

FAO Tracey Williams
Ref EN010092
National Infrastructure Planning
The Planning Inspectorate
National Quay House
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2 The Square
Bristol BS1 6PN
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Your Ref: EN010092

E-Mail: dm@thurrock.gov.uk

Date: 12 April 2021

Dear Ms Williams,

Planning Act 2008

Ref: EN010092

Proposal: Flexible Generation Plant comprising gas reciprocating engines with electrical output totalling 600 MW; batteries with electrical output of 150 MW; gas and electricity connections; the creation of access roads and a causeway; and creation of habitat and exchange Common Land

Location: Thurrock Flexible Generation Plant Fort Road Tilbury

Deadline 3

Further to the above I write to you to provide a response to the points raised as requirements of Deadline 3 as set out in the final examination timetable attached as Annex A from the Inspector's letter dated 16 February 2021.

- *Comments on WRs;*
- *Responses to comments on RRs;*
- *Responses to comments on Procedural Deadline D submissions;*

With regard to the above, having reviewed all documentation submitted at Deadline 2 including consultee responses, Thurrock Council does not wish to make any further comments to this information.

- Comments on responses to ExQ1;

Having reviewed all the answers to the ExQ1 submitted at Deadline 2, including consultee responses, Thurrock Council does not wish to make any further comments to this information other than the points below in response to the applicant's response to the

relevant questions from ExQ1 on Cultural Heritage, which I have separated into Built Heritage and Archaeology as stated below.

Built Heritage

For Built Heritage the following comments have been provided in response to the applicant's response to the relevant questions from ExQ1 and HER-2 (Historic Environment: updated baseline information, additional photomontages and assessment of effects):

1.4.1 – The need for viewpoints from St Katherine's Church and the Rectory was discussed in a meeting in February 2021. The photomontages were created and discussed in second meeting in March 2021. It is agreed that there are no views of the proposed development which would affect setting of Church or Rectory.

1.4.2 – Regarding St James' Church that is assessed within Settings Assessment (November 2020), the 'significance of effect' remains a query. West Tilbury Conservation Area (St James' Church is within) has been assessed as 'moderate adverse - significant' but the church 'minor adverse – not significant'. This equates to 'less than substantial' harm in NPPF terms, but with the harm to the church lower on the scale. The harm to the church is considered to be as high as the harm to the Conservation Area. The elevated position of the Conservation Area and the landmark quality of the church tower have been noted in the Settings Assessment.

1.4.9 – Summer and winter viewpoints were discussed in a meeting in February 2021 and it was agreed that the loss of leaves in winter did not affect the viewpoints so additional winter wirelines and photomontages not deemed necessary.

1.4.12 – Summary of assessment of Shornemead Fort agreed.

Archaeology

For Archaeology the following comments have been provided in response to the applicant's response to the relevant questions from ExQ1:

1.4.7 Thurrock Council support Historic England's view that insufficient assessment of the below ground archaeological deposits has been undertaken and that at present there is no clear understanding of the harm that will be caused to the significance of the buried archaeological deposits.

1.4.8 With regard to quoting Tilbury 2 it is correct that the decision was made to allow trial trenching post determination which was specifically due to a large part of the development located within previously disturbed areas of the Tilbury power station. In the case of the flexible energy plant elements of the site lies in close proximity to the gravel terrace and the development areas are largely undisturbed and it is felt that there is a high probability of finding significant archaeological remains as is occurring on the LTC at present. This approach was recommended to the applicants in 2018.

The recently submitted geophysical survey has already identified previously unrecorded archaeological remains whose significance, extent and date are unknown. Without the trial

trenching an appropriate mitigation strategy for the preservation or recording of the archaeological deposits cannot be adequately developed. Within Paragraph 5.8.14 of the NPS EN1 it states '*If archaeology is identified that might warrant being retained within the scheme then sufficient evidence should be collected as part of the decision-making process*'. At present we do not have this data.

1.4.11 The results from the Lower Thames Crossing (LTC) has shown the importance of the trial trenching that has been undertaken for this upcoming DCO application. The previously unknown Roman settlement will be impacted by both schemes, however, discussions are ongoing with LTC to define the most appropriate mitigation strategy to minimise impact to the site. The trial trenching being undertaken on the LTC has shown the importance of undertaking this work at a stage where it both informs and can influence the design of the scheme.

1.7.24 With regard the wording of Requirement 13 of the draft DCO this needs to be detailed enough to ensure that both the remaining archaeological evaluation work (trial trenching and bore hole data) are completed and that all the following mitigation can be achieved.

- *Comments on LIRs;*

As host authority Thurrock Council provided a Local Impact Report at Deadline 2. It is noted that no other local authority has provided a Local Impact Report to comment on but Thurrock Council have reviewed the Written Representation of Gravesham Borough Council although do not feel there is a need to comment on their Written Representation.

- *Comments on other submission for Deadline 2;*

Draft DCO

It is noted that the draft DCO has been updated and with regard to the updated Requirements Schedule there are no objections to the updates as listed in the latest version of draft DCO. However, Thurrock Council expect the next iteration of the Requirements to take account of this Council's LIR comments in section 8 of the LIR and it would be helpful to have an explanation to explain any agreement/disagreement to Thurrock Council's comments from the applicant. Thurrock Council will proactively continue to work with the applicant regarding the Requirements.

From the Requirements it is noted that a new definition has been added 'discharging authority' instead of 'relevant planning authority' and this understood to cover areas outside of the jurisdiction of Thurrock Council's control. It is requested that additional wording for any Requirements subject to the other authorities such as the PLA and/or MMO approval includes wording that requires Thurrock Council to be informed of the decision on such Requirements. This will allow Thurrock Council to have a complete record of when Requirements are discharged because as host authority the majority of the Requirements will become discharge applications through Thurrock Council. This would also assist from an enforcement perspective if any alleged breaches of Requirements were to occur.

- *The Applicant's draft ASI arrangements and itinerary (if required);*

I understand this a requirement for the applicant.

- *Progressed SOCG and updated Statement of Commonality of SOCG;*

The latest SOCG is enclosed/attached. Please note Thurrock Council are still progressing matters internally and with the application regarding certain articles of the draft DCO, updated Requirements (as stated above), protective provisions and drainage. The Heritage matters have moved on since the last SOCG with only one matter currently not agreed regarding the assessment of below ground archaeology.

- *An Updated Guide to the Application;*
- *An updated version of the draft Development Consent Order (dDCO) in clean and tracked versions;*
- *Schedule of changes to the dDCO;*
- *An updated CA Schedule in clean and tracked versions;*

For the above I understand this a requirement for the applicant.

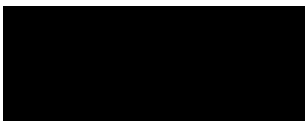
- *Any other information required by the ExA for submission at Deadline 3;*

In light of the recent correspondence from the Inspector on 29 March 2021 the comments regarding the Accompanied Site Inspections are noted.

Also from the correspondence regarding the Issue Specific Hearings and Compulsory Acquisition Hearings, Thurrock Council reserves the right to attend these meetings and depending upon the agenda, which I understand will be provided one week in advance of the hearings, reserve the right to speak at the hearings on any specific topic that may arise from the agenda that requires input from Thurrock Council. As soon as the agenda is seen Thurrock Council can advise on whether we wish to speak at any of the Issue Specific Hearings and Compulsory Acquisition Hearings.

I trust that this information is of assistance and should wish to contact me regarding the content of this letter then please use the email address provided.

Yours sincerely



Chris Purvis
Major Applications Manager



Statement of Common Ground with Thurrock Council

Draft 7, April 2021



1 STATEMENT OF COMMON GROUND

1.1 Introduction

1.1.1 This is the seventh draft Statement of Common Ground between the applicant, Thurrock Power Ltd, and Thurrock Council. The SoCG is presented under three sections, which cover:

1. matters that are agreed between Thurrock Power Ltd and Thurrock Council;
2. matters that are currently under discussion between Thurrock Power Ltd and the Thurrock Council; and
3. matters where there remains disagreement between Thurrock Council and Thurrock Power Ltd at the date of preparing the SoCG.

1.2 Matters that are agreed

1.2.1 That the following matters tabulated in the Executive Summary of Thurrock Council's Local Impact Report ('the LIR table'), and as replicated in the table at paragraph 3.1 of Thurrock Council's Written Representation, are agreed as written:–

Principle of the Development and the Impact upon Green Belt	Agreed
Ecology and Nature Conservation	Agreed
Landscape and Visual Impact	Agreed
Geology, Hydrogeology and Ground Conditions	Agreed
Traffic and Transport	Agreed
Air Quality	Agreed
Noise and Vibration	Agreed
Land Use and Agriculture, and Socio-Economics	Agreed
Human Health	Agreed

1.2.2 That the mitigation measures referenced in the LIR table for the Air Quality and Noise and Vibration rows are those set out in REP2-030 (ES Appendix 2.1, the Register of Mitigation, Enhancement & Monitoring Commitments) and in Requirement 9 (Construction Hours) and Requirement 16 (Operational Noise) of REP2-014 (draft DCO).

1.2.3 That the Environment Agency has accepted PDC-025 (the revised Flood Risk Assessment) as confirmed in EA correspondence to Thurrock Power Ltd dated 15 February 2021 (EA reference AE/2020/125634/03-L01) and provided to Thurrock Council on 04 March 2021. Flood risk impact can be minimised through the submission of information through the DCO requirements to mitigate the impact of the development.

1.2.4 That Requirement 4 (Detailed Design) and Requirement 14 (Landscaping and Ecological Management Plan) of REP2-014 (the draft DCO) can secure the "*consideration... for mitigation through careful design*" that is referenced in the Landscape and Visual Impact row of the LIR table.

1.2.5 That the flexible generation plant, in providing 'peaking' generation capacity and battery storage, supports the opportunity for providing a back up and supplementary electricity generation system to the UK's intermittent renewable generation. That in this context, and when compared to other gas-fired generators that have lower efficiency when operated flexibly, the proposed development supports a low-carbon transition.

- 1.2.6 That the site presents a unique opportunity for power generation making beneficial use of the existing Tilbury substation and associated electricity pylon infrastructure.
- 1.2.7 That the main flexible generation plant (Zone A), the above ground gas installation (Zone D) and new fencing and footbridge link (Zone E) elements of the project would constitute inappropriate development in the Green Belt. The proposal conflicts with the one of the five purposes of the Green Belt that being the safeguarding the countryside from encroachment. That the factors in favour of the development put forward by Thurrock Power Limited in the application form Very Special Circumstances within the meaning of the National Planning Policy Framework. That these very special circumstances clearly outweigh the identified harm to the Green Belt through inappropriate development and the adverse impact that would result upon the openness of the Green Belt in this location such that Very Special Circumstances exist.
- 1.2.8 The disapplication of legislation as set out in Article 10 of the dDCO is agreed.

Heritage

- 1.2.9 The Environmental Statement (ES) provides an appropriate assessment of above-ground impacts on the settings of heritage assets. Less than substantial harm would result from these impacts.
- 1.2.10 The findings of the Geoarchaeological Deposit Model Report (ES Volume 6, Appendix 7.2) have informed the assessment of the baseline environment in the ES and have informed the further proposed pre-construction archaeological investigation set out in the Outline Written Scheme of Investigation (Outline WSI, application document reference A8.11a).
- 1.2.11 Thurrock Power produced further viewpoint visualisations at locations that were agreed with Thurrock Council on 10 February 2021, with the exception of Bowaters Farm Battery, which is agreed to have been inaccessible.
- 1.2.12 The 'main development site' of the Flexible Generation Plant (Zone A in the ES) has potential for impacting on archaeology as this is the primary area of construction and area requiring deep foundations/piling. The pipeline route will also impact on known potentially significant archaeological deposits as identified by work undertaken as part of the Lower Thames Crossing. The impacts will be mitigated by archaeological works in accordance with the Outline WSI by initial evaluation followed by preservation by record.
- 1.2.13 Trial-trench archaeological evaluation will need to be undertaken in accordance with the Outline WSI document, which has been revised to the satisfaction of Thurrock Council following their comments on an earlier draft. These results will inform the detailed development design plans which then come forward for the scheme.
- 1.2.14 The Outline WSI provides measures to complete the archaeological assessment of the development and undertake appropriate mitigation strategies to either preserve in situ or preserve by record of any investigation and recording of any onshore archaeology, mitigating impacts, subject to discharge of requirement 12 (archaeology) in the draft DCO.
- 1.2.15 Detailed strategies for both the evaluation and follow on mitigation will be agreed in conjunction with Thurrock Council for each stage of works as set out in the Outline WSI.

1.3 Matters that are under discussion

- 1.3.1 **DCO drafting:** the drafting of the development consent order has been reviewed and the following matters remain under discussion in particular:
- (a) The provisions in articles 11, 13, 15 and 16 are still being reviewed where necessary with the applicant;
 - (b) Thurrock Council is seeking amendments to the requirements in schedule 2 as identified in TC's Local Impact Report; and

- (c) Thurrock Council is reviewing protective provisions with the applicant in regard to highways, footpaths and drainage.

- 1.3.2 **Drainage:** Thurrock Power is liaising with Remsha Mohammed Remla, Senior Flood Risk Officer to provide clarifications of the application documents. Amendments proposed by Thurrock Council to the drainage requirement in the DCO are under discussion.

1.4 Matters that are not agreed

- 1.4.1 Thurrock Council does not agree that an adequate assessment of below-ground archaeological remains has been undertaken. Thurrock Council considers that the trial-trenching evaluation should have been undertaken prior to submission of the DCO application.

1.5 Approval

Signed

Position.....

On behalf Thurrock Power Ltd.

Date.....

Signed.....

Position.....

On behalf of Thurrock Council

Date.....