comments back by 18 November so that we can take these into account by Procedural Deadline C.

I will be contacting you separately about other points in the ExA's letter where the EA or Thurrock Council are the relevant parties to consult.

Best regards,
Tom

Tom Dearing

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Environment Agency
Pat Abbott
Planning Advisor

Thurrock Council
Chris Purvis
Planning Advisor

06 November 2020

EN010092 – Thurrock Flexible Generation Plant – Flood Risk Further Consultation

Dear Sirs,

I am writing further to the Examining Authority's (ExA's) procedural decision letter of 02 November 2020 in which the ExA has required the Applicant to provide further environmental information concerning flood risk, among other matters.

That information is required to be submitted by Procedural Deadline C on 14 December 2020 together with '*details of any consultation undertaken, responses received and how they have been taken into account*' so I am writing to provide drafts of the updated application documents for your comment. Given the limited timescale required by the ExA, I ask for your comments back by 18 November 2020 so that we can take these into account by Procedural Deadline C.

My understanding is that the information requested by the ExA relates to the points about flood risk raised in the EA's and Thurrock Council's Relevant Representations. We had in any case been updating documents in response to the Relevant Representations and following the helpful discussion with the EA about the H++ scenario, TIL03 breach and condition of the Bowaters Sluice outfall on 30 September 2020, so I have taken this opportunity to provide updates to both the flood risk and drainage strategy documents together.

The revised drafts are enclosed with tracked changes. In summary, these revisions comprise the following.

Flood risk

APP-112 (ES Appendix 15.1: Flood Risk Assessment), APP-141 (A8.5 Flood Evacuation Plan) and APP-064 (ES Chapter 15: Hydrology and Flood Risk) have been revised to:

- refer to the H++ climate change scenario and future resilience options;
- discuss the TIL03 potential tidal defence breach location and warning time for an evacuation;
- update the flood evacuation and warning time information; and
- detail the negligible change and lack of impact on flood storage capacity due to raising ground levels in parts of the main development site.

Drainage

APP-015 (A2.10 Concept Drainage Plan) and APP-125 (A7.3 Conceptual Drainage Strategy) have been revised to provide a clarification of the direction of flows in the ditch network to which the proposed development would discharge. The documents show that surface water discharge will be to either, or both, of Bowaters Sluice outfall or Worlds End Pumping Station outfall (via Pincocks Trough) to the River Thames depending on available hydraulic capacity of either system at any given time, as the ditch network bordering the main development site is interconnected to both outfalls.

The runoff rate and discharge flow rate shown on the Concept Drainage Plan have been corrected to match the figures stated in the Conceptual Drainage Strategy, which are for the correct 1 in 1 year greenfield rate. A clarification has also been added to the Conceptual Drainage Strategy in paragraph 2.7 to explain the soil classifications adopted (which are based on the Phase II Site Investigation for the development site).

The other points raised in the LLFA section of Thurrock Council's Relevant Representation are noted and we consider that these matters of detail would be addressed through discharge of DCO Requirement 10 (Surface and foul water drainage) under Thurrock Council's approval in due course.

Other matters

APP-045 (ES Chapter 2: Project Description) will be revised to specify use of a temporary span bridge for construction plant access across West Tilbury Main river during gas pipeline construction instead of a temporary culverted crossing

I will be writing separately about other matters raised in the ExA's letter, including withdrawal of the saltmarsh creation proposal, at which point I will circulate the revised Project Description including the span bridge change.

Yours sincerely,
for RPS



Tom Dearing

Reference	C
Date	09/11/20
Consultee(s)	Historic England Thurrock Council
Topic(s)	Cultural Heritage

HISTORIC ENGLAND FURTHER CONSULTATION

E	Exchange common land	n/a (no impact as topsoil strip now ruled out)	Geophysical survey	Topsoil strip of Zone E was included as a maximum design parameter in the application but is now confirmed not to be required. Schedule 1 of the DCO will be updated accordingly.
F	Habitat creation and enhancement, including topsoil removal and new ditches for water vole	<ul style="list-style-type: none"> • Stage 1: geophysical survey • Stage 2: targeted evaluation trenching (focusing on areas of impact and interest) equivalent to 4% of affected development area with 1% contingency reserve • Stage 3 (if required) additional archaeological investigation or watching brief 	Geophysical survey	This land is regularly ploughed by the current landowner.
G	Construction of access road and use of existing roads. Dredging and construction of causeway.	<p>Onshore environment, undeveloped land:</p> <ul style="list-style-type: none"> • Stage 1: geophysical survey • Stage 2: targeted evaluation trenching (focusing on areas of impact and interest) equivalent to 4% of affected development area with 1% contingency reserve • Stage 3 (if required) additional archaeological investigation or watching brief <p>Marine environment:</p> <ul style="list-style-type: none"> • Watching brief during dredging/excavation • Protocol for any archaeological finds including human remains, treasure, wreck 	Geophysical survey of the access road route section through undeveloped agricultural land	<p>No potential impact for existing roads or road section through former ash fields landfill and land raising operation.</p> <p>A watching brief for dredging/excavation works for causeway construction is proposed. It is not possible to carry out these dredging/excavation works prior to gaining the DCO including deemed marine license.</p>
H	Use of existing road through Tilbury2 port	n/a	n/a	No potential impact
I	Use of Station Road section by HGV traffic	n/a	n/a	No potential impact
J	Temporary diversion of footpath	n/a	n/a	No potential impact

Reference	D
Date	16/11/20
Consultee(s)	Thurrock Council Environment Agency Natural England Port of London Authority Marine Management Organisation Port of Tilbury London Ltd
Topic(s)	Saltmarsh creation Impact of the causeway and its maintenance beyond the lifetime of the Proposed Development

From: [Tom Dearing](#)
To: [Abbott, Pat](#); [Purvis, Chris](#); [Michael Atkins](#); sarah.errington@marinemanagement.org.uk; [Bustard, Jonathan](#); john.speakman@potl.com
Cc: [Stephanie Boswall](#); [Andrew Troup](#); [Paula McGeady](#)
Bcc: [Matthew Fasham](#); [Kevin Linnane](#)
Subject: EN010092 - Thurrock FGP - consultation on revised plans and documents
Date: 16 November 2020 16:49:00
Attachments: EN010092_Causeway_Saltmarsh_and_Onshore_Habitat_Consultation_Letter.pdf
image003.png

Dear all,

As you are aware the Examining Authority (ExA) has taken a procedural decision (letter of 02 November) to delay the start of examination for Thurrock Flexible Generation Plant and to request further information on several points by new Procedural Deadline C on 14 December. We are also requested to provide details of any further consultation undertaken and the responses.

This email is to consult you further about application document revisions made in response to the saltmarsh and causeway points raised in the ExA's procedural decision letter, together with other connected matters. Please see the attached consultation letter. The documents referred to in the letter can be accessed at:

<https://filetransfer.rpsgroup.com/link/FIByoUho7ajh3lI0javo8J>. I would ask for any comments back by Tues 24th November so that we can take these into account by Procedural Deadline C.

I will be contacting interested parties separately about other points in the ExA's letter as applicable.

Best regards,
Tom

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Chris Purvis, Major Applications Manager, Thurrock Council
Pat Abbott, Planning Advisor, Environment Agency
Michael Atkins, Senior Planning Officer, Port of London Authority
Sarah Errington, Marine Licensing Case Manager, Marine Management Organisation
Jonathan Bustard, Casework Manager, Natural England
John Speakman, Senior Asset Manager (Property), Port of Tilbury London Ltd

By email

16 November 2020

EN010092 – Thurrock Flexible Generation Plant – Causeway, Saltmarsh and Onshore Habitat Further Consultation

I am writing further to the Examining Authority's (ExA's) procedural decision letter of 02 November 2020 in which the ExA has required the Applicant to provide further environmental information concerning saltmarsh creation and the impact of the causeway as a permanent structure, among other matters.

That information is required to be submitted by Procedural Deadline C on 14 December 2020 together with '*details of any consultation undertaken, responses received and how they have been taken into account*' so I am writing to provide further information and drafts of updated application documents for your comment. Given the limited timescale required by the ExA, I ask for your comments back by 24 November 2020 so that we can take these into account by Procedural Deadline C.

Besides the points raised in the ExA's letter, there are other interconnected matters affecting the Environmental Statement (ES) and application documents. To avoid (so far as possible) consulting multiple times on several versions of affected documents, each with partial changes, I am therefore grouping these together where that can be done. In particular, as advised during the Preliminary Meeting (Part 1), the Applicant intends to request a non-material change to relocate part of the onshore habitat creation area as well as to withdraw the saltmarsh creation proposal, which jointly affect documents such as the biodiversity net gain calculations and the Outline Ecological Management Plan.

Saltmarsh creation

Existing assessments

The ExA has requested further environmental information assessing the impact of saltmarsh creation, maintenance and monitoring. Although the Applicant intends to withdraw the saltmarsh creation proposal based on recent stakeholder feedback (see section below), this change request has not yet been made, so a response based on the existing position is first given.

In our understanding the further information requested by the ExA seems likely to relate to the point made in Relevant Representations by the Environment Agency, Marine Management Organisation and Natural England that the saltmarsh creation would be on existing mudflat with its own habitat value, carrying a consequent adverse impact of additional mudflat loss to be balanced against the saltmarsh gain. This fact was acknowledged in Section 5.1 of APP-146 (A8.10 Outline Saltmarsh Enhancement and Maintenance Plan).

For the avoidance of doubt, the net effect of saltmarsh creation, including the transformation of existing mudflat to saltmarsh (with loss of the former as habitat) was fully assessed in the Biodiversity Net Gain Assessment (APP-093, Appendix 9.3 to the ES). This did include a loss within the net gain score due to the existing mudflat value and the discount applied in the calculations for uncertainty and timeframe required for new saltmarsh habitat to establish.

Paragraph 4.2.8 of APP-066 (Chapter 17: Marine Environment) identified the minor adverse effect (not significant) during the period where saltmarsh colonises and develops over the accreting mudflat. The net long-term effect was assessed as being neutral or potentially minor beneficial (not significant) based on the judgement of saltmarsh value once fully established and scarcity of this habitat relative to mudflat. However,

the preceding paragraphs 4.2.2 to 4.2.7 have now been edited in the revised chapter to more clearly set out the area of mudflat that could be lost to saltmarsh colonisation and the impact of that change in habitat.

On balance and based on pre-application discussion with the Environment Agency on 12/11/19 it was judged at the time of submitting the DCO application that saltmarsh creation should be pursued as saltmarsh is the rarer habitat and is being lost in this area of the Thames, so extending it would be beneficial.

The ExA's request may also relate to paragraph 6.1 of the PLA's Relevant Representation, which stated:

"The PLA has further concerns in relation to the saltmarsh enhancement design and assumptions made about the creation, retention and long-term monitoring are not adequately addressed in the ES. Insufficient ground investigations have been made to date and there is uncertainty on whether any material will need to be imported to create the saltmarsh and, if so, where it will come from."

It is unclear what prompted the comments in paragraph 6.1. The application documents are clear that the material to create the saltmarsh would come from the balance of sediment to be dredged during the causeway excavation – see for example paragraph 2.10.6 in APP-045 (ES Chapter 2: Project Description). Information about the creation, retention and long-term monitoring of the saltmarsh was set out in APP-146, the outline plan written specifically for that purpose. DCO requirement 14 (saltmarsh management) required that the final saltmarsh management plan be developed and approved prior to construction, which would offer the opportunity for further detail to be provided in the plan if necessary.

Ground investigation (sediment sampling) was undertaken at sample points along the stretch of inter-tidal area where the causeway construction and saltmarsh creation would occur. This is detailed in APP-119 (ES Appendix 17.1). Prior to undertaking this investigation a Sampling Plan was provided to the PLA and the PLA's written agreement to the approach was received on 20 August 2019. Specifically that response confirmed that the PLA agreed with the number of samples and set out the suite of contaminants that should be tested for, which has been done. At the request of the MMO, the investigation results have additionally been provided in the MMO's proforma template on 14 October 2020.

Proposal to withdraw saltmarsh creation

When the examination starts the Applicant intends to request a non-material change to withdraw the saltmarsh creation proposal.

The Applicant has noted the comments made by the Environment Agency, Marine Management Organisation, Natural England and the Port of London Authority concerning saltmarsh creation in their relevant representations. Following a joint meeting with these parties (excepting the PLA, who were unable to attend) on 05 October 2020 the Applicant accepts that on balance it is now considered environmentally preferable not to use dredged material from the causeway construction to promote the establishment of saltmarsh on the mudflat in its lee.

APP-146 (A8.10 Outline Saltmarsh Enhancement and Maintenance Plan) will therefore be withdrawn and the draft DCO requirements and table of mitigation commitments in the Environmental Statement have been updated accordingly.

The dredged material will primarily be dispersed by water injection dredging (WID), as had already been described in the application for the balance of material that was not proposed for use in saltmarsh creation. WID of up to 13,000 m³ (of the total 16,100 m³ material) was assessed in APP-120 (ES Appendix 17.2). The 3,100 m³ balance of material to be excavated would be disposed of onshore. The Applicant considers it likely that some or all of this material could be used for the necessary raise of the main development site ground level, but as a worst case road transport of this material to a licensed disposal site has also been considered, and this could be accommodated within the construction HGV numbers that were set out in the application.

APP-144 (A8.8 Construction Traffic Management Plan) has been updated to provide greater detail about management of the crossing of Footpath 146 (the coastal foot/cycle path, also known as Two Forts Way) by construction plant and HGVs for this activity.

Causeway decommissioning

In the application the causeway was proposed to be a permanent structure, retained during the flexible generation plant's operating life and left in situ rather than removed at the end of that period. This was for two reasons, as explained in APP-045 (Chapter 2: Project Description) of the ES:

1. The causeway is the only means of access for delivery of the largest flexible generation plant components, such as gas engine blocks, which are abnormal indivisible loads (AILs). It must therefore be retained in order that a failed engine or other major plant item could be transported for repair or replaced, should that be needed during the operating life. This would be an exceptional rather than routine use and the environmental effects were judged, in the ES, therefore to be much less than those arising from the more intensive causeway use during the flexible generation plant construction phase.
2. The proposed saltmarsh habitat creation would have been in the lee of the causeway and sheltered by its shape. It was considered that at the end of the flexible generation plant's design operating lifetime – 35 years hence at a minimum – it was likely to be environmentally preferable for the causeway to remain in situ. This judgement was made as the local environment around the causeway would have reached a new equilibrium with regard to saltmarsh habitat and local hydrodynamics. If the causeway were removed in that scenario, it was likely that the created saltmarsh would then be eroded and its habitat value lost.

The Applicant reaffirms that while no alternative access is feasible for the AILs, a permanent causeway retained for the flexible generation plant's operating life is essential to the funding and commercial viability of the project. The flexible generation plant would not be financeable if there were no means to replace large equipment following a failure or the need for repair that requires the return of the equipment to the manufacturer's facilities.

The history of the project during pre-application consultation stages shows the very considerable effort devoted by the Applicant to exploring alternative access routes by port and road for AILs, but ultimately these alternatives were found to be either impossible or to require impractical, impactful and disruptive works to the local and strategic highway network together with haul road construction and greater common land take. The causeway proposal was therefore developed into the project as the preferred option.

Nevertheless, the potential for access options to change over time is acknowledged, in which case it could become possible to decommission the causeway without creating an unacceptable operational and financial risk to the flexible generation plant. The Applicant therefore proposes the following new DCO Requirements:

Review of access for abnormal indivisible loads.

N1 (1) Within five years from the date of final commissioning of the flexible generation plant, the undertaker must submit a report of the review of access options for transportation of abnormal indivisible loads (AIL) to or from Work 1 in writing to the relevant planning authority.

(2) If a permanent, feasible and economic alternative to use of the causeway to be constructed as Work 10 for AIL access is identified in the report submitted under sub-paragraph (1), then the undertaker must:

- (a) submit applications for any consents required for that alternative AIL access within 6 months of the date of the submission of the review, or such other period as may be agreed between the undertaker and the relevant planning authority; and
- (b) advise the relevant planning authority of the outcome of any applications under this sub-paragraph that were not determined by the relevant planning authority, within five business days of the undertaker being notified of that outcome.

(3) Where all the consents required to create and/or use alternative AIL access are granted, the causeway to be constructed as Work 10 and the changes to the sea-defence wall to be carried out as Work 11 must be decommissioned in accordance with requirement N2(4).

(4) (a) Where the review undertaken under sub-paragraph (1) does not identify a permanent, feasible and economic alternative to use of the causeway to be constructed as Work 10 for AIL access, or the necessary consents to create or use such an access are not granted, then the undertaker must carry out a subsequent review within five years of the later of:

- i) the submission of the review under sub-paragraph (1); or
- ii) the undertaker notifying the relevant planning authority of the refusal of consent under sub-paragraph 2(b).

(b) where the review undertaken under this sub-paragraph identifies a permanent, feasible and economic alternative to use of the causeway to be constructed as Work 10 for AIL access which was

not identified in the previous review, sub paragraphs (2) and (3) will apply as if the report had been submitted under sub-paragraph (1).

(c) Where a subsequent review undertaken under this sub-paragraph does not identify a permanent, feasible and economic alternative to use of the causeway to be constructed as Work 10 for AIL access, then a further review will be required at each five year interval as if the subsequent review had been submitted under sub-paragraph (1).

(5) In this requirement, a permanent, feasible and economic alternative means:

- (a) that the alternative route is available and will remain so for the flexible generation plant's operating lifetime;
- (b) that transport of AIL via the alternative route is feasible and practicable, taking into account factors including but not limited to the physical characteristics of the AILs and the route (such as load limits and clearance), the agreement of landowners and having all of the consents required to create and/or use the alternative route; and
- (c) that the alternative route costs no more than 10% more than the cost of shipment from the port of delivery, berthing and unloading at the causeway.

Causeway Decommissioning Plan.

N2 (1) Where in accordance with requirement N1(3), the causeway to be constructed as Work 10 is to be decommissioned, the undertaker must, within 6 months of the undertaker receiving all of the consents for which applications were made under requirement N1(2), submit a Causeway Decommissioning Plan to the relevant planning authority for approval.

(2) Where Work 1 permanently ceases operation and no Causeway Decommissioning Plan has previously been approved under this requirement, the undertaker must, within 6 months of the operation of Work 1 ceasing, submit a Causeway Decommissioning Plan to the relevant planning authority for approval.

(3) The Causeway Decommissioning Plan must include:

- a. a description of the decommissioning works and methods for Works 10 and 11;
- b. a description of environmental management measures to be employed, including pollution control, traffic management and public rights of way management;
- c. details of the reinstatement of the sea defence wall altered as part of Work 11;
- d. details of the restoration of mudflat and coastal saltmarsh habitat; and
- e. details of any barge or other vessel movements required and measures to avoid shipping or navigation risks

(4) Decommissioning of Works 10 and 11 must be carried out in accordance with the approved Causeway Decommissioning Plan.

With the proposed withdrawal of the saltmarsh creation, the Applicant also agrees that it is appropriate to revisit the justification for the causeway to be left permanently in situ after the end of the flexible generation plant's operating lifetime. Decommissioning the causeway at the end of the flexible generation plant's operating lifetime, if it had not been removed before that point, is therefore now proposed (as set out in the requirement above).

Decommissioning of the causeway would involve the removal of the security gate, concrete slabs and stone gabion foundations comprising the causeway structure. The permanent sea wall would be reinstated in place of the access gate. The mudflat area beneath the causeway and barge berthing pocket would refill through natural accretion, as was described in APP-120 (Appendix 17.2 of the ES) for the berthing pocket. The stone is likely to be repurposed for coastal defence works elsewhere and therefore likely to be removed by barge; whether by barge or road vehicle the transport requirements would be no greater than in construction. This description of works has been incorporated into the revised Project Description chapter.

The environmental effects of decommissioning activity have been assessed in revisions to APP-066 (ES Chapter 17: Marine Environment) and in an addendum to the ES, enclosed, for other environmental topic areas. In summary, the effects would be no greater than the temporary effects arising from the construction stage, as already assessed in the ES. The Causeway Decommissioning Plan would set out appropriate

environmental management at that time, to be approved by the relevant planning authority under the DCO requirement set out above, in an equivalent approach to the use of a Code of Construction Practice for the construction phase.

Onshore habitat creation

When the examination starts, the Applicant intends to request a non-material change to the onshore habitat creation proposals.

The Applicant has noted the objection made by RWE about the proposed acquisition and use of a plot of scrubland adjacent to the north-eastern corner of Tilbury Substation for habitat enhancement. This land forms part of Work 2 and was described as 'Zone F4' of the habitat creation and enhancement proposals in the Environmental Statement (ES). It comprises around half of plot 01/20 in the Land Plans.

Following further discussion with RWE and a review of other available land within the Order Limits, the Applicant has decided to remove the Zone F4 land from the Order Limits. Habitat creation is instead now proposed in the area of agricultural land between the main development site and the railway line (part of what is described as 'Zone C' in the ES), within plots 01/17 and 02/06.

This does not affect land acquisition as the entirety of plots 01/17 and 02/06 were already proposed for permanent freehold acquisition. The remainder of plot 01/20 remains in the Order Limits as it is required for the construction of an access route to the main development site.

The replacement habitat creation within Zone C provides an equivalent quantum of habitat and an increase in biodiversity net gain value compared to the previous proposals for Zone F4. The label 'Zone F4' is retained and applied to the replacement habitat creation in updated ES documents.

Habitats Regulations Assessment

The Habitats Regulations Assessment Report (the HRAR, APP-040) will also need to be revised in view of the changes proposed. For the reasons set out above with regard to habitat loss/gain and the impact of causeway decommissioning rather than permanence, we do not consider that there will be any change to the HRA conclusions due to these matters. However, separately, we are in ongoing discussion with Natural England concerning updates to the assessment of wintering bird impacts in the HRAR and therefore will write further to consult with the relevant parties on the revised HRAR when all of the revisions have been made.

Application document changes

The following updated application documents are enclosed:

- APP-006 – A2.1 Location and Order Limits Plans
- APP-007 – A2.2 Land, Special Category Land and Crown Land Plans
- APP-008 – A2.3 Works Plans
- APP-009 – A2.4 Access Rights of Way and Traffic Regulation Measures Plans
- APP-010 – A2.5 Illustrative Highway Engineering Drawings
- APP-011 – A2.6 Illustrative General Arrangement Plans
- APP-012 – A2.7 Illustrative Site Layout Plans
- APP-014 – A2.9 Illustrative Landscape Plan
- APP-015 – A2.10 Concept Drainage Plan
- APP-016 – A2.11 Historic or Scheduled Monument Sites Plan
- APP-017 – A2.12 Statutory and Non-Statutory Nature Conservation Sites
- APP-018 – A2.13 Tree Preservation Order and Hedgerow Plan
- APP-019 – A2.14 Deemed Marine Licence Co-ordinate Plan
- APP-025 – A4.3 Book of Reference
- APP-045 – A6 Vol2 Chapter 2 Project Description
- APP-066 – A6 Vol3 Chapter 17 Marine Environment

-
- APP-082 – A6 Vol5 Chapter 33 Summary of Residual Effects
 - APP-083 – A6 Vol6 Appendix 2.1 Mitigation Enhancement and Monitoring Commitments
 - APP-093 – A6 Vol6 Appendix 9.3 Biodiversity Net Gain Assessment
 - APP-121 – A6 Vol6 Appendix 17.3 Water Framework Directive Assessment
 - APP-143 – A8.7 Outline Ecological Management Plan
 - APP-144 – A8.8 Construction Traffic Management Plan

The following new document is enclosed:

- Thurrock Flexible Generation Plant Causeway Decommissioning ES Addendum

The application plans have been revised to show the proposed changed Order Limits and habitat creation area. The Book of Reference has also been updated accordingly.

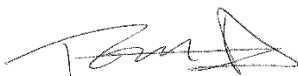
The ES Project Description (APP-045) chapter has been revised to be consistent with the change sought, including showing a new ES 'Zone Plan' (Figure 1.5 in Chapter 2), and the selected ES documents listed above have likewise been revised where details of the assessments are affected by the change.

In addition, revisions have been made in Chapter 17: Marine Environment (APP-066) to address other points raised in relevant representations, namely to provide a screening assessment of potential effects on Marine Conservation Zones and to clarify the assessment of potential effects on tentacled lagoon worm.

All other ES and application documents that have not been changed should be read in conjunction with this letter and the enclosed ES addendum. Any references within the un-revised ES and other application documents to the saltmarsh creation plan (APP-146), the 'Zone F4' habitat creation proposals or to causeway permanence should be understood accordingly. The ES Zone Plan where it appears in other ES documents should be regarded as superseded by the revised version in Chapter 2 and the Order Limits appearing on other ES figures should be regarded as superseded by the changes described here.

No revision to Chapter 8: Land Use, Agriculture and Socio-Economics or Chapter 10: Traffic and Transport has been necessary because the impact of construction HGVs, including those crossing Footpath 146, had already been assessed. No revision to Chapter 9: Onshore Ecology in relation to the proposed Zone F4 changes has been necessary as equivalent habitat creation and improved biodiversity net gain are provided so the assessment conclusions are not changed. However, we intend to consult on revisions to Chapter 9 and to APP-094 (ES Appendix 9.4: Foreshore Wintering Bird Surveys 2019-20) in line with updates to the HRAR at the time of consulting on the latter.

Yours sincerely,
for RPS



Tom Dearing

Reference	E
Date	24/11/20
Consultee(s)	Natural England
Topic(s)	Update of the HRA Report

From: [Tom Dearing](#)
To: [Bustard, Jonathan](#)
Cc: [Paula McGeady](#); [Stephanie Boswall](#); [Andrew Troup](#); [Chellis, Laura](#)
Bcc: [Matthew Fasham](#)
Subject: EN010092 - Thurrock FGP - consultation on revised HRAR
Date: 24 November 2020 16:01:00
Attachments: EN010092_HRA_Consultation_Letter.pdf
image003.png

Dear Jonathan,

I am emailing to consult you about revisions to the Habitats Regulations Assessment Report, further to the ExA's procedural decision letter of 02 November and to our earlier discussions.

Please see the attached consultation letter. The documents referred to in the letter can be accessed at: <https://filetransfer.rpsgroup.com/link/Qi2DagEqotFIQsYIObQEO9>. I would ask for any comments back by Tues 24th December so that we can take these into account by Procedural Deadline C.

The enclosed HRAR update presents the extended assessment of impacts on wintering bird species using land functionally linked to the Thames Estuary and Marshes SPA that we have previously discussed. I am also enclosing a response to your Discretionary Advice Service letter of 21 October 2020 with answers to the questions raised and/or references to where matters in it have been addressed.

Best regards,
Tom

Tom Dearing

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Jonathan Bustard, Casework Manager, Natural England

By email

24 November 2020

Dear Jonathan,

EN010092 – Thurrock Flexible Generation Plant – Habitats Regulations Assessment Report Further Consultation

I am writing further to the Examining Authority's (ExA's) procedural decision letter of 02 November 2020 in which the ExA has required the Applicant to provide updates to the Habitats Regulations Assessment Report (HRAR), among other matters.

That information is required to be submitted by Procedural Deadline C on 14 December 2020 together with '*details of any consultation undertaken, responses received and how they have been taken into account*' so I am writing to provide a draft of the updated HRAR together with other relevant application documents for your comment. Given the limited timescale required by the ExA, I ask for your comments back by 01 December 2020 so that we can take these into account by Procedural Deadline C.

HRAR (APP-040, A5.2 Habitats Regulations Assessment Report)

The enclosed HRAR update presents the extended assessment of impacts on wintering bird species using land functionally linked to the Thames Estuary and Marshes SPA, that we have previously discussed with you on 23 July 2020 and 25 September 2020.

The impact matrices in Appendix B have also been updated in response to the comments in the ExA's letter.

I am also enclosing a response to your Discretionary Advice Service (DAS) letter of 21 October 2020 with answers to the questions raised and/or references to where matters in it have been addressed. This includes a response to the ExA's comment about assessment of impacts on Marine Conservation Zones, which had also been mentioned in your DAS letter.

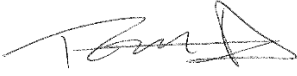
Other documents

Together with the HRAR I am enclosing updates to ES Chapter 9: Onshore Ecology (APP-058) and Appendix 9.4: Foreshore Wintering Bird Surveys 2019-20 (APP-094). These updates are for consistency with the HRAR and with the other project information changes about which I wrote to you on 16 November 2020.

A correction has also been made to the dredging area stated in paragraph 4.1.30 of Chapter 17: Marine Environment (APP-066) to be consistent with the figure correctly given in the HRAR. Chapter 17 is otherwise as it was when circulated on 16 November.

Finally, as mentioned in the DAS response, we propose to edit DCO Requirement 13 (Landscaping and Ecological Management Plan) to require the planning authority to consult Natural England when discharging that requirement, and also to draft a new DCO requirement to undertake wintering bird monitoring related to the causeway construction. These DCO updates will be provided at Procedural Deadline C.

Yours sincerely,
for RPS



Tom Dearing

Reference	F
Date	30/11/20
Consultee(s)	Historic England Thurrock Council
Topic(s)	Cultural Heritage

From: [Tom Dearing](#)
To: [Tipper, Jess](#)
Cc: [Stephanie Boswall](#); [atroup](#); [Nikki Cook](#); [Paula McGeady](#); [Fletcher, Will](#); [Purvis, Chris](#)
Subject: RE: EN010092 - Thurrock FGP - consultation on further assessment of heritage assets" settings
Date: 01 December 2020 10:33:00
Attachments: image010.png
image011.png
image002.png

Jess, understood. That will cut into our time to take on board and respond to any comments before the ExA's deadline, but we'll do so as far as possible.

Regards,

Tom

Tom Dearing

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From: Tipper, Jess <Jess.Tipper@HistoricEngland.org.uk>

Sent: 01 December 2020 10:27

To: Tom Dearing <tom.dearing@rpsgroup.com>

Cc: [Stephanie Boswall](mailto:SBoswall@stateraenergy.co.uk) <SBoswall@stateraenergy.co.uk>; [atroup](mailto:atroup@stateraenergy.co.uk) <atroup@stateraenergy.co.uk>; [Nikki Cook](mailto:nikki.cook@rpsgroup.com) <nikki.cook@rpsgroup.com>; [Paula McGeady](mailto:Paula.McGeady@burges-salmon.com) <Paula.McGeady@burges-salmon.com>; [Fletcher, Will](mailto:Will.Fletcher@HistoricEngland.org.uk) <Will.Fletcher@HistoricEngland.org.uk>; [Purvis, Chris](mailto:CPurvis@thurrock.gov.uk) <CPurvis@thurrock.gov.uk>

Subject: RE: EN010092 - Thurrock FGP - consultation on further assessment of heritage assets' settings

CAUTION: This email originated from outside of RPS.

Dear Tom,

Thank you for sending this further information.

I would be please to provide comments but I will be unable to respond by this Friday, due to other commitments. I can respond by Monday 7th December (close of play) and I hope this will be ok?

Kind regards,

Jess

Dr Jess Tipper MCIfA FSA
Inspector of Ancient Monuments
Tel: 01223 582769

Mob: 07786 126177

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www.historicengland.org.uk

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From: Tom Dearing <tom.dearing@rpsgroup.com>

Sent: 30 November 2020 16:23

To: Tipper, Jess <Jess.Tipper@HistoricEngland.org.uk>

Cc: Stephanie Boswall <SBoswall@stateraenergy.co.uk>; atroup <atroup@stateraenergy.co.uk>; Nikki Cook <nikki.cook@rpsgroup.com>; Paula McGeady <Paula.McGeady@burges-salmon.com>; Fletcher, Will <Will.Fletcher@HistoricEngland.org.uk>; Purvis, Chris <CPurvis@thurrock.gov.uk>

Subject: EN010092 - Thurrock FGP - consultation on further assessment of heritage assets' settings

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Dear Jess,

I am writing in response to the Examining Authority's procedural decision letter of 02 November in which the ExA has required the Applicant to undertake further characterisation of impacts on heritage assets' settings, on the advice of Historic England.

Please see attached the further assessment document for comment. For ease of cross-reference I have also brought the ES wireline and photomontage visualisations together into one file, together with three additional visualisations referred to in the further assessment document. This is a large file and can be downloaded from:

<https://filetransfer.rpsgroup.com/link/reOTbE8IACKJROJgjFNPkq>

By copy I am providing this document to Thurrock Council, as the other interested party that has commented on the assessment of heritage assets' settings in its Relevant Representation, for comment.

Responses are requested by this Friday 4th December so that we can take these into account by Procedural Deadline C.

Best regards,
Tom

Tom Dearing

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From: Tom Dearing

Sent: 09 November 2020 12:40

To: Tipper, Jess <Jess.Tipper@HistoricEngland.org.uk>

Cc: Stephanie Boswall <SBoswall@stateraenergy.co.uk>; Andrew Troup <atroup@stateraenergy.co.uk>; Nikki Cook <nikki.cook@rpsgroup.com>; Paula McGeady <Paula.McGeady@burgess-salmon.com>; Fletcher, Will <Will.Fletcher@HistoricEngland.org.uk>; Purvis, Chris <CPurvis@thurrock.gov.uk>

Subject: EN010092 - Thurrock FGP - consultation on further field surveys

Dear Jess,

Please see attached a further consultation letter in response to the Examining Authority's procedural decision letter of 02 November, in which the ExA has required the Applicant to undertake further archaeological field surveys on the advice of Historic England. Your response is requested by this Friday 13th November due to the limited timescale before Procedural Deadline C to undertake these surveys.

By copy I am also providing this letter to Thurrock Council as the other interested party that has commented on heritage and archaeology in its Relevant Representation.

Best regards,
Tom

Tom Dearing

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RPS Group Plc web link: <http://www.rpsgroup.com>

Reference	G
Date	August-November 2020
Consultee(s)	Port of London Authority Port of Tilbury London Ltd
Topic(s)	Shipping and navigation

See correspondence and responses in Section 2 (these are presented as a combined document).

Section 2: Consultee responses; how and where taken into account

Consultee comments and Thurrock Power responses are detailed for each consultee on the following pages.

Natural England

No response to the three consultation letters to Natural England has been received.

However, Thurrock Power and Natural England have been in productive dialogue via teleconferences concerning the HRA Report and impacts of the causeway prior to the ExA's Procedural Decision Letter of 02 November and Natural England had provided a Discretionary Advice Service letter on 21 October 2020. The DAS letter and Thurrock Power's responses to it (provided to Natural England with the consultation letter of 24 November 2020) are shown below.

Historic England

Environment Agency

Flood risk

Environment Agency

Saltmarsh creation

Impact of the causeway and its maintenance beyond the lifetime of the Proposed Development

Thurrock Council

No response has been received from Thurrock Council.

Marine Management Organisation

No response has been received from the Marine Management Organisation.

Port of London Authority

Full copies of the Port of London Authority’s consultation responses are provided after the table.

Subject		No.	Comment	TFGP response	Reference
Dredging	Sediment sampling	1a	The letter makes specific comment on paragraph 6.1 of the PLA’s relevant representation and to the existing samples that have been taken at this area. It is important to note that the sampling plan on which the PLA provided written comments on the 20 August 2019 set out the proposals for the construction of the causeway only, and not the proposed dredge pocket or the saltmarsh mitigation. This sample plan refers to approximately 836 m3 of sediments which may be removed during the preparation of the riverbed and does not refer to the proposed total of 16,100m3 dredge material with 13,000 m3 assumed to be removed by water injection dredging (WID) and the remainder by land - based plant. It is on this aspect of the proposed development that further information will be required with regard to dredging, as without adequate sampling it is not clear on what basis the existing assessments have been completed in terms of a worst-case scenario. Without the appropriate sampling to assess that the proposed dredging method is acceptable and to show the proposed dispersive methods would not put contaminated sediment back into the water there is a possibility that the PLA would not be able to agree with the proposed dredging methods. For a typical dredge assessment, the PLA would expect 6 samples with surface, mid and depth levels for a representative sediment assessment under PLA guidance which has been applied across the Thames in agreement with other regulators. the locations of the 6 dredge samples would be agreed between the PLA and MMO in the standard dredge sample plan process.	<p>We consider that the local sediment chemistry is well understood from the sampling for the Tilbury2 application together with this application, and that the sediment samples taken for this application remain representative of the area in which the causeway would be constructed even though the dredge volume has changed since the Sampling Plan was approved.</p> <p>However, we have drafted a DCO requirement to undertake further sediment sampling prior to construction for approval by the PLA and MMO of the material disposal. The further sampling would be in accordance with an updated Sampling Plan to be approved.</p> <p>In the unlikely event that further sampling were to identify unexpected contamination preventing material disposal as proposed, the material could be disposed of to a licensed onshore landfill. The road transport movements required for this, in a worst case, would be well within the construction traffic that has been assessed in the Environmental Statement.</p>	New DCO requirement 12(3)
	Licenses	1b	It should be noted that the PLA’s 20 August 2019 email also stated that there was no reference to the need for a PLA dredge licence, in addition to an MMO Marine Licence in the document which are both required. As mentioned previously further information on the PLA’s requirements with regard to the dredge can be found at http://pla.co.uk/Environment/Applying-for-a-Licence-to-undertake-dredging-in-the-Tidal-Thames .	<p>The Applicant will not be making a separate Dredging License or River Works license application.</p> <p>Article 10 of the draft DCO disapplies sections 66 to 75 of the Port of London Act 1968, removing the requirement for licences under that Act for construction.</p> <p>Schedule 8 (Deemed Marine License) of the DCO authorises construction of the causeway and barge berthing pocket including dredging.</p> <p>The Applicant has always included dredging in the description of Work no.10 as it is necessary for the construction of that work. The dredging and volumes of material to be dredged are also set out in the deemed marine licence in schedule 8 of the Order. However, noting the PLA’s submission that it did not consider the power to dredge to be explicit, the Applicant has proposed a new article 37, power to dredge, based on the equivalent powers granted in the Port of Tilbury Expansion DCO, that would be of assistance in removing any dubiety.</p>	DCO Articles 10 and 37 DCO Schedule 8

CONSULTEE COMMENTS AND RESPONSES

Saltmarsh creation	Balance of material	2a	<p>The letter also raises queries with the PLA's comments on the saltmarsh creation which the letter states are dealt with in paragraph 2.10.6 of APP-045 (ES Chapter 2: Project Description) by stating that the material to create the saltmarsh would come from the balance of sediment to be dredged during the causeway excavation. However, whilst this was noted it was not clear how this would be achieved. To confirm:</p> <p>The Outline Saltmarsh Enhancement and Maintenance Plan document (A8.10) states that the new saltmarsh would beneficially use circa 11,000 m³ of the 16,000 m³ of the maximum dredge volume taken from the dredge pocket. (page 6: Hydrodynamic modelling and opportunities.).</p> <p>However, for the dredge pocket, of the 16,000m³ of material to be dredged, 11,000m³ – 13,000m³ is proposed by water injection dredging (WID) with the remaining 3,000m³ by grab or 'land based grab'. Therefore it is not clear how the 11,000m³ – 13,000m³ WID material would be used to create the saltmarsh habitat through this method, and this is why as noted above there is a need to go through the PLA and MMO licencing process with regard to this element of the proposed development. In addition, if it was proposed that the 3,000m³ of material dredged by grab would be used for the saltmarsh mitigation then there is also a question on whether additional material is required for the saltmarsh area, and then where this material was going to come from.</p> <p>This is relevant both for the dredge pocket works and the saltmarsh mitigation, to ensure the dredged material proposed to be re-suspended for the saltmarsh area was suitable material.</p>	<p>The assessment of material disposal by WID or excavation was an 'up to' volume as a worst-case design envelope parameter for the environmental impacts of this activity.</p> <p>Where a proportion of the material would be used for saltmarsh creation (under a proposal that the Applicant now intends to withdraw), then less would be disposed of than in the worst-case assessment for disposal. This is not a shortfall in material.</p>	n/a
	Material import	2b	<p>It is on these points that the PLA requested further detail on the saltmarsh enhancement design and assumptions made about the creation, retention and long-term monitoring of the saltmarsh and on the insufficient ground investigations and the uncertainty on whether any material will need to be imported to create the saltmarsh, as raised in the PLA's relevant representation response. These issues do not appear to have been addressed in these amended documents as requested by the ExA in the letter of 2 November.</p>	<p>For the avoidance of doubt, we confirm that there is no proposal to import material for the saltmarsh creation.</p> <p>As set out in the consultation letter the Applicant intends to in any case to withdraw the saltmarsh creation proposal on the advice of several consultees.</p>	n/a
Causeway decommissioning	Causeway Decommissioning Plan DCO requirement	3a	<p>Whilst this clarity on the removal of the causeway is welcomed, including the confirmation of the production of a Causeway Decommissioning Plan, it is important that the PLA must also be kept involved in this process, and not just the planning authority. The draft new Requirements will need to be amended to reflect this. It is considered that there may be other elements of drafting of the Requirements which will need clarifying and amending once the full amended DCO has been considered. It is also expected that there will need to be amendments to the PLA Protective Provisions in the DCO to address this change.</p>	<p>This is noted. We expect to continue to engage with the PLA and other consultees on DCO Requirement and Protective Provision drafting during the examination process.</p>	n/a
	Principle of alternative access	3b	<p>In addition, it is noted that the letter states that under the review of access for abnormal indivisible loads, the principle condition on the case for an alternative is on whether such an alternative is permanent, feasible and economically beneficial. The PLA would suggest that such an alternative must also be more environmentally sustainable as</p>	<p>This is noted and the in-principle support for use of the Thames for transportation of materials is welcomed.</p> <p>With regard to a test of environmental sustainability for an alternative access for AILs, as you note the causeway has the benefit of reducing</p>	n/a

CONSULTEE COMMENTS AND RESPONSES

			well. As highlighted through previous responses the PLA is supportive of the appropriate use of the River Thames for the transportation of materials, which will help to reduce road movements in the local area and provide a more sustainable alternative to road use. The PLA's comments raised in its Relevant Representation on the causeway were on the details of construction, operation and ongoing maintenance and responsibility of the structure and not the principle of utilising the use of River Thames which the PLA fully supports.	road movements but there is a tension between this benefit and the environmental impact that some consultees have highlighted of retaining the causeway in the long term. We do not consider that an environmental sustainability test in the DCO requirement could resolve that tension. As set out in the DCO requirement, any alternative access would be subject to obtaining consents at the time, which as a matter of course includes appropriate environmental assessment and controls.	
Decommissioning phase assessment	Dredging	4a	It is noted that paragraph 4.3.4 [of revised ES Chapter 17] states it is likely that decommissioning of the causeway will result in some removal/disturbance of intertidal habitat. Under section 73 of the Port of London Act 1968, this would be classified as a dredging activity. This must be referenced as part of the amended documents and confirmed whether the volume of this removal been included in the current dredge volume and relevant assessments.	Clarification now included in section 4.3.4 on what intertidal habitat will be removed, i.e. intertidal habitats on the causeway structure itself and potential minor disturbance of sediments accumulated on/within it. This would not involve additional dredging of sediment.	Paragraph 4.3.4 of ES Chapter 17: Marine Environment
	Scour/accretion	4b	In addition it does not appear that the impact of potential scour/accretion once the causeway is removed due to hydrodynamic changes within the Hydrology, Flood Risk and Climate Change heading has currently been considered.	Further detailed hydrological assessment has not been undertaken because the decommissioning will result in a reversal of those changes to hydrodynamic processes outlined in the construction phase. As outlined in section 4.3.4, accretion of sediments into the former causeway footprint following decommissioning will occur at similar timescales to those for the adjacent dredge pocket, i.e. months to a few years.	Paragraph 4.3.4 of ES Chapter 17: Marine Environment
Intertidal habitat loss	Habitat changes	5a	ES chapter 17: Marine environment states a maximum of 11,000m ² of saltmarsh will be created naturally due to accretion allowing colonisation by pioneer species. In 4.2.6 this change from mudflat to saltmarsh is described as “of local spatial extent, long term duration, continuous and not reversible”. Paragraph 4.3.5 then states that removal of the causeway is “expected to cause some alteration between the boundaries of the mudflat and any saltmarsh habitats which may have developed in the lee of the causeway” and that “following decommissioning a new equilibrium between the mudflat and saltmarsh would be reached”. This statement appears to be in contradiction of paragraph 4.2.6. 4.2.7 describes impacts on saltmarsh that will result in a long-term loss but 4.2.6 describes a gain in saltmarsh. This should be clarified.	Clarifications now included in paragraphs 4.2.6 and 4.2.7. The impact is not reversible while the causeway remains in place. The loss described in 4.2.7 is beneath the causeway structure.	Paragraphs 4.2.6 and 4.2.7 of ES Chapter 17: Marine Environment
	Biodiversity net gain	5b	Noted that the Biodiversity net gain assessment demonstrates a loss of 1.05 value of coastal saltmarsh and 8.13 of intertidal sediment-littoral mud/sand and muddy sand. With no compensation there is expected to be a net loss of intertidal habitats.	Noted. This would not be a permanent loss with the commitment now made to decommission the causeway.	n/a
Causeway decommissioning Plan	Monitoring	6a	The area previously covered by the causeway is expected to infill within months to years, can it confirmed if the monitoring period will cover the entire potential infill time to ensure the foreshore has been reinstated. In addition, there should be confirmation on whether the monitoring is limited to the immediate area of the previous causeway or will it monitor a larger area to determine any other potential impacts of the change in hydrodynamics.	These points are noted and would be addressed at the time of preparing the Causeway Decommissioning Plan.	n/a

CONSULTEE COMMENTS AND RESPONSES



			Furthermore, will the plan incorporate an alternative plan if the area does not naturally infill as expected to ensure the foreshore is reinstated following decommissioning?		
OEMP	Monitoring	7a	It is noted in paragraph 9.1.16 that post-construction monitoring will be undertaken on the mudflat to observe the extent of possible saltmarsh colonisation on accreted mudflat and condition of the habitats. This information should be provided to the PLA as landowner of the riverbed in addition to Natural England.	Agreed; paragraph 9.1.6 of the OEMP has been edited accordingly.	Paragraph 9.1.6 of the Outline Ecological Management Plan

Port of Tilbury London Ltd

The full copy of the Port of Tilbury London Ltd’s consultation response is provided after the table.

Subject		No.	Comment	TFGP response	Reference
Requirements		1a	We intend to write to Burges Salmon, shortly, in respect of the draft DCO and the draft Protective Provisions, which will include consideration of these proposed additional requirements.	Noted	n/a
Intertidal mudflat and saltmarsh impacts	Scour modelling and impacts upstream	2a	There is a focus on the habitat creation potential of any increased local accretion of sediment downstream of this feature, but little or no attention appears to be given the potential for a countervailing scour impact on saltmarsh and mudflat upstream and to the west of the proposed causeway, and potentially extending along the Tilbury2 frontage. In particular, by reference to the revised Marine Environment ES chapter [APP-066], this potential impact does not appear to have been explored or fully modelled.	As set out in Chapter 17 of the ES, the changes in hydrodynamics from the causeway and presence of the vessel will have negligible morphological effect other than shoreward of the structure. As the morphological effect (i.e. upstream scour) would be negligible, there is no potential for impact leading to a significant effect on habitat along the Tilbury2 frontage or further west/upstream of the causeway. For details of the hydrodynamic modelling supporting this conclusion, see Section 3 of ES Appendix 17.2.	Paragraph 4.1.15 of Chapter 17: Marine Environment. Section 3 of Appendix 17.2: Hydrodynamic Modelling and Sediment Assessment.
		2b	Appendix 17.2 Hydrodynamic Modelling and Sediment Assessment [APP-120] remains as per the original submission and does not appear to include long-term modelling of projected sediment accretion/scour on which conclusions about the likely success or otherwise of the mitigation proposals can be made.	Appendix 17 remains as per the original submission because the hydrodynamic impact of the causeway has not changed. Sediment scour upstream has been assessed as set out above. Sediment accretion in the lee downstream is not a mitigation proposal (see response on this below).	n/a
		2c	Naturally, reassurance and safeguards are sought that construction of the proposed causeway will not result in changes to local hydrodynamics that could generate negative impacts on Priority intertidal habitats within the Tilbury2 DCO limits and operational port frontage, which the Port has worked to conserve. We are aware, for example, of features such as the nationally scarce plant species (e.g. <i>Inula crithmoides</i>) being present in the saltmarsh immediately upstream of the proposed causeway footprint, on which the causeway proposals could generate impacts.	The purpose of Environmental Impact Assessment is to identify significant effects that are likely to occur and to set out mitigation measures for these where possible, not to provide reassurance and safeguards that a development will have no impacts (which would never be the case). As set out above and in the ES, the impact of changes in hydrodynamics and potential for effects at sensitive receptors including Tilbury2 has been fully assessed. No significant adverse effects at Tilbury2 or the habitats along its frontage are predicted.	Chapter 17: Marine Environment. Appendix 17.2: Hydrodynamic Modelling and Sediment Assessment.
	Impact of saltmarsh creation	3a	We understand that the Applicant now intends to withdraw its previous saltmarsh creation proposal, in response to concerns raised by other parties over potential consequences of using material dredged during causeway construction to promote establishment of saltmarsh on the mudflat.	This is a mischaracterisation of the position. The saltmarsh creation proposal is being withdrawn because the gain in saltmarsh habitat value is not, in the recent advice of consultees, considered to outweigh the value of mudflat that would transition to saltmarsh.	n/a
	Compensatory habitat	3b	Accordingly, there is to be no like-for-like compensatory habitat provided to directly offset these losses. However, by reference to the Marine Environment ES chapter [APP-066] p.46 para 4.2.4, the compensatory provision is now claimed to be in the form of a possible maximum 1.1ha (11,000 sqm) new saltmarsh, which may naturally develop over time if saltmarsh vegetation successfully colonises substrates that accrete in the lee of the causeway.	The likely minor accretion of sediment and subsequent possible natural saltmarsh colonisation in the causeway lee is not a mitigation or compensatory proposal and will not be secured. It is assessed as an impact of the causeway’s presence. The impact is negligible and the effect, in terms of any transition of mudflat to saltmarsh habitat that does occur, is not significant .	Paragraphs 4.2.1 to 4.2.10 of Chapter 17: Marine Environment.

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			<p>However, this ambitious figure of 1.1ha replacement saltmarsh habitat does not appear to have been based on specific modelling, and no assessment is provided as to the likelihood of this being achieved or how monitoring and compensatory measures would apply and over what timescale should this not actually occur.</p> <p>In order that compensatory proposals of this magnitude (1.1ha), and with the potential for impacts upon the Port of Tilbury's landholdings, can be properly assessed, it needs to be shown and evidenced that the proposed mitigation is deliverable, secured and described as such, and that negative impacts have been duly assessed and factored into the Biodiversity Net Gain Assessment.</p>	<p>The saltmarsh creation proposal using dredged material, which would have been a secured enhancement measure, will be withdrawn on the relevant consultees' advice as described previously.</p> <p>As the effects of temporary and permanent intertidal habitat loss are assessed in the ES to be negligible and non-significant, no mitigation of this effect is required. The project will provide biodiversity net gain overall through the provision of onshore habitat enhancement.</p>	
		3c	<p>Furthermore, the cited figure of 1.1ha does not appear to have taken into account the possible balance of corresponding negative scour effects upstream and resulting potential habitat losses, including from areas within the Tilbury2 DCO limits.</p>	<p>See response above – no significant adverse effect from scour is predicted.</p>	n/a
	Causeway construction	4a	<p>By reference to the revised Marine Environment ES chapter [APP-066], we also note that there is a lack of clarity as to whether the projected losses relate to the footprint of the causeway alone, or whether there is likely to be an additional working zone where further temporary impacts on saltmarsh are predicted (due to, for example, ground-level manoeuvring and trampling, machinery working width, etc), including whether such temporary impacts would be remediated and the damaged habitat restored.</p>	<p>The causeway construction will work outwards from the shore within the causeway footprint.</p>	n/a
Biodiversity net gain assessment	Onshore habitat calculations	5a	<p>Firstly, we note that whilst a Biodiversity Net Gain Assessment [APP-093] has been prepared, the Biodiversity Metric spreadsheet itself has not been made available. This makes it unnecessarily difficult for an interested and/or affected party to interrogate and verify the information provided. In addition, transcription from the original metric over to the written report format has resulted in various errors. (For example: by reference to Table 2.1 [APP-093], for 'Heathland and shrub - Mixed scrub' the calculations don't tally if the area of retained habitat is 1.18ha as stated; this figure is deduced by us to be only 0.18ha. Similarly, for 'Lakes - Ditches' the baseline area and/or biodiversity units presented in the report do not tally as set out in the Biodiversity Net Gain Assessment) It is therefore requested that the metric spreadsheet itself is made freely available, including (on request) a completed and unprotected Excel version.</p>	<p>The draft Biodiversity Net Gain Assessment circulated for comment has since been updated further for the project changes, during which process the typographical error (not affecting the totals) has been corrected.</p> <p>With regard to the measurements of intertidal mudflat, the two habitat categories 'Littoral mud' and 'Littoral sand and muddy sand' are now separated in the BNG report.</p> <p>With regard to the measurements of mudflats, estimates were made using two different methods: either using only the Defra mapped dataset for this habitat type or supplementing it with the results of a project-specific survey. The latter approach has been chosen for the final BNG calculations.</p>	Appendix 9.3: Biodiversity Net Gain Report
	Intertidal habitat calculations	5b	<p>Coming to the specifics of the causeway and losses of intertidal habitats, we note that the revised baseline assessment calculations [Table 2.1, APP-093] offer the following figures for intertidal habitats:</p> <ul style="list-style-type: none"> Coastal saltmarsh: 0.5954ha within redline, of which 0.06ha will be lost; Intertidal mudflat (Intertidal sediment - littoral mud): 4.7112ha within redline3, of which 0.47ha will be lost. <p>Some clarity would be welcome in respect of the baseline area of intertidal mudflat within the Order Limits, which was previously given within the Biodiversity Net Gain Assessment [APP-093] as 5.3042ha (2.0438ha + 3.1693ha + 0.0911ha), but now appears to have been reduced to 4.7112ha without there being any reported change in the seaward Order Limits. Note too that the classification 'Intertidal sediment - Littoral mud/ sand and muddy sand' appears to refer to an amalgamation of categories given in the metric, and should also be rectified.</p>	<p>We would be happy to share the BNG calculation sheet, on request, with Natural England as the relevant organisation and developer of the tool.</p>	Appendix 9.3: Biodiversity Net Gain Report

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	Habitat provision	5c	<p>However, the calculations now fail to reflect the mitigation proposed, i.e. saltmarsh creation via natural accretion; and the whole concept of habitat provision via altered natural processes (which is relied on in reaching conclusions of negligible to minor significance in the ES) appears to have been stripped out of the metric calculations, despite it being a fundamental requirement for use of the metric that it should be applied wholesale across all affected habitat. Further work is required here in order to ensure that the Applicant's use of the metric is completely transparent, and can be properly interrogated by others, particularly in respect of claims that it demonstrates net positive change in biodiversity without detriment to biodiversity in adjoining areas</p>	<p>The likely minor accretion of sediment and subsequent possible natural saltmarsh colonisation in the causeway lee is not mitigation. It is not relied upon, in the sense of being mitigation, in the conclusion regarding significance of effect – rather, it is one impact of the causeway's presence and has been assessed as such.</p> <p>We have tested the suitability of applying of the BNG calculator approach to this potential graduate habitat succession. For completeness this is reported in a supplemental section to the BNG report, but as described in that section, we do not consider that it offers a meaningful result.</p> <p>For the avoidance of doubt, the environmental effect of this potential habitat succession has been assessed in Chapter 17.</p>	Paragraphs 4.2.1 to 4.2.10 of Chapter 17: Marine Environment.
Habitats Regulations Assessment Report (HRAR)	Updates to HRAR	6a	<p>We note that the Habitats Regulations Assessment Report (the HRAR, APP-040) has not yet been revised to reflect the changes proposed, and this delay is due to ongoing discussion with Natural England. The Applicant asserts that "For the reasons set out above with regard to habitat loss/gain and the impact of causeway decommissioning rather than permanence, we do not consider that there will be any change to the HRA conclusions due to these matters" [RPS letter of 16 November 2020, p5]. However, in view of the large and manifold uncertainties (arising from lack of modelling, questions over practical and secured deliverability, and reliance on a future 'Causeway Decommissioning Plan' which would leave all the detail to be delivered at an unknown future date without the scrutiny of an Examination), we concur with the advice of the Examining Authority (PD-006, p.4-5) that this should be fully updated.</p>	<p>The HRAR has been revised and Natural England has been consulted.</p> <p>We do not accept that there are large and manifold uncertainties, any lack of modelling, or any substantive uncertainty over practicality or deliverability.</p>	HRAR
	PoTLL bird monitoring	6b	<p>In respect of bird use of the affected area of mudflat and shoreline, we assume that the Applicant's HRA will have full regard to the recent (2019-20) data collected by Bioscan UK Ltd in the discharge of PoTLL's obligations under the Bird Monitoring and Action Plan and which is in the possession of Natural England, the MMO and the EA.</p>	<p>The Applicant has previously requested the results of these surveys from PoTLL and from Natural England, but the surveys have not been made available.</p> <p>Surveys during this period commissioned by the Applicant have been presented.</p>	n/a
Planning application 20/01257/FUL			<p>Finally, we note that the Applicant has now submitted an application to Thurrock Council for provision of temporary off-site car parking (for 200 vehicles) and welfare facilities, under planning application number 20/01257/FUL, on a site located to the north of Lakeside shopping centre in the green belt. The parking and welfare provision are intended to service the TFGP application, and would generate flows traversing the Asda Roundabout.</p> <p>PoTLL has already drawn attention to the 'light touch' given to preparation of this related planning application and has raised questions over suitability and deliverability (these submission are not repeated here). Whilst specifically commenting on ecological matters it is therefore germane to highlight that no ecological assessment has been provided in support of that application, or included as a consequential assessment and impact taken into account in the DCO application and submissions and as such the application is deficient.</p> <p>Note too that the application form contains misleading information: it states that there are no designated wildlife sites or even trees/hedges adjacent, yet the site is located in proximity to the 'Th11 Mar Dyke' Local Wildlife Site (LoWS), and is itself part-enclosed by a bank of trees/shrubs</p>	<p>As stated in the Applicant's letter of 30 October 2020 (Procedural Deadline B submission), if PoTLL wishes to comment on the car park planning application (20/01257/FUL) to the local planning authority there is a process in place for them to do so. Comments on that application made in the forum of the Thurrock Flexible Generation Plant DCO Examination continue to be unhelpful and unnecessary.</p>	n/a

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Port of London Authority and Port of Tilbury London Ltd

Consultation and responses for the Shipping and Navigation Risk Assessment are enclosed.