

Appendix C – Thurrock Council’s Comments on the Applicants Updated Documents

1. Comments on 8.35 Landscape Compensation, Offsetting and Enhancement Area Plans [REP7-535]

1.1 This indicates an area for the compensation planting at 2km for Tilbury. In recent correspondence with the Applicant, via email, it was agreed that this area would be extended to 3km. This plan should be updated accordingly.

2. Comments on 7.4 Outline Landscape and Ecological Management Plan (OLEMP) [REP7-342]

2.1 The Council welcomes the amendments particularly the addition of 10.1.3 to share the monitoring information, especially in relation to significant issues and the management interventions that will be taken if required in relation to establishment.

2.2 The Council notes that its previous comments regarding the proposed replacement ratio of Potential Roost Features (PRFs) to bat boxes have not been addressed. The Council considers the ration of 10 trees with PRFs felled to 1 box lost to be too low.

2.3 Other NSIPs, including Sizewell C, the A46 Newark Bypass and the Lower Thames Crossing, commit to substantially higher replacement ratios.

2.4 The Council would therefore expect a replacement ratio closer to 4:1, with provision increasing towards 1:1 for trees categories as PRF-M.

2.5 Whilst the Council’s previous comments regarding the placement of mitigation measures within the same sections as the trees being lost have not been directly addressed, the Council acknowledges the commitment that

“boxes/veteranisation should primarily be located in the vicinity of PRFs that have been removed as part of the Project.”

2.6 This commitment partially addresses our concerns; however, we would welcome a stronger and more specific commitment to ensuring mitigation is delivered as close as practicable to the locations where roosting opportunities are being lost.

3. Comments on 7.4 OLEMP Appendix A – Arboricultural Impacts Plan [REP7-344]

3.1 The updated plans indicate several areas where trees and hedgerows are now proposed to be affected by the development, however they were previously unaffected. Whilst there is one area where vegetation

is no longer anticipated to be impacted, the overall effect of the revisions is an increase in the extent of vegetation affected by the proposals.

3.2 Thurrock Council therefore assumes that any additional loss or impact to trees and hedgerows arising from these amendments will be appropriately mitigated and compensated for in accordance with the Council's 3:1 replacement planting strategy.

4. Comments on 7.6 Outline Public Rights of Way (PRoW) Management Plan [REP7-354]

4.1 Thurrock Council acknowledge the change in criteria detailed in paragraph 7.7.3 which sets out 'Site Specific PRoW Management Proposals' and therefore the removal of the listed Thurrock PRoWs. Thurrock Council note that those PRoWs listed and removed are affected by the Project and do require specific management proposals previously detailed in Table 7.3 prior to removal, even if they do not meet the revised criteria for Table 7.3. Even if the Applicant has revised the criteria for inclusion within Table 7.3, the Applicant should be mindful of maintaining these management proposals as previously discussed for all affected PRoWs as set out in Table 7.3. This approach should be confirmed by the Applicant.

4.2 Based on this review, Thurrock Council seek the Applicant's reassurance that these mitigation measures, i.e. management measures are maintained. At the time of writing, and in the absence of this reassurance, Statement of Common Ground (SoCG) PRoW, Item 3.11.4 Routes with public Access Affected by the Proposed Development remains 'Under Discussion'. No changes to any of Thurrock Council's Position statements within the SoCG or Closing Statement.

5. Comments on 7.3 Outline Construction Worker Travel Plan [REP7-340]

5.1 Thurrock Council acknowledge the updates to the Monitoring and Review section within the Outline Construction Workers Travel Plan, Revision C, and note that these additions are in common with the amendments within the 7.3 Outline Construction Traffic Management Plan, Revision E. The addition of the staged non-compliance procedure is noted. Thurrock Council note that Stage Two of non-compliance is a contractor warning with instruction to prepare an Action Plan, and a further non-compliance is a further warning, and further non-compliance (post Stage Three) is dealt with by the formal dispute procedures of the contract. Therefore, in essence, it appears that a contractor can continue to be non-compliant for a further two stages after preparing an Action Plan without sanction.

5.2 Thurrock Council have requested that further detail is provided with regard to the sanctions which could be applied as a result of non-compliance and note that this detail is still lacking from both the Outline Construction Workers Travel Plan, Revision C, and the 7.3 Outline Construction Traffic Management Plan, Revision E. Thurrock Council expect to see details relevant to actual sanctions which may be employed for: minor breaches; repeated or moderate breaches; serious, legal or persistent breaches. Thurrock Council consider this detail could have been included within any version of the aforementioned

documents prior to the final versions, it is noted that Revision C paragraph 8.3.4 of the Outline Construction Workers Travel Plan, Revision C states *'further detail on sanctions which could be applied will be included within the final Construction Worker Travel Plan'*. Thurrock Council fully expect this detail to be added within subsequent or as a minimum, the final versions of both the Construction Worker Travel Plan and the Construction Traffic Management Plan before it can be satisfied that this matter has been addressed.

6. Conclusion

6.1 Thurrock Council would welcome the Applicant's review and response in respect of these comments, and where appropriate further amendments which may seek to achieve agreement or reassurance between the Applicant and Thurrock Council on the matters raised.

6.2 In summary, further to the review of the Applicant's Deadline 7 documents submissions, Thurrock Council's positions detailed within the SoCG and Closing Statement remain unchanged. Therein, items within the SoCG which at final submission were 'under discussion' remain 'under discussion'.