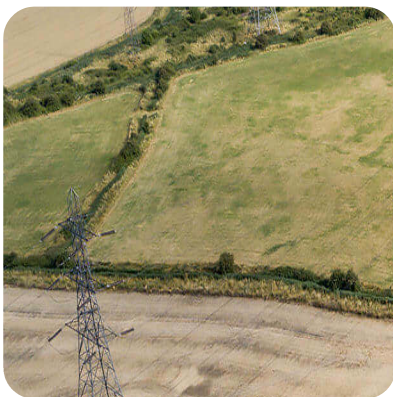


Consultation Report

Thurrock Flexible Generation Plant

Application document number A5.1



Consultation Report Thurrock Flexible Generation Plant

Application Document A5.1

This report is also downloadable from the Thurrock Flexible Generation Plant Website at:

<http://www.thurrockpower.co.uk>

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Section	Paragraph	Description	Page Number
List of Appendices to Consultation Report			8
1. Executive Summary			14
	Figure 1	Quick Reference Guide to Consultation Process	17
	Table A	Summary of Consultation Undertaken	19
2. Introduction			20
	2.1.1	Purpose of this Document	20
	2.1.4	Approach to Consultation	20
	2.1.12	Adherence to Statutory Requirements	21
	Table B	Statutory requirements of the Planning Act 2008	22
	2.1.14	Legislative Compliance	22
	Table C	Table of Compliance with Requirements of the Planning Act 2008	23
	2.1.15	Guidance Compliance	36
	2.1.16	Structure of the Consultation Report	36
	Table D	Structure of the Consultation Report	36
3. Applicant and Project Overview			38

	3.1.1	The Applicant	38
	3.1.2	Project Overview	38
4. Early Informal Consultation with Statutory Bodies			39
	4.1.17	Scoping Opinion	41
5. Consultation under Section 42			41
	5.1.1	Introduction	41
	5.1.5	Duty to Notify the Secretary of State under S46	42
	5.1.7	Identifying S42 Consultees	42
	5.1.22	S42 Consultation Process	44
	5.1.36	Conclusions	46
6. Consultation under S47			46
	6.1.1	Introduction	46
	6.1.4	Guidance on Pre-Application Consultation	47
	6.1.8	Development of the SoCC	47
	Figure 2	Consultation Zone used to Capture S47 Consultees	48
	Table E	Inspection Copy Locations for the SoCC	51
	6.1.28	Publicising the S47 Consultation	51

6.1.35	Consultation Materials	52
6.1.49	Consultation Activities	54
Table F	Public Consultation Exhibitions	55
6.1.68	S47 Consultation Process Overview	57
Table G	Compliance with Commitments made in the SoCC	58
6.1.69	Exceptions and Deviations to the SoCC	62
6.1.70	Conclusions	62
7. Publicity under S48		63
7.1.1	Introduction	63
7.1.3	Consultation Requirements	63
7.1.6	Consultation Approach	63
7.1.8	Public Notices	63
Table H	Newspaper Advertisements of S48 Public Notice	63
7.1.11	Feedback Mechanisms	64
8. Consultation on Project Changes 2019		64
8.1.1	Introduction	64
8.1.2	Project Changes	64

8.1.4	Duty to Notify the Secretary of State under S46	66
8.1.8	Consultation Documents for Consultation on Project Changes 2019	66
8.1.9	Consultation on Project Changes under S42	67
8.1.26	Consultation on Project Changes under S47	69
8.1.36	Consultation on Project Changes under S48	70
	Compliance	72
Table I	Compliance with Commitments made to Thurrock Borough Council in respect of Consultation on Project Changes	72
8.1.44	Responses to Consultation on Project Changes 2019	77
9. Feedback Received under S42		77
9.1.1	Introduction	77
9.1.3	Summary of S42 Responses Received	77
9.1.9	Summary of Responses from Statutory and Non-Statutory Bodies	78

9.1.10	Responses from Local Authorities	78
9.1.11	Key Issues raised and the Applicant's Regard	79
Table J	S42 Consultees that provided 'No Comment' Responses	80
Table K	List of S42 Statutory and Non-Statutory Respondents	81
Table L	S42 Response Table	83
9.1.12	Changes to the Scope of the ES following S42 Consultation	183
10.Feedback Received under S47		183
10.1.1	Introduction	183
10.1.2	Overview of Responses	183
10.1.7	Having Regard to Responses	183
10.1.10	Key Issues Raised and the Applicant's Response	184
Table M	S47 Response Table	185
11.Post-Consultation Engagement, Evolution and Changes to the Proposed Development		196
11.1.1	Post-Consultation Engagement	196
11.1.7	Evolution and Changes to the	198

	Proposed Development	
12. Conclusion		199
12.1.1	Introduction	199
12.1.5	Summary of Changes to the Development	199
12.1.7	Consultation Compliance	200
13. Glossary		201

List of Appendices to Consultation Report**Appendix 1: Early Non-Statutory Consultation**

- 1.1 Documents relevant to early non-statutory consultation from 2016 to 2018

Appendix 2: Statement of Community Consultation

- 2.1 Draft SoCC, June 2018
- 2.2 Email Applicant to Thurrock Council, 25.06.18
- 2.3 First Response from Thurrock Council on draft SoCC, 27.07.18
- 2.4 Final SoCC
- 2.5 Notice of SoCC
- 2.6 Copies of Notice of SoCC in four local newspapers, 27.09.18 and 04.10.18
- 2.7 Screenshot of Notice of SoCC published on project website, 21.09.18
- 2.8 Email Applicant to Thurrock Council, 19.07.18
- 2.9 Email Thurrock Council to Applicant, 20.07.18
- 2.10 Letter and cover email Applicant to Thurrock Council, 20.07.18
- 2.11 Second Response from Thurrock Council on draft SoCC, 07.08.18

Appendix 3: Scoping

- 3.1 Request for Scoping Opinion 07.08.18

Appendix 4: Section 42 Consultation 2018

- 4.1 S46 Notice to SoS, 12.10.18
- 4.2(a) List of statutory consultees, including local authorities, tabular form
- 4.2(b) List of statutory consultees, including local authorities, exported from Excel

- 4.3 List of S44 (S42(1)(d)) consultees, 2018 and 2019
- 4.4 List of non-statutory consultees, 2018
- 4.5(a) Consultation letter sent to S42 statutory consultees, 2018
- 4.5(b) Consultation letter sent to S42 marine statutory consultees, 2018
- 4.6(a) Consultation letter sent to non-statutory consultees, 2018
- 4.6(b) Consultation letter sent to marine non-statutory consultees, 2018
- 4.7 Consultation letter sent to S44 (S42(1)(d)), category 3, consultees, 2018
- 4.8 Consultation letter sent to S44 (S42(1)(d), category 1 and 2, consultees, December 2018
- 4.9(a) Ardent Infrastructure and Regeneration Land Referencing Methodology
- 4.9(b) Ardent Infrastructure and Regeneration Sample Request for Information
- 4.9(c) Ardent Infrastructure and Regeneration Sample Site Notice

Appendix 5: Section 47 Consultation 2018

- 5.1 Poster publicising four public consultation exhibitions, October 2018
- 5.2 Copies of poster publicising public consultation exhibitions in four local newspapers, 04.10.18 and 11.10.08
- 5.3 S47 Consultation Letter, October 2018
- 5.4 Jogpost Ltd S47 maildrop report, October 2018
- 5.5 Feedback form
- 5.6 'Have your Say' Document, October 2018
- 5.7 Photographs of public consultation exhibitions held by the Applicant in October and November 2018
- 5.8 Redacted signing-in sheets from the public consultation exhibitions held by the Applicant in October and November 2018
- 5.9 Text of the twelve boards displayed at the public consultation exhibitions

- 5.10 List of hard to reach groups
- 5.11 Emails sent to hard to reach groups in advance of the 2018 statutory consultation period

Appendix 6: S48 Consultation

- 6.1 S48 Notice
- 6.2 Copies of S48 Notice published in four local newspapers (27th September 2018 and 4th October 2018), one national newspaper (the Times, 9th October 2018) and the London Gazette (9th and 11th October 2018)

Appendix 7: Consultation on Project Changes 2019

- 7.1 Further consultation letter to S42 statutory consultees
- 7.2 Further consultation letter to marine S42 statutory consultees
- 7.3 Further consultation letter to non-statutory consultees
- 7.4 Further consultation letter to marine non-statutory consultees
- 7.5 Further consultation letter to S43 local authority consultees
- 7.6 Further consultation letter to S44 land interest consultees
- 7.7 Further consultation letter to S44 land interest, potential Part 1 LCA 1973 claimant, consultees
- 7.8 Further consultation letter to S47 local community consultees
- 7.9 Consultation letter to first time non-statutory consultees
- 7.10 Consultation letter to first time marine non-statutory consultees
- 7.11 Consultation letter to first time S44 land interest consultees
- 7.12 Consultation letter to first time S44 land interest, potential Part 1 LCA claimant, consultees
- 7.13 Covering letters for further consultation letters to major stakeholders
- 7.14 Cover letter to new Councillors

- 7.15 Cover letter to organisations where delivery of consultation letters failed initially
- 7.16 Email sent to hard to reach groups in advance of the 2019 statutory consultation period
- 7.17 Project Changes Report, October 2019
- 7.18 Plan showing the zones within the DCO boundary at October 2018
- 7.19 Zone Plan showing the zones within the DCO boundary proposed at October 2019
- 7.20 Change Plan showing proposed project changes at October 2019
- 7.21 Plan showing the proposed DCO boundary at October 2019
- 7.22 PINS' note of meeting with the Applicant, 20th September 2019
- 7.23 S46 Notice to Secretary of State, 9th October 2019
- 7.24 Amended and second amended S48 Notices, October 2019
- 7.25 Intentionally Blank
- 7.26 List of non-statutory consultees consulted for the first time in 2019
- 7.27 Table setting out details of the consultation materials sent to consultees in October 2019
- 7.28 Email Applicant to Thurrock Council regarding proposed further consultation, 25th September 2019
- 7.29 Email Thurrock Council to Applicant approving proposed further consultation 25th September 2019
- 7.30 Email Applicant to Thurrock Council regarding amended timetable for proposed further consultation, 26th September 2019
- 7.31 Email from Thurrock Gazette regarding print-run error, September 2019
- 7.32 News item regarding amended dates for further consultation uploaded to project website on 26th September 2019
- 7.33 Copies of second amended S48 Notice published in two local newspapers, on 3rd and 10th October 2019

7.34 Copies of second amended S48 Notice published in the Times, London Gazette, Lloyd's List and Fishing News, 10th October 2019

7.35 Screenshot of the 'Documents' page of the project website as at February 2020

Appendix 8: Consultation Responses and Continuing Consultation

8.1 List of S42 statutory consultees who responded to consultation, 2018 and 2019

8.2 List of non-statutory consultees who responded to consultation, 2018 and 2019

8.3 Note of meeting between the Applicant and Gravesham Borough Council, 20th November 2019

8.4 Copies of all consultation responses 2018 and 2019

8.4, Part 1 All consultation responses 2018
Non-statutory; and
S42 statutory (up to and including Network Rail)

8.4, Part 2 All consultation responses 2018
S42 statutory (continued – from Port of London Authority to Vodafone);
and
S47

8.4, Part 3 All consultation responses 2018
S47 (continued)

8.4, Part 4 All consultation responses 2018
S47 (continued); and
All consultation responses 2019
Non-statutory; and
S42 statutory (up to and including Colt Technology Services)

8.4, Part 5 All consultation responses 2019
S42 statutory (continued – from Environment Agency to Wales and West Utilities); and
S47

8.5 Email from the Applicant to the Environment Agency, 1st April 2020

8.6 Email Environment Agency to the Applicant, 9th April 2020

8.7 Email from the Applicant to Gravesham Borough Council, 4th May 2020

- 8.8 Email Gravesham Borough Council to the Applicant, 5th May 2020
- 8.9 Email Essex County Council to the Applicant, 20th April 2020
- 8.10 Guidance from Essex County Council, 20th April 2020
- 8.11 Minutes of Microsoft Teams meeting with Thurrock Borough Council, 15th April 2020
- 8.12 Email Thurrock Council to the Applicant, 19th May 2020

1. Executive Summary

- 1.1.1 The development for which Thurrock Power Limited ('the Applicant') is seeking consent comprises an electricity generating station made up of reciprocating gas engines with electrical output totalling 600 MW, and batteries with electrical output of 150 MW and storage capacity of up to 600 MWh (referred to as 'the Development'). The Development will be known as the Thurrock Flexible Generation Plant. A full description of the Development can be found in the Environmental Statement ('ES'), Volume 2, Chapter 2 (Project Design), and information relating to design evolution and principles of design is contained in the Design Principles Statement (application document reference: A8.4). As the generating capacity of the scheme is above 50MW, it falls under the definition of a Nationally Significant Infrastructure Project ('NSIP') and therefore requires a Development Consent Order ('DCO') under the Planning Act 2008 ('the Act').
- 1.1.2 Under the Act, applicants for NSIPs are required to carry out pre-application consultation with certain statutory bodies, persons with an interest in the land ('PILs'), and the local community. This Consultation Report details the consultation that has been carried out, the feedback received, the regard had to that feedback and how it has affected the design of the Development.
- 1.1.3 Non-statutory pre-application consultation began in the last quarter of 2016 with certain statutory bodies and parties with an interest in the land. This stage of the consultation notified consultees of the intention to apply to the Secretary of State for Business, Energy and Industrial Strategy under the Act for consent to construct, operate and decommission the proposed Development.
- 1.1.4 A Statement of Community Consultation ('SoCC'), setting out how the Applicant would consult with the local community, was drafted and consulted on with Thurrock Council. A formal draft SoCC was submitted to Thurrock Council on 25th June 2018, and the Council provided feedback on 27th July 2018 and 7th August 2018. There were no objections to the content of the SoCC and/or to the approach to be taken, although some commentary was given as well as details of the relevant local hard to reach groups. The Notice of SoCC was published on 27th September 2018 and 4th October 2018.
- 1.1.5 Statutory pre-application consultation was carried out under Sections 42, 47 and 48 of the Act between 16th October 2018 and 14th November 2018 for a period of 30 days. During this time, the Applicant held four public consultation exhibitions at local public venues within the Consultation Zone ('CZ') on: 16th October, 23rd October, 2nd November and 7th November 2018. In total, 61 people attended the public consultation exhibitions. In addition, throughout the statutory consultation period, inspection copies of the consultation documents and feedback forms were made available at four publicly accessible locations within the CZ.
- 1.1.6 Under S42, 78 statutory and 144 other ('non-statutory') bodies were sent consultation letters on 12th October 2018.
- 1.1.7 Under S47, approximately 16,000 consultation letters and feedback forms were delivered by hand to local businesses and communities within the CZ on 2nd October 2018, along with blank envelopes to be used with a dedicated Freepost address. The consultation letter included brief details of the Development, details about the S47 consultation process, the dates of the statutory consultation period, details of where to find further information and details of how to provide feedback

1.1.8 The statutory consultation period for the S42 consultees ran concurrently with the S47 statutory consultation period, from 16th October to 14th November 2018.

1.1.9 In response to the consultation under S42 of the Act, the Applicant received feedback from 50 respondents, some of whom responded to both the consultation in 2018 and in 2019. More information can be found in section 9 of this Report.

Key themes were:

- Air Quality
- Construction
- Cultural, Heritage and Archaeology
- DCO Process
- Ecology
- Environmental Impact - General
- Environmental Impact Assessment Methodology
- Flood Risk
- General Nuisance
- Geology, Hydrogeology and Ground Conditions
- Human Health
- Land Interest Concerns
- Landscape and Visual Resources
- Land Use, Agriculture and Socio-Economics
- Noise and Vibration
- Permits, Consents and Licences
- Protection of Existing Infrastructure
- Protective Provisions
- Responses Relating to Project Changes 2019
- Safety and Emergencies
- Support for the Development
- Support for Project Changes 2019
- Traffic and Transport Networks
- Water Quality

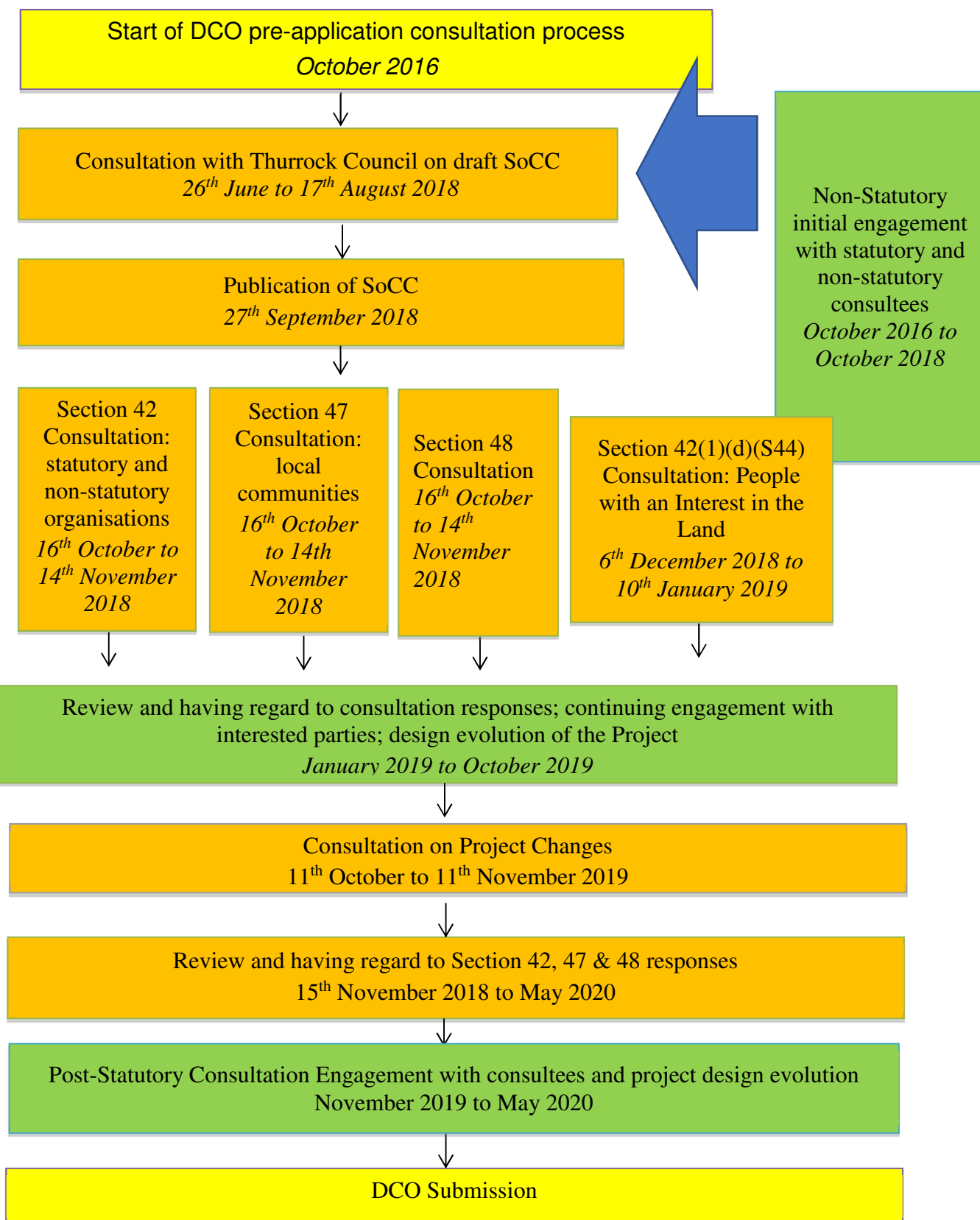
1.1.10 The applicant received feedback from 43 S47 consultees. Feedback was provided through feedback forms returned by Freepost and at public exhibitions, by telephone, letter and by email via the project email address. More information can be found in section 10 of this Report.

Key themes raised by S47 consultees were:

- Air Quality
- Alternatives
- Cultural, Heritage and Archaeology
- Ecology

- Human Health, Safety and Emergencies
 - Landscape and Visual Resources
 - Land Use, Agriculture and Socio-Economics
 - Noise
 - Support
 - Traffic and Transport Networks
- 1.1.11 Consultation with People with an Interest in the Land ('PILs') under S44 (S42(1)(d)) took place further to a land referencing process being completed. Consultation letters were sent to 202 S44 consultees on 6th December 2018. The S44 consultees were given until 10th January 2019 to respond. PILs identified as potential claimants in respect of noise under the Land Compensation Act 1973 ('LCA') were consulted during the statutory consultation period for S42 and S47 consultees, from 16th October to 14th November 2018. There were 19 consultees falling within this category. For a majority of these consultees, as at October 2018, only property addresses and not the names or, in some cases, not the full names of those falling within this category had been identified by the Applicant and therefore several of the consultation letters were addressed to 'The Owner/Occupier'.
- 1.1.12 In response to the consultation under S44, issues raised focused on the seeking of protective provisions for existing apparatus in the area of or close to the Development site. More information can be found in section 9 of this Report. The Applicant is in ongoing engagement with the S44 land interest consultees.
- 1.1.13 Consultation with the wider public under S48 took place concurrently with the S42 and S47 statutory consultation period, from 16th October to 14th November 2018. The S48 public notice was placed in four local newspapers for two consecutive weeks, on 4th October and 11th October 2018, and in one national newspaper and the London Gazette for one week, on 9th October 2018, prior to the commencement of the statutory consultation period.
- 1.1.14 As far as the Applicant is aware, no responses were received as a result of consultation under S48.
- 1.1.15 Due to design evolution, including in response to feedback received, project changes were made subsequent to the consultation in 2018. Consultation on those project changes took place in October/ November 2019. Parties consulted during the initial consultation in 2018 under S42 of the Act were consulted, as well as parties who had not been consulted in 2018 but which the Applicant considered might be affected either directly or indirectly by the changes to the project. Further details can be found in section 8 of this Report.
- 1.1.16 S47 consultees from whom responses to the initial consultation had been received, or who had indicated that they wished to be kept updated on developments to the scheme were also consulted following project changes made subsequent to the initial consultation. See section 8 of this Report.

Figure 1: Quick Reference Guide to Consultation Process



- 1.1.17 Figure 1 (above) provides a quick reference guide, in chronological order, to the key consultation activities that have taken place in connection with the Development since the project's inception in 2016.

Table A: Summary of Consultation undertaken for Thurrock Flexible Generation Plant

Stage	Date	Consultation undertaken	Further Information
Non-Statutory	December 2016 to October 2018	Early consultation with a range of potential stakeholders making them aware of the Applicant's intention to apply for DCO.	Section 4
Statutory	<ul style="list-style-type: none"> • 26th June to 17th August 2018 • 9th August 2018 • 27th September 2018 	<ul style="list-style-type: none"> • Consultation with Thurrock Council on the content of the draft SoCC. • Request for Scoping Opinion submitted to PINS. • Publication of SoCC. 	Section 6 Appendix 3.1 Appendices 2.6 and 2.7
	16 th October to 14 th November 2018	Statutory consultation under S42, S47 and S48 of the Act with statutory and non-statutory bodies, local authorities, local communities in accordance with the SoCC, and publication of details of the proposed DCO application to the wider public. Included statutory consultation under S42(1)(d)(S44), Category 3.	Sections 5, 6 & 7
Statutory	6 th December 2018 to 10 th January 2019	Statutory consultation under S42(1)(d) (S44), Categories 1 and 2, with people with an interest in the land.	Section 5
Non-Statutory	15 th November 2018 to 11 th October 2019	Consultation on evolving project changes with S42 and S44 consultees.	Section 8

Statutory	11 th October 2019 to 11 th November 2019	Statutory consultation on project changes with newly identified consultees and those consulted under S42, S44, S47 and S48 in 2018.	Section 8
Non -Statutory	11 th November 2019 to May 2020	Post-consultation engagement with S42 and S44 consultees to shape the final design of the Development.	Section 11

2. Introduction

Purpose of this Document

- 2.1.1 This document constitutes the Consultation Report (the ‘Report’), which accompanies the DCO application for the Development. The Applicant for the DCO is Thurrock Power Limited, a company established by Statera Energy Limited for the purposes of the Development.
- 2.1.2 This Report shows how the Applicant has complied with the provisions of the Act as required under Section 37(3)(c) and Section 37(7).
- 2.1.3 Section 37(7) of the Act defines the Consultation Report as a document giving details of:
- (a) what has been done in compliance with sections 42, 47 and 48 in relation to a proposed application that has become the application;
 - (b) any relevant responses received to statutory consultation undertaken; and
 - (c) the regard had/account taken by the applicant of any relevant responses.

Approach to Consultation

- 2.1.4 In preparing the consultation strategy and carrying out this consultation, the Applicant has had regard to the following Advice and Guidance:
- *The Planning Act 2008: Guidance on the pre-application process (Department of Communities and Local Government, March 2015). (‘the DCLG Guidance’)*
 - *Advice Note 14: Compiling the Consultation Report (Planning Inspectorate, Version 2: April 2012).*
 - *Advice Note 16: The Developer’s Pre-Application Consultation, Publicity and Notification (Planning Inspectorate, Version 1: April 2012).*
- 2.1.5 Section 2.1.14 of this Report sets out how the Applicant has complied with the relevant legislation and guidance.
- 2.1.6 In choosing to conduct a single stage statutory consultation process in 2018, a number of factors were taken into consideration, including the size of the Development, the proposed location, and the potential impacts of the Development on the surrounding area and on the local community.

- 2.1.7 In advance of formal statutory consultation, the Applicant engaged with various interested bodies during early non-statutory consultation. The organisations consulted in this way included: Thurrock Council (the relevant local authority for the entire Development site), the Environment Agency, Natural England, the Open Spaces Society, Anglian Water, National Grid, Essex County Council, Port of Tilbury, Essex Wildlife Trust, Highways England, Network Rail, the Department for Business, Energy and Industrial Strategy and the Planning Inspectorate.
- 2.1.8 The key focus of this early consultation was to communicate the fact that, and reasons why, the Applicant is intending to develop a scheme which requires a DCO, explaining the proposed design and operational details applicable at that time and seeking feedback, including that relating to the potential benefits and impacts of the Development.
- 2.1.9 As stated in the SoCC (see section 6, below), the statutory consultation was designed to ensure that the Applicant engaged, consulted and helped local communities, residents and organisations to understand what particular aspects of the Development may mean for them, including details of the activities that would be undertaken to disseminate information.
- 2.1.10 The Applicant kept its consultation strategy under review following the conclusion of the statutory consultation in 2018 and, as advised by the DCLG Guidance, the Applicant continued non-statutory engagement with key stakeholders such as Thurrock Council, Highways England, the Environment Agency, Network Rail and National Grid.
- 2.1.11 Due to the nature and extent of project changes that took place subsequent to the consultation in late 2018, further formal public consultation on the changes was carried out in late 2019. This consultation included a number of consultees who required to be consulted for the first time due to the project changes. Further details can be found in section 8 of this Report.

Adherence to Statutory Requirements

- 2.1.12 The Applicant has undertaken a programme of pre-application consultation relating to the Development in compliance with the following requirements of the Act:
- Section 42 (duty to consult)
 - Section 47 (duty to consult local community)
 - Section 48 (duty to publicise)
- 2.1.13 Table B, below, identifies the sections of this Report which demonstrate that compliance with the Act has been achieved.

Table B: Statutory Requirements of the Planning Act 2008

Section of Planning Act 2008	Compliance
42. Duty to consult; including 42(1)(a) statutory consultees, 42(1)(b) local authorities and 42(1)(d) persons with an interest in the land.	Details of section 42 pre-application consultation with statutory consultees, non-statutory consultees, local authorities and persons with an interest in the land, as identified under section 44, can be found in sections 5 and 8 of this Report.
46. Duty to notify the Secretary of State of proposed application under S46 (as amended by the Localism Act 2011).	Details of formal notification issued to the Secretary of State can be found in sections 5 and 8 of this Report.
47. Duty to consult the local community.	Details of pre-application consultation with the local community under section 47 can be found in sections 6 and 8 of this Report.
48. Duty to publicise.	Details of formal publicity under section 48 can be found in sections 7 and 8 of this Report.
49. Duty to take account of responses to consultation and publicity.	Responses received from prescribed bodies have been collated and had regard to, as demonstrated in section 9 of this Report. Responses received under section 47 have been collated and had regard to, as demonstrated in section 10 of this Report.

Legislative Compliance

- 2.1.14 Table C, below, details the requirements under the Planning Act 2008, the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 and the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. The corresponding column shows how the Applicant has had regard to each of these and where evidence can be found within this Report.

C: Table of Compliance with Requirements of the Planning Act 2008

Planning Act 2008 Requirement	Compliance
<p>Section 42: Duty to Consult (See section 5 of the Consultation Report) The applicant must consult the following about the proposed application</p>	
(a) Such persons as may be prescribed.	The Applicant consulted all relevant persons prescribed under the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (see Appendix 4.2 for the full list).
(aa) the Marine Management Organisation.	The Applicant consulted the Marine Management Organisation, as required by S42(aa).
(b) Each local authority that is within Section 43.	The Applicant consulted with each local authority identified under S43 (see Appendix 4.2 for the full list).
(c) the Greater London Authority if the land is in Greater London.	The Applicant consulted the Greater London Authority, as required.
(d) each person who is within one or more of the categories set out in Section 44.	The Applicant consulted all persons identified under S44, being persons with an interest in land affected by the Development (see Appendix 4.3).
<p>Section 45: Timetable for Consultation under Section 42 (see section 5 of the Consultation Report)</p>	
(1) The applicant must, when consulting a person under section 42, notify the person of the deadline for receipt by the applicant of the person's response to the consultation.	All consultees were informed of the deadline for receipt of responses in consultation letters notifying them of the dates of the formal consultation period. The consultation letters for the initial formal consultation in 2018 stated that the consultation process would run from 16 th October 2018 to 14 th November 2018 and that responses should be received by that deadline in order to be guaranteed consideration. Consultation letters to S42(1)(d) land interest consultees stated that the deadline for receipt of responses by the Applicant was 10 th January 2019. Consultation letters for the 2019 consultation regarding project changes stated that the consultation period would run from 11 th October 2019 to 11 th November 2019.
(2) A deadline notified under subsection (1) must not be earlier than the end of the period of 28 days that begins with the day after the day on which the	Consultation letters for the 2018 consultation were sent by 1 st class post to all consultees within S42, apart from those falling within categories 1 and 2 of S42(1)(d), on 12 th October 2018. The formal consultation period ran from 16 th October to 14 th November 2018, providing a period in excess of 28 days for responses to be received by the Applicant.

<p>person receives the consultation documents.</p>	<p>Consultation letters were sent to category 1 and 2, S42(1)(d) consultees on 6th December 2018, with responses stated to be due on 10th January 2019, providing a period in excess of 28 days for receipt of responses.</p> <p>Consultation letters for the 2019 consultation due to project changes were sent by first class signed for post on 9th October 2019. The consultation period began the day after receipt, on 11th October 2019 and ran until 11th November 2019, thus providing a period in excess of 28 days until the deadline for responses.</p>
<p>(3) In subsection (2) “the consultation documents” means the documents supplied to the person by the applicant for the purpose of consulting the person.</p>	<p>The consultation documents provided to the S42 statutory consultees and local authorities in 2018 included the consultation letter, copy S48 public notice, and a DVD containing the full Preliminary Environmental Information Report (‘PEIR’), Non-Technical Summary (‘NTS’) and plan showing the full red line boundary of the proposed Development as at October 2018.</p> <p>Consultation documents provided to non-statutory consultees in 2018 included a consultation letter, ‘have your say’ document and copy S48 public notice.</p> <p>The consultation documents provided to the S42 statutory consultees for the consultation on project changes in 2019 included: a consultation letter; copy of the 2018 consultation letter; project changes report; zone plan at October 2018; zone plan at October 2019; change plan; plan of DCO boundary at October 2019; and S48 Notice published in 2019.</p> <p>Consultation documents provided to non-statutory consultees for the consultation on project changes in 2019 were: consultation letter; copy 2018 consultation letter; zone plan at October 2018; zone plan at October 2019; change plan; plan of DCO boundary at October 2019; and S48 Notice published in 2019.</p>
<p>Section 46: Duty to notify Secretary of State of proposed application (see section [5] of the Consultation Report)</p>	
<p>(1) The applicant must supply the Secretary of State with such information in relation to the proposed application as the applicant would supply to the Secretary of State for the purpose of complying with section 42 if the applicant were required by that section to consult the</p>	<p>For the 2018 consultation, the Applicant sent to the Secretary of State copies of all consultation documents provided to the S42 statutory consultees, on 12th October 2018.</p> <p>For the 2019 consultation, the Applicant sent to the Secretary of State copies of all consultation documents provided to the S42 statutory consultees, on 9th October 2019.</p>

<p>Secretary of State about the proposed application.</p>	
<p>(2) The applicant must comply with subsection (1) on or before commencing consultation under section 42.</p>	<p>Subsection (1) was complied with in advance of the formal consultation period in both 2018 and 2019.</p>
<p>Section 47: Duty to consult the local community (see section 6 of the Consultation Report)</p>	
<p>(1) The applicant must prepare a statement setting out how the applicant proposes to consult, about the proposed application, people living in the vicinity of the land.</p>	<p>In June 2018, The Applicant prepared a draft Statement of Community Consultation ('SoCC') which set out how it proposed to consult the local community under S47.</p>
<p>(2) Before preparing the SoCC, the applicant must consult each local authority that is within section 43(1) about what is to be in the SoCC.</p>	<p>The Applicant consulted with Thurrock Council in relation to the draft SOCC. Thurrock Council was the only local authority within S43(1).</p>
<p>(3) The deadline for the receipt by the applicant of a local authority's response to consultation under subsection (2) is the end of the period of 28 days that begins with the day after the day on which the local authority receives the consultation documents.</p>	<p>Statutory consultation with Thurrock Council on the SoCC ran from 26th June 2018 until 17th August 2018, providing a period in excess of 28 days for response, beginning with the day after the draft SoCC was received by Thurrock Council.</p>
<p>(4) In subsection (3) "the consultation documents" means the documents supplied to the local authority by the applicant for the purpose of consulting the local authority under subsection (2).</p>	<p>The consultation documents provided to Thurrock Council comprised the draft SoCC under cover of an email.</p>
<p>(5) In preparing the statement, the applicant must have regard to any response to consultation under subsection (2) that is received by the applicant</p>	<p>The Applicant did have regard to comments made by Thurrock Council in relation to the draft SoCC. Comments received did not affect the substance of the draft SoCC. The draft SoCC was updated to take account of information which had become available between 17th August (the deadline for receipt of Thurrock Council's</p>

before the deadline imposed by subsection (3).	response to the draft SOCC) and 21st September 2018 (the date of publication of the final SoCC on the project website) before being finalised.
<p>(6) Once the applicant has prepared the statement, the applicant must publish it—</p> <p>(aa) make the statement available for inspection by the public in a way that is reasonably convenient for people living in the vicinity of the land.</p> <p>(a) in a newspaper circulating in the vicinity of the land, and</p> <p>(b) in such other manner as may be prescribed.</p>	<p>The finalised SoCC was published on the project website on 21st September 2018 and, along with the Notice of SoCC, was made available for inspection by the public from 27th September 2018 at the following locations:</p> <ul style="list-style-type: none"> • Thurrock Council, Civic Offices, New Road, Grays, RM17 6SL • Tilbury Hub, 16 Civic Square, Tilbury, RM18 8ZZ • Gravesend Library, Windmill Street, Gravesend, DA12 1BE • Chadwell St Mary Library, Brentwood Road, Chadwell St Mary, Grays, RM16 4J <p>The Notice of SoCC was published in the following local newspapers for two consecutive weeks, on 27th September and 4th October 2018:</p> <ul style="list-style-type: none"> • The Thurrock Gazette • The Thurrock Independent • The Gravesend Messenger • The Thurrock Enquirer
<p>(7) The applicant must carry out consultation in accordance with the proposals set out in the SoCC.</p>	<p>The Applicant's 2018 consultation process was carried out in accordance with the SoCC.</p> <p>The Applicant consulted Thurrock Council in advance of consultation being undertaken in 2019, regarding the Applicant's proposals for how that consultation would be conducted and the proposed consultation timetable. Thurrock Council was given an opportunity to respond and duly confirmed that the Applicant's proposals were acceptable.</p>
Section 48: Duty to publicise (see section 7 of the Consultation Report)	
<p>(1) The applicant must publicise the proposed application in the prescribed manner.</p>	<p>The Applicant prepared and published a S48 Public Notice in 2018, as prescribed under the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009.</p> <p>The S48 Notice was advertised in the following local newspapers for two consecutive weeks, on 4th October and 11th October 2018:</p> <ul style="list-style-type: none"> • The Thurrock Gazette • The Thurrock Independent • The Gravesend Messenger • The Thurrock Enquirer

	<p>The S48 Notice was also published in the Times national newspaper and in the London Gazette for one week, on 9th October 2018.</p> <p>The S48 Notice was also displayed at the four local public venues listed above in relation to publication of the SoCC.</p> <p>The Applicant prepared a second S48 Public Notice in 2019 in advance of consultation on project changes. This Notice was advertised in two local newspapers for two consecutive weeks, on 3rd October and 10th October 2019, as follows:</p> <ul style="list-style-type: none"> • The Thurrock Gazette • The Gravesend Messenger <p>The second S48 Notice was also published in the Times, the London Gazette, Lloyd’s List and Fishing News for one week, on 10th October 2019.</p>
<p>(2) Regulations made for the purposes of subsection (1) must, in particular, make provision for publicity under subsection (1) to include a deadline for receipt by the applicant of responses to the publicity.</p>	<p>The S48 Notice for the 2018 consultation made it clear that 14th November 2018 was the deadline for receipt of responses to the publicity under subsection (1).</p> <p>The S48 Notice for the 2019 consultation on project changes made it clear that 11th November 2019 was the deadline for receipt of responses to the publicity under subsection (1).</p>
<p>Section 49: Duty to take account of responses to consultation and publicity</p>	
<p>(1) Subsection (2) applies where the applicant—</p> <p>(a) has complied with sections 42, 47, and 48, and</p> <p>(b) proposes to go ahead with making an application for an Order granting Development Consent (whether or not in the same terms as the proposed application).</p>	<p>(a) The Applicant has complied with Sections 42, 47 and 48 of the Act.</p> <p>(b) The Applicant proposes to go ahead and make an application for an Order granting Development Consent.</p>
<p>(2) The applicant must, when deciding whether the application that the applicant is actually to make should be in the</p>	<p>The Applicant has had regard to all relevant responses to consultation under S42, S47 and S48 of the Act.</p>

<p>same terms as the proposed application, have regard to any relevant responses.</p> <p>(3) In subsection (2) “relevant response” means—</p> <p>(a) a response from a person consulted under section 42 that is received by the applicant before the deadline imposed by section 45 in that person's case,</p> <p>(b) a response to consultation under section 47(7) that is received by the applicant before any applicable deadline imposed in accordance with the statement prepared under section 47, or</p> <p>(c) a response to publicity under section 48 that is received by the Applicant before the deadline imposed in accordance with section 48(2) in relation to that publicity.</p>	<p>S42 responses are considered in Section 9 of this Report.</p> <p>S47 responses are considered in Section 10 of this Report.</p> <p>As far as the Applicant is aware, there were no S48 responses to the consultation.</p>
<p>Section 50: Guidance about pre-application procedure</p>	
<p>(1) Guidance may be issued about how to comply with the requirements of this Chapter.</p>	<p>The Applicant has complied with the guidance set out in DCLG Guidance on Pre-Application Consultation, as referenced in this Report.</p>
<p>(2) Guidance under this section may be issued by the Secretary of State.</p>	
<p>(3) The applicant must have regard to any guidance under this section.</p>	

The Infrastructure Planning (Application: Prescribed Forms and Procedure) Regulations 2009

Reg 3: Prescribed Consultees

The persons prescribed for the purposes of section 42(a) duty to consult are those listed in column 1 of the table in Schedule 1 to these Regulations, who must be consulted in the circumstances specified in relation to each such person in column 2 of that table.

The Applicant consulted all persons prescribed under the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (see Appendix 4.2 for the full list).

Reg 4: Publicising a proposed application

(2) The applicant must publish a notice, which must include the matters prescribed by paragraph (3) of this regulation, of the proposed application-

(a) for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the proposed development would be situated;

(b) once in a national newspaper;

(c) once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and

(d) where the proposed application relates to offshore development—

(i) once in Lloyd's List; and

(ii) once in an appropriate fishing trade journal

The Applicant published a S48 Notice for the 2018 consultation as follows:

(a) For two successive weeks, on 4th and 11th October 2018, in four local newspapers, as detailed above.

(b) Once in the Times national newspaper on 9th October 2018.

(c) Once in London Gazette on 9th October 2018.

The Applicant published a S48 Notice for the 2019 consultation as follows:

(a) For two successive weeks, on 3rd and 10th October 2019, in two local newspapers, as detailed above.

(b) Once in the Times national newspaper on 10th October 2019.

(c) Once in the London Gazette on 10th October 2019.

(d) Once in Lloyd's List, on 10th October 2019.

(e) Once in Fishing News, on 10th October 2019.

At the time of the 2018 consultation, the proposed application did not relate to offshore development.

Project changes in 2019 included the introduction of a marine element to the application, which resulted in the application relating to offshore development. Accordingly, the S48 Notice was published in Lloyd's List and in Fishing News for one week, on 10th October 2019.

(3) The matters which the notice must include are-

(a) the name and address of the applicant;

The 2018 and 2019 S48 Notices both state that the name and address details of the Applicant are: Thurrock Power Limited of 1st Floor, 145 Kensington Church Street, London, W8 7LP.

<p>(b) a statement that the applicant intends to make an application for Development Consent to the Commission;</p>	<p>The 2018 and 2019 S48 Notices both state: ‘The Applicant intends to apply to the Secretary of State for Business, Energy and Industrial Strategy for a Development Consent Order (‘DCO’) under section 37 of the Planning Act 2008 (the ‘Act’) to authorise the construction, operation and decommissioning of a gas fired flexible electricity generation plant and battery storage facility (the ‘Project’).’</p>
<p>(c) a statement as to whether the application is EIA development;</p>	<p>The 2018 S48 Notice states: ‘Due to the nature and size of the Project, TPL is undertaking an Environmental Impact Assessment (‘EIA’). The Project is therefore classified as EIA development under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. As such, the proposed application for DCO will be accompanied by an Environmental Statement (‘ES’), which will provide a detailed description of the Project and its potential environmental impacts.’</p> <p>The 2019 S48 Notice states: ‘The Project is EIA development and an Environmental Impact Assessment will be required to accompany the application.’</p>
<p>(d) a summary of the main proposals, specifying the location or route of the proposed development;</p>	<p>The 2018 S48 Notice states: ‘The proposed DCO would, among other things, licence and authorise: *reciprocating gas engines with rated electrical output totalling 600 MW; * batteries with rated electrical output of 150 MW and storage capacity of up to 600 MW; * gas and electricity connections, access road(s) and minor public highway widening for delivery of large loads; * designation of replacement common land (exchange land) and possible creation of habitat for protected species translocation; * if required, the permanent and/or temporary compulsory acquisition of land and/or rights over land for this Project; * if required, overriding of easements and other rights over or affecting land for this Project; * if required, permanent and/or temporary changes to the highway network for this Project * temporary construction compounds for the flexible power generation plant, gas connection and electrical connection; * site drainage and waste management infrastructure and other services; * the application and/or disapplication of legislation relevant to the Project, as may be required;</p>

	<p>* construction, operation and maintenance of associated development;</p> <p>* if required, the temporary stopping up of public footpaths during construction;</p> <p>* such ancillary, incidental and consequential works, provisions, permits, consents, waivers or releases as are necessary and/or convenient for the successful construction, operation, maintenance and decommissioning of the Project.’</p> <p>The 2019 Notice states:</p> <p>‘As a result of responses to the initial consultation, discussion with stakeholders and ongoing iterative design refinement, certain aspects of the Project have been changed. In particular:</p> <ul style="list-style-type: none">• Construction access to the site will be taken from the south and west rather than to the north;• A new permanent causeway into the River Thames will be constructed and used during construction for the delivery of abnormal indivisible loads by water, along with a haul road from the causeway to the construction site. There are two, alternative, options proposed for the route of that haul road in this consultation;• Primary construction access will be from the west through land to the north of the recently constructed Tilbury 2 site and will connect the main Project site to the A1089 public highway;• Previously proposed access routes for abnormal indivisible loads have been removed from the Project;• Previously proposed works to existing public highways to the north of the Project site and the creation of a new construction haul road running east-west from the A126 Gateway Academy roundabout have been removed from the Project;• Alteration of the areas of land to be used for wildlife habitat compensation;• Additional land to the west of the main Project site has been included for carbon capture readiness; and• A new footpath has been added to link Fort Road with the replacement common land included in the Project.’
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<p>(e) a statement that the documents, plans and maps showing the nature and location of the proposed development are available for inspection free of charge at the places (including at least one address in the vicinity of the proposed development) and times set out in the notice;</p>	<p>The 2018 S48 Notice states that: ‘Information compiled to date about the Project’s potential environmental impacts is contained in a Preliminary Environmental Information Report (‘PEIR’), which includes a non-technical summary. These documents will be available to view or download free of charge on the Project website (www.thurrockpower.co.uk) from 16th October 2018. The above documents, along with a ‘have your say’ document, plan(s) showing the application area and a Statement of Community Consultation will be available to view free of charge during the formal consultation period, from 16th October to 14th November 2018, at the following public venues (opening times may vary):</p> <table border="1" data-bbox="643 712 1385 1122"> <thead> <tr> <th>Location</th> <th>Address</th> </tr> </thead> <tbody> <tr> <td>Thurrock Council Civic Offices,</td> <td>New Road, Grays, RM17 6SL</td> </tr> <tr> <td>Tilbury Hub</td> <td>16 Civic Square, Tilbury, RM18 8ZZ</td> </tr> <tr> <td>Gravesend Library</td> <td>Windmill Street, Gravesend, DA12 1BE</td> </tr> <tr> <td>Chadwell St Mary Library</td> <td>Brentwood Road, Chadwell St Mary, Grays, RM16 4JP.’</td> </tr> </tbody> </table> <p>The 2019 S48 Notice states: ‘5. Documents, maps and plans containing further Information about the design changes will be available to view or download free of charge on the Project website: (www.thurrockpower.co.uk) from 11th October 2019. 6. The consultation documents mentioned in paragraph 5, above, will also be available to view free of charge during the formal consultation period, from 11th October 2019 to 11th November 2019, at the following public venues (opening times may vary):</p> <table border="1" data-bbox="643 1563 1385 1899"> <thead> <tr> <th>Location</th> <th>Address</th> </tr> </thead> <tbody> <tr> <td>Thurrock Council</td> <td>Civic Offices, New Road, Grays, RM17 6SL</td> </tr> <tr> <td>Tilbury Hub</td> <td>16 Civic Square, Tilbury, RM18 8ZZ</td> </tr> <tr> <td>Gravesend Library</td> <td>Windmill Street, Gravesend, DA12 1BE</td> </tr> <tr> <td>Chadwell St Mary Library</td> <td>Brentwood Road, Chadwell St Mary, Grays, RM16 4JP.’</td> </tr> </tbody> </table>	Location	Address	Thurrock Council Civic Offices,	New Road, Grays, RM17 6SL	Tilbury Hub	16 Civic Square, Tilbury, RM18 8ZZ	Gravesend Library	Windmill Street, Gravesend, DA12 1BE	Chadwell St Mary Library	Brentwood Road, Chadwell St Mary, Grays, RM16 4JP.’	Location	Address	Thurrock Council	Civic Offices, New Road, Grays, RM17 6SL	Tilbury Hub	16 Civic Square, Tilbury, RM18 8ZZ	Gravesend Library	Windmill Street, Gravesend, DA12 1BE	Chadwell St Mary Library	Brentwood Road, Chadwell St Mary, Grays, RM16 4JP.’
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<p>(f) the latest date on which those documents, plans and maps will be</p>	<p>The 2018 S48 Notice states that copies of the consultation documents ‘will be available to view free of charge during the formal consultation period, from 16th</p>																				

<p>available for inspection (being a date not earlier than the deadline in sub-paragraph (i));</p>	<p>October to 14th November 2018’. This refers to availability of the consultation documents at the four local public venues listed above (paragraph (e)). The Notice also states: ‘These documents will be available to view or download free of charge on the Project website (www.thurrockpower.co.uk) from 16th October 2018.’</p> <p>The 2019 S48 Notice states ‘The consultation documents...will also be available to view free of charge during the formal consultation period, from 11th October to 11th November 2019...’ at the four local public venues referred to in paragraph (e), above. The Notice also states: ‘Documents, maps and plans containing further Information about the design changes will be available to view or download free of charge on the Project website: (www.thurrockpower.co.uk) from 11th October 2019.’ All consultation documents remain available to view free of charge on the Development website.</p>
<p>(g) whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge;</p>	<p>Both the 2018 and 2019 S48 Notices state that a charge will be made for hard copies of the full PEIR and appendices.</p>
<p>(h) details of how to respond to the publicity; and</p>	<p>The 2018 S48 Notice states: ‘If you wish to respond to this notice and/or make representations about the Project, these should be provided to TPL. Please include your name and a postal or email address where correspondence about the response can be sent. Representations can be made in the following ways: website: www.thurrockpower.co.uk; email: contact@thurrockpower.co.uk; Freepost: Freepost THURROCK POWER telephone: 0207 1860585.’</p> <p>The 2019 S48 Notice states: ‘If you wish to respond to this notice and/or make representations about the changes to the Project, these should be provided to TPL. Responses or representations can be made in the following ways: email: contact@thurrockpower.co.uk; Freepost to: Freepost THURROCK POWER; telephone: 0207 1860580. Please include your name and a postal or email address where correspondence about the response can be sent. Please also indicate whether you would like to receive updates on the Project by email.’</p>
<p>(i) a deadline for receipt of those responses by the applicant, being not less than 28 days following</p>	<p>The 2018 S48 Notice states: ‘Please note that all responses must be received by TPL by 11.59pm on 14th November 2018.’ The Notice was last published on</p>

<p>the date when the notice is last published.</p>	<p>11th October 2018, allowing a period of 34 days for receipt of responses by the Applicant.</p> <p>The 2019 S48 Notice states: ‘Please note that all responses must be received by TPL by 11.59pm on 11th November 2019. TPL cannot guarantee that late responses will be considered.’ The Notice was last published on 10th October 2019, allowing a period of 32 days for receipt of responses by the Applicant.</p>
<p>The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009</p>	
<p>Reg 6: Procedure for establishing whether environmental impact assessment is required</p>	
<p>(1) A person who proposes to make an application for an order granting Development Consent must, before carrying out consultation under section 42 (duty to consult) either—</p> <ul style="list-style-type: none"> (a) request the Commission to adopt a screening opinion in respect of the development to which the application relates; or (b) notify the Commission in writing that the person proposes to provide an environmental statement in respect of that development. 	<p>The Applicant notified PINS on 9th August 2018 that the Applicant intended to submit an Environmental Statement (‘ES’) with the proposed development consent application and to request a Scoping Opinion from the Secretary of State under Regulation 10. That notification/request was accompanied by an EIA Scoping Report.</p>
<p>(3) A request or notification under paragraph (1) must be accompanied by—</p> <ul style="list-style-type: none"> (a) a plan sufficient to identify the land; (b) a brief description of the nature and purpose of the development and of its possible effects on the environment; 	<p>The Applicant’s notification/request of 9th August 2018 was accompanied by an EIA Scoping Report which included all necessary information.</p>

<p>(c) such other information or representations as the person making the request may wish to provide or make.</p>	
<p>Reg 10: Consultation statement requirements</p>	
<p>The consultation statement prepared under section 47 (duty to consult local community) must set out —</p> <p>(a) whether the development for which the applicant proposes to make an application for an order granting development consent is EIA development; and</p> <p>(b) if that development is EIA development, how the applicant intends to publicise and consult on the preliminary environmental information.</p>	<p>The Applicant stated in the SoCC that: ‘An Environmental Impact Assessment (EIA) will be undertaken for the proposed development to identify any likely significant effects on the environment. Following the completion of the EIA scoping exercise, Thurrock Power is undertaking its EIA and will report the findings in an Environmental Statement that will be submitted as part of the application for development consent.’ This is in accordance with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.</p> <p>The Applicant stated in the SoCC that: ‘...the consultation materials will include PEI. The PEI Report will include details of the baseline environment, the preliminary assessments of the likely significant environmental effects (positive and negative) of the construction, operation and decommissioning periods of the proposed development and a preliminary view of potential mitigation measures, where required.’ The SoCC goes on to state that: ‘The Consultation Letter, together with the other documents listed will be available for inspection on the website for the proposed development (www.thurrockpower.co.uk) and at four or more local community venues, including one venue in Gravesend. Thurrock Power will also hold four public consultations in communities within the CZ, which will be publicised in advance...All the consultation documents will be available for inspection at these exhibitions...’.</p>
<p>Reg 11: Pre- application publicity under section 48 (duty to publicise)</p>	
<p>Where the proposed application for an order granting development consent is an application for EIA development, the applicant must, at the same time as publishing notice of the proposed application under section 48(1), send a copy of</p>	<p>For consultation in 2018, a copy of the S48 Notice was included as an enclosure to the consultation letter sent to statutory consultation bodies.</p> <p>For the 2019 consultation on project changes, a copy of the 2019 S48 Notice was included as an enclosure to the consultation letter sent to statutory consultation bodies.</p>

that notice to the consultation bodies and to any person notified to the applicant in accordance with regulation 9(1)(c).	
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Guidance Compliance

2.1.15 In addition to legislative compliance a number of guidance documents have been followed and complied with. These are listed below:

- Department for Communities and Local Government, Planning Act 2008 – Guidance on the pre-application process (March 2015)
- Advice Note Fourteen: Compiling the Consultation Report, April 2012, The Planning Inspectorate
- Advice Note Sixteen: The developer’s pre-application consultation, publicity and notification duties, April 2012, The Planning Inspectorate (The Applicant is aware that this guidance has been replaced by the Planning Act 2008: guidance on the pre application process (DCLG March 2015). This is therefore included for completeness).

Structure of the Consultation Report

2.1.16 In respect of both statutory and non-statutory consultation that the Applicant has undertaken, this Report explains the nature, scope and purpose of the Applicant’s consultation activities and confirms the deadlines that were set for feedback to be provided. It also details the responses received and explains how the Applicant has had regard to those responses in preparing the DCO application, in accordance with the duty imposed on applicants by section 49(2) of the Act.

2.1.17 The Consultation Report has been structured to take account of the most recent guidance provided in The Planning Inspectorate Advice Note 14 (version 2; 2012); the main sections of the Report and the content of each is set out in Table D, below. Where possible, the Report has been structured chronologically.

Table D: Structure of Consultation Report

Section	Title	Overview
1	Executive Summary	Includes quick reference guide to the Applicant’s consultation activities
2	Introduction, including adherence to statutory requirements	Sets out the purpose and structure of the Consultation Report and the general approach to consultation. Also sets out consultation requirements and compliance with the Planning Act 2008 and relevant Guidance
3	The Applicant and Project Overview	Introduction to the Applicant (Thurrock Power Limited) and summary of the proposed Development
4	Early Non-Statutory Consultation with Statutory Bodies	Description of non-statutory consultation with statutory bodies conducted prior to formal consultation under the Act

5	Statutory Consultation under Section 42	Sets out how S42 consultees were identified, the consultation processes undertaken, feedback mechanisms and brief details of key themes raised in responses
6	Statutory Consultation under Section 47	Sets out how the Statement of Community Consultation (SoCC) was developed, the methods used to consult, feedback mechanisms and brief details of key themes raised in responses
7	Publication under Section 48	Sets out details of publication of the S48 Public Notice in 2018
8	Consultation on Project Changes 2019	Includes details of all consultation activities undertaken in 2019 for consultation on project changes.
9	Feedback received under Section 42	Describes, on a topic by topic basis, the responses received from S42 and non-statutory consultees, and summarises the regard that has been had to the responses in finalising the DCO application and the ES
10	Feedback received under Section 47	Describes, on a topic by topic basis, the responses received from S47 consultees and summarises the regard that has been had to the responses in finalising the DCO application and the ES
11	Post-consultation engagement	Summarises further consultation conducted following the statutory consultation in resolving outstanding issues and concerns
12	Conclusions	Summarises the consultation undertaken by the Applicant in respect of the proposed Development, sets out how the Applicant has complied with the requirements of the Act and outlines any deviations from the SoCC.

2.1.18 Throughout this Report, reference is made to a number of other DCO application documents and, in reading this Report, due attention should be paid to the contents of those other DCO documents where referred to.

3. Applicant & Project Overview

The Applicant

3.1.1 Thurrock Power Limited is the Applicant for this DCO. The company has been established as a subsidiary of Statera Energy Limited, which is a private British company that develops, builds and operates flexible electricity generating plant in the UK. These power plants support the national electricity grid when demand for power is high and there is not enough supply. Details of the company can be found on the website: www.stateraenergy.co.uk.

Project Overview

3.1.2 The Development for which the Applicant is seeking consent comprises an electricity generating station made up of reciprocating gas engines with electrical output totalling 600 MW, and batteries with electrical output of 150 MW and storage capacity of up to 600 MWh (the ‘Development’).

3.1.3 The Development will be mainly located on the north side of the River Thames, on land directly north of the existing National Grid Tilbury Substation, south-west of Station Road, near Tilbury in Essex. The eastern edge of Tilbury is approximately 750m west of the main Development site, the village of West Tilbury is approximately 1.25km to the north, and East Tilbury village is approximately 2.1km to the east. The Development will be centred at British National Grid reference: TQ662766. The nearest existing postcode is RM18 8UL. The whole Development site is within the administrative area of Thurrock Borough Council. A causeway for the delivery of abnormally large and heavy loads would be constructed in the River Thames.

3.1.4 The site of the Development currently comprises farm land and part common land in a setting which is a mix of agricultural land uses to the north and east and significant existing infrastructure, including the Tilbury Power Station, a waste water treatment works and Tilbury Port to the south and west. The site is mainly flat with fields bounded by drainage ditches and is crossed by several high voltage electricity pylons, which are a visually dominant feature of the area. To the north, the site is bounded by the London, Tilbury and Southend Railway. The Applicant will also use corridors of land outside the main site area for access route(s) and a gas supply line. The area is crossed by transport infrastructure, notably the Essex Thameside Railway Line, and the proposed route for the Lower Thames Crossing lies approximately 1km to the east of the proposed Development site. The site is within the Thurrock green belt.

3.1.5 The proposed DCO would, among other things, authorise the construction and operation of:

- Reciprocating gas engines with rated electrical output totalling up to 600MW;
- Batteries with rated electrical output of 150MW and storage capacity of up to 600MWh;
- Gas and electricity connections;
- Creation of temporary and permanent private access routes for construction and operational phase access, including a permanent causeway into the north side of the River Thames for delivery of Abnormal Indivisible Loads (‘AIL’s) by barge;

- Where compulsory powers are exercised, de-registration of common land and designation of replacement common land (exchange land);
- Habitat creation and/or enhancement for protected species translocation and biodiversity gain;
- The permanent and/or temporary compulsory acquisition of land and/or rights over land for the Development;
- Overriding of easements and other rights over or affecting land for this Development;
- If required, permanent and/or temporary changes to the highway network (through formation of accesses for this Development);
- Temporary construction compounds for the flexible power generation plant, gas and electrical connections;
- Site drainage and waste management infrastructure and other services;
- The disapplication of legislation relevant to the Development;
- Construction, operation and maintenance of associated development;
- If required, the temporary stopping up of public footpaths during construction; and
- Such ancillary, incidental and consequential works, provisions, permits, consents, waivers or releases as are necessary and/or convenient for the successful construction, operation, maintenance and decommissioning of the Development.

3.1.6 The extent and location of the Development site is shown on the Location Plan submitted with the Environmental Statement ('ES') (application document reference: 5(2)(a)).

3.1.7 The design evolution and a full description of the proposed Development can be found in Volume 2, Chapter 2, of the ES (Project Description).

4. Early Informal Consultation with Statutory Bodies

4.1.1 This section explains how the Applicant undertook early and on-going non-statutory consultation with prescribed statutory and other bodies

4.1.2 In advance of statutory consultation, the Applicant engaged with various stakeholders. The organisations consulted in this way included: Thurrock Council (the relevant local authority for the entire Development site), the Environment Agency, Natural England, Open Spaces Society, Anglia Water, National Grid, Essex County Council, Port of Tilbury, Essex Wildlife Trust, Highways England, Network Rail, the Department for Business, Energy and Industrial Strategy and the Planning Inspectorate.

4.1.3 The key focus of this early consultation was to communicate the fact that and reasons why the Applicant is intending to develop a scheme which requires a DCO, explaining the proposed design and operational details applicable at that time, and to seek feedback, including that relating to the potential benefits and impacts of the Development.

4.1.4 Appendix 1.1 contains documents relevant to early discussions with bodies and landowners during 2016, 2017 and 2018. Consultees included:

- Thurrock Council
- Open Spaces Society
- Essex Wildlife Trust
- Natural England
- Highways England
- Health and Safety Executive
- Essex County Council
- Environment Agency
- Port Of Tilbury London Limited
- RWE
- Anglian Water
- Network Rail
- Department for Business, Energy and Industrial Strategy
- National Grid
- Landowners and
- The Planning Inspectorate (PINS)

- 4.1.5 Natural England was consulted regarding the scope of proposed ecological baseline surveys through a meeting and correspondence in early 2018. Subsequently, initial findings of the surveys were discussed. Thurrock Council was consulted in January 2018 regarding baseline noise survey methodology and in August 2018 regarding access routes to the Development site.
- 4.1.6 The Department for Business, Energy and Industrial Strategy was contacted in August 2017 regarding plans for the proposed Development. A meeting took place in September 2017.
- 4.1.7 The Environment Agency was consulted in August 2017. A meeting was held, the purpose of which was for the Applicant to gain an understanding of the Environment Agency's position on the proposed Development.
- 4.1.8 Essex County Council Sustainable Drainage Systems (SuDS) was consulted by email and meeting in August 2017. In advance of the meeting, the Applicant provided an initial drainage strategy and topographic plan of the proposed Development site.
- 4.1.9 Highways England was consulted in July 2017 regarding the need for the Development to run services underneath an area safeguarded for the Lower Thames Crossing.
- 4.1.10 The Health and Safety Executive (HSE) was consulted in August 2017 relating to the Applicant's wish to make a connection to the gas National Transmission System in a field which was subject to an option to develop housing. HSE advised that the proposed Development site was affected by HSE Consultation Zones for a Major Accident Hazard Pipeline and also that it came within an HSE Explosive Zone.
- 4.1.11 The Applicant consulted Network Rail in August 2017 regarding the routing of abnormal loads from either the Port of Tilbury or the London Gateway Port.

- 4.1.12 The Open Spaces Society was contacted by email in January 2017 with a view to arranging a telephone call to discuss the Society's views on the proposed Development.
- 4.1.13 A meeting took place with the Planning Inspectorate in October 2017, at which the Applicant introduced the proposed Development and discussed potential environmental impacts and the approach to be taken in respect of Environmental Impact Assessment.
- 4.1.14 Port of Tilbury London Limited was consulted in March 2017 with regard to air quality data in relation to the proposed Development and its relationship with Tilbury 2.
- 4.1.15 There has been regular and ongoing contact with RWE since early 2017 and also with relevant landowners.
- 4.1.16 The design of the Development underwent a number of design iterations during early consultation with statutory bodies and landowners. An overview of the design evolution of the proposed Development can be found in Volume 2, Chapter 2, of the ES (Project Description).

Scoping Opinion

- 4.1.17 A formal request for a Scoping Opinion from the Secretary of State was submitted to PINS on 7th August 2018 (see Appendix 3.1). This was accompanied by a Scoping Report (application document reference: A8.2) setting out the proposed scope of the ES to be prepared to accompany the DCO application. The Scoping Report also provided an overview of the relevant Planning Policy and need for the Development, as well as reasonable alternatives which had been considered.
- 4.1.18 Subsequently, a Scoping Opinion was received from the Secretary of State on 19th September 2018 (application document reference: A8.2). PINS requested opinions from the statutory consultation bodies, which informed the Scoping Opinion. Further details of Environmental Impact Assessment ('EIA') Scoping can be found in section 2, Volume 2, Chapter 5 of the ES (Scoping and Consultation).
- 4.1.19 Details of how points raised during the Scoping process, with regard to specific environmental assessments, have been addressed in the ES are provided in section 3.4 of each topic Chapter of Volume 3 of the ES. These are not, therefore, considered in the Consultation Report.

5. Consultation under Section 42

Introduction

- 5.1.1 This section sets out how the Applicant carried out consultation under S42 of the Act and gives details of the timing, scope and purpose of the S42 consultation.
- 5.1.2 As required under S42 of the Act, applicants must consult with 'prescribed' ('statutory') consultees, as well as the relevant local authorities (as set out in S43 of the Act) and landowners with an interest in the land affected by the proposals (as set out in S44 of the Act).
- 5.1.3 The Applicant must set a deadline for the receipt of responses to the consultation, which must not be less than 28 days from the day after the consultation documents are received (S45 of the Act).

- 5.1.4 This section outlines how the Applicant has complied with these requirements and explains the methods used.

Duty to Notify the Secretary of State of Proposed Development under Section 46

- 5.1.5 Aligned with statutory consultation under S42 is the requirement for the Applicant to notify the Secretary of State of the application under S46 of the Act. This must be done on or before commencing consultation under S42 and the Secretary of State must be supplied with the same information as is proposed to be used for S42 consultation.
- 5.1.6 The Applicant wrote to the Secretary of State on 12th October 2018 setting out its intention under S46 to submit an application for a DCO (Appendix 4.1). Included as enclosures to the S46 Notice were: a copy of the S42 consultation letter to prescribed consultees, a copy of the S48 Public Notice, a DVD of the PEIR plus Non-Technical Summary ('NTS') and plan showing the full red line boundary as at October 2018, a Habitats Regulations Assessment Report ('HRAR') and a copy of the S47 'have your say' document (Appendix 5.6). An acknowledgement of the S46 notification was sent to the Applicant by PINS on 15th October 2018.

Identifying Section 42 Consultees

- 5.1.7 The S42 consultees for the Development were identified as follows:

Statutory Consultees (s42(1)(a))

- 5.1.8 On 9th August 2018, the Applicant notified PINS (Appendix 3.1) that it proposed to provide an ES in support of its application for DCO under Regulation 8(1)(b) of the EIA Regulations and submitted a Scoping Report with a request for a Scoping Opinion from the Secretary of State under Regulation 10 of the EIA Regulations (Appendix 3.1). In accordance with Regulation 11(1)(b), on 19th September 2018, PINS notified the Applicant of the list of consultation bodies notified in accordance with Regulation 11 of the EIA Regulations and provided to the Applicant a Scoping Opinion (application document reference: A8.2).
- 5.1.9 The Applicant consulted all bodies who had been consulted by PINS during scoping and also all relevant bodies listed in Schedule 1 to the APFP Regulations, as set out in PINS' Advice Note on Consultation Reports (Planning Inspectorate, April 2012, Advice Note Fourteen: Compiling the Consultation Report, Version 2).
- 5.1.10 For a full list of statutory consultees see Appendix 4.2.
- 5.1.11 In addition to the statutory consultees, a number of non-statutory bodies were consulted, such as environmental, wildlife and heritage organisations. A list of non-statutory bodies consulted in 2018 can be viewed at Appendix 4.4.

Local Authorities within s43 (s42(1)(b))

- 5.1.12 Applicants are required to consult with each local authority that is within S43 of the Act. The entire Development site lies within the administrative boundary of Thurrock Council, which is a unitary authority. Thurrock Council therefore falls within S43(1) of the Act and was consulted accordingly (see Appendix 4.2).
- 5.1.13 The Applicant also consulted with the 10 neighbouring local authorities that share a boundary with Thurrock Council and are therefore classified as "A" authorities within S43(2) of the Act. These are:
- Kent County Council

- Medway County Council
- Brentwood Borough Council
- Basildon Borough Council
- Gravesham Borough Council
- Dartford Borough Council
- Castle Point Borough Council
- London Borough of Havering
- London Borough of Bexley
- Essex County Council

5.1.14 PINS identified that the requirement to consult the Greater London Authority ('GLA') under S42(1)(c) applied to the Development due to its location being within Greater London. The GLA was therefore consulted.

Persons with an Interest in the Land under s44 (s42(1)(d))

5.1.15 The Applicant identified persons within the following 3 categories set out in section 44 of the Act, who are required to be consulted under section 42(1)(d):

- Category 1 (freeholders, leaseholders, tenants and occupiers)
- Category 2 (mortgagees, other persons interested in the land and persons with the power to sell & convey or release the land) and
- Category 3 (those who the applicant thinks are or might be entitled to bring a "relevant claim" for compensation as a result of implementation of the DCO or use of the land post-implementation of the DCO).

5.1.16 The Applicant identified persons within S42(1)(d) through ongoing engagement and by instructing Ardent Infrastructure and Regeneration ('Ardent') to conduct a comprehensive land referencing exercise in respect of all areas within the red line boundary for the Development.

5.1.17 The full methodology used by Ardent to identify persons within S42(1)(d) can be found at Appendix 4.9(a).

5.1.18 For the purpose of consultation under S42(1)(d), Ardent defined the land by reference to S41(2) of the Act, as the land within the proposed Order limits which had been set at that point.

5.1.19 In summary, Ardent employed various methods to identify S42(1)(d) consultees. These included, but were not limited to: Land Registry searches, issuance of formal land referencing questionnaires, site visits, site notices and review of the Common Land Register.

5.1.20 The Applicant continues to make efforts to identify the owners of any unregistered land of unknown ownership.

5.1.21 Appendix 4.3 lists the persons identified as S42(1)(d) consultees for the purposes of the Development. Persons who no longer had an interest in the land within the Order limits at the time of finalisation of the Book of Reference are identified in Appendix 4.3 by way of an asterisk and these persons are not included in the Book of Reference. Appendix 4.3 includes details of the parts of the Book of Reference in which each consultee can be found.

Section 42 consultation process

- 5.1.22 Consultation under S42 in respect of statutory consultees, local authorities, non-statutory consultees and consultees falling within category 3 of S44 of the Act ran for 30 days and was undertaken concurrently with the S47 consultation, from 16th October 2018 to 14th November 2018.
- 5.1.23 Consultation under S42(1)(d) of the Act, in respect of consultees falling within categories 1 and 2 of S44, ran for a period of 35 days, from 6th December 2018 to 10th January 2019. This part of the S42 consultation took place subsequent to that for the category 3 consultees due to the timing, extent and complexity of the land referencing exercise conducted on behalf of the Applicant, and also because of design refinements resulting in changes to the Order limits of the proposed Development.
- 5.1.24 Consultation letters were sent to statutory and non-statutory consultees and relevant local authorities on 12th October 2018. The consultation letters contained information about the forthcoming consultation dates and process, how to provide feedback, the date by which feedback needed to be received by the Applicant, and how to obtain further information. S42(1)(d) category 3 consultees were sent a consultation letter informing them that they had been identified as a person with an interest in the land who may be entitled to bring a ‘relevant claim’ for compensation as a result of implementation of the DCO or use of the land post-implementation of the DCO. Copies of the consultation letters sent to these categories of consultee can be viewed as follows:
- S42 statutory consultees, Appendix 4.5 (a)
 - S42 statutory marine consultees, Appendix 4.5(b)
 - Non-statutory consultees, Appendix 4.6(a)
 - Non-statutory marine consultees, Appendix 4.6(b)
 - S44 category 3 consultees, Appendix 4.7
- 5.1.25 Included with the consultation letter to S42 statutory consultees (non-marine and marine) were:
- DVD of the PEIR, NTS and full red line boundary plan; and
 - Copy of the Public Notice published in accordance with S48 of the Act (Appendix 6.1).
- 5.1.26 Included with the consultation letter to non-statutory consultees (non-marine and marine) were:
- ‘Have your Say’ document (Appendix 5.6); and
 - Copy of the Public Notice published in accordance with S48 of the Act (Appendix 6.1).
- 5.1.27 Different versions of the consultation letters were sent to statutory and non-statutory marine consultees (Appendices 4.5(b) and 4.6(b), respectively). The reason for this was that, at the time the Scoping Report was submitted to PINS in August 2018, the proposed Development included an option to use cooling water from the River Thames. PINS therefore consulted various marine-related organisations before issuing the Scoping Opinion. Although the option of using

cooling water from the River Thames was subsequently removed from the Development proposals before the statutory consultation period began, the Applicant considered it prudent to send consultation letters to all the marine consultees who had been consulted by PINS for the sake of completeness but to make it clear that the previously proposed marine element of the proposed Development was no longer being pursued.

- 5.1.28 Although the consultation letters at Appendices 4.5 to 4.8 are undated, the Applicant can confirm that letters to statutory consultees, including S44 Category 3 consultees, and non-statutory consultees, were sent out on 12th October 2018, and that letters to S44 Category 1 and 2 consultees were sent on 6th December 2018.
- 5.1.29 Regulation 12 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 requires the Applicant's Statement of Community Consultation (SoCC) to state whether the Development falls within the scope of the EIA Directive and, if it does, how the Applicant intends to publicise and consult on the preliminary environmental information (paragraph 91, Planning Act 2008: Guidance on the Pre-Application Process, DCLG, March 2015).
- 5.1.30 Paragraph 93 of the DCLG guidance states:
- i. "For the pre-application consultation process, applicants are advised to include sufficient preliminary environmental information to enable consultees to develop an informed view of the project."*
 - ii. "The preliminary environmental information is not expected to replicate or be a draft of the environmental statement. However, if the applicant considers this to be appropriate (and more cost-effective), it can be presented in this way."*
- 5.1.31 In accordance with Regulation 12 and the DCLG Guidance, the preliminary environmental information was presented in the form of a PEIR, which included an NTS and plan showing the full proposed Order limits as at October 2018.
- 5.1.32 S42 statutory consultees (marine and non-marine) were sent a DVD copy of the PEIR and NTS, which was also made available on the Development website, at four public consultation exhibitions and at four locations in the local area at which the S47 consultation documents were available for inspection throughout the consultation period (see section 6 of this Report). All S42 consultees were informed that they could be provided with copies of the full PEIR and NTS in DVD format free of charge and that hard copies could be requested but would be subject to a reasonable charge of £500. It was important to the Applicant for the information contained in the PEIR to be made available to S42 consultees in order to provide them with an opportunity to understand the likely environmental impacts of the proposed Development and thereby promote informed feedback.
- 5.1.33 The PEIR contained information on the potential environmental impacts of the Development under the following topics:
- Introductory chapters including a description of the proposed Development, EIA methodology, scoping and consultation
 - Landscape and Visual Resources
 - Historic Environment
 - Land Use, Agriculture and Socio-Economics
 - Ecology

- Traffic and Transport
 - Noise and Vibration
 - Air Quality
 - Human Health
 - Climate Change
 - Hydrology and Flood Risk
 - Geology, Hydrogeology and Ground Conditions
 - Flood Risk, Hydrology and Water Resources
 - Archaeology and cultural heritage
 - Summary of Inter Related Effects
 - Summary of Cumulative Effects
 - Summary of Residual Effects
- 5.1.34 Discussions with Thurrock Council and other stakeholders continued throughout and beyond the statutory consultation period via meetings, email and telephone.
- 5.1.35 A number of feedback mechanisms were put in place in order to provide a transparent and coherent approach to consultation. Responses and enquiries could be provided via:
- A dedicated email address: contact@thurrockpower.co.uk;
 - Telephone: 020 71860580
 - In writing by Freepost: Freepost THURROCK POWER

Conclusions

- 5.1.36 All requirements for statutory consultation under S42 of the Act have been adhered to, as outlined in Section 2, Table C, above.

6. Consultation under Section 47

Introduction

- 6.1.1 This section sets out the timing, scope, and purpose of the S47 consultation with the local community, and explains the approach taken and tools used to communicate with the local community in advance of and during the statutory consultation period to ensure that those living and working in the vicinity of the proposed Development were informed and encouraged to participate in the consultation.
- 6.1.2 This section also sets out how the SoCC was developed and the statutory consultation that took place in relation to the draft SoCC, as well as how the Applicant had regard to the views of Thurrock Council in producing the final SoCC.
- 6.1.3 It should be noted that Appendices containing copies of newspaper notices are the clearest copies available to the Applicant at the time of submission. The Applicant has original paper copies at its offices in London, but is unable to access these at the time of submission due to the UK-wide Government imposed lockdown. The Applicant has attempted to contact those local newspapers in respect of which the

titles and/or dates may be a little unclear in the Appendices, with a view to obtaining electronic copies, but has been unsuccessful at this time. The Applicant will, however, be able to provide clearer copies as and when the lockdown ends and it is able to gain access to its London offices, if required.

Guidance on pre-application consultation

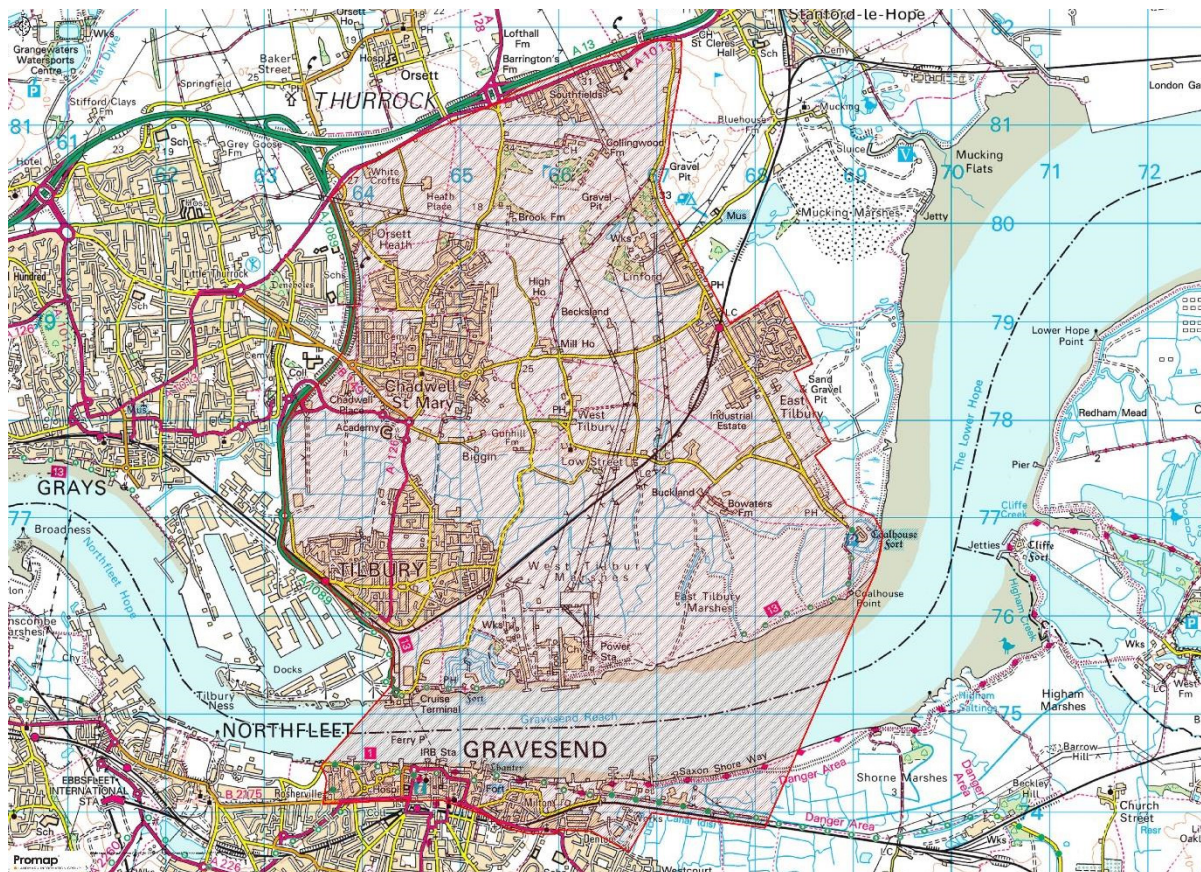
- 6.1.4 The ‘Planning Act 2008: Guidance on Pre-Application Consultation’ published by DCLG in March 2015 sets out the Government’s expectations for promoters of NSIPs and suggests a range of consultation approaches.
- 6.1.5 In addition, PINS has issued the following Advice Note, which includes guidance on consultation and the preparation of the SoCC:
- Advice Note 14: Compiling the Consultation Report (republished April 2012)
- 6.1.6 The Applicant has had regard to this guidance and advice when undertaking the consultation. Compliance with the DCLG guidance and Advice Note 14 is set out in Table C in Section 2 of this Report.
- 6.1.7 As required by S47 and the relevant guidance, the Applicant produced a SoCC to provide details of the purpose, scope and methods of consultation, and then consulted with the local community in line with the commitments set out in the SoCC.

Development of the Statement of Community Consultation

Defining Section 47 Consultees

- 6.1.8 Under S47 of the Act, the Applicant must consult with ‘people living in the vicinity of the land’ about the proposed application. The Applicant therefore undertook consultation with communities, groups and individuals that live, work or use the area surrounding the proposed Development site, or may potentially be impacted by the proposed Development.
- 6.1.9 A geographic consultation zone (‘CZ’) was identified as set out below in Figure 2. The CZ is shown in pink single hatching.

Figure 2: Consultation Zone used to Capture S47 Consultees



6.1.10 The CZ was identified taking the following into consideration:

- incorporation of major viewpoints from the locality of the proposed Development, taking into account those areas where it is possible to see the various components of the proposed Development;
- local transport routes, including those which will be used for construction vehicles and vehicles carrying abnormal loads; and
- potential localised impacts from noise and changes to air quality during construction and operation.

6.1.11 Consultees in the wider area were made aware of the proposed Development through publication of a Notice in accordance with S48 of the Act, which was published in four local newspapers for two consecutive weeks, in one national newspaper (the 'Times') for one week and in the London Gazette for one week and were also able to engage through the project website (see section 7 of this Report).

Submission of Draft SoCC

6.1.12 The draft SoCC was formally submitted to Thurrock Council on 25th June 2018 for review and comment in accordance with S47 (see Appendices 2.1 and 2.2).

- 6.1.13 On 19th July 2018, the Applicant emailed Thurrock Council as a reminder that comments on the draft SoCC were due by 23.07.18 (Appendix 2.8). The Council responded on 20th July 2018 (Appendix 2.9) to say that it was unclear from the Applicant's email of 25th June 2018 that comments on the draft SoCC were required.
- 6.1.14 On 20th July 2018, the Applicant sent a letter to Thurrock Council by email (Appendix 2.10), re-issuing the draft SoCC, formally requesting comments and stating that the period for comments would run for 28 days from 21st July 2018.
- Development of Final SoCC*
- 6.1.15 The Applicant received notification on 27th July 2018 that Thurrock Council had reviewed the draft SoCC (Appendix 2.3).
- 6.1.16 In its response, Thurrock Council stated that, having reviewed the draft SoCC and consulted with the Thurrock Council Community Development and Equalities Manager, it had no objections to the content of the draft and the approach taken. Thurrock Council also confirmed that the CZ was acceptable and provided the names of three local newspapers in which the Notice of SoCC could be published.
- 6.1.17 A further response was received from Thurrock Council by email on 7th August 2018 (Appendix 2.11). This provided details of the 'hard to reach' groups within the CZ and advised that these groups should be contacted in advance of the statutory consultation period to ascertain whether it would be helpful for the Applicant to attend meetings of these organisations. Thurrock Council further advised that, if hazardous materials were to be used on the Development, any health or environmental impacts should be explained to the local community in clear and non-technical language and that light pollution should be considered. Thurrock Council also advised that, in their view, it would be helpful for the Applicant to plan consultation for the Development bearing in mind other key engagement plans for the other developments being promoted in the local area of the Development site and to assess the cumulative positive and negative impacts collectively with the promoters of those other schemes. The Council also mentioned that cumulative positive impacts could include commitments to training local people to access work at the new sites.
- 6.1.18 Consideration was given to the comment made by Thurrock Council in relation to hazardous materials, and the Non-Technical Summary of the Environmental Statement ('ES') has described the potential environmental and human health impacts of the proposed Development in non-technical language. The assessments of these impacts have been based on the information about potentially hazardous or polluting substances given in Volume 2, Chapter 2, of the ES (Project Description). In respect of light pollution, the proposed Development is expected to have a staff of four to six full-time equivalent during operation, and motion-activated directional security lighting may be used at the main development site and the above ground installation for gas connection, but full-time lighting is not proposed. Lighting during the construction and operational phases is assessed in Volume 2, Chapter 2, of the ES (Project Description). Training local people has been considered by the Applicant. Volume 3, Chapter 8, of the ES considers the potential impacts of the Development on land use, agriculture and socio-economics, including the benefits of employment generation and investment during the construction phase. The Applicant will seek to procure services that promote the use of local employment where possible and lawful, but it is noted that it is

difficult to be certain of the level of employment that will be generated in advance of the project going out to tender.

- 6.1.19 The Applicant also considered Thurrock Council's point regarding key engagement plans for other developments being promoted in the local area. The Applicant has sought to engage with other projects and has approached relevant developers and bodies. However, the Applicant's public consultation was operating on a different timeline to that associated with any other local scheme and it was therefore not possible to fully action this. Cumulative impacts are assessed in Volume 4 of the ES.
- 6.1.20 As a result of consideration of Thurrock Council's comments in response to the draft SoCC, as per paragraphs 6.1.17 and 6.1.18 above, the Applicant concluded that it was not necessary to make changes to the draft SoCC based upon those comments. Other changes were, however, made and these are set out below in paragraphs 6.1.21 and 6.1.22.
- 6.1.21 In mid-August 2018, the Highways Department of Thurrock Council suggested to the Applicant that a new temporary haul road connection should be considered. There was extensive discussion regarding the Council's proposals, which would involve construction of a temporary haul road for use by construction traffic from the St Chad's Road Gateway Academy roundabout and run east to Gun Hill and connect to an existing farm track from Station Road to the north which would be retained as the permanent access road. As a result of these discussions, the Applicant considered it prudent to extend the CZ to include the residents of the village of Chadwell St. Mary to the east of the Development site and the whole of West Tilbury, so as to cover the area where the new temporary haul road might be constructed. The wider CZ was detailed in the final SoCC, as published, and can be seen in Figure 2, above.
- 6.1.22 The draft SoCC was updated to take account of consultation process developments which had taken place between the time of submission of the draft SoCC to Thurrock Council on 25th June 2018 and first publication of the SoCC on the project website on 21st September 2018. The final version of the SoCC included details of the dates of the statutory consultation period and a copy of the draft Notice of SoCC, which contained details of four public local venues which would host the SoCC for inspection from 27th September 2018 until the end of the statutory consultation period (14th November 2018). The draft Notice of SoCC also included details of the four public consultation exhibitions which had by then been arranged by the Applicant.
- 6.1.23 Due to the nature of the changes made to the draft SoCC and ongoing discussions with Thurrock Council, it was not considered necessary to re-consult Thurrock Council on the SoCC in advance of publication.

Publication of the Final SoCC

- 6.1.24 The Notice of SoCC (Appendix 2.5) was published in four local newspapers for two consecutive weeks, on 27th September 2018 and 4th October 2018. Copies of the relevant pages of each of these newspapers can be found at Appendix 2.6. It is noted that the second copy newspaper notice in Appendix 2.6 does not display the name and/or date of publication of the relevant local newspaper (see paragraph 6.1.3, above). The Applicant can confirm that the newspaper copy is from the Enquirer and was published on 4th October 2018.

- 6.1.25 The Notice of SoCC was also displayed at the venues listed in Table E below, from 27th September 2018 until the end of the statutory consultation period on 14th November 2018.
- 6.1.26 The finalised SoCC was published on the project website on 21st September 2018 in preparation for the beginning of the consultation period.
- 6.1.27 The SoCC was also made available for inspection at the following local public venues from 27th September 2018 until the end of the statutory consultation period on 14th November 2018.

Table E: Inspection Copy Locations for the SoCC

Location	Address
Thurrock Council	Civic Offices, New Road, Grays, RM17 6SL
Tilbury Hub	16 Civic Square, Tilbury, RM18 8ZZ
Gravesend Library	Windmill Street, Gravesend, DA12 1BE
Chadwell St Mary Library	Brentwood Road, Chadwell St Mary, Grays, RM16 4JP

Publicising the Section 47 Consultation

Advertisements

- 6.1.28 A Notice setting out where and when the SoCC could be inspected was published in advance of the consultation period, as detailed above (paragraph 6.1.19).
- 6.1.29 A Public Notice was advertised in accordance with S48 of the Act (see section 7 of this Report).
- 6.1.30 A poster advertising four public consultation exhibitions taking place during the statutory consultation period was published in four local newspapers in advance of the consultation period (see paragraph 6.1.28, below).

Website

- 6.1.31 Prior to advertising the S47 consultation, the Applicant established a dedicated website for the Development located at: www.thurrockpower.co.uk. The website initially included details of the proposed Development, and consultation documentation was added as and when it was finalised. As stated above (paragraph 6.1.20), the finalised SoCC was uploaded to the project website on 21st September 2018.
- 6.1.32 The information made available on the project website ensured that consultees were able to view all the consultation materials free of charge and provide feedback either by email, telephone, or Freepost.
- 6.1.33 The website was updated regularly throughout the pre-application process to provide all consultees with the latest information as it became available.

Poster

- 6.1.34 A poster (Appendix 5.1) publicising four public consultation exhibitions to be held within the CZ by the Applicant during the statutory consultation period and contact details for the Applicant, including telephone number and website address, was published in four local newspapers (the Thurrock Gazette, the Thurrock Independent, The Enquirer and the Gravesend Messenger), on 4th October and 11th

October 2018 (see Appendix 5.2 for copies of the relevant pages of the local newspapers).

The poster was also displayed on noticeboards at the four public venues detailed in Table E, above, from 27th September 2018 until the end of the statutory consultation period, on 14th November 2018.

Consultation Materials

6.1.35 The following consultation materials were available to S47 consultees throughout the consultation period:

- SoCC
- S47 Consultation letter
- Feedback form
- ‘Have your say’ document
- PEIR, in both DVD and paper formats
- NTS
- Plan showing the full red line boundary of the proposed Development as at October 2018

Consultation Letter

6.1.36 The consultation letter (Appendix 5.3) played a key role in directly informing the local community about the Development and the statutory consultation process, and was delivered by mail drop to S47 consultees identified within the CZ. Approximately 16,000 consultation letters were hand delivered to S47 consultees using a professional maildrop organisation (see Appendix 5.4 for Jogpost Ltd’s maildrop report).

6.1.37 The consultation letter consisted of three sides of A4 and contained the following information:

- Details of the Applicant
- An overview of the need for and brief description of the main components of the Development
- A summary of the S47 consultation process
- Information about how the local community could take part in the consultation
- Contact details for the Applicant.

Feedback Form

6.1.38 The feedback form was designed for the consultation process in order to enable and facilitate feedback on the proposed Development and the consultation process. A copy of the feedback form can be found at Appendix 5.5.

6.1.39 The feedback form was delivered by maildrop to all S47 consultees along with the consultation letter.

6.1.40 The questions on the feedback form focused on the key scope of the consultation, as follows:

- Potential benefits/impacts of the Development;

- Feedback on the information included in the ‘have your say’ document and PEIR; and
 - General feedback about the Development and/or the consultation process.
- 6.1.41 The feedback form also encouraged consultees to indicate whether they would like to receive emails from the Applicant to keep them updated on the proposed Development in the future.
- 6.1.42 The feedback form could be submitted:
- In hard copy via Freepost: Freepost THURROCK POWER;
 - At the four public consultation exhibitions held within the CZ during the consultation period;
 - By Email (contact@thurrockpower.co.uk); and
- 6.1.43 Feedback could also be provided without the feedback form via the same methods as those listed in paragraph 6.1.36, above.

Have Your Say Document

- 6.1.44 DCLG Guidance 'Planning Act 2008: Guidance on the Pre-Application Process', (paragraph 38) provides advice on how technical information should be presented to local communities and recommends that applicants produce a summary document written in non-technical language to explain the proposals and the elements on which the communities' views are being sought. The document should also provide details of all consultation events, information on where the full consultation documents can be viewed and details of the deadline for responses. Details of compliance with the guidance can be found in Table C in Section 2 of this Report.
- 6.1.45 In order to comply with the guidance, the Applicant prepared a ‘have your say’ document (Appendix 5.6), which included the following:
- An overview of the location of the proposed Development and what will be on the main site, information about the Applicant, the choice of location for the Development and the general need for flexible gas fired electricity generating and battery storage facilities in the UK
 - Brief details of the consultation process, including how to obtain further information, how to engage, how to provide feedback and details of the deadline for responses to be received by the Applicant
 - A summary of the technical aspects of the proposed development using non-technical language
 - A summary of preliminary environmental information, including brief information relating to: traffic and transport, noise and vibration, air quality, and cumulative impacts with other proposed developments in the locality of the proposed Development.
- 6.1.46 The ‘have your say’ document was made available at the local venues listed in Table E, above, for the duration of the consultation period and at the four public consultation exhibitions held by the Applicant within the CZ during that time. In addition, the document was available to view on the ‘Documents’ page of the project website.

- 6.1.47 The Applicant also produced a Non-Technical Summary ('NTS') of the information provided in the PEIR (see paragraph 6.1.42, below), which was available on the project website from the start of the consultation period.

PEIR and NTS

- 6.1.48 DVD and hard copies of the PEIR and NTS, which also contained a plan showing the full Order limits of the proposed Development as at October 2018, were made available at the four public consultation exhibitions held by the Applicant during the consultation period (see paragraph 6.1.51, below, for details). The DVD was also included in the consultation materials hosted by and available for review at the four local public venues detailed in Table E, at paragraph above. In both cases, DVD's of the PEIR and NTS were available for the local community to take away with them for review. The full PEIR and NTS were also available on the 'Documents' page of the project website from the start of the consultation period.

Consultation Activities

- 6.1.49 As far as possible, consultation with the local community under S47 of the Act was undertaken concurrently with the S42 consultation, from 16th October 2018 to 14th November 2018.

- 6.1.50 During the statutory consultation period, the Applicant held four public consultation exhibitions and used a variety of communication techniques to ensure that the local community and stakeholders had an opportunity to find out about and comment on the proposed Development.

Telephone

- 6.1.51 A telephone number was provided in the consultation documents and members of the Applicant's team were available on the telephone to provide information about the consultation and the proposed Development during the statutory consultation period.

- 6.1.52 The Applicant received a number of telephone calls from consultees during the statutory consultation period, asking for further information. These consultees were directed to the project website and encouraged to complete feedback forms to be returned using the Freepost address set up by the Applicant for that purpose.

Maildrop

6.1.53 A targeted maildrop was conducted on 2nd October 2018, in advance of the start of the consultation period. Consultation letters and feedback forms were hand delivered to approximately 16,000 addresses (business and residential) within the CZ. The Applicant employed a specialist service organisation for this purpose (Jogpost Ltd), whose confirmation report can be found at Appendix 5.4.

6.1.54 The consultation materials distributed to each S47 consultee by mail drop were:

- Consultation letter (Appendix 5.3)
- Feedback form (Appendix 5.5)
- Envelope to be used with the Applicant's Freepost address.

Inspection Locations for Consultation Documents

6.1.55 The following consultation materials were hosted at four inspection locations accessible by the public within the CZ for the duration of the consultation period:

- SoCC
- Consultation letter
- Feedback form
- Have your say document
- DVD and hard copy PEIR, NTS and plan showing full proposed red line boundary as at October 2018.

6.1.56 The inspection locations are detailed in Table E, above (paragraph 6.1.21).

Public Exhibitions

6.1.57 The proposed Development will primarily affect the communities situated within the CZ. To reflect this and fully capture the views of those communities, four public consultation exhibitions were held during the consultation period, as shown in Table F, below:

Table F: Public Consultation Exhibitions

Date	Location	Time
Tuesday 16 th October	The Court Room, Gravesend Old Town Hall, High Street, Gravesend, DA11 0AZ	11am to 8pm
Tuesday 23 rd October	West Tilbury Village Hall, Rectory Road, West Tilbury, RM18 8UD	11am to 8pm
Friday 2 nd November	Tilbury Hub, 16 Civic Square, Tilbury, RM18 8ZZ	11am to 8pm
Wednesday 7 th November	Linford Village Hall, Lower Crescent, Linford, SS17 0QP	11am to 5.30pm

- 6.1.58 The venues listed in Table F were chosen due to the fact that the Applicant felt they were spread throughout the CZ, all are local community venues accessible by the public and all provide disabled access and bathroom facilities.
- 6.1.59 Photographs of the public consultation exhibitions can be found at Appendix 5.7.
- 6.1.60 Redacted sign-in sheets from each of the public consultation exhibitions can be found in Appendix 5.8. The sign-in sheets show that 61 people in total attended the public consultation exhibitions.
- 6.1.61 Twelve exhibition boards were displayed at each of the public exhibitions. The text of the exhibition boards can be found at Appendix 5.9. The titles and content of the boards can be summarised as follows:
- Welcome, including details of the aims of the public consultation exhibitions, an introduction to the Applicant, brief summary of the DCO application process and purpose of the public consultation process, brief details of why feedback is important to the Applicant, dates of the consultation period and details of the deadline for feedback to be received by the Applicant;
 - Introduction, including key details of the proposed Development, why the Applicant has chosen this location, brief details of preliminary environmental assessment, address details of local inspection venues hosting consultation documents throughout the consultation period, and a list of the potential community benefits of the proposed Development;
 - DCO Process, including a summary of the DCO application stages and process;
 - Project Details;
 - Project Location, including a plan to illustrate the location;
 - The Need for Gas Generation, and the need for the proposed Development;
 - Preliminary Environmental Assessment, including summary and brief details of preliminary assessments conducted relating to air quality, cultural heritage and archaeology, ecology, geology, hydrogeology and land contamination, and landscape and visual impact);
 - Preliminary Environmental Assessment, including brief details of preliminary assessment relating to noise and vibration, traffic, transport and access, hydrology and flood risk, land use, agriculture and socio-economics, human health, and cumulative effects;
 - Construction, including details of the potential construction phases;
 - Access Routes, including map to illustrate potential access routes options;
 - Other Projects in the Locality, including relationship with those other projects; and
 - Feedback, including details of where to find documents relating to the proposed Development, how to provide feedback, the closing date for receipt of feedback, how feedback will be used and contact details for requests for further information.
- 6.1.62 In addition to the exhibition boards, copies of the following consultation documents were made available at each of the public exhibitions:

- Have your say document
 - Feedback forms
 - DVD copies of PEIR, NTS and plan showing proposed full red line boundary
 - Hard copy of PEIR, NTS and plan showing proposed full red line boundary
- 6.1.63 Copies of all the documents listed above, apart from the hard copies of the PEIR, NTS and plan showing proposed full red line boundary, were available to be taken away by members of the public.
- 6.1.64 Several members of the development team were available at each of the public consultation exhibitions to discuss the Applicant's proposals and listen to views expressed by members of the local community.

Hard to Reach Groups

- 6.1.65 In order to expand the reach of the consultation, the Applicant undertook targeted consultation with hard to reach groups within the local community. These groups were identified through discussions with Thurrock Council in finalising the SoCC.
- 6.1.66 Thurrock Council identified nine hard to reach groups, all of which were included in the S47 public consultation maildrop, as well as being contacted by email in advance of the statutory consultation period to inform them about the forthcoming consultation, as had been suggested by Thurrock Council in its response to the draft SoCC. A list of the hard to reach groups consulted by the Applicant can be found at Appendix 5.10 and copies of emails sent to the hard to reach groups in advance of the statutory consultation period in 2018 can be found at Appendix 5.11.

Feedback Mechanisms

- 6.1.67 Several methods of providing feedback were available in order to ensure that everyone within the local community who wished to comment on the Applicant's proposals had the opportunity to do so. These included:
- Completion of a feedback form at one of the four public consultation exhibitions (these could be posted in the box provided at each of the exhibitions)
 - Completion of a feedback form and return via the Applicant's Freepost address (Freepost THURROCK POWER)
 - In writing to: Freepost THURROCK POWER
 - Via email to: contact@thurrockpower.co.uk

Section 47 Consultation Process Overview

- 6.1.68 Table G, below, outlines how the Applicant complied with the consultation process as agreed with Thurrock Council in the SoCC.

Table G: Compliance with Commitments made in the SoCC

SoCC Statement	Applicant's compliance with the commitment
When will consultation take place?	
<p>‘During the formal (statutory) consultation, which will be held over a 30-day period, from 16th October to 14th November 2018’.</p>	<p>Statutory consultation with the local community began on 16th October 2018 and ended on 14th November 2018. The total period of consultation was 30 days.</p>
What will we be consulting on?	
<p>‘During the formal (statutory) consultation, which will be held over a 30-day period, from 16th October to 14th November 2018, Thurrock Power will make available the following consultation documents:</p> <ul style="list-style-type: none"> • The SoCC • Consultation Letter • Have Your Say Document. This will provide details of the proposed development in non-technical language and include the boundary of the proposed development • Exhibition board content used at the public exhibitions • Feedback forms • Preliminary Environmental Information (‘PEI’). This will provide sufficient environmental information to enable consultees to develop an informed view of the proposed development. It will include a Non-Technical Summary’. 	<p>All documents listed were made available on the project website and all documents listed, apart from the content of the public exhibition boards, were available at four local community venues, including one in Gravesend (see Table E, above), for the duration of the statutory consultation period.</p>
Who will be consulted?	
<p>‘As part of its formal consultation, Thurrock Power is consulting all those <i>‘living in the vicinity of the land’</i>, as required by the Act, which includes: (i) all those living within an approximate 3km core Consultation Zone (‘CZ’); and (ii) all those living along the main access road for the proposed development site, which will be used during the construction, operational and decommissioning periods’.</p>	<p>Thurrock Power has complied with its obligations under the Planning Act 2008. The S47 consultation letter (Appendix 5.3) and accompanying documents were hand delivered by mail drop to approximately 16,000 residential and business premises throughout the CZ, on 2nd October 2018. See Appendix 5.4 for a report from the maildrop company employed to undertake the mail drop.</p>
How will we consult?	

<p>Feedback Form: It was stated in the SoCC that: ‘If you wish to provide your views on the proposed development, you can do so in the following ways:</p> <ul style="list-style-type: none"> • Complete a consultation feedback form online at: www.thurrockpower.co.uk • Attend a public consultation event and complete a feedback form • Complete a feedback form and send it to us at: Freepost THURROCK POWER’. 	<p>Feedback forms (Appendix 5.5) were enclosed with each of the consultation letters which were mail dropped to approximately 16,000 residential and business premises within the CZ on 2nd October 2018. Blank envelopes were enclosed with the consultation letters and feedback forms in order that feedback forms could be returned using the Applicant’s Freepost address.</p> <p>The feedback form was also available throughout the consultation period on the project website, at the four local community venues which hosted the consultation documents (Table E, above), and at the four public consultation exhibitions held by the Applicant (Table F, above).</p>																				
<p>Preliminary Environmental Information Report and Non-Technical Summary</p>	<p>The PEIR and NTS were made available for inspection in both DVD and hard copy paper format at the four inspection copy locations which hosted the consultation documents during the consultation period (Table E, above) and at each of the four public consultation exhibitions held by the Applicant (Table F, above). In addition, The PEIR and NTS were made available in full on the ‘Documents’ section of the project website.</p>																				
<p>Public Exhibitions: ‘Thurrock Power will also hold four public consultations in communities within the CZ, which will be publicised in advance on the website for the proposed development. The Consultation Letter will include dates and times for the public consultations and posters advertising the public consultations will also be placed at four or more locations within the CZ throughout the formal consultation period. All the consultation documents will be available for inspection at these exhibitions, plus a feedback form, which will contain various questions and be used to capture any feedback. Members of Thurrock Power’s team will be on hand at the exhibitions to answer any questions’.</p>	<p>Four public consultation exhibitions were held within the CZ as follows:</p> <table border="1" data-bbox="847 1402 1417 1789"> <thead> <tr> <th>Location</th> <th>Venue</th> <th>Date</th> <th>Time</th> </tr> </thead> <tbody> <tr> <td>Gravesend</td> <td>The Court Room, Gravesend Old Town Hall, DA11 0AZ</td> <td>Tuesday 16th October 2018</td> <td>11 am to 8pm</td> </tr> <tr> <td>West Tilbury</td> <td>West Tilbury Village Hall, RM18 8UD</td> <td>Tuesday 23rd October 2018</td> <td>11 am to 8pm</td> </tr> <tr> <td>Tilbury Hub</td> <td>Tilbury Hub, RM18 8ZZ</td> <td>Friday 2nd November 2018</td> <td>11 am to 8pm</td> </tr> <tr> <td>Linford</td> <td>Linford Village Hall, SS17 0QP</td> <td>Wednesday 7th November 2018</td> <td>11 am to 5.30pm</td> </tr> </tbody> </table> <p>The S47 consultation letter (Appendix 5.3) included details of the public consultation events.</p> <p>Posters advertising the public consultation exhibitions were displayed on the project</p>	Location	Venue	Date	Time	Gravesend	The Court Room, Gravesend Old Town Hall, DA11 0AZ	Tuesday 16 th October 2018	11 am to 8pm	West Tilbury	West Tilbury Village Hall, RM18 8UD	Tuesday 23 rd October 2018	11 am to 8pm	Tilbury Hub	Tilbury Hub, RM18 8ZZ	Friday 2 nd November 2018	11 am to 8pm	Linford	Linford Village Hall, SS17 0QP	Wednesday 7 th November 2018	11 am to 5.30pm
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	<p>website and at the following four locations within the CZ from 27th September 2018 until the end of the consultation period (14th November 2018):</p> <table border="1" data-bbox="849 383 1420 607"> <thead> <tr> <th>Location</th> <th>Address</th> </tr> </thead> <tbody> <tr> <td>Thurrock Council</td> <td>Civic Offices, New Road, Grays, RM17 6SL</td> </tr> <tr> <td>Tilbury Hub</td> <td>16 Civic Square, Tilbury, RM18 8ZZ</td> </tr> <tr> <td>Gravesend Library</td> <td>Windmill Street, Gravesend, DA12 1BE</td> </tr> <tr> <td>Chadwell St Mary Library</td> <td>Brentwood Road, Chadwell St Mary, Grays, RM16 4JP</td> </tr> </tbody> </table> <p>The text of the posters can be found at Appendix 5.1.</p> <p>The public community consultation exhibitions were also advertised in four local newspapers (the Thurrock Gazette, the Thurrock Independent, the Thurrock Enquirer, and the Gravesend Messenger), on 4th and 11th October 2018. See Appendix 5.2 for copy photographs of those advertisements.</p> <p>All consultation documents were available for inspection at the four public consultation events held, and feedback forms were made available to capture any feedback. A ballot box was provided for posting of any completed feedback forms.</p> <p>At each public consultation exhibition, a number of members of the Applicant’s project team were on hand to answer any questions and to discuss the project generally with attendees.</p> <p>The text of the twelve exhibition boards displayed at the exhibitions can be found in 5.9.</p> <p>Redacted sign-in sheets from the consultation exhibition events are at Appendix 5.8.</p>	Location	Address	Thurrock Council	Civic Offices, New Road, Grays, RM17 6SL	Tilbury Hub	16 Civic Square, Tilbury, RM18 8ZZ	Gravesend Library	Windmill Street, Gravesend, DA12 1BE	Chadwell St Mary Library	Brentwood Road, Chadwell St Mary, Grays, RM16 4JP
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Chadwell St Mary Library	Brentwood Road, Chadwell St Mary, Grays, RM16 4JP										
<p>Inspection Copies and Website: ‘The Consultation Letter, together with the other documents listed will be available for inspection on the website for the proposed development (www.thurrockpower.co.uk) and</p>	<p>Inspection copies of the consultation documents were hosted by and available for inspection at the following local community venues throughout the consultation period:</p>										

<p>at four or more local community venues, including one in Gravesend’.</p> <p>‘The website for the proposed development will be maintained after the close of the consultation, to ensure all the relevant consultation materials are easily available’.</p>	<table border="1" data-bbox="847 197 1422 421"> <thead> <tr> <th>Location</th> <th>Venue</th> </tr> </thead> <tbody> <tr> <td>Thurrock Council</td> <td>Civic Offices, New Road, Grays, RM17 6SL</td> </tr> <tr> <td>Tilbury Hub</td> <td>16 Civic Square, Tilbury, RM18 8ZZ</td> </tr> <tr> <td>Gravesend Library</td> <td>Windmill Street, Gravesend, DA12 1BE</td> </tr> <tr> <td>Chadwell St Mary Library</td> <td>Brentwood Road, Chadwell St Mary, Grays, RM16 4JP</td> </tr> </tbody> </table> <p>All consultation documents were available on the project website for the duration of the consultation period and these documents remain on the project website to date for ease of reference.</p>	Location	Venue	Thurrock Council	Civic Offices, New Road, Grays, RM17 6SL	Tilbury Hub	16 Civic Square, Tilbury, RM18 8ZZ	Gravesend Library	Windmill Street, Gravesend, DA12 1BE	Chadwell St Mary Library	Brentwood Road, Chadwell St Mary, Grays, RM16 4JP
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<p>Meetings and Local Community Events: ‘Thurrock Power’s team will also be available to attend parish council meetings or other community events, at reasonable request, during the consultation period’.</p>	<p>Thurrock Power’s team was available, at reasonable request, to attend any local community meetings taking place during the consultation period. However, no such requests were made.</p> <p>Thurrock Council is a Unitary Authority and there were therefore no parish council meetings held during the consultation period.</p>										
<p>‘Hard to Reach’ Groups</p>											
<p>‘Thurrock Power will ensure that any hard to reach groups within the CZ, which have been identified by Thurrock Council, are contacted before the consultation begins and made aware of the consultation’.</p>	<p>The list of ‘hard to reach’ groups which were identified through discussions with Thurrock Council, is included in Appendix 5.10.</p> <p>All identified ‘hard to reach’ groups were contacted individually by email in advance of the consultation period to ensure that they were made aware of the forthcoming consultation (Appendix 5.11).</p> <p>‘Hard to reach’ groups were included in the S47 public consultation mail drop. They were provided with the S47 consultation letter and feedback form (Appendices 5.3 and 5.5, respectively).</p>										
<p>Post-Application Acceptance Statutory Advertising</p>											
<p>‘Thurrock Power will notify those in the CZ once the application for the DCO has been accepted by the Secretary of State, via the Consultation Letter and a notice in a national newspaper for one week and in two local newspapers for two consecutive weeks’.</p>	<p>Once the application for DCO has been accepted by the Secretary of State, those within the CZ will be notified via a consultation letter posted on the project website and by a notice placed in one national newspaper (the Times) and in two local newspapers (the Thurrock Gazette and</p>										

	the Gravesend Messenger) for two consecutive weeks.
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Exceptions and Deviations to the SoCC

6.1.69 The terms of the SoCC were complied with during the 2018 consultation. Targeted consultation on project changes took place in October/ November 2019, which had not been planned at the time the SoCC was finalised in 2018. Both PINS and Thurrock Council were consulted in advance of further consultation taking place (see section 8 of this Report).

Conclusions

6.1.70 All requirements for statutory consultation under S47 of the Act have been adhered to, as outlined in Tables C and G, above.

7. Publicity under Section 48

Introduction

- 7.1.1 The Applicant undertook consultation with the wider public as part of its statutory consultation, as required under S48 of the Act.
- 7.1.2 This section sets out the requirements of S48 and how the Applicant has fulfilled these requirements through the consultation process.

Consultation Requirements

- 7.1.3 Under S48 of the Act, applicants are required to publicise the proposed application in the manner prescribed by The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009. This publicity must include a deadline for receipt of responses.
- 7.1.4 Where the application is for an EIA development, the applicant must, at the same time as publishing the S48 Public Notice, send a copy of the Notice to the prescribed consultees and the relevant local authorities, in accordance with Regulation 11 of the EIA Regulations.
- 7.1.5 Compliance with the Act is set out in Table C, above.

Consultation Approach

- 7.1.6 Consultation under S48 was undertaken concurrently with consultation under S42 (statutory and non-statutory consultees, local authorities and those with potential claims under Part 1 LCA 1973) and consultation under S47 of the Act. It ran for 30 days, from 16th October to 14th November 2018.
- 7.1.7 Consultation under S48 comprised of placing the required statutory Public Notice in the local and national press, with the aim of informing the wider public of the Applicant's development proposals, where to find more information, and how to engage in the consultation process.

Public Notices

- 7.1.8 In accordance with the relevant requirements, the S48 Notice was published in local and national newspapers as follows:

Table H: Newspaper Advertisements of S48 Public Notice

Date	Newspaper
4 th October 2018	The Thurrock Gazette, the Thurrock Enquirer, the Thurrock Independent and the Gravesend Messenger
11 th October 2018	The Thurrock Gazette, the Thurrock Enquirer, the Thurrock Independent and the Gravesend Messenger
9 th October 2018	The Times (national newspaper)
9 th October 2018	The London Gazette

- 7.1.9 The S48 Notice outlined the Applicant's development proposals and gave details of the consultation process and how to obtain further information. It also set out

how to respond to the consultation and details of the deadline for responses. The text of the S48 Notice can be found at Appendix 6.1. Copies of the S48 Notices placed in the publications listed above (Table H) can be found at Appendix 6.2.

- 7.1.10 As required, the statutory consultees and relevant local authorities were sent a copy of the S48 Notice on 12th October 2018 as part of the consultation materials provided to them for the S42 statutory consultation. See Appendices 4.5 (a) and (b).

Feedback Mechanisms

- 7.1.11 Several methods of responding to the consultation were provided in order to ensure that everyone who wished to comment on the proposals had the opportunity to do so. These included:
- Completion of a feedback form and return via Freepost, email or at one of the four public consultation exhibitions held by the Applicant during the consultation period
 - In writing to: Freepost THURROCK POWER
 - Via email to: contact@thurrockpower.co.uk
 - Telephone: 0207 1860585

8. Consultation on Project Changes 2019

Introduction

- 8.1.1 This section sets out how the Applicant undertook consultation in October/November 2019, on project changes made subsequent to the consultation in 2018, under S42, S47 and S48 of the Act and gives details of the timing, scope and purpose of the this consultation. The Applicant consulted PINS and Thurrock Council in advance of consultation on project changes taking place to agree the approach to be taken (see below).

Project Changes

- 8.1.2 As a result of responses to the initial consultation in 2018, further diligent inquiry into the Development site and iterative design refinement, changes were made to the project subsequent to production of the PEIR. These project changes can be summarised as follows:
- The approach to construction access to the site has changed so that access will be taken from the south and west rather than to the north, reducing the impact on local public highways and removing all permanent impact on Parsonage Common;
 - A new permanent causeway into the River Thames will be constructed and used during construction for the delivery of very large and abnormal indivisible loads by water, along with a haul road from the causeway to the construction site (both Zone G on the Zone Plan at Appendix 7.19. There are two, alternative, options proposed for the route of the haul road in this consultation;

- Primary construction access will be from the west through land to the north of the recently constructed Tilbury2 site and will connect the main Project site to the A1089 public highway (Zone H on the Zone Plan at Appendix 7.19). Minor works may be required to widen certain parts of this route;
- Previously proposed access routes for abnormal indivisible loads have been removed from the project. This includes the removal of the previously proposed use of a crane over the railway line and construction of an access route through Parsonage Common. The area that has been removed is shown coloured orange on the Change Plan at Appendix 7.20;
- Previously proposed use of and works to existing public highways to the north of the main project site and the creation of a construction haul road running east-west from the A126 Gateway Academy roundabout have been removed from the project design due to access now being taken from the south and not from the north of the main project site. The areas which have been removed are shown coloured orange on the Change Plan (Appendix 7.20);
- The area required for connection into the National Grid Substation has been reduced due to progress in agreement of the point of connection (Zone B on the Zone Plan at Appendix 7.19);
- The total area for the gas pipeline route in the vicinity of Station Road (Zones D1-D2 on the Zone Plan at Appendix 7.19) has been reduced substantially as the gas pipeline route has been refined;
- Additional land has been included south of Station Road, outside the perimeter of the Low Street Pit Local Wildlife Site (Zone D1 on the Zone Plan at Appendix 7.19). This reduces the need for construction work along Station Road and the length and duration of closures of sections of the road required for construction and maintenance, and also allows the removal of the area north of station road (coloured orange on the Change Plan at Appendix 7.20);
- The area of land for wildlife habitat compensation and enhancement between the railway and Cooper Shaw Road (Zones F1 and F2 on the Zone Plan, Appendix 7.19 and coloured green on the Change Plan, Appendix 7.20) has been changed to separate this land from the exchange Common Land area (Zone E on the Zone Plan, Appendix 7.19). This improves habitat creation without conflicting the grazing use of the Common Land;
- Additional land has been included to the west of the main development site (included in Zone A on the Zone Plan, Appendix 7.19 and coloured green on the Change Plan, Appendix 7.20) for carbon capture readiness. Although carbon capture technology for power stations is not yet used in the UK, this may be a key technology to mitigate climate change effects in the future. Developers are required to allow sufficient space on-site for such technology if it becomes feasible in future;
- A new area (shown coloured green on the Change Plan, Appendix 7.20) has been added between the new (replacement) common land (Zone E on the Zone Plan, Appendix 7.19) and Fort Road. This area is to provide a footpath link from Fort Road, opposite existing common land, to the new area of common land; and
- There will be temporary diversion of a public right of way to allow the addition of a new area to the west of Station Road, south of Buckland

(shown coloured green on the Change Plan at Appendix 7.20). This is to ensure that the right of way can be created as part of the DCO if required.

- 8.1.3 Although the Applicant had been in ongoing discussions with main stakeholders subsequent to production of the PEIR in October 2018, the project changes set out above were considered to be significant enough to warrant wider consultation.

Duty to Notify the Secretary of State under Section 46

- 8.1.4 The Applicant met with PINS on 20th September 2019 to explain the proposed changes to the Development and the proposed approach to consultation on those changes (see PINS' meeting note at Appendix 7.22) PINS agreed the proposed approach to consultation on project changes and informed the Applicant that, as the changes resulted in there being a marine element to the Development, the amended S48 Notice should be published in Fishing News magazine in addition to the publications proposed by the Applicant.

- 8.1.5 Aligned with statutory consultation under S42 of the Act is the requirement for the Applicant to notify the Secretary of State under S46. This must be done on or before commencing consultation under S42, and the Secretary of State must be supplied with the same information as is proposed to be supplied to S42 statutory consultees.

- 8.1.6 In accordance with S46, the Applicant wrote to the Secretary of State on 9th October 2019, to notify that the Applicant intends to apply for a DCO in respect of the Development. The Applicant enclosed with the S46 Notice a copy of the consultation letter to be sent to S42 statutory consultees, plus copies of all documents provided to those statutory consultees (see Appendix 7.23).

- 8.1.7 PINS acknowledged receipt of the S46 Notice on 10th October 2019 and confirmed that all was in order.

Consultation Documents for Consultation on Project Changes 2019

- 8.1.8 The consultation documents produced for the consultation on project changes were as follows:
- Project Changes Report (Appendix 7.17)
 - Plan showing the zones within the DCO boundary at October 2018 (Appendix 7.18)
 - Zone Plan showing zones within the proposed DCO boundary at October 2019 (Appendix 7.19)
 - Change Plan showing the proposed project changes at October 2019, including annotations (Appendix 7.20)
 - Plan showing the DCO boundary at October 2019 (Appendix 7.21)
 - S48 Public Notice (second amended) (Appendix 7.24)

Consultation on Project Changes under Section 42

Prescribed Consultees (S42(1)(a))

- 8.1.9 Under S42 of the Act, consultation letters were sent to all statutory consultees who had been consulted in 2018 (see Appendix 4.2 for list of statutory consultees, including S43 local authorities).
- 8.1.10 Individual covering letters were sent to the main S42 stakeholder consultees with whom the Applicant is in ongoing discussions regarding project design (Appendix 7.13).
- 8.1.11 In addition to the statutory consultees, all non-statutory consultees who had been consulted in 2018 were consulted on the project changes in 2019 (listed at Appendix 4.4).
- 8.1.12 As a result of the project changes, the Applicant identified 18 non-statutory consultees in 2019 who had not been consulted previously and these organisations were consulted in 2019 (see Appendix 7.26).

Local Authorities within S43 (S42(1)(b))

- 8.1.13 Thurrock Council unitary authority and all 10 neighbouring local authorities who were consulted in 2018 were consulted on project changes in 2019. These are listed at paragraph 5.1.13, above. The GLA was also consulted in 2019.

Persons with an Interest in the Land under S44 (S42(1)(d))

- 8.1.14 All those persons with an interest in the land who had been consulted in 2018 were also consulted on project changes in 2019 (see list of 2018 consultees at Appendix 4.3). In addition, as a result of the project changes and further land referencing, a number of new persons/bodies with an interest in the land were identified and consulted in 2019. As stated in paragraph 5.1.21, above, Appendix 4.3 lists all the persons identified as S42(1)(d) consultees for the purposes of the Development. ~~in 2018. Persons who no longer had an interest in the land within the Order limits at the time of finalisation of the Book of Reference ~~the consultation on project changes which took place in 2019~~ are identified in Appendix 4.3 by way of an asterisk and these persons are not included in the Book of Reference. ~~Appendix 7.25 lists those included in the Book of Reference along with details of the relevant parts of the Book of Reference where each party can be found.~~ Those parties newly identified due to project changes and consulted in 2019 for the first time are identified in Appendix 4.3 in green ink. The Applicant can confirm that all parties listed in the Book of Reference, but for Kathryn Ksenia Finnis at Wyfields Farm, Blackbush Lane, Horndon on the Hill, Stanford Le Hope, Essex, SS17 8PT were consulted in 2019. In addition, all parties listed in Appendix 4.3, including those whose land interests had fallen away due to project changes subsequent to the consultation in 2018 and/or at the time the Book of Reference was finalised, were consulted in 2019 for the sake of completeness.~~
- 8.1.15 In advance of the consultation on project changes undertaken in 2019, land referencing activities continued. As set out in paragraphs 5.1.16 to 5.1.25, above,

the Applicant instructed specialised land referencers, Ardent, to identify all persons interested in the land within the Order limits. In addition to those activities already detailed, in June 2019, and again in January 2020, Ardent carried out a Land Registry Edition date check on all previously identified titles and checks to ascertain whether any previously unregistered land had subsequently been registered.

- 8.1.16 Further Land Registry checks were carried out as the Order limits evolved, and contact was made with registered land owners where additional land was included within the boundary of the proposed Development.
- 8.1.17 Further details of the methodology used by Ardent on behalf of the Applicant to identify S42(1)(d) consultees can be found at Appendix 4.9(a).

The S42 Consultation Process 2019

- 8.1.18 Consultation on project changes under S42 in respect of statutory consultees, local authorities, persons with an interest in the land and non-statutory consultees ran for a period of 32 days, from 11th October 2019 to 11th November 2019, and was undertaken concurrently with consultation with the local community under S47.
- 8.1.19 In total, 12 individual consultation packages were put together and sent to each individual category of consultee, as follows:
- Further consultation of S42 statutory consultees consulted in 2018
 - Further consultation of marine S42 statutory consultees consulted in 2018
 - Further consultation of non-statutory consultees consulted in 2018
 - Further consultation of marine non-statutory consultees consulted in 2018
 - Further consultation of S43 local authorities consulted in 2018
 - Further consultation of S44 land interest consultees consulted in 2018
 - Further consultation of S44 (S42(1)(d) category 3) land interests consulted in 2018
 - Further consultation of S47 local community consultees consulted in 2018
 - Consultation of non-statutory consultees not consulted previously
 - Consultation of marine non-statutory consultees not consulted previously
 - Consultation of S44 land interest consultees not consulted previously
 - Consultation of S44 (S42(1)(d) category 3) land interest consultees not consulted previously
- 8.1.20 A table setting out details of the documents sent to each of the above categories can be found at Appendix 7.27.
- 8.1.21 Different versions of the consultation letter in each relevant category were sent to marine and non-marine organisations. This was due to the fact that the project changes proposed in 2019 introduced a marine element to the Development.
- 8.1.22 All S42 consultation letters were sent by Royal Mail first class signed for on 9th October 2019. The consultation letters contained information about project changes, the forthcoming consultation on those project changes, how to provide feedback, and the deadline for feedback to be received by the Applicant.
- 8.1.23 Feedback and any enquiries could be provided via:
- A dedicated email address: contact@thurrockpower.co.uk;
 - Telephone: 020 71860580

- In writing by Freepost: Freepost THURROCK POWER
- 8.1.24 A small number of consultation letters sent to S42 consultees (both statutory and non-statutory) were initially returned to the Applicant due to non-delivery. These letters were re-sent by first class Royal Mail and the relevant consultees given 30 days to respond to the consultation from the day after re-delivery (see Appendix 7.15).
- 8.1.25 After consultation letters had been sent, the Applicant was informed by Thurrock Council that, subsequent to local council elections in May 2019, a number of councillors had changed from those consulted in 2018. Consultation letters were therefore sent to all new councillors on 14th October 2019 and those councillors were given 30 days to respond to the consultation, beginning the day after receipt (see Appendix 7.14).

Consultation on Project Changes under Section 47

Identifying S47 Consultees

- 8.1.26 In 2018, the Applicant undertook consultation with approximately 16,000 local community consultees within the CZ (see section 6 above), in compliance with the SoCC produced and published at that time.
- 8.1.27 Due to the fact that the SoCC did not provide for further consultation and that, further to project changes, the project design differed from the project description contained in the SoCC, the Applicant consulted Thurrock Council on 25th September 2019 in advance of the consultation on project changes (Appendix 7.28). Thurrock Council was provided with information explaining the project changes and plans to illustrate these, along with details of the proposed consultation. Thurrock Council confirmed on 25th September 2019 that it agreed with the Applicant's approach to consultation on project changes (see Appendix 7.29).
- 8.1.28 Thurrock Council agreed that the Applicant's proposed approach to consultation on project changes under S47 was acceptable. This involved direct targeted consultation with all S47 consultees who had responded to the initial consultation in 2018 and/or those who had indicated that they would like to be kept updated of project developments. No new S47 consultees were identified as a result of changes to the project. The Applicant also published a second S48 Notice to inform the local and wider communities about the proposed project changes and consultation thereon (see paragraph 8.1.33, below).
- 8.1.29 The S47 consultation on project changes ran concurrently with the consultation on project changes under S42, from 11th October 2019 to 11th November 2019.

Consultation Materials

- 8.1.30 The following consultation materials were available to be inspected by S47 consultees throughout the 2019 consultation period at the four local public venues listed in Table E of this report (above):
- Second Amended S48 Notice (Appendix 7.24)
 - Project Changes Report (Appendix 7.17)
 - Plan showing the zones within the DCO boundary at October 2018. (Appendix 7.18)

- Zone Plan showing the zones within the DCO boundary at October 2019 (Appendix 7.19)
 - Change Plan showing the project changes since October 2018 (Appendix 7.20)
 - Plan showing the DCO boundary proposed at October 2019 (Appendix 7.21)
- 8.1.31 Consultation letters relating to the proposed project changes were sent to 39 S47 consultees, all of whom had been consulted in 2018 (see Appendix 7.8 for 2019 S47 consultation letter). These consultees had responded to the 2018 consultation and/or indicated that they would like to be kept informed of developments and provided address details. The consultation letters were sent by Royal Mail first class post on 9th October 2019.
- 8.1.32 The S47 consultation letter on project changes made it clear that it related to a consultation further to that which had taken place in 2018 and that the forthcoming consultation related to project changes made since October 2018. The letter contained a summary of the project changes, details of the consultation period and the deadline for receipt of responses by the Applicant, as well as detailing the feedback mechanisms available, as follows:
- Email (contact@thurrockpower.co.uk)
 - Freepost (Freepost THURROCK Power)
 - Telephone (0207 1860580)
- 8.1.33 The documents enclosed with the S47 consultation letter were:
- Copy of the S47 consultation letter of October 2018
 - Plan showing the DCO boundary at October 2018
 - Zone Plan showing the zones within the proposed DCO boundary at October 2019
 - Change Plan showing the proposed project changes
 - Plan showing the proposed DCO boundary at October 2019
- 8.1.34 DVD's of the PEIR and NTS produced in 2018 were available at the inspection locations hosting consultation materials in 2019 (table E, above) and also could be requested and provided free of charge. It was made clear in the 2019 consultation letter that paper copies could be provided at a cost of £500.
- 8.1.35 All 2018 and 2019 consultation documents, apart from the consultation letter, were uploaded to the 'Documents' section of the project website in advance of the 2019 consultation period and remain there to date for ease of reference (see Appendix 7.35 for screenshot of the 'Documents' section of the project website as at February 2020).

Consultation on Project Changes under Section 48

Publicity under Section 48

- 8.1.36 The consultation on project changes was publicised to both the local and wider communities by way of an amended Notice under S48 of the Act and Regulation 4 Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009. The amended Notice can be found at Appendix 7.24.
- 8.1.37 The Applicant intended that the amended S48 Notice be published in four local newspapers (those used for the purpose of publicising the original S48 Notice in

- 2018 and detailed in Table H). However, two of the four local newspapers (the ‘Thurrock Enquirer’ and the ‘Thurrock Independent’) were no longer being published in October 2019.
- 8.1.38 The Applicant arranged for the amended S48 Notice to be published in the two local newspapers which were still in operation in October 2019 (the ‘Thurrock Gazette’ and the ‘Gravesend Messenger’) for two consecutive weeks commencing on Thursday 26th September 2019. The amended S48 Notice stated that consultation on project changes would take place from 4th October 2019 to 2nd November 2019.
- 8.1.39 The Applicant was subsequently informed that there had been a printing error at the Thurrock Gazette during the print run for the newspaper’s publication on 26th September 2019, and that one of the pages affected was that on which the Applicant’s S48 Notice was due to appear (see Appendix 7.31). Therefore, the amended S48 Notice was published only in the Gravesend Messenger on 26th September 2019.
- 8.1.40 The Applicant considered this to be unsatisfactory for the purposes of the S47 consultation on project changes, as the Gravesend Messenger is not circulated in the Tilbury area closest to the Development site. As a result, a further (second) amended S48 Notice, containing a delayed consultation period and later response deadline (11th November 2019), was produced and published in both the Gravesend Messenger and the Thurrock Gazette for two consecutive weeks, on Thursday 3rd and Thursday 10th October 2019. See Appendix 7.24 for a copy of the second amended S48 Notice, and Appendix 7.33 for copies of the relevant newspaper pages on which the second amended S48 Notice was published.
- 8.1.41 The second amended S48 Notice was also published in the ‘Times’ national newspaper, ‘Lloyd’s List’ and ‘Fishing News’ for one week, on 10th October 2019 (Appendix 7.34).
- 8.1.42 The amended S48 Notice had been uploaded to the project website on 26th September 2019. As soon as practicable after the print error had been notified to the Applicant, this was removed and replaced with the second amended S48 Notice. The Applicant also published a news item on the project home page on 26th September 2019 to explain that, due to circumstances beyond the control of the Applicant, the consultation dates contained in the amended S48 Notice published in the Gravesend Messenger on 26th September should be disregarded. This news item also provided details of the amended consultation dates. See Appendix 7.32 for a copy of the news item posted on the project website.
- 8.1.43 The second amended S48 Notice was made available to view at the four public venues detailed in Table E of this report during the 2019 consultation period.

Compliance

Table I: Compliance with Commitments made to Thurrock Council in respect of Consultation on Project Changes (contained in letter from the Applicant to Thurrock Council dated 25th September 2019, at Appendix 7.28)

Commitment	Applicant's compliance with the commitment
When will consultation take place?	
<p>‘...consultation period which will run from Friday 4th October to Saturday 2nd November 2019’.</p>	<p>Statutory and non-statutory consultation on project changes under S42, S47 and S48 of the Act ran from Friday 11th October 2019 to Monday 11th November 2019. The consultation period ran later than initially stated due to a printing error at the Thurrock Gazette local newspaper in the first week of publication (paragraph 8.1.39, above)</p>
What will we be consulting on?	
<p>‘The main changes to the proposed development subsequent to production of the SoCC and our initial statutory consultation are summarised as follows:</p> <p>The approach to construction access to the site has changed so that access will be taken from the south and west rather than to the north, reducing the impact on local public highways and removing all permanent impact on Parsonage Common;</p> <p>2. A new permanent causeway into the River Thames will be constructed and used during construction for the delivery of very large and abnormal indivisible loads by water, along with a haul road from the causeway to the construction site (both Zone G on the enclosed Zone Plan). There are two, alternative, options proposed for the route of that haul road in this consultation;</p> <p>3. Primary construction access will be from the west through land to the north of the recently constructed Tilbury 2 site and will connect the main Project site to the A1089 public highway (see</p>	<p>All 2019 consultation letters included this description of the project changes.</p>

Zone H on the Zone Plan). Minor works may be required to widen certain parts of this route;

4. Previously proposed access routes for abnormal indivisible loads have been removed from the project. This includes the removal of the previously proposed use of a crane over the railway line and construction of an access route through Parsonage Common. The area that has been removed is shown coloured orange on the Change Plan;

5. Previously proposed use of and works to existing public highways to the north of the main project site and the creation of a construction haul road running east-west from the A126 Gateway Academy roundabout have been removed from the Project design due to access now being taken from the south and not from the north of the main project site. The areas which have been removed are shown coloured orange on the Change Plan;

6. The area required for connection into the National Grid Substation has been reduced due to progress in agreement of the point of connection (Zone B on the Zone Plan);

7. The total area for the gas pipeline route in the vicinity of Station Road (Zone D2 on the Zone Plan) has been reduced substantially as the gas pipeline route has been refined;

8. Additional land has been included south of Station Road, outside the perimeter of the Low Street Pit Local Wildlife Site (Zone D1 on the Zone Plan). This reduces the need for construction work along Station Road and the length and duration of closures of sections of the road required for construction and maintenance, and also allows the

removal of the area north of station road (coloured orange on the change plan);

9. The area of land for wildlife habitat compensation and enhancement between the railway and Cooper Shaw Road (Zones F1 and F2 on the Zone Plan and coloured green on the Change Plan) has been changed to separate this land from the exchange Common Land area (Zone E on the Zone Plan). This improves habitat creation without conflicting the grazing use of the Common Land;

10. Additional land has been included to the west of the main development site (included in Zone A on the Zone Plan and coloured green on the Change Plan) for carbon capture readiness. Although carbon capture technology for power stations is not yet used in the UK, this may be a key technology to mitigate climate change effects in the future. Developers are required to allow sufficient space on-site for such technology if it becomes feasible in future;

11. A new area (shown coloured green on the Change Plan) has been added between the new (replacement) common land (Zone E on the Zone Plan) and Fort Road. This area is to provide a footpath link from Fort Road, opposite existing common land, to the new area of common land; and

12. There will be temporary diversion of a public right of way to allow the addition of a new area to the west of Station Road, south of Buckland (shown coloured green on the Change Plan). This is to ensure that the right of way can be created as part of the DCO if required.'

Who will be consulted?

<p>‘(b) Certain categories of consultee will be consulted for a second time, with consultation letters due to be received on Thursday 3rd October 2019. These are:</p> <ul style="list-style-type: none"> • All statutory and non-statutory consultees who were consulted previously; • All land interest consultees consulted previously; • All Local Authorities consulted previously (to include Thurrock council); and • All local community (residential and business consultees within the Consultation Zone) who responded to the initial consultation and/or indicated that they would like to be kept updated of developments to the project. <p>(c) Certain consultees will have been identified only recently as a result of the project changes, and these will be consulted for the first time by way of consultation letters to be received on Thursday 3rd October 2019. In particular, due to the river access route for indivisible abnormal loads now proposed, a marine element has been introduced to the project and a number of marine-related organisations will need to be consulted. I expect there to be newly identified statutory and non-statutory consultees, and there is also a possibility of having to consult newly identified land interest and local community consultees.’</p>	<p>All categories of consultee listed were consulted, with consultation letters being sent on 9th October 2019.</p>
<p>How will we consult?</p>	
<p>‘All Notices and letters will make it clear that the deadline for receipt of responses to the consultation will be Saturday 2nd November 2019 and that responses/feedback can be provided in the following ways:</p> <ul style="list-style-type: none"> • By Email: contact@thurrockpower.co.uk 	<p>All Notices and consultation letters included details of the deadline for receipt of responses by the Applicant and of the ways in which feedback could be provided.</p>

<ul style="list-style-type: none"> • By Freepost: Freepost THURROCK POWER; and • By Telephone: 0207 1860580.’ 					
<p>S48 Notice: ‘A second S48 Public Notice will be published in the following places:</p> <ul style="list-style-type: none"> • Two local newspapers for two consecutive weeks, with the first publication date being Thursday 26th September 2019. The local newspapers will be: the Thurrock Gazette and the Gravesend Messenger; • One national newspaper (the Times), the London Gazette, Lloyd’s List and Fishing News for one week during the week commencing 30th September 2019; • On the project website from 26th September 2019.’ <p>‘(f) The S48 Notice will be displayed on noticeboards at the local public venues listed above throughout the consultation period.’</p>	<p>As stated in paragraph 8.1.38, above, the Applicant initially arranged for an amended S48 Notice to be published in two local newspapers for two consecutive weeks, with first publication being on 26th September. The second S48 Notice was also uploaded to the project website on 26th September 2019. However, due to a printing error at the Thurrock Gazette, the second amended S48 Notice only appeared in one local paper on 26th September 2019. The Applicant therefore posted a news item on the home page of the project website on 26th September to inform consultees that the consultation period had been changed from to the later period of 11th October to 11th November 2019, and a second amended S48 Notice was published in two local newspapers for two consecutive weeks, on 3rd and 10th October 2019, in the Times, London Gazette, Lloyd’s List and Fishing News for one week on 10th October 2019, and on the project website from 26th September 2019.</p> <p>The second amended S48 Notice was displayed on noticeboards at the four local public venues which hosted inspection copies of the consultation documents throughout the consultation period.</p>				
<p>Inspection Copies and Website: ‘(d) A number of consultation documents will be uploaded to the project website at the start of the consultation period, which will run from Friday 4th October 2019 to Saturday 2nd November 2019. These include the plans enclosed with this letter and also a ‘Project Change Report’, which will set out more detailed technical and brief environmental information about the project changes.</p> <p>(e) The consultation documents mentioned above will also be available to view free of charge during the consultation period at the following public venues within the Consultation Zone:</p>	<p>All consultation documents were available on the project website for the duration of the consultation period and these documents remain on the project website to date for ease of reference. Evidence of the contents page of the ‘Documents’ section of the project website as at February 2020 can be found at Appendix 7.35.</p> <p>Inspection copies of the consultation documents were hosted by and available for inspection at the following local community venues throughout the consultation period:</p> <table border="1" data-bbox="759 1883 1329 2033"> <thead> <tr> <th>Location</th> <th>Venue</th> </tr> </thead> <tbody> <tr> <td>Thurrock Council</td> <td>Civic Offices, New Road, Grays, RM17 6SL</td> </tr> </tbody> </table>	Location	Venue	Thurrock Council	Civic Offices, New Road, Grays, RM17 6SL
Location	Venue				
Thurrock Council	Civic Offices, New Road, Grays, RM17 6SL				

<ul style="list-style-type: none"> • Tilbury Hub; • Chadwell St Mary Library; • Gravesend Library; and • Thurrock Council Offices. 	Tilbury Hub	16 Civic Square, Tilbury, RM18 8ZZ
	Gravesend Library	Windmill Street, Gravesend, DA12 1BE
	Chadwell St Mary Library	Brentwood Road, Chadwell St Mary, Grays, RM16 4JP

Responses to Consultation on Project Changes 2019

8.1.44 All responses to the consultation on project changes in 2019 received by the Applicant are summarised and included in sections 9 and 10, below, along with the responses received to the initial consultation in 2018.

9. Feedback Received under Section 42

Introduction

9.1.1 This section describes the feedback received by the Applicant to the S42 consultation as well as the regard had to the issues raised.

9.1.2 Section 49(2) of the Act requires the Applicant to have regard to relevant responses to the consultation and publicity that has been undertaken under sections 42, 47 and 48. A relevant response for the purposes of S42 is defined in S49(3)(a) as a response from a person consulted under S42 that is received by the Applicant before the deadline imposed.

Summary of S42 Responses Received

9.1.3 Consultation on the Development with statutory consultees comprised the following:

- i. Section 42(1)(a) Prescribed (statutory) Consultees
- ii. Section 42(1)(b) Local Authorities
- iii. Section 42(1)(d) Land Interests

9.1.4 This section of the Report sets out the responses received from the above S42 consultees. Also included in the S42 responses section are responses received from non-statutory consultees.

9.1.5 Consultation letters sent to the S42 consultees invited comments based upon the information and consultation materials made available, as explained in sections 5 and 8 of this Report.

9.1.6 In total, 50 responses were received to the initial S42 consultation and a further 39 responses were received to consultation on project changes.

9.1.7 All responses to the S42 consultation, including both timeous responses received within the statutory consultation period and those received after the stated deadline, have been included by the Applicant and are considered in this section.

9.1.8 The responses are summarised in this section, with the key issues raised being set out in issue-led tables, where the response and the regard had to the response are

set out in line with S49 of the Act. As stated above, Scoping responses are not included.

Summary of Responses from Statutory and Non-Statutory Bodies

9.1.9 Consultation Responses were received from statutory bodies, including local authorities and land interests, and non-statutory bodies (Appendix 8.1).

A number of the consultees confirmed that they had no comments to make on the proposed Development, with the remaining responses focusing on the following issues:

- Air Quality
- Construction
- Cultural, Heritage and Archaeology
- DCO Process
- Ecology
- Environmental Impact - General
- EIA Methodology
- Flood Risk
- General Nuisance
- Geology, Hydrogeology and Ground Conditions
- Human Health
- Land Interest Concerns
- Landscape and Visual Resources
- Land Use, Agriculture and Socio-Economics
- Noise and Vibration
- Permits, Consents and Licences
- Protection of Existing Infrastructure
- Protective Provisions
- Responses Relating to Project Changes 2019
- Safety and Emergencies
- Support for the Development
- Support for Project Changes 2019
- Traffic and Transport Networks
- Water Quality

Responses from Local Authorities

9.1.10 Local Authority responses were received from:

- Basildon Council
- Brentwood Borough Council

- Castle Point Borough Council
- Essex County Council
- Gravesham Borough Council
- Kent County Council
- London Borough of Bexley
- Medway Council
- Thurrock Council

Key Issues Raised and the Applicant's Regard

9.1.11 This section contains issue-led tables of relevant responses under S42 of the Act. The tables have been broken down into key themes. A number of S42 consultees provided 'no comment' responses, as listed below in Table J:

Table J: S42 Consultees that Provided ‘No Comment’ Responses

Consultee Description	Consultee Name	Nature of ‘No Comment’
Non-Statutory	Anglian Eastern Regional and Coastal Committee	No comment (2018)
S42(1)(b)	Brentwood Borough Council	No comment, keep informed of developments (2018)
S42(1)(b)	British Telecom	No comment but Applicant should contact Open Reach Cabling (2019)
S42(1)(a)	Canal and River Trust	No comment as Development unlikely to affect inland waterways. (2018)
S42(1)(b)	Castle Point Borough Council	No adverse consequences for the borough.(2019)
S42(1)(a)	Century Link Communications	No objection to Development, but require constant access to their assets and infrastructure. (2018)
S42(1)(a)	Civil Aviation Authority	No substantive comment (2018)
S42(1)(a)	Essex Chambers of Commerce	No objection, keep informed of developments (2018)
S42(1)(a)	ESP Utilities	Unaffected as no apparatus in vicinity of Development. Notification valid for 90 days from 15th October 2019 only. (2018 and 2019)
S42(1)(a)	Forestry Commission England	No comment due to no ancient woodland on Development site. Available to contact for advice on tree planting for screening, biodiversity or natural gain. (2018)
S42(1)(a)	Harlaxton Energy	No comment as no assets in Development site area. (2018 and 2019)
S42(1)(a)	Indigo Pipelines	No comment as no apparatus in Development site area. (2018)
S42(1)(a)	Kent Downs AONB Unit	No comment (2018 and 2019)
S42(1)(b)	London Borough of Bexley	No objection (2018)
S42(1)(b)	Medway Council	No objection (2018)
S42(1)(a)	NATS Safeguarding	No comment (2018). No safeguarding objection (2019)
Non-Statutory	Our Lady Star of the Sea Roman Catholic Church	No comment (2018)
Non-Statutory	RSPB	No intention to engage in the consultation process. (2018)

S42(1)(a)	Transport for London	No substantive comments. Applicant must consult Greater London Authority. Would like updates. (2018)
S42(1)(a)	Wales and West Utilities	No comments. Requested copies of consultation documents only (2018). No substantive comments (2019)

Table K: List of S42 Statutory and Non-Statutory Respondents

Consultee Category	Consultee Name
Non-Statutory	Anglian Eastern Regional Flood and Coastal Committee
S42(1)(a)	Anglian Water
Non-Statutory	Association of Inshore Fisheries and Conservation Authorities
S42(1)(b)	Basildon Council
S42(1)(b)	Brentwood Borough Council
S42(1)(a)	British Telecom
S42(1)(a)	Cadent Gas
S42(1)(a)	Canal and River Trust
S42(1)(b)	Castle Point Borough Council
S42(1)(a)	Century Link Communications
Non-Statutory	Chadwell St. Mary Primary School
S42(1)(a)	Civil Aviation Authority
S42(1)(d)	Cogent Land LLP
Non-Statutory	Colt Technology Services
S42(1)(a)	Environment Agency
S42(1)(a)	ESP Utilities
S42(1)(a)	Essex and Suffolk Water
S42(1)(a)	Essex Chambers of Commerce
S42(1)(b)	Essex County Council
S42(1)(a)	Essex County Fire and Rescue Service
Non-Statutory	Essex Field Club
S42(1)(a)	Forestry Commission England
Non-Statutory	Gateway Academy
S42(1)(b)	Gravesham Borough Council
S42(1)(a)	Harlaxton Energy Networks Ltd
S42(1)(a)	Health and Safety Executive
S42(1)(a)	Highways England
S42(1)(a)	Historic England

S42(1)(a)	Indigo Pipelines
Non-Statutory	Instalcom
S42(1)(b)	Kent County Council
S42(1)(a)	Kent Downs AONB Unit
S42(1)(d)	Kier Properties
S42(1)(b)	London Borough of Bexley
Non-Statutory	Lower Thames Crossing
S42(1)(a)	Marine Management Organisation
S42(1)(b)	Medway Council
S42(1)(a)	Ministry of Defence
S42(1)(a)	National Grid
S42(1)(a)	NATS Safeguarding Ltd
S42(1)(a)	Natural England
S42(1)(a)	Network Rail
S42(1)(a)	Open Spaces Society
Non-Statutory	Our Lady Star of the Sea Roman Catholic Church
S42(1)(a)	Port of London Authority
S42(1)(a)	Port of Tilbury London Limited
S42(1)(a)	Public Health England
S42(1)(a)	Royal Mail Group
Non-Prescribed	Royal Society for the Protection of Birds
S42(1)(d)	RWE
S42(1)(b)	Thurrock Council
S42(1)(a)	Transport for London
S42(1)(a)	Trinity House
S42(1)(a)	UK Power Networks
S42(1)(a)	Virgin Media
S42(1)(a)	Wales and West Utilities
Non-Statutory	WELCOM Forum
Non-Statutory	West Tilbury Commons Conservators

Table L: S42 Response Table

Note: Unless otherwise stated, all relevant responses listed in Table L were received in response to consultation undertaken in October/November/December 2018. Scoping responses are not included, as these are included in the relevant Chapters of the ES. Zones referred to in Table L are those included on the Zone Plan produced in 2019 (Appendix 7.19 to this Report), unless otherwise stated.

Air Quality

Summary of relevant response	Consultee	Change ? Y/N	The Applicant's regard to the response
Potential impact on the borough's air quality improvement objectives.	Basildon Council	N	Volume 3, Chapter 12 of the ES considers air quality and sets out details of designed-in mitigation measures adopted as part of the Development. The Chapter concludes that the air quality effects of the proposed Development will be not significant' overall. The Development does not conflict with national or local policies in terms of air quality.
Requires discussions re carbon capture.	Environment Agency	N	Noted. The Applicant is in ongoing discussions with the Department for Business, Energy and Industrial Strategy regarding carbon capture. A Carbon Capture Readiness Report, prepared by AECOM, can be found at application document reference A7.6.
Agrees that PEIR proposed pollution controls will ensure no significant adverse effects	Essex County Council	N	Noted.
Recognises that estuarine habitats are less sensitive to changes in air quality but welcomes the precautionary approach adopted in the PEIR whereby SSSI sites and habitats are to be scoped in as sensitive receptors at a range of 15km. Several designated SSSI sites are predicted in the PEIR to	Natural England	N	Noted.

Summary of relevant response	Consultee	Change ? Y/N	The Applicant's regard to the response
<p>exceed 1% of the maximum NOx process contribution. However, Natural England is of the view that the Process Environmental Contribution is below the critical level at all SSSI sites apart from Holehaven Creek SSSI. Natural England is seeking additional site-specific opinion relating to acid deposition.</p>			
<p>Would like further justification for the cumulative effects assessment for Canvey Wick SSSI, where a rationale referencing correct habitats should be provided.</p>	<p>Natural England</p>	<p>N</p>	<p>Noted.</p>
<p>Would welcome the addition of residential developments close to the Development site to the list of sensitive receptors used to estimate operational impacts on air quality.</p>	<p>Public Health England</p>	<p>N</p>	<p>Assessment of operational phase air quality effects of the Development is included in Volume 3, Chapter 12 of the ES (Air Quality), where Table 2.4 provides details of representative sensitive receptors assessed. The properties selected are those where pollutant concentrations and/or changes in pollution concentrations are anticipated to be greatest.</p>

Summary of relevant response	Consultee	Change ? Y/N	The Applicant's regard to the response
Dust generated by construction activities should be addressed in a mitigation plan, as there are public health benefits to the reduction below air quality standards of public exposure to non-threshold pollutants, such as particular matter and NO ₂ .	Public Health England	N	Construction dust activities and the construction dust study area are described in Volume 3, Chapter 12, of the ES (Air Quality) and cumulative construction dust effects are considered in the ES, Volume 4, Chapter 25: Cumulative Air Quality. The impacts of NO ₂ and NH ₃ on human health receptors have been assessed and the results included in these Chapters.
Satisfied that the Development will not have a significant impact on air quality.	Thurrock Council Environmental Protection Team	N	Noted.
Requires information regarding levels of air pollution likely to be experienced on land adjoining the Development site.	West Tilbury Commons Conservators	N	Air Quality is assessed in Volume 3, Chapter 12 of the ES. For the construction phase, the study area is up to 350m from the Development site boundary and up to 50m from roads within 500m of the site. For the operational phase, the air quality assessment predicts the potential air quality impacts of the Development at locations that could be sensitive to any change. Cumulative Air quality impacts are considered in the ES, Volume 4, Chapter 25: Cumulative Air Quality.

Construction

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
2019: Water Framework Directive compliance assessment will need to be produced for marine works,	Environment Agency	N	A Water Framework Directive Assessment has been produced and is included in the ES, Volume 6, Appendix 17.3.

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
including construction and dredging activities.			
Has reviewed the Hydrodynamic Modelling and Sediment Assessment, accepts the information provided but requests further information, including specification of peak flood and ebb conditions and consideration of wind waves.	Environment Agency	N	The Applicant met the Environment Agency in November 2019 to review the draft Marine Environment Chapter of the ES (Volume 3, Chapter 17) and relevant appendices (17.1 and 17.2). Minor comments on hydraulic modelling were addressed subsequently in follow-up correspondence.
Recommends its review and agreement of the draft Construction Environment Management Plan prior to DCO application submission.	Essex County Council	N	Noted. An outline Ecological Management Plan ('OEMP') is submitted with the DCO application (document reference: A8.7).
Queries whether construction work be phased over 4.5 to 6 years, as set out in tables 6.2 and 6.3 of the Transport Assessment in the PEIR, or during 2020-2021. Also requires details of where construction staff are likely to be commuting from and details of the number of construction car parking spaces planned.	Highways England	N	<p>An Outline Code of Construction Practice accompanies the ES (Document Reference A8.6), which outlines two alternative construction programmes for the Development. One is a single phase construction over a period of approximately twelve to twenty-four months, with works commencing Q2, 2021 at the earliest. The other is a three phase construction, with each phase lasting eighteen months and the overall construction programme lasting four and a half to six years. This will be subject to the Final Investment Decision.</p> <p>Before construction traffic movements begin, a Construction Traffic Management Plan ('CTMP') and a Construction Workers Travel Plan ('CWTP') will be prepared in accordance with the outline plans accompanying the DCO application (application documents A8.9 and A8.10).</p>

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
Refers to mention in the PEIR that a Construction Staff Travel Plan will be provided with the Development Consent submission and query whether there will be an attempt to reduce the number of single occupancy car drivers to and from the site. If so, what measures are proposed?			
2019: Comments relating to the construction of the intertidal causeway and effects on the existing environment and particularly the soft sediments of the River Thames shoreline.	Kent and Essex Inshore Fisheries and Conservation Authority	N	The impacts of construction and operation of the causeway on marine receptors, including impacts on soft sediment habitats, are presented in Volume 3, Chapter 17 of the ES (Marine Environment).
2019: Comments on the decommissioning of the causeway following use during the construction phase.	Kent and Essex Inshore Fisheries and Conservation Authority	N	As set out in Volume 2, Chapter 2 of the ES (Project Description) it is assumed that the causeway will be left in position and not removed during or after the lifetime of the proposed Development. Decommissioning impacts have therefore been scoped out of the assessment contained in Volume 3, Chapter 17 of the ES (Marine Environment).
Limited, if any, overlap in the anticipated construction programmes of Tilbury2 and the proposed Development and it is therefore unlikely that there will be cumulative	Port of Tilbury London Limited	N	Noted. Cumulative construction environmental effects are assessed in the relevant Chapters of the ES. The Outline Code of Construction Practice (Volume 6, Appendix 2.2 of the ES) sets out mitigation measures to be implemented during the construction phase.

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
construction environmental effects.			
<p>The destination of construction waste is not scoped out or covered in the PEIR. The amount of waste should be quantified and the destination of construction waste should be considered in the ES due to the fact that waste capacity in Thurrock is more limited than in the wider Essex area. Considered cumulatively with Tilbury2 and LTC, the Applicant's construction waste could be significant.</p>	<p>Port of Tilbury London Limited</p>	<p>N</p>	<p>Construction waste is considered in section 3, Volume 2, Chapter 2, of the ES (Project Description), and in the CoCP (application document reference: A8.6) which includes good practice measures for managing waste generated during construction. All waste generated will be disposed of by a suitably licensed waste contractor. Prior to construction activities commencing, the principal contractor will develop Construction Method Statements identifying the construction operations to be undertaken, any associated environmental and health and safety issues and appropriate mitigation measures. Activities requiring a method statement will be identified using a risk-based approach during detailed design.</p>

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
The location of the Development may present a risk of construction phase impact/delays to Royal Mail's road-based operations on the local road network due to Royal Mail having five operational properties within 12.87km of the Development site. Royal Mail requires more information and certainty about traffic management measures that will be in place to mitigate construction impacts on local traffic flows.	Royal Mail	N	The CTMP will ensure that all construction traffic follows pre-prescribed routing to avoid impacts on the wider network and conflicts with local users. The CWTP will minimise the number of journeys by single occupancy private cars thus limiting the impact on congestion. Further details are included in the Outline Code of Construction Practice accompanying the DCO application (Document Reference A8.6).
Requires clarification of hours and days when construction works will be undertaken. No adverse comments on the Code of Construction Practice in the PEIR. Notes that this will be updated in the ES.	Thurrock Council	N	Construction working hours are set out in the Outline Code of Construction Practice accompanying the DCO application (document reference: A8.6).

Cultural, Heritage and Archaeology

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
Possibility of the Development impacting on the relationship between	Gravesham Borough Council	N	The Applicant met with Gravesham Borough Council on 05.12.19 to discuss the Council's concerns.

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
Tilbury Fort and West Tilbury Conservation Area where there are Scheduled Monuments and a number of listed buildings.			Assessment of the impact of the construction, operational and decommissioning phases of the proposed Development on the historic environment, including Tilbury Fort and the West Tilbury Conservation Area, is included in the ES, at section 4, Volume 3, Chapter 7 (Historic Environment).
2019: Project changes proposed in 2019 will bring construction facilities much closer to the east side of Gravesend and impacts on the marine environment. There is no discussion of the landscape, noise, lighting, historic environment and other potential impacts on Gravesham or Thurrock. As use of the causeway is dictated by the tide, it is assumed it could be operational any time of the day or night. Seeks clarification of the statement that the causeway will be 'X metres AOD'.	Gravesham Borough Council	N	Potential environmental effects on the historic environment, as well as proposed mitigation and monitoring, are discussed in Volume 3, Chapter 7, of the ES (Historic Environment). The height of the causeway is clarified in Volume 2, Chapter 2, of the ES (Project Description).
Development will be within a wider historic landscape that contains a number of designated and non-designated heritage assets. Principal heritage assets	Historic England	N	Potential environmental effects on the historic environment, as well as proposed mitigation and monitoring, are discussed in Volume 3, Chapter 7, of the ES (Historic Environment). Assessment includes impacts on the principal heritage assets in the area.

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
<p>which may be impacted indirectly by the Development are: Tilbury Fort; Earthworks near West Tilbury Church; WWII anti-aircraft battery at Bowater Farm; and Coalhouse Fort. Listed buildings include St. James' Church, West Tilbury, and the Tilbury Cruise Terminal. Conservation Areas include West Tilbury.</p>			
<p>Consider landward defences, their setting and the contribution they make to the significance of Tilbury Fort as being of great importance this has been significantly understated in the PEIR.</p>	Historic England	N	<p>Assessment of the impact of the construction, operational and decommissioning phases of the proposed Development on the historic environment, including landward defences, is discussed in section 4 of the ES, Volume 3, Chapter 7 (Historic Environment). Assessment includes impacts on the principal heritage assets in the area.</p>
<p>The presence of vegetation around the aircraft battery at Bowater Farm does not justify the conclusion that there will be no impact on the setting, as vegetation can be removed.</p>	Historic England	N	<p>Assessment of the impact of the construction, operational and decommissioning phases of the proposed Development on the historic environment, including Second World War anti-aircraft battery at Bowater Farm, is discussed in section 4 of the ES, Volume 3, Chapter 7.</p>
<p>2019: Advises that the proposed Development has the potential to impact on deposits of archaeological</p>	Historic England	N	<p>A workshop on heritage aspects of the proposed Development took place in November 2018, at which the Applicant, Essex County Council and Historic England discussed various issues and agreed actions going forward, to include further assessments to be undertaken.</p>

Summary of relevant response	Consultee	Change? Y/N	The Applicant’s regard to the response
<p>and paleo-environmental interest classified as significant. As a result, there needs to be comprehensive evaluation and assessment of the potential for buried archaeological remains across the Development site to inform the EIA. This must be done at the pre-application stage in order to comply with the requirements of the NPS for Energy on the Historic Environment.</p>			<p>Assessment of the potential impacts of the proposed Development on the historic environment (terrestrial and marine) is detailed in Volume 3, Chapter 7, of the ES. The assessment at section 4 of that Chapter includes buried archaeological remains.</p> <p>An updated Historic Environment Desk-Based Assessment, which takes account of proposed project changes and impacts to the marine environment, has been prepared (see Volume 6 of the ES, Appendix 7.1) and draws on the results of other survey work.</p> <p>An outline Written Scheme of Archaeological Investigation (‘WSI’) has been produced (application document reference: A8.11). This sets out a comprehensive mitigation strategy for the approach to and undertaking of both non-intrusive and intrusive archaeological recording for terrestrial and marine historic environments during all phases of the proposed Development.</p>
<p>2019: Comments that the summary of potential environmental effects, mitigation and monitoring presented within PEIR is incomplete and a supplementary summary table should be produced. The required archaeological assessment should specify the techniques and</p>	<p>Historic England</p>	<p>N</p>	<p>An assessment of the significance of the impact of the proposed Development on heritage assets, including their setting, is given in section 4 of Volume 3, Chapter 7, of the ES (Historic Environment – Terrestrial and Marine).</p> <p>Mitigation strategy proposed and included in assessment of effects.</p> <p>An outline WSI has been produced (application document reference: A8.11).</p>

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
methodologies to be adopted for all subsequent survey investigations and set these out within an outline or draft archaeological WSI.			
2019: Recommends that a deposit model is prepared as part of the Desk-Based Assessment ('DBA'), which should inform the historic environment Chapter of the ES. Data used in this model should utilise geotechnical investigations conducted at nearby sites and the British Geological Survey borehole register.	Historic England	N	This has been prepared and the results incorporated into Volume 3, Chapter 7, of the ES (Historic Environment – Terrestrial and Marine). The full report is available in the ES, Volume 6, Appendix 7.2.
2019: The preliminary DBA deposit model should inform the preparation of a draft WSI so that geophysics and geotechnical investigation techniques used are suitable to guide the design of the proposed Development. This is especially useful in area where deep features/remains and deeply buried organic deposits such as peat are expected.	Historic England	N	This has been completed and the results incorporated into Volume 3, Chapter 7, of the ES (Historic Environment – Terrestrial and Marine). The full report is available in the ES, Volume 6, Appendix 7.2. An outline WSI has been produced (application document reference: A8.11)

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
<p>2019: Recommends that the following draft documents be prepared for consultation with HE and the relevant local authority during the pre-application stage:</p> <ul style="list-style-type: none"> (a) Supplementary summary of potential environmental effects, mitigation and monitoring to include relevant proposed project changes; (b) DBA technical report – a preliminary sedimentary deposit model for the location of the permanent causeway; and (c) Draft archaeological WSI to be a condition of any draft DCO (including deemed Marine Licence) 	<p>Historic England</p>	<p>N</p>	<p>Potential environmental effects on the historic environment, as well as proposed mitigation and monitoring, are included in Volume 3, Chapter 7, of the ES (Historic Environment – Terrestrial and Marine). Supporting technical reports can be found in the ES, Volume 6, Appendices 7.1 and 7.2. An outline WSI has been produced (application document reference: A8.11)</p>
<p>2019: Additional archaeological assessment needs to determine the risk of encountering previously unknown historic sites,</p>	<p>Historic England</p>	<p>N</p>	<p>Noted. An outline WSI has been produced (application document reference: A8.11).</p>

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
particularly at the causeway location.			
Assessment of the construction, operational and decommissioning phases to be fully developed in the EIA.	Historic England	N	Relevant Chapters of the ES include assessment of potential impacts of the Development during the construction, operational and decommissioning phases. This includes Volume 3, Chapter 7 (Historic Environment – Terrestrial and Marine).
Section 4.3.8 of the PEIR is inaccurate. TCPS considers it likely that there are remains of coastal industries dating back to the Late Iron Age and Roman periods and concludes that a programme of archaeological investigation of the Development site and associated features should be undertaken.	Thurrock Council Place Services	N	An assessment of the significance of the impact of the proposed Development on heritage assets, including their setting, is given in section 4 of Volume 3, Chapter 7, of the ES (Historic Environment – Terrestrial and Marine). Section 3 of this Chapter includes discussion of the baseline environment from the prehistoric age to the present day, including the Roman/Romano-British age. A detailed description of the historic environment baseline is presented within Volume 6, Appendix 7.1 of the ES (Historic Environment Desk-Based Assessment).
The PEIR should be reviewed to take account of improvement to the setting of Tilbury Fort due to the demolition of Tilbury Power Station. Also queries whether this section is complete.	Thurrock Council Place Services	N	The demolition of Tilbury Power Station is complete and therefore the baseline used for assessment in Volume 3, Chapter 7, of the ES (Historic Environment – Terrestrial and Marine) takes account of this.
Requires continued joint discussions with archaeological consultants, Historic England and Thurrock Council to obtain a	Thurrock Council Specialist Archaeological Advice	N	At a meeting in November 2018, it was agreed that a detailed assessment of cultural heritage would be required, to include an integrated assessment of the standing buildings, conservation area, impact on scheduled monuments, below ground archaeological deposits and the setting of all the heritage assets impacted. An assessment of the significance of the impact of the proposed Development on heritage assets,

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
<p>detailed understanding of the impact of the proposed Development on the historic environment assets within the area of the Development. Below ground archaeological deposits will need to be defined, especially in the area of the proposed power plant, its associated construction haul roads and the gas pipeline corridor.</p>			<p>including their setting, is given in section 4 of Volume 3, Chapter 7, of the ES (Historic Environment – Terrestrial and Marine). Mitigation strategy proposed and included in assessment of effects. An outline WSI has been produced (application document reference: A8.11).</p>

DCO Process

Summary of relevant response	Consultee Category	Change? Y/N	The Applicant's regard to the response
<p>Require further pre-application discussions and input on wording of DCO, including discussion re Development connection to public sewer network</p>	<p>Anglian Water</p>	<p>N</p>	<p>Noted. The Applicant has taken the views of a number of statutory utilities into account in producing draft DCO articles and protective provisions and will engage with Anglian Water on that drafting as it evolves.</p>
<p>Would welcome further discussions pre-application stage</p>	<p>Environment Agency</p>	<p>N</p>	<p>Noted. Discussions with the EA are ongoing.</p>
<p>Wishes to be engaged and to inform the ES at the EIA stage</p>	<p>Essex County Council</p>	<p>N</p>	<p>Noted. Discussions with Essex County Council have been ongoing.</p>

Summary of relevant response	Consultee Category	Change? Y/N	The Applicant's regard to the response
Recommends a combined Long-Term Landscape and Ecological Management Plan be made a requirement of the DCO	Essex County Council	N	A requirement securing the objectives of these plans is included in the draft DCO. An Outline Ecological Management Plan ('OEMP') is submitted with the DCO application (document reference A8.7) and a detailed plan will be produced under requirement prior to construction.
Mentions the possibility of a SOCG between the Applicant and ECC.	Essex County Council	N	The Applicant is intending to liaise with various stakeholders to produce SOCG's post-submission of the DCO application.
Interested in further consultation while the impact of the Development on their assets continues to be assessed.	National Grid	N	Noted. There has been ongoing contact with National Grid.
Prepared to discuss the inclusion of NR land or rights over land subject to there being no impact on the operational railway, all regulatory and other required consents being in place and appropriate commercial and other terms having been agreed and approved by NR's board. Reserves the right to comment further as the DCO progresses.	Network Rail	N	Noted.
Requests that the DCO application includes a requirement that Royal Mail	Royal Mail	N	The Applicant is proposing very limited road closures which should not unreasonably affect Royal Mail and consultation as requested would therefore be disproportionate.

Summary of relevant response	Consultee Category	Change? Y/N	The Applicant's regard to the response
is consulted by Thurrock Council on any proposed road closures, diversions, alternative access arrangements, hours of working and the content of the final CTMP.			
Requests that the DCO application includes a requirement that the final Construction Traffic Management Plan ('CTMP') includes a mechanism for informing major road users about works affecting the local network, with particular regard to Royal Mail's distribution facilities in the vicinity of the DCO application boundary. Can supply information regarding road usage if required.	Royal Mail	N	Consultation as requested would be disproportionate given the very limited impact on the public road network, which would not unreasonably affect Royal Mail's operations.
Reserves the right to make comments during the pre-submission and examination stages.	RWE Generation UK plc	N	Noted.
Concerned that they weren't consulted in advance of the formal consultation period.	West Tilbury Commons Conservators	N	Noted.

Summary of relevant response	Consultee Category	Change? Y/N	The Applicant's regard to the response
Requires details of when the DCO is likely to be enacted.			

Ecology

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
2019: Ecological designations in surrounding area need updated HRA assessment (e.g. Thames Estuary and Marshes SPA) and Ramsar site.	Cogent Land LLP	N	<p>The ecology and nature conservation value of sites, species and habitats identified within the study areas have been assessed and are explained in Volume 3, Chapter 9, of the ES (Onshore Ecology).</p> <p>The Applicant has submitted a Habitats Regulations Assessment Report with the application for DCO (application document reference: A5.2).</p>
Notes that cumulative impacts on wintering birds on functionally linked and arable land affected by the proposed Development may support birds from the Special Protection Area ('SPA'). There is the potential for effects on wintering birds to occur alone and in-combination in relation to cumulative losses of this habitat and this will be assessed following surveys of wintering birds that are currently ongoing and will be reported in the final HRAR.	Essex County Council	N	<p>Surveys of terrestrial wintering birds were carried out on potentially functionally linked land from September 2018 to March 2019 and are reported in the ES, Volume 6, Appendix 9.1:Ecological Desk Study and Survey Report. No significant numbers of wintering birds associated with the SPA were recorded and it is therefore concluded that farmland in and adjacent to Zones A, C, D, E and F does not comprise functionally linked land.</p> <p>A review of previous surveys undertaken of the intertidal zone (providing two winter seasons of data for 2017/18 and 2018/19) has concluded that this area is not used by significant numbers of birds associated with the SPA. Surveys of the foreshore in the area of the causeway were commissioned after the causeway was added to the Development, and undertaken between September 2019 and March 2020. These are reported in Volume 6, Appendix 9.3, of the ES (Foreshore Wintering Bird Surveys 2019-20) and in Section 1.9 of Volume 3, Chapter 9, of the ES (Onshore Ecology), as well as in the Habitats Regulations Assessment Report (application document reference: A5.2).</p>

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
<p>Ongoing surveys of over-wintering birds should be shared with Essex Wetlands Trust and Essex Field Club. ECC will assess the impacts on birds once surveys are complete.</p>			
<p>Recommends that the final HRA is updated to be compliant with the recent CJEU ruling Holohan C46117.</p>	<p>Essex County Council</p>	<p>N</p>	<p>This ruling has been taken into account in production of the final HRAR (application document reference: A5.2).</p>
<p>The Council is pleased to note that the PEIR contains information in relation to how it meets the requirements of NPS EN-1 policy on decision making (and mitigation) e.g. The Secretary of State should have regard to the Government's biodiversity strategy, which includes aims to ensure a halting, and if possible a reversal, of declines in priority habitats and species, with wild species and habitats as part of healthy, functioning ecosystems. However "inform the mitigation</p>	<p>Essex County Council</p>	<p>N</p>	<p>The proposed Development has committed to achieving Biodiversity Net Gain ('BNG') and the results of the BNG Assessment are provided in Volume 6, Appendix 9.3, of the ES.</p> <p>Volume 3, Chapter 9, of the ES (Onshore Ecology) details the habitats and species assessed. Full information on baseline habitats and ecological surveys can be found at Volume 6, Appendix 9.1, of the ES (Ecological Desk Study and Survey Report). The mitigation strategy summarised in the ES and OEMP is considered to deliver appropriate gains for biodiversity including S41 habitats and species where these might be affected by the Development.</p> <p>The Applicant has submitted a Habitats Regulations Assessment Report with the application for DCO (application document reference: A5.2).</p>

Summary of relevant response	Consultee	Change? Y/N	The Applicant’s regard to the response
<p>strategies to help protect and, where practicable, restore Priority Habitats and Species and the conservation of biodiversity“ is not considered sufficient to ensure a “halting of declines” which may require measurable net gains within the project to achieve this. Requires clarification in the Environmental Statement produced relating to Priority s41 Habitats and Species likely to be present and affected by the Development.</p>			
<p>The Council agrees with PINS’ scoping opinion comment that the applicant has scoped out bat surveys despite paragraph 8.89 of the Scoping Report, which states that these habitats may be of value to foraging and commuting bats. Five species were identified in the desk study in the PEIR and it is noted that bats will now be included in the assessment for potential loss of foraging</p>	<p>Essex County Council</p>	<p>N</p>	<p>Information regarding bat surveys undertaken can be found in Volume 3, Chapter 9, of the ES (Onshore Ecology). Very little bat foraging activity was observed and only three species of bat (Common and Soprano Pipistrelle and Noctule) were recorded. For full information on baseline ecological surveys undertaken, refer to Volume 6, Appendix 9.1, of the ES (Ecological Desk Study and Survey Report).</p>

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
<p>habitat and Natural England has been consulted on this issue but, as of the date of this report, a response is awaited. Recommends bat surveys, particularly for Nathusius' Pipistrelle during the Autumn migration and use of the National Nathusius' Pipistrelle Project results may be useful to the Development.</p>			
<p>Notes that an OEMP has been prepared and is linked to the Code of Construction Practice ('CoCP'). Recommends ecology and landscape matters are cross-referenced with final lighting strategy and also recommends a combined long-term Landscape and Ecological Management Plan ('LEMP') as a DCO requirement. Mitigation and compensation should be prepared and management of any off-site compensatory habitat should be contained in the LEMP.</p>	<p>Essex County Council</p>	<p>N</p>	<p>Requirements securing the objectives of these plans are included in the draft DCO. An OEMP is submitted with the DCO application (document reference: A8.7) and a detailed plan will be produced under requirement prior to construction.</p> <p>Landscaping proposals are shown in the Illustrative Landscaping Plan (application document reference: A2.9) and focus on providing hedging and verge along the permanent access road in Zone C and screening planting at the southern edge of Zone E and around the gas connection compound in Zone D3.</p> <p>These proposals are modest in scale relative to the habitat creation detailed in the OEMP, and management of landscaping will form part of part of the detailed Ecological Management Plan ('EMP') which will be produced as a DCO requirement.</p> <p>Landscaping will also be subject to detailed design and approval post-consent under requirement.</p> <p>The proposed Development is expected to have a staff of four to six full-time equivalent during operation, and motion-activated directional security lighting may be used at the</p>

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
			main development site and the above ground installation for gas connection, but full-time lighting is not proposed.
Notes that reptile habitat creation in Zone F will provide a greater area than lost permanently, with translocation of animals from the works area on the basis of providing like-for-like replacement of habitat on an area basis. It is important to ensure that the carrying capacity of any on or off-site reptile receptor sites is demonstrated and that there is identification of additional sites should more animals be captured than estimates indicate may be present.	Essex County Council	N	Evolution of site design since the PEIR has enabled the project to retain boundary ditches of Zone A, plus a minimum 5m buffer, as well as an area of existing grassland to the south of Zone A. Given that the majority of the grassland is mown for hay on an annual basis, it is considered that the carrying capacity of the main grassland area affected by construction is low. Measures to enhance the retained grassland area in Zone A are now proposed in the OEMP and this, combined with the retention of boundary ditches, is considered suitable to accept any reptiles translocated from the construction area.
It is unclear whether any of the hedgerows were considered to meet the trigger for Important Hedgerows under the Hedgerow Regulations. Where sections of hedgerows are removed temporarily, it will be necessary to provide hazel hurdles to ensure connectivity for foraging Barbastelle bats until new	Essex County Council	N	Bat activity transect surveys were undertaken in 2019 (ES, Volume 6, Appendix 9.2: Third Party Survey Reports), which confirmed that the habitats on site are not used by significant numbers of foraging or commuting bats.

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
hedge reaches a sufficient height to provide this functionally.			
Linnet and skylark were recorded in Zone A and, as a result, it cannot be said that the mitigation area (Zone E) is an arable field of little potential for breeding birds.	Essex County Council	N	<p>The presence of linnet and skylark in Zone A does not provide an indication that Zone E is also of value for breeding birds, given that the two linnet territories recorded in Zone A were associated with the ditch boundary on the edge of Walton Common and the skylark territory was associated with Walton Common grassland and hence not recorded within the arable land in Zone A.</p> <p>The Applicant's mitigation strategy is predicated on the fact that intensively-managed arable fields such as Zones E and F are of less value to breeding birds than grassland such as Walton Common and Parsonage Common, and therefore the reversion of arable land to grassland (proposed for both Zone E and F) will provide a net benefit for breeding farmland species including linnet and skylark compared with the baseline situation.</p>
The PEIR states that 'a total of 40 breeding territories were recorded in Zone A, including Cetti's warbler and the Birds of Conservation Concern ('BoCC') red listed species cuckoo, house sparrow, linnet, skylark, song thrush, yellowhammer and yellow wagtail' and that 'The development of Zone A would result in a decline in the number of territories within the study area.' The aim of the mitigation	Essex County Council	Y	<p>The mitigation strategy has evolved since the PEIR, and there is now an extensive restoration of arable land to grassland in Zone E (as common land replacement but which also has some biodiversity benefit) and a separate habitat restoration exercise proposed for Zone F (specifically for biodiversity).</p> <p>Assessment of the impact on breeding birds included in paragraph 4.1.7 onwards of Volume 3, Chapter 9, of the ES (Onshore Ecology) concludes that the impact on breeding birds taking mitigation into account is minor beneficial.</p>

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
<p>proposed is to avoid the loss of species to the overall breeding bird assemblage in the survey area. However this is considered likely to lead to residual loss of territories for priority species and this impact will require additional consideration to ensure the NPS- EN-1 policy 'to ensure a halting, and if possible a reversal, of declines in Priority Habitats and Species'. Other mitigation measures should be reviewed and enable the SoS to meet their s40 NERC duty regardless that the impacts would not be significant in EIA terms.</p>			
<p>The Habitats Regulations Assessment ('HRA') does not consider all designated sites within 15km of the proposed Development site.</p>	<p>Essex County Council</p>	<p>N</p>	<p>The HRA Report (application document reference : A5.2) submitted with the DCO application includes assessment of impacts on all European Sites within 15 km of the Development site.</p>
<p>The potential for decline in the number of bird territories in Zone A requires further consideration.</p>	<p>Essex County Council</p>	<p>Y</p>	<p>The mitigation strategy now includes extensive restoration of arable land to grassland in Zone E (as common land replacement but with some biodiversity benefit) and separate habitat restoration for biodiversity in Zone F.</p>

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
Notes that the Water Framework Directive Assessment has been scoped out due to the absence of impacts on the River Thames. However, how the Directive applies to the alteration of the drainage ditches needs consideration to ensure no deterioration in ecological potential. The design and long-term management of the mitigation ditches should be described in any Ecological Management Plan ('EMP').	Environment Agency	N	WFD assessment is in Volume 6, Appendix 17.3 of the ES (Water Framework Directive Assessment), and details of ditch creation and management will be provided in the detailed EMP to be produced under requirement prior to commencement of works.
Comments that there is a lack of information in the PEIR on eels, a priority species covered by the Eel Regulations 2009. The ditch network, although remote from the Thames, has linkage which could have led eels to colonise some of the wetter ditches. Suggests an electro-fishing survey of eels at the appropriate time of year (April-October) to determine presence and absence. Any enhancements should	Environment Agency	N	An assessment of the potential of the ditch network to support eels is included in the ES, Volume 6, Appendix 9.2: Third Party Survey Reports, and concludes that there is no requirement to undertake further surveys for eels.

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
consider the presence of eels if present.			
The ecology chapter of the PEIR states that 9.4% of the ditches on the Development site are to be permanently lost. Given the presence of water voles within the ditches, mitigation is required to prevent loss of protected species habitat. The proposed creation of 510 m of ditch provides an offset for the 476 m to be lost. As acknowledged, water voles will need to be translocated to the new ditches when the habitat is ready under licence from Natural England.	Environment Agency	N	Mitigation for loss of ditches is provided. However, it should be noted that Water Vole surveys carried out in September 2019 indicated that the majority of the ditch system was dry and therefore few water vole signs were present. Mitigation for Water Voles is still proposed on the precautionary assumption that the animals would return if water levels increase in 2020/2021, but if this pattern of decline continues there may be less translocation of animals required. A licence will be obtained should this be necessary.
The Outline Ecological Management Plan ('OEMP') needs to provide assurance over the design and construction measures for mitigatory habitats, particularly for water voles (and possibly eels). The long-term management needs to be considered in the OEMP	Environment Agency	N	<p>The OEMP (application document reference A8.7) includes details of designed-in mitigation measures for the pre-construction, construction, post-construction and operational phases of the Development, as well as for long-term ecological management.</p> <p>The detailed EMP produced prior to commencement will include full details of ditch creation and management. As noted, eels are not considered to be a constraint (see the ES, Volume 6, Appendix 9.2: Third Party Survey Reports).</p> <p>Culverts with mammal ledges will be provided where permanent infrastructure crosses ditches and full details of culverts will be included in the detailed EMP.</p>

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
<p>Also, mammal ledges must be incorporated into all culverts to allow the passage of water voles and the design of these should be incorporated in to the OEMP.</p>			
<p>The Development site is in close proximity to several local wildlife sites of importance. Refers specifically to the proposed permanent access route and route of gas pipeline, with particular reference to needing to take account of TL38 Broomhill Thames Terrace Grassland LoWS and TL41 Mucking Hewath/Orsett Golf Course LoWS.</p>	<p>Essex Field Club</p>	<p>N</p>	<p>Likely ecology and nature conservation effects on all designated sites of ecology and nature conservation interest are assessed in Volume 3, Chapter 9, Section 4, of the ES. Designed-in mitigation measures adopted are listed in Table 2.8 of the ES Chapter on On-Shore Ecology (Volume 3, Chapter 9).</p> <p>Details of the Local Wildlife Sites ('LoWS') are provided in Section 3 and Table 3.1, Volume 3, Chapter 9 of the ES.</p>
<p>2019: The desktop study described in Appendix 9.1 of the Ecological Desk Study and Surveys document completely fails to fulfil its purpose as a desk study and the consultation on project changes does not alter this situation. Paragraph 2.1.1 states that ecological records</p>	<p>Essex Field Club</p>	<p>N</p>	<p>In 2018, the Applicant contacted EFC to explain that, as stated in the PEIR, it was intended that records would be obtained from EFC at the ES stage and that the data search would be updated when the ES was submitted.</p> <p>The desk study has been updated with data obtained from the Essex Field Club (see the ES, Volume 6, Appendix 9.1: Ecological Desk Study and Survey Report). Results from this additional desk study have not made any difference to the scope of surveys that were carried out, and therefore we strongly reject this statement.</p>

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
<p>within a 2 km radius of Zones A-J were requested from the Essex Wildlife Trust Biological Records Centre and the Kent and Medway Biological Records Centre. This means the desk study and desk study species data shown in Appendix 9.1 remains completely inadequate, not fit-for-purpose and fails to fulfil any useful purpose. The utter failure of this is evidenced in Table 3.4: Summary of protected and notable invertebrate species recorded within 2 km of the Phase 1 survey area, where only <i>"Several insect species with some rarity / conservation status have been recorded within 2 km of the Phase 1 survey area"</i> are presented, when there should be a massively greater number. The idea stated in the ecology chapter paragraph 2.2.1 that information on ecology and nature conservation within</p>			<p>Had the EFC data been available at PEIR stage, the scope of surveys, including invertebrates, would not have changed, because the potential invertebrate interest of the site was recognised independently of the data search, and an invertebrate scoping survey was commissioned. Having reference to the EFC dataset would not have changed this conclusion, nor would it have changed the conclusion of the invertebrate survey report as this was carried out by a specialist with full knowledge of the importance of the Lytag Brownfield LWS for invertebrates.</p> <p>As stated in the PEIR, in advance of ecological surveys being undertaken in 2019, ecological records within a 2km radius of Zones A-J of the Development site were requested from Essex Wildlife Trust Biological records Centre, the Kent and Medway Biological Records Centre, and the Essex Field Club.</p>

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
<p>the desk study search area was collected through a "detailed desktop review of existing datasets" is quite evidently hopelessly inaccurate. It means that the fundamental basis of everything that has been presented to date on ecology and especially invertebrates is hardly worth the paper it is written on.</p>			
<p>2019: Comments that it is stated in the PEIR that, in order to inform the assessment, the site-specific surveys did not include invertebrates. It appears that the extent of land for the invertebrate scoping survey was confined to Zone A only. It is difficult to see how this can assess whether the proposed Development would have an impact on invertebrate ecology. There is also no report provided of the invertebrate scoping survey and so there is no information on which to</p>	<p>Essex Field Club</p>	<p>N</p>	<p>Zone A is the only area subject to extensive permanent impacts from habitat loss, and it is therefore entirely appropriate that the scoping report did not consider arable land of minimal conservation value outside of the construction site.</p> <p>The invertebrate scoping survey was carried out by a specialist and their conclusion was that detailed surveys of Zone A were not required. Contrary to the statement that 'there is no report provided of the invertebrate survey', the relevant sections of the scoping survey of Zone A are incorporated in the ES, Volume 6, Appendix 9.1: Ecological Desk Study and Survey Report.</p> <p>A further scoping survey of the adjacent Zone G grassland (and another area of land no longer included in the project design) was carried out by the same specialist when Zone G was added to the project boundary. Again, this scoping survey concluded that no further survey was required. This is provided in the ES, Volume 6, Appendix 9.2: Third Party Survey Reports. In addition, reference was made to surveys undertaken for the adjacent Tilbury2 site when considering potential effects on grassland at the south of Zone G.</p>

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
<p>judge its effectiveness. The idea that the baseline ecological surveys are considered to be appropriate to inform a robust assessment does not stand up to scrutiny. Until the invertebrate scoping survey report and details and reports of surveys undertaken since the 2018 consultation are made available and full details of offsite mitigation proposals are made, an informed and adequate consultation response remains impossible.</p>			<p>The baseline and assessment of effects on invertebrates is therefore considered to be sufficiently robust.</p>
<p>November 2019: Although access route changes are an improvement, need to ensure no negative impact on invertebrate fauna of the Tilbury Ashfields area. Still need to do a Preliminary Ecological Appraisal including biological records search to include Essex Field Club's Data-search facility as main source of species records. Current desk top study inadequate. No report</p>	<p>Essex Field Club</p>	<p>N</p>	<p>The desk study has been updated with data obtained from Essex Field Club (ES, Volume 6, Appendix 9.1: Ecological Desk Study and survey Report) and the results do not change the scope of surveys carried out previously, including those relating to invertebrates, with an invertebrate scoping survey being commissioned. Impacts are assessed in Section 4 of Volume 3, Chapter 9, of the ES. Mitigation, including habitats for invertebrates, is proposed.</p> <p>Tilbury Ashfields are not affected by the revised development boundary at October 2019 and no impacts are therefore predicted.</p>

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
of the invertebrate scoping survey.			
2019: Concerns over cumulative loss of nationally important invertebrate habitat areas due to this and other local developments, which needs to be recognised and addressed in ES information on cumulative effects.	Essex Field Club	Y	The cumulative assessment on invertebrates has been updated and is provided within the ES, Volume 4: Cumulative Environmental Assessment, Chapter 21: Onshore Ecology. As a result of this updated assessment, some additional mitigation has been proposed to address fragmentation and temporary habitat loss during construction.
November 2019: Comments that the impact of Zone G (corridor for causeway and temporary haul road) has not been considered, despite the presence of a known nationally important invertebrate fauna of the Tilbury Ashfields area still extant in 2018.	Essex Field Club	N	<p>There are two options for the access route to the causeway. Both cross grassland north of the sea wall and then follow existing roads north. The first option then runs between the area currently being land-raised and the substation and therefore does not affect any Ashfield habitat.</p> <p>The second option for the causeway crosses land consented for Pulverised Fuel Ash ('PFA') extraction, land-raising and restoration to grassland. Therefore, any impacts on Tilbury Ashfields will be due to that project and not the Applicant's project.</p> <p>The proposed mitigation strategy for invertebrates is considered sufficient to mitigate for habitat losses due to the impact of the Development on the coastal grassland strip where the causeway access track crosses grassland between the sea wall and the RWE site.</p>
2019: Use of arable land to replace common land requires a high level of work to create compensation habitat for biodiversity compensation or gain. All replacement common and habitat compensation land should	Essex Field Club	N	<p>Comments relating to use of arable land to replace common land are noted.</p> <p>It is intended to create a range of conditions and habitats to benefit a wide range of species, including bees and invertebrates. Some of the won topsoil will be used to create bee banks and low nutrient substrate will also be used.</p> <p>The field north of Broom Hill LoWS was not available for consideration as off-site habitat compensation.</p>

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
<p>have topsoil stripped and removed. Bee banks should use nutrient-poor substrate. Remains of the view that there is better compensation land in field north of Broom Hill LoWS (Th 38).</p>			
<p>Will defer to Natural England on nature conservation.</p>	<p>Gravesham Borough Council</p>	<p>N</p>	<p>Noted. Natural England has been consulted.</p>
<p>Comments that the construction and operational phases of the Development have the potential to impact on designated sites within Kent containing protected/ notable species or habitats. However, the HRA in the PEIR does not consider fully designated sites within 15km of the Development site. For example, the HRA does not assess the impact of the proposed Development on the Medway Estuary and Marshes SPA and Ramsar site, nor does it set out how the Applicant has reached the conclusion that the designated site does not need to be</p>	<p>Kent County Council</p>	<p>N</p>	<p>The HRA Report (application document A5.2) submitted with the DCO application includes assessment of impacts on all European Sites within 15 km of the Development site.</p>

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
<p>assessed. Considers that there is a need for a revised HRA as part of the DCO application. Once the full HRA is available, Kent County Council would welcome the opportunity to consider this.</p>			
<p>The new National Planning Policy Framework requires development proposals to demonstrate that projects can deliver environmental net gain. The principle is also featured in the more up to date National Policy Statements which are recognised as the primary policy documents for NSIP projects. Nevertheless, the revised NPPF should be recognised as holding weight as a relevant policy reference.</p>	<p>Natural England</p>	<p>N</p>	<p>The Applicant has committed to delivering Biodiversity Net Gain and the Net Gain Assessment is provided in Volume 6, Appendix 9.3 of the ES.</p>

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
<p>The Development has opportunities to contribute to and enhance strategic biodiversity net gain objectives in the Tilbury area and could seek to complement the nature conservation priority outcomes of other projects in the Development area on its land holding and also within adjacent replacement common land, as opportunities arise. NE would be happy to discuss further with the Applicant in due course.</p>	<p>Natural England</p>	<p>N</p>	<p>The Applicant has committed to delivering Biodiversity Net Gain and the Net Gain Assessment is provided in Volume 6, Appendix 9.3 of the ES.</p> <p>The Applicant is willing to explore opportunities for joint measures across the other proposed developments in the area. However, as the other developments are significantly larger, the Applicant would expect others to lead any joint strategy.</p> <p>Consultation with NE is ongoing.</p>
<p>Notes that the option of a cooling pipe will not be progressed and provides comments on this basis. Accordingly, likely significant effects to the Thames Estuary and Marshes SPA/Ramsar site are much reduced. However, impacts to functionally linked land should remain scoped into the HRA, although this is not the case in the draft HRA</p>	<p>Natural England</p>	<p>N</p>	<p>Surveys of terrestrial wintering birds on potentially functionally linked land were carried out from September 2018 to March 2019 and are reported in the ES, Volume 6, Appendix 9.1: Ecological Desk study and Survey Report. No significant numbers of wintering birds associated with the SPA were recorded and thus it is concluded that farmland in and adjacent to Zones A, C, D, E and F does not comprise functionally linked land.</p> <p>A review of previous surveys undertaken of the intertidal zone (providing two winter seasons of data for 2017/18 and 2018/19) has concluded that this area is not used by significant numbers of birds associated with the SPA. Surveys of the foreshore in the area of the causeway were commissioned after the causeway was added to the Development, and undertaken between September 2019 and March 2020. These are</p>

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
<p>produced in 2018. Understands that some over-wintering bird surveys are underway to explore whether, and if so the degree to which, the application site (or adjoining land that may be disturbed) holds a functional linkage to the SPA/Ramsar site.</p>			<p>reported in Volume 6, Appendix 9.3, of the ES (Foreshore Wintering Bird Surveys 2019-20) and in Section 1.9 of Volume 3, Chapter 9, of the ES (Onshore Ecology), as well as in the Habitats Regulations Assessment Report (application document: A5.2). Mitigation measures to minimise disturbance on wintering birds using the foreshore in the vicinity of the causeway have been set out in the Application.</p>
<p>It is unclear whether a precautionary approach has been taken in the HRA where data is outstanding. For example, surveys of over-wintering birds to explore whether any functionally linked land is likely to be affected significantly are ongoing. The final HRA should make this clear, adopting a precautionary approach where uncertainty remains.</p>	<p>Natural England</p>	<p>N</p>	<p>Surveys of the foreshore in the area of the causeway were commissioned after the causeway was added to the Development, and undertaken between September 2019 and March 2020. These are reported in Volume 6, Appendix 9.3, of the ES (Foreshore Wintering Bird Surveys 2019-20), in Section 1.9 of Volume 3, Chapter 9, of the ES (Onshore Ecology), and in the Habitats Regulations Assessment Report (application document: A5.2). The Habitats Regulations Assessment Report addresses the question of precaution.</p>
<p>Notes that the Appropriate Assessment ('AA') conclusion of "no adverse effect on site integrity" is dependent upon a site-wide drainage strategy that has yet</p>	<p>Natural England</p>	<p>N</p>	<p>A Conceptual Drainage Strategy for the site has been produced (application document reference A7.3), which includes all the necessary principles with respect to surface water management to ensure that the AA can conclude no adverse effect on site integrity. AA is covered in the HRAR (application document reference: A5.2).</p>

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
<p>to be completed. Whilst such a document might well include necessary and appropriate safeguards, it is premature at this stage for the AA to conclude as it has without the drainage strategy in place. We recommend that the AA is updated in due course once the drainage strategy is in place (and any other necessary accompanying documents), prior to its submission with the DCO application.</p>			
<p>Notes that the PEIR details that there are no bat roost sites within the main Development area and concludes that there is therefore no licensable function for Natural England to carry out with respect to bats for this Development. Also notes that PINS has advised that it does not agree that bat surveys should be scoped out of the ES due to the identification of some</p>	<p>Natural England</p>	<p>N</p>	<p>Bat activity transect surveys were undertaken in 2019 and confirmed that the habitats on the Development site are not used by significant numbers of foraging or commuting bats (ES, Volume 6, Appendix 9.2: Third Party Survey Reports).</p>

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
suitability for this species group.			
Further justification should be provided for the cumulative effects assessment for Canvey Wick SSSI where, in the PEIR, the justification for no significant effects for NOx deposition is provided for saltmarsh habitats, which are not found at Canvey Wick SSSI. A rationale referencing the correct habitat types should be provided.	Natural England	N	The reference to saltmarsh was a drafting error. The key invertebrate interest of the SSSI is sustained by the low-nutrient status of the underlying sands/gravels imported to the site during construction of the former oil refinery.
Careful consideration should be given to ensure the compatibility of usage of the Development site and ongoing future management requirements. Arrangements should be set out in the DCO application for in-perpetuity management, to include details of funding.	Natural England	Y	This has been a consideration in the development of the Applicant's proposals and in particular the nature and extent of rights being sought in the DCO. Operational management will be secured under requirement.
Reserves its position on ecology as the Development proposals do have the potential to interact with impacts from the Tilbury2	Port of Tilbury London Limited	N	Noted. Cumulative effects on ecological receptors are considered in the ES, Volume 4, Chapter 22.

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
project due to geographical proximity and interconnection between certain habitat and species receptors. This needs to be fully assessed.			
The Development site adjoins the northern part of the Tilbury2 site, with a common boundary of 500m in length. Works have already begun on this part of the Tilbury2 site, which is to be used in part for ecological mitigation and in part for a construction and aggregates terminal.	Port of Tilbury London Limited	N	The Applicant has been in ongoing discussions with Port of Tilbury London Limited to ensure that proposals are aligned.
Not aware of records of otter, dormice or white-clawed crayfish or habitat to support these in the vicinity of the Development. Pleased to note that Essex Field Club records will be taken into account in the ES.	Thurrock Council	N	Noted.
The PEIR does not identify mitigation measures that could deliver biodiversity net gain as supported in the NPPF 2018. Opportunities to	Thurrock Council	N	The Applicant has committed to delivering Biodiversity Net Gain. The Biodiversity Net Gain Assessment is provided in the ES, Volume 6, Appendix 9.3

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
deliver such gains should be included in the ES.			
Pleased to note that the Applicant is willing to explore entering into dialogue with other local DCO schemes to help deliver linkages between the various mitigation schemes and notes that the Applicant does not intend to lead on this.	Thurrock Council	N	Noted.

Environmental Impact - General

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
Concern re effect on the environment and that the school could be impacted adversely	Chadwell St. Mary Primary School	N	Noted. Potential environmental impacts of the proposed Development are assessed in the relevant Chapters of the ES.
2019: Lack of further environmental information from October 2018 to further consultation October 2019.	Cogent Land LLP	N	The consultation in 2018 contained the necessary PEIR, the 2019 consultation considered only project changes so full PEIR was not required at that stage. A full ES will be submitted with the DCO application.
A key issue is to ensure that the Development delivers significant and appropriate environmental mitigation in areas such as contaminated waste-water storage, air quality safeguards (for	Kent County Council	N	The issues raised are considered in the ES, as follows: Volume 2, Chapter 2 of the ES (Project Description) considers drainage at paragraph 2.7. A Conceptual Drainage Strategy is submitted with the DCO application (document reference A7.4). Air Quality is considered in Volume 3, Chapter 12 (Air Quality) and air quality impacts on ecological receptors are assessed in Volume 6, Appendix 12.1.

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
<p>industrial processes and traffic emissions), intensity of operation, staffing and any associated travel plan. The type of landscaping, sustainable urban drainage infrastructure and other ecological mitigation should be considered within this context.</p>			<p>Volume 3, Chapter 10 of the ES (Traffic and Transport) considers the potential traffic and transport impacts of the Development. An Outline CTMP and Outline Construction Workers Travel Plan ('CWTP) are submitted with the DCO application, at document references A8.9 and A8.10, respectively.</p> <p>Volume 3, Chapter 6 of the ES (Landscape and Visual Resources) considers monitoring and/or mitigation measures that could prevent, minimise, reduce or offset the possible environmental effects identified in the EIA process and includes landscape mitigation proposals.</p> <p>Ecological mitigation proposals are discussed in the ES at Volume 3, Chapter 9: Onshore Ecology.</p>

Environmental Impact Assessment Methodology

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
2019: There is a lack of cumulative effects assessment .	Cogent Land LLP	N	Cumulative Effects Assessment has been undertaken, and is detailed in Volume 4 of the ES.
Requires Climate Change Exceptions Test	Environment Agency	N	Noted. Assessment of the potential impacts of the Development on climate change are included in the ES, Volume 3, Chapter 14.
2019: Requirement to undertake site specific sediment chemistry sampling to inform the licensing process.	Environment Agency	N	Site specific sediment chemistry sampling was undertaken as part of the intertidal survey, following methods agreed with Port of London Authority, including testing of agreed determinants. See Volume 6, Appendix 17.1 of the ES (Phase 1 Intertidal Survey Report and Benthic Ecology Desktop Review).
Would like more information as to why other sites have been screened out.	Gravesham Borough Council	N	Noted. Volume 2, Chapter 3, of the ES (Consideration of Alternatives) includes details of the site selection process undertaken and consideration of site alternatives.
Need to consider the cumulative impacts in light of changes to the proposals for the Tilbury Energy Centre and LTC.	Historic England	N	<p>Volume 4, Chapter 18, of the ES (Cumulative Effects Assessment Introduction and Screening) describes the approach taken to establishing long and short lists of cumulative projects for consideration in the Cumulative Effects Assessment ('CEA'). The Lower Thames Crossing has been included in the Applicant's assessments of cumulative impacts. Tilbury Energy Centre has been removed from the short list of developments with potential cumulative impact following the developer's confirmation in November 2018 that the project will not be progressed.</p> <p>Volume 2, Chapter 4, of the ES (Environmental Impact Assessment Methodology) sets out the need and methodology used to assess potential cumulative effects of the proposed Development in combination with impacts of other proposed or consented development projects not yet built or operational.</p>

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
<p>Recommends technical errors in the PEIR be corrected. For example, use of the term 'interest features', which is preferred to 'interest species'.</p> <p>Error correction is required in relation to mitigation for reptiles, which is currently included in the section of the PEIR relating to invertebrates.</p>	Natural England	Y	<p>Noted. Environmental impact assessment methodology is provided in the ES, Volume 2, Chapter 4: EIA Methodology.</p> <p>Volume 3, Chapter 9 of the ES (Onshore Ecology) details the fact that reptiles and invertebrates have each been surveyed and sets out the proposed mitigation measures for both. This Chapter of the ES also details uncertainties and/or data limitations where applicable.</p>
<p>Is of the view that the ES should consider fully the potential for follow on effects of the timing of the construction of the Development and potential disturbance of newly established environmental mitigation land which will have been completed as part of the Tilbury2 project.</p>	Port of Tilbury London Limited	Y	<p>Interaction of potential impacts of the proposed Development with Tilbury2 has been considered in the Cumulative Effects Assessment in Volume 4 of the ES. The presence of Tilbury2 ecological mitigation works, in particular the habitat being established adjacent to the north-east of the proposed Development Order Limits, has been considered in the design of the Development.</p>

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
<p>It would be preferable for Tilbury2 to be considered by the Applicant as part of the future baseline rather than as a cumulative project and that the full Tilbury2 proposals and mitigation package (particularly the already constructed ecological mitigation works) are taken into account when designing the mitigation for the Development and given their full weight in examination of the Applicant's proposals and in assessments of overall environmental effects.</p>	<p>Port of Tilbury London Limited</p>	<p>N</p>	<p>Noted. Documents associated with the Tilbury2 site have been reviewed where appropriate.</p>
<p>Encourages consideration of an approach to the Development design, environmental and health impact assessment and DCO process which minimises or mitigates public exposure to non-threshold air pollutants, addresses inequalities in</p>	<p>Public Health England</p>	<p>N</p>	<p>Noted. Impacts on air quality are considered in the ES, Volume 3, Chapter 12. A number of measures have been included in the Development design to reduce the potential for impacts on air quality.</p>

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
exposure, and maximises co-benefits such as physical exercise.			
Landscape and ecological management plan and mitigation proposals should be contained within a singular document and incorporate all wider landscape mitigation measures for the Development zones.	Thurrock Council Place Services	N	All of the mitigations are set out in the ES. The Applicant has produced a record of environmental actions and commitments to bring together with and signpost to the commitments in the ES in a single document.

Flood Risk

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
<p>Requires Flood Risks Assessment to include details of flood risk to Development site and how this will be managed to ensure safety. If using raised bunds as mitigation measure, must consider where flood waters will pass to and avoid flood risk to surrounding sites.</p>	<p>Environment Agency</p>	<p>N</p>	<p>Noted. A development-specific Flood Risk Assessment is presented in Volume 6, Appendix 15.1 of the ES, which details an assessment of flood levels including the addition of 0.39m to account for the worst-case climate change allowances based on UKCP18.</p> <p>A Flood Evacuation Plan is submitted with the application for DCO (application document reference: A8.5). The Development will include a drainage strategy to meet current planning requirements (see Conceptual Drainage Strategy, application document reference: A7.3) and emergency procedures will be included in the Emergency Response Plan.</p>
<p>Agrees that PEIR proposed surface water management features will ensure no significant adverse effects on Thames Estuary or marshes</p>	<p>Essex County Council</p>	<p>N</p>	<p>Noted.</p>
<p>Lists documents which should be used to determine the scope of any flood risk assessment and drainage strategy.</p>	<p>Thurrock Council Development and Flood Risk</p>	<p>N</p>	<p>Noted. A development-specific Flood Risk Assessment is presented in Volume 6, Appendix 15.1 of the ES and there is further assessment in the Flood Evacuation Plan submitted with the DCO application (document reference A8.5). A Conceptual Drainage Strategy is also submitted (document reference A7.3).</p>

General Nuisance

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
Consider nuisance impacts on potential future receptors (e.g. dwellings on land on which Cogent has options).	Cogent Land LLP	N	A Statutory Nuisance Statement is submitted with the DCO application (document reference: A7.1). This concludes that there will be no statutory nuisance impacts of the Development.
Consider odour impacts – revise scope of EIA in line with recent case law and EIA Regulations.	Cogent Land LLP	N	A Statutory Nuisance Statement is submitted with the DCO application (document reference: A7.1). This concludes that there will be no statutory nuisance impacts of the Development.

Geology, Hydrogeology and Ground Conditions

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
Consider the need to carry out site investigation of any landfill sites.	Environment Agency	N	The EA has been consulted by the Applicant. Relevant information is provided in the Geology, Hydrogeology and Ground Conditions chapter of the ES (Volume 3, Chapter 16). Further site investigation will be undertaken prior to commencement of the construction phase.
The Piling Risk Assessment should include the need to ensure that piling is undertaken in a manner that does not connect any aquifers that are not currently in hydraulic continuity.	Environment Agency	N	This is noted and will be considered within a Piling Risk Assessment should this be required following further confirmatory ground investigation. The potential requirement for a Piling Risk Assessment prior to construction is identified in Table 2.6, Volume 3, Chapter 16 of the ES (Geology, Hydrogeology and Ground Conditions). If a Piling Risk Assessment is required, it will be undertaken in accordance with relevant EA guidance and best environmental practices will be implemented.

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
Advised that the groundwater abstraction located approximately 85m to the north includes abstraction for potable supply. This receptor should be included in all risk assessment.	Environment Agency	N	This will be considered within the Piling Risk Assessment where required, as identified in Table 2.6, Volume 3, Chapter 16 of the ES (Geology, Hydrogeology and Ground Conditions).
The entrainment of contamination during piling could have a significant adverse effect on receptors with a moderate to high significance and major impact in EIA terms.	Environment Agency	N	This pathway would not be plausible with the use of non-displacement piling techniques. Non-displacement piles will only be considered where the Piling Risk Assessment and ground conditions demonstrate that no unacceptable risk exists.

Human Health

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
Suggests that consideration be paid to the potentially negative effects to emotional wellbeing and potential decrease in civic pride that could be felt by Thurrock residents due to bad visual planning.	Essex County Council	N	Visual impacts have been scoped out of the human health assessment in the ES and this is addressed within Volume 3, Chapter 6 (Landscape and Visual Resources), which incorporates visual planning.
Green space contributes to both physical	Public Health England	N	Assessment relating to common land is included in the ES, Volume 3, Chapter 8: Land Use, Agriculture and Socio-Economics. Volume 6, Appendix 8.2 presents information on the permanent and temporary effects of the proposed Development

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
<p>and mental wellbeing. An area of common land is impacted by the Development proposals and PHE requests that details of access to and potential disruption of public footpaths, bridleways, common land or other green space should be clarified. It should be demonstrated that any replacement land is of comparable quality and that access is not adversely affected.</p>			<p>on common land and includes details of exchange common land and public rights of access to that exchange common land.</p> <p>The Applicant is aware of the potential (positive) human health effects of green space. The ES, Volume 3, Chapter 6: Landscape and Visual Resources, considers potential changes in vistas and the impact significance thereon.</p>
<p>Notes that access to key public services, transport or use of open space are scoped out of the PEIR chapter on human health, as the majority of the proposed Development is located on agricultural land. Comments that there is assessment relating to an area of common land affected by the proposed Development, which suggests that details of access to and potential disruption of public</p>	<p>Public Health England</p>	<p>Y</p>	<p>The scope of the human health assessment has been refined in Volume 3, Chapter 13 of the ES (Human Health) to include consideration of open space. That Chapter also details that access to key public services and transport are scoped out, but a separate Transport Assessment is included.</p> <p>An assessment of the proposed Development on public rights of way, including footpaths and bridleways, and common land is set out in Volume 3, Chapter 8 of the ES (Land Use, Agriculture and Socio-Economics), along with measures to mitigate effects where appropriate.</p>

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
footpaths, bridleways, common land or other green space should be further clarified in subsequent submissions.			
<p>Comments that the Scoping Report does not identify that engagement with local communities during construction is important when mitigating distress and impacts on mental health and wellbeing.</p> <p>Welcomes the provision of local community liaison in the CoCP and recommends that the ES should ensure adequate consultation with local communities and the local public health/healthcare system for the assessment of baselines and potential impacts at local level on mental health.</p>	Public Health England	N	The provision of a local community liaison officer is considered in Volume 3, Chapter 13, of the ES (Human Health). Table 2.7 details designed-in measures that are relevant to human health, including mental health.
2019: Change to access routes potentially leads to Development traffic being closer to a larger number of residential properties, although does recognise a	Public Health England	N	The ES, Volume 3, Chapter 10: Traffic and Transport, presents findings of EIA work undertaken on the potential traffic and transport impacts of the Development, and includes detailed impact assessments.

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
reduction in vehicular traffic due to use of the River Thames. Wants to see detailed impact assessments within the ES.			
2019: Notes that there have been a number of changes to the proposed Development and state that, while these changes do not alter its previous consultation responses, PHE expects assessment to take these changes into consideration.	Public Health England	N	Alterations to the proposed Development are captured within the assessment detailed in the ES, including the Chapter on human health (Volume 3, Chapter 13).
Pleased to see a chapter on human health included in PEIR and that previous comments have been acknowledged within this chapter.	Thurrock Council Public Health	N	Noted.
Important that consideration is paid to the health and wellbeing of any person employed during construction and operation, local residents living in close proximity to the Development and the wider community where impacts may be felt.	Thurrock Council Public Health	N	Potential human health impacts are assessed in the ES, Volume 3, Chapter 13. This Chapter considers construction, operation and decommissioning phases of the proposed Development as well as potential cumulative impacts, on both local residents and the wider community. The health and wellbeing of any person employed during the construction or operational phases is addressed by the Health and Safety at Work Act 1974. The Outline Code of Construction Practice submitted with the application for DCO (document reference A8.6) refers to the fact that health and safety principles will be set and complied with during construction and these will ensure that health and safety and welfare of employees are considered. Appropriate standards for health and safety will be applied.

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
Would like to see noise impact assessment (including a cumulative assessment of current and modelled noise levels) and strategies to alleviate possible piling and dredging noise which might affect the population of Tilbury mentally and/or physically.	Thurrock Council Public Health	N	The Human Health Chapter (Volume 3, Chapter 13) of the ES investigates the potential impact on human health from a number of health determinants, including air quality, traffic and noise. Cumulative noise impacts are assessed in the ES, Volume 3, Chapter 11: Noise and Vibration. The human health Chapter draws on these key outputs to assess the potential impact on both physical and mental health and details mitigation measures to be implemented.
Requests that further information is included in the potential health determinants summary regarding the method, frequency and reporting of findings, as well as clarification as to whether these will be included in the air quality and noise assessment.	Thurrock Council Public Health	Y	Text has been added to the main body of Section 2.2: Assessment Methodology of Volume 3, Chapter 13 of the ES (Human Health), to provide further clarification on the method and reporting findings of the human health assessment.
The assessment of the decommissioning phase will need to account for any new communities and infrastructure that has emerged during the operational phase.	Thurrock Council Public Health	N	The human health future baseline included in section 3.2 of Volume 3, Chapter 13 of the ES (Human Health) addresses this.
Concerned that small changes to the environment could result in further	Thurrock Council Public Health	N	The majority of human health baseline data has been collected at local authority level, as this is considered to be more representative than ward level data and allows the assessment to consider better public health trends, priorities and needs.

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
detrimental impact on health outcomes for Tilbury residents. Requires use of specific ward level data to assess overall impact and ensure mitigation is proportionate and sufficient.			<p>Additional ward level data has, however, been collected and interpreted in the ES, Appendix 13.1: Health Baseline Review.</p> <p>The human health baseline acknowledges the deprivation levels in Thurrock and the health needs of communities living in the vicinity of the proposed Development, applying district-level statistics to the local context.</p>
Requests clarification that the local community in Tilbury have been consulted and insight into any particular concerns relating to their health and wellbeing.	Thurrock Council Public Health	N	The local community has been consulted and details of responses and regard had to those responses are included within Section [10] of this Report. All general themes raised by public consultees relating to health and wellbeing concerns have been addressed throughout Volume 3, Chapter 13, of the ES (Human Health).
Would like further detail on the impact of urban greening and landscaping associated with the proposed Development on mental health and wellbeing.	Thurrock Council Public Health	N	Landscape and visual impacts have been scoped out of the human health assessment as these are considered to be addressed within Volume 3, Chapter 6, of the ES (Landscape and Visual Resources).
Would like to see a health assessment relating to cumulative noise impacts, including strategies to alleviate these, as ongoing noise at a significant level can have a detrimental impact on both physical and mental health. Would also like clarification of the days and times when construction	Thurrock Council Public Health	N	<p>Cumulative noise impacts are assessed within Volume 3, Chapter 11 of the ES (Noise and Vibration). The human health Chapter of the ES (Volume 3, Chapter 13) draws and builds on key outputs to assess the potential impact on both physical and mental health.</p> <p>Additional clarification on the times and days where construction activities will take place has been provided in paragraph 4.1.7 of Volume 3, Chapter 13, of the ES (Human Health).</p>

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
activities will take place where this is referenced within the human health chapter of the ES.			
December 2019: Note that there are positive changes to the application regarding consideration of alternative routes for rights of way paths, active travel opportunities for staff, natural habitat, consultation, and inclusion of a riverside access route for large loads. However, further consideration should be given to noise, dust and air quality in a health context on the basis that the new access road for construction traffic would move traffic closer to local housing.	Thurrock Council Public Health	N	The response regarding positive changes is noted. The Transport, Noise and Vibration and Air Quality Chapters of the ES (Volume 3, Chapters 10, 11 and 12) detail that construction traffic on the revised proposed access routes and associated noise and air pollutant emissions have been modelled and the information from those assessments has been used in assessment of health impacts in section 4.1 of Volume 3, Chapter 13, of the ES (Human Health).
The potential prolonged construction period could have both physical and psychological impacts on local communities and the cumulative impact on human health of all the local schemes once operational	Tilbury2	N	Cumulative impacts on human health are considered in the ES, Volume 5, Chapter 26, and assessment is based on information that is in the public domain at the time of production of the ES.

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
will need to be considered further once more detail on aspects such as air quality and noise are known.			

Land Interest Concerns

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
Has land interests in Zones D and E (Gas pipeline corridor and AGI connection to gas main). Cogent Land LLP is an option holder and has been promoting land at East Tilbury for building of minimum of 3,000 dwellings and associated infrastructure. Requires further information on parameters of project, specifically related to CPO intentions being permanent or temporary and the width of easements required by National Grid re high pressure pipelines.	Cogent Land LLP	Y	The extent of proposed land take and acquisition of rights is shown on the Land, Special Category Land and Crown Land Plans (application document reference: A2.2. The rights being sought are set out in the draft DCO. The final routes of easement within the corridors shown will be determined as part of detailed design. The gas pipeline will require the protection of a 3m 'no dig' restriction.
Concern over impact of position of gas pipeline corridor on housing delivery and access and lack of information on alternative	Cogent Land LLP	N	The Applicant is in ongoing discussions with the optionor to Cogent's land and it is agreed that the current alignment of the gas pipe will not affect Cogent's housing delivery or access.

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
grid connection and site locations.			Volume 3, Chapter 3, of the ES (Alternatives) sets out the reasonable alternatives considered and the reasons for selection of the proposed Development site, as well as details of how the grid connection point was chosen.
2019: Due to changes in access routes, RWE land interests must be suitably protected in the DCO and a settlement reached in relation to the grant of property rights. Would like consideration of an alternative access route from the causeway to ensure that the haul road skirts RWE's land.	RWE	N	Noted. The Applicant is in ongoing discussions with RWE and is arranging to meet with RWE as soon as possible.

Landscape and Visual Resources

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
No comment on matters other than those on strategic matters which could affect planning interests in the borough.	Brentwood Borough Council	N	Noted.
No objections to the Applicant's proposals.	London Borough of Bexley	N	Noted.

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
The distance of the proposed Development from Canvey Island and the site of its location to the west of other considerable development at Coryton and Tilbury significantly diminishes the impact on the landscape in terms of alterations to long-distance views. The Development proposed is not considered to have any significant adverse effects for the Borough.	Castle Point Borough Council	N	Noted.
Visual Impact Assessment recommended.	Cogent Land LLP	N	Landscape and visual impacts are considered in Volume 3, Chapter 6 of the ES (Landscape and Visual Resources), which includes details of the visual impact assessment undertaken by the Applicant.
Welcomes the additional viewpoints selected subsequent to scoping and provision of photographs and wireframe illustrations.	Essex County Council	N	Noted.
The ES should contain details of consideration given to the potentially negative effects of bad visual planning, including potential economic effects and effects on wellbeing and	Essex County Council	N	Noted. Comments on public health are noted. Public health is discussed in Volume 3, Chapter 13 of the ES (Human Health). Table 2.7, Volume 3, Chapter 6, of the ES (Landscape and Visual Resources) summarises landscape mitigation proposals, which are expanded in section 2.8 of that Chapter, and detailed in the Illustrative Landscaping Plan submitted with the DCO application (document reference: A2.9).

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
<p>potential decrease in civic pride that could be felt by Thurrock residents. Suggests consultation with other developments in the area to agree greening, colours and planting be undertaken and that these matters should be considered in considerable detail within the EIA submission.</p>			
<p>The DCO boundary should not prohibit necessary landscape mitigation.</p>	<p>Essex County Council</p>	<p>N</p>	<p>Table 2.7, Volume 3, Chapter 6, of the ES (Landscape and Visual Resources) summarises landscape mitigation proposals and these are expanded in the Outline Landscape Proposals Plan submitted with the DCO application (document reference: Illustrative Landscaping Plan submitted with the DCO application (document reference: A2.9).</p>
<p>Welcomes the fact that full-time lighting at night is not required as the Development will not be manned on-site during normal operation. The ES should set out in detail lighting proposals for the Development during the construction and operational phases.</p>	<p>Essex County Council</p>	<p>N</p>	<p>The Council's comments regarding night time lighting are noted. The proposed Development is now expected to have a staff of four to six full-time equivalent during operation, and motion-activated directional security lighting may be used at the main development site and above ground installation for gas connections, but full-time lighting is not proposed.</p> <p>Based on all standard CAA guidance, the stacks will not require lighting at night. However, during the construction phase, cranes may require lighting if they are over 60m tall, based on the CAA's scoping response. Lighting during the construction and operational phases of the Development is considered in Volume 2, Chapter 2, of the ES (Project Description).</p>

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
<p>The retained access road through Zone C and possible retention of the temporary access road through Zone J are both likely to have visual impact and need to be assessed in both the short and long term, and mitigation/ landscape enhancement proposals made. The routes will need to be designed to minimise both physical and visual impact with appropriate landscape mitigation/enhancement measures incorporated. In some areas, this may need to be outside the DCO boundary and proposals such as hedgerows and tree planting may be appropriate.</p>	<p>Essex County Council</p>	<p>N</p>	<p>Table 2.7, Volume 3, Chapter 6, of the ES (Landscape and Visual Resources) summarises landscape mitigation proposals and these are expanded in section 2.8 of that Chapter and detailed in the Illustrative Landscaping Plan submitted with the DCO application (document reference: A2.9).</p>
<p>Supports the broad outline provided in terms of landscape mitigation proposals but requires more information. Securing the long-term management of landscape and ecological elements both within and</p>	<p>Essex County Council</p>	<p>N</p>	<p>The Council's comments on the broad outline of landscape mitigation provided in the PEIR are noted. Table 2.7, Volume 3, Chapter 6, of the ES (Landscape and Visual Resources) summarises landscape mitigation proposals and these are expanded in section 2.8 of that Chapter and detailed in the Illustrative Landscaping Plan submitted with the DCO application (document reference: A2.9). Management of ecological sites and landscaping will be secured under requirement and a legal agreement is not required.</p>

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
<p>off-site will require appropriate legal agreements. This could be dealt with in conjunction with other developments in respect of the cumulative landscape impacts and mitigation measures.</p>			
<p>Comments on current baseline and zones. Zone E will need to be evaluated in terms of local impact. Zones D and E will need landscape mitigation, enhancement/restoration measures. Concern that Zone F1 (exchange common land and where landscape mitigation could be provided) is described as the 'primary area for landscape mitigation'. The scheme of landscape mitigation should deal with potential adverse impacts arising from the various elements and phases of the Development experienced by receptors over a wider area than that mentioned in the PEIR.</p>	<p>Essex County Council</p>	<p>N</p>	<p>Table 2.7, Volume 3, Chapter 6, of the ES (Landscape and Visual Resources) summarises the landscape mitigation proposals and these are expanded in section 2.8 of that Chapter and detailed in the Illustrative Landscaping Plan submitted with the DCO application (document reference: A2.9).</p>

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
<p>Comments on the fact that fieldwork based on responses to the Scoping Opinion will be completed, including winter and any other additional photography from selected viewpoints after the leaves have fallen from the trees. Also that a night time baseline will be established. Following these further studies, and in consultation with other specialists, landscape mitigation proposals will be produced. With regards to proposed monitoring, a five-year defects liability period may not be a sufficient timescale, depending on the form and timescale for the landscape and ecological management plan. Long-term management proposals will need to ensure they encapsulate successful establishment. Mitigation measures should be designed to accord with key characteristics and qualities</p>	<p>Essex County Council</p>	<p>N</p>	<p>Table 2.7, Volume 3, Chapter 6, of the ES (Landscape and Visual Resources) summarises the landscape mitigation proposals and these are expanded in section 2.8 of that Chapter and detailed in the Illustrative Landscaping Plan (application document A2.9).</p>

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
of the neighbouring landscape character areas.			
Comments that viewpoint and character photographs are excellent quality and will assist with the assessment process.	Essex County Council	N	The Council's comments on viewpoints and photography are noted.
Comments that both individual and cumulative wireline images are excellent. Advises that these should include location labelling.	Essex County Council	Y	Location of the viewpoints presented have been added, as have labels to the individual and cumulative wireline images.
The Council has suggested previously that a Landscape Mitigation Fund be set up and funded from the various major developments within the area.	Essex County Council	N	Noted. The Applicant considers that all of the visual impacts of the development have been fully considered in the ES and mitigated appropriately.
Landscape and ecological management plan and mitigation proposals should be included in one document and include all wider landscape mitigation measures for the Development zones.	Essex County Council	N	All of the proposed mitigations are set out in the ES. The Applicant has produced a record of environmental actions and commitments to bring together and signpost to the commitments in the ES in a single document.

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
Possibility of cumulative visual impact from south of the River Thames.	Gravesham Borough Council	N	Landscape and visual effects are considered in Volume 3, Chapter 6, of the ES (Landscape and Visual Resources), which includes details of potential changes in vistas and the impact significance thereon. The cumulative visual impacts of the Development with other projects in the area are considered in Volume 4, Chapter 19, of the ES.
Proposals for a new generating plant (Tilbury Energy Centre) on the Tilbury Power Station site were withdrawn in November 2018.	Gravesham Borough Council	Y	References to the Tilbury Energy Centre development have been removed from the cumulative impact assessment and cumulative wirelines in Volume 4, Chapter 19, of the ES.
The Development site lies within the Green Belt and (in part) on common land. The landscape is currently impacted by high voltage power lines running broadly north-south leading down towards the former Tilbury Power Station site. Road access to the site has yet to be finalised but will be taken from the Thurrock side of the River Thames and will not impact Gravesham.	Gravesham Borough Council	N	Noted. Development in the Green Belt is considered in Volume 3, Chapter 6, of the ES (Landscape and Visual Resources). A Green Belt Statement has been submitted as part of the Statement of Case.

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
<p>From the Borough's viewpoint, the key planning issues are likely to be in terms of visual impact including standalone and in-combination with Tilbury2 and the Lower Thames Crossing.</p>	<p>Gravesham Borough Council</p>	<p>N</p>	<p>The standalone visual impacts of the Development are considered in Volume 3, Chapter 6, of the ES (Landscape and Visual Resources), and the cumulative impacts with other projects in the area are considered in Volume 4, Chapter 19, of the ES.</p> <p>In April 2020, the Applicant consulted Gravesham Borough Council to inform the Council that additional visualisations were being produced for viewpoints within their administrative area and to confirm that the Applicant does not expect this information to affect the worst-case assessment consulted on previously. Volume 3, Chapter 6, of the ES (Landscape and Visual Resources) includes eleven illustrative photomontages (figures 4.17 to 4.27). It has been agreed that the application documents, including photomontage visualisations information, will be made available for review on submission of the DCO application. Relevant consultation emails and responses can be viewed at Appendices 8.7 and 8.8.</p>

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
<p>The Development has the potential to have a landscape impact when viewed from the south of the River Thames because it will increase the extent of built development at Tilbury eastwards onto areas of residual marsh and farmland.</p>	<p>Gravesham Borough Council</p>	<p>N</p>	<p>Landscape and visual effects are considered in Volume 3, Chapter 6, of the ES (Landscape and Visual Resources), which includes details of potential changes in vistas and the impact significance thereon.</p> <p>The cumulative visual impacts of the Development with other projects in the area are considered in Volume 4, Chapter 19, of the ES.</p> <p>In April 2020, the Applicant consulted Gravesham Borough Council to inform the Council that additional visualisations were being produced for viewpoints within their administrative area and to confirm that the Applicant does not expect this information to affect the worst-case assessment consulted on previously. Volume 3, Chapter 6, of the ES (Landscape and Visual Resources) includes eleven illustrative photomontages (figures 4.17 to 4.27). It has been agreed that the application documents, including photomontage visualisations information, will be made available for review on submission of the DCO application. Relevant consultation emails and responses can be viewed at Appendices 8.7 and 8.8.</p>

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
<p>2019: Project changes made in 2019 bring the Development closer to the east side of Gravesend and impacts the marine environment.</p>	<p>Gravesham Borough Council</p>	<p>N</p>	<p>The landscape and visual impacts of the causeway and associated impacts of ships/barges servicing it are assessed in Volume 3, Chapter 6, of the ES (Landscape and Visual Resources). Impacts on the marine environment are considered in Volume 3, Chapter 17 of the ES.</p> <p>In May 2020, the Applicant consulted Gravesham Borough Council to inform the Council that additional visualisations were being produced for viewpoints within their administrative area and to confirm that the Applicant does not expect this information to affect the worst-case assessment consulted on previously. Volume 3, Chapter 6, of the ES (Landscape and Visual Resources) includes eleven illustrative photomontages (figures 4.17 to 4.27). It has been agreed that the application documents, including photomontage visualisations information, will be made available for review on submission of the DCO application. Relevant consultation emails and responses can be viewed at Appendices 8.7 and 8.8.</p>
<p>2019: The Project Changes Report (Appendix 7.17) is incomplete and lacks assessment of the landscape, noise, lighting, historic environment and other potential impacts on Gravesham and Thurrock. As use of the causeway is dictated by tide, it is assumed that it could be operational at any time of the day or night. Seeks clarification of the meaning of the statement that the top</p>	<p>Gravesham Borough Council</p>	<p>N</p>	<p>The Council's response on the assessment of the construction of the new causeway into the River Thames and two alternative access routes is noted.</p> <p>Visual impact, noise, lighting historic environment and other potential impacts of the Development are assessed in the relevant Chapters of the ES.</p> <p>The causeway height is clarified in section 2.10, Volume 2, Chapter 2, of the ES (Project Description). That Chapter also includes details of the operation of the causeway.</p>

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
of the causeway is 'X metres AOD'.			
2019: Notes that in PINS' scoping opinion issued in 2018, on construction impacts it was stated that, if the option to transport materials/AIL's by water is pursued, noise impacts of ships/barges should be assessed where significant effects are likely. There is no further information provided on these potential impacts in relation to the proposed causeway.	Gravesham Borough Council	N	<p>The landscape and visual impacts of the causeway and associated impacts of ships/barges servicing it are assessed in Volume 3, Chapter 6, of the ES (Landscape and Visual Resources). This also forms part of the cumulative assessment in Volume 4, Chapter 19, of the ES.</p> <p>Noise is considered in Volume 3, Chapter 11, of the ES (Noise and Vibration) and Volume 4, Chapter 24 (Cumulative Noise and Vibration) assesses cumulative noise impacts.</p>
2019: Cumulative effects on Gravesham need to be assessed.	Gravesham Borough Council	N	Volume 4, Chapter 19, of the ES discusses cumulative landscape and visual impacts.
2019: it is unclear what the future use of the permanent causeway will be and, if it is permanent, environmental assessment is required.	Gravesham Borough Council	N	<p>Volume 2, Chapter 2, of the ES (Project Description) includes details relating to the causeway. The causeway is permanent during the Development's operating lifetime for use in the exceptional circumstance of a major component failure and no alternative access for AIL's being available.</p> <p>Assessment of the marine environment is contained in Volume 3, Chapter 17, of the ES.</p>
2019: Notes that PINS advised the Applicant to consider an SOCG with neighbouring Local	Gravesham Borough Council	N	Noted. A meeting between the council and the Applicant took place on 20 th November 2019 (see notes of meeting at Appendix 8.3).

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
<p>Authorities regarding visual impacts. It would be helpful to have a meeting to understand the proposed project changes and explore common ground in order to meet PINS' suggestion.</p>			<p>The Applicant is intending to progress SOCG's with various stakeholders post-submission of the DCO application.</p>
<p>2019: The Council has previously advised that a Planning Performance Agreement should be put in place as no fees are received for this proposal and so the Council's costs for input into the project are being borne by the Council.</p>	<p>Gravesham Borough Council</p>	<p>N</p>	<p>Noted. The Applicant is willing to enter into discussions with Gravesham Borough Council on this point.</p>
<p>Requires the Applicant to agree viewpoints with Historic England and the LPA's heritage advisers to assess the potential impact of the Development on the setting of heritage assets, including scheduled monuments, listed buildings and the West Tilbury Conservation Area.</p>	<p>Historic England</p>	<p>N</p>	<p>Noted. Historic England and the LPA's heritage advisers have been consulted.</p> <p>Volume 3, Chapter 6, of the ES (Landscape and Visual Resources) assesses the existing landscape and visual resources of the application site and the potential impacts of the Development.</p> <p>Volume 3, Chapter 7, of the ES (Historic Environment) considers the impacts of the Development on the setting of heritage assets, including Scheduled Monuments and listed buildings, and on Conservation Areas.</p>

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
The type of landscaping mitigation should be considered in the context of ensuring that the Development delivers appropriate environmental mitigation.	Kent County Council	N	Landscape mitigation is considered in Volume 3, Chapter 6, of the ES (Landscape and Visual Resources) and detailed in the Illustrative Landscaping Plan submitted with the DCO application (document reference: A2.9).
No comment to make.	Kent Downs AONB		Noted.
Although wireline images in the PEIR are excellent, these should be labelled in terms of location as well as number.	Thurrock Council Place Services	Y	Noted. Chapter 3, Volume 6 of the ES deals with landscape and visual resources. Thurrock Council responded to further consultation undertaken in 2019 stating that they ' <i>welcome the additional viewpoints selected and also the provision of photograph and wireframe illustrations</i> '.
Visually pleasing environments are beneficial for mental health and wellbeing as well as supporting outdoor physical activities, enhancing a sense of pride in the local area and increasing social cohesion.	Thurrock Council Public Health	N	Public health is considered in Volume 3, Chapter 13, of the ES (Human Health Impact Assessment). This includes details of proposed landscape mitigation. The Applicant is aware of the potential (positive) human health effects of green space.
Concerned about the physical and visual effects caused by construction routes. In particular, the route running north-south would affect the West Tilbury Conservation Areas. Impacts need to be assessed	Thurrock Council Place Services	Y	Project design changes in 2019 have resulted in construction access being taken from the south and west rather than to the north of the Development site. This will reduce the impact on local public highways and thus the physical and visual impacts of construction routes. The landscape and visual effects of the construction routes, along with landscape mitigation, are considered in Volume 3, Chapter 6, of the ES (Landscape and

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
<p>in the short and longer terms, with appropriate mitigation/landscape enhancement, some of which may be off-site.</p>			<p>Visual Resources). The effects on the West Tilbury Conservation Area are considered in Volume 3, Chapter 7, of the ES (Historic Environment).</p>
<p>Has agreed the general approach to landscape proposed by the Applicant and the key viewpoint receptors and would welcome the opportunity to discuss the landscape mitigation strategy which will form part of the ES. Long-term management of landscape elements and ecological management should be secured via appropriate legal agreements, possibly in conjunction with other developments in the vicinity. A joint landscape mitigation fund could be established.</p>	<p>Thurrock Council</p>	<p>N</p>	<p>The Council's response on general approach and viewpoints is noted, as are comments regarding the possible establishment of a joint landscape mitigation fund.</p> <p>Landscape mitigation is considered in Volume 3, Chapter 6, of the ES (Landscape and Visual Resources). See also Illustrative Landscaping Plan submitted with the DCO application (document reference: A2.9). Ecological matters are discussed in the ES, Volume 3, Chapter 9: Onshore Ecology. All aspects of the landscape mitigation strategy have been discussed with the relevant consultation bodies.</p> <p>Management of ecological sites and landscaping will be secured under requirement and a legal agreement is not required.</p>
<p>The PEIR indicates that the Applicant would be willing to support measures to restore hedgerows local to the scheme and not impacted directly by the proposed</p>	<p>Thurrock Council</p>	<p>N</p>	<p>Landscape mitigation is considered in Volume 3, Chapter 6, of the ES (Landscape and Visual Resources). See also Illustrative Landscaping Proposals Plan submitted with the DCO application (document reference: A2.9).</p>

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
Development. This is welcomed but more detail is required.			
The main adverse visual effects of the main Development site will be experienced around the West Tilbury area. Agrees that the effects are less likely to be significant beyond that area. Cumulative wirelines do show how the effects of the separate DCO schemes in the area will start to have significant effects on the wider views.	Thurrock Council	N	<p>The Council's comments on the visual effects of the Development are noted. The ES, Volume 2, Chapter 19 (Cumulative Landscape and Visual Impact Resources) describes the cumulative visual effects.</p> <p>In April 2020, the Applicant consulted Thurrock Borough Council, during a pre arranged video conference call, to inform the Council that additional visualisations were being produced for viewpoints within their administrative area and to confirm that the Applicant did not expect this information to affect the worst-case assessment consulted on previously. A note of the meeting can be found at Appendix 8.11, and agreement of the note by the Council is at Appendix 8.12. Volume 3, Chapter 6, of the ES (Landscape and Visual Resources) includes eleven illustrative photomontages (figures 4.17 to 4.27). It has been agreed that the application documents, including photomontage visualisations information, will be made available for review on submission of the DCO application.</p>

Land Use, Agriculture and Socio-Economics

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
Queries whether there is funding for the school/local community as part of the Development?	Chadwell St. Mary Primary School	N	The Applicant will discuss with Thurrock Council potential community benefits and has offered to run escorted visits once the Development is built and/or give a talk or presentation to the school. Volume 3, Chapter 8, of the ES considers land use, agriculture and socio-economics and describes the baseline conditions and likely effects on socio-economic receptors.
Would welcome discussions regarding the most cost-effective way of repairing	Environment Agency	N	The Applicant has spoken to the EA and indicated that it is happy to enter into discussions. A detailed survey of the sea wall at point of entry will be undertaken by the Applicant to assess its condition and the extent to which the sea defences on either side of the entry position require repair.

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
current flood defences along the River Thames Estuary.			
The proposed scheme for replacement common land is broadly acceptable. NE is happy to provide further advice on common land replacement if required.	Natural England	N	Noted.
Notes that it was indicated in the PEIR that the Applicant would be willing to support measures to restore hedgerows local to the scheme not affected directly by the Development. Would like more detail, including how this could be delivered and maintained.	Thurrock Council Ecology and Landscaping	Y	Project changes have resulted in altered access arrangements for the proposed Development (see Volume 2, Chapter 2, of the ES: Project Description) and the area under discussion for support and restoration of hedgerows has been removed from the project design. However, the Applicant is proposing to plant hedges along the access roads in Zones C and D3 and to gap up and improve existing hedges providing habitat connectivity parallel to the railway line in Zones E and F3. Details are contained in the OEMP (document reference: A8.7).
January 2020: Concern over changes to Zone G (proposed causeway and temporary haul road). This is welcomed in principle, but concerned there is no mention of Footpath 146 (Two Forts Way), which follows the north bank of the River Thames, forming part of the Thames Estuary Path and part of the England	Thurrock Council	N	Impacts on the use of Two Forts Way and Footpath 200 have been assessed in Section 4.1 of the ES Chapter on Land Use, Agriculture and Socio-Economics (Volume 3, Chapter 8). As described there, and in Volume 2, Chapter 2 (Project Description), Two Forts Way will be kept open during construction with appropriate management measures for safety. The temporary diversion of Footpath 200 has been agreed with the Thurrock Public Rights of Way Officer.

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
<p>Coastal Access being proposed by Natural England. Is this to be kept open during construction? The Applicant recognises that there will need to be closure of Footpath 200. Queries whether there have been any discussions with the council's rights of way officers in this regard? Comments, however, that it is considered that there is scope to deliver a suitable alternative route on a short-term basis.</p>			
<p>Requires confirmation of the amount (area) of common land to be used. Any replacement land must be easily accessible for stint holders and there should be a secure fence between any acquisition land and existing common land, erected at the Applicant's expense. Replacement land to be contiguous with existing common land and of an area at least as large.</p>	<p>West Tilbury Commons Conservators</p>	<p>N</p>	<p>The ES, Volume 3, Chapter 8: Land Use, Agriculture and Socio-Economics provides details of the assessment of the effects of the proposed Development on common land.</p> <p>The ES, Volume 6, Appendix 8.2 (Common Land) contains information on the effects of the Development on common land, including details of the proposals for land to be provided in exchange for the loss of any common land and of common land affected both permanently and temporarily.</p> <p>The exchange common land will be of sufficient size and the same rights of public access will apply to new common land as those relating to the original common land. New common land will be contiguous with the remaining original common land parcels.</p>

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
<p>The Development should comply with appropriate byelaws.</p> <p>All costs and fees for legal, survey, administration, clearance and re-registration to be borne by the Applicant.</p>			<p>The deregistration and exchange will be included in the DCO under the Planning Act 2008 should the powers to acquire land compulsorily be exercised. Where the necessary rights to use the main development site land (Walton Common) are secured by way of lease, separate consent under section 16 of the Commons Act 2006 will be required and an application for that consent is being prepared at this time.</p>
<p>Queries whether there will be any connections to gas or other pipes, as well as electricity cables, running across, over or under any present or future registered common land.</p> <p>Has also requested details of the location, area, and duration for temporary construction compounds and would like clarification as to whether any run-off water is likely to drain into ditches alongside any present or future registered common land.</p>	West Tilbury Commons Conservators	N	<p>Details of common land affected either permanently or temporarily by the proposed Development are included in the ES at Volume 6, Appendix 8.2 (Common Land).</p> <p>The Outline Code of Construction Practice ('OCOCP') (document reference A8.6) includes details of the need for temporary construction compounds. The main construction working and laydown areas will be contained within the main Development site. A total of up to 2 hectares may be used for these and materials laydown within the corridor of land south of the railway line.</p> <p>A Conceptual Drainage Strategy is submitted with the DCO application (document reference A7.3).</p>

Noise and Vibration

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
PEIR does not specifically address noise receptors	Gravesham Borough Council	N	Noted.

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
<p>within Gravesham, but Gravesham BC's EHO considers that receptors within the area will be below the Lowest Observed Adverse Effect Level.</p>			
<p>At time of response, the construction noise assessment methodology and results were unavailable on the TPL website and no comment could be made. However, the noise chapter in the PEIR and relevant appendices authored by RPS, are noted to be comprehensive and no adverse comments made by TC.</p>	<p>Thurrock Council Environment-al Protection Team</p>	<p>N</p>	<p>Noted. Assessment has been undertaken of the potential effects of noise from construction and operation of the Development. Details are included in Volume 3, Chapter 11, of the ES (Noise and Vibration).</p>
<p>Has requested details of likely levels of noise pollution on land adjoining the Development site.</p>	<p>West Tilbury Commons Conservators</p>	<p>N</p>	<p>Predictions show that noise from construction activity will result in a moderate impact at the most-affected receptors. It is considered that a moderate adverse effect is 'not significant' in EIA terms.</p> <p>Predictions also show that noise change on the local highway network will result in a minor magnitude of impact at receptors adjacent to construction access routes. Again, it has been determined that a minor adverse effect is 'not significant' in EIA terms.</p>

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
			A number of measures have been designed to reduce the potential impacts of noise and vibration during operation and a detailed list of these measures is included in Table 2.11, Volume 3, Chapter 11, of the ES.

Permits, Consents and Licences

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
Requires environmental permit. Pre- application discussions to begin on this asap. Requires air quality modelling as part of environmental permit application.	Environment Agency	N	The Applicant is aware that an environmental permit is required and is in ongoing discussions with the EA. Air quality modelling has been undertaken and is detailed in Volume 6, Appendix 12.1 of the ES (Assessment of Air Quality Impacts on Ecological Receptors) and in Volume 6, Appendix 12.4 (Model Inputs and Outputs).
Requires permit under Medium Combustion Plant Directive	Environment Agency	N	Noted.
Requires permit for crossing West Tilbury Main Sewer	Environment Agency	N	Noted.
Development may require Hazardous Substances Consent. Need to seek guidance from the relevant Hazardous Substances Authority	Health and Safety Executive	N	Noted.
Deed of Consent required for any crossing of a gas pipeline Easement, to include crossing by cable.	National Grid	N	Noted.

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
Tilbury2 proposals include maintaining an access route from Fort Road to the eastern boundary of Tilbury2, adjoining the proposed Development. Subject to commercial negotiation and agreement, POTLL would be prepared to licence access to TPL for construction on the basis that there would be no interference with the operation and/or any ongoing construction works at the port of Tilbury2.	Port of Tilbury London Limited	N	Noted. The Applicant is in ongoing discussions with POTLL.
Would like to know whether wayleaves will be required for removal of plant when the Development is decommissioned and, if over-riding of easements is necessary, under which rulings will these be made.	West Tilbury Commons Conservators	N	Necessary rights to decommission would have been secured as part of the consent through the DCO. No new powers are anticipated, however, that would be revisited in the facts and circumstances at the time.

Protection of Existing Infrastructure

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
<p>There are existing water pipes and fouls sewers on the development site.</p> <p>Concern re implications of the Development for AW owned and operated Tilbury Water Recycling Centre to the south-west of site.</p> <p>Concern re potential sources of flooding and whether there is a requirement for significant supplies of potable or raw water for the Development.</p>	Anglian Water	N	Management measures to minimise the risk of surface water flooding during the construction phase, prevent pollution of surface watercourses and minimise the impact on local surface water features are set out in the Outline Code of Construction Practice submitted with the DCO application (document reference A8.6).
<p>2019: Post project changes, AW remains concerned about how existing water recycling infrastructure will be considered as part of site layout. Requests further discussions about sewer diversion if necessary.</p>	Anglian Water	N	Protective provisions for existing infrastructure of water undertakings have been included in the draft DCO.
<p>Have assets on public highway and infrastructure within site. Require access 24/7 and requires TPL to contact in advance if assets need to be moved. No</p>	Century Link Communications	N	Protective provisions for existing infrastructure of electronic communication code operators have been included in the draft DCO.

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
objection to the Development.			
Continuous power supply to school required.	Chadwell St. Mary Primary School	N	Noted. The proposed Development will not affect power supply to the school.
Notification that ESP has no gas/electricity apparatus near site. Valid for 90 days only (from 15.10.19), after which ESP requires re-consultation. 2019: Also refers to a gas network near the site and encloses a plan. If the Applicant needs to consult ESP Connections Ltd address: PlantResponses@espug.com	ESP Utilities	N	Noted.
2019: Comments in relation to disposal methodology licensing requirements, which will depend upon whether this will be done on land or at sea. In the latter case, a marine licence will be required.	Environment Agency	N	Noted.
Has water mains near the site and requires assessment of any construction near these (D1 corridor for gas pipeline and H access route.	Essex and Suffolk Water	N	Protective provisions for existing infrastructure of water undertakings have been included in the draft DCO.

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
Any diversion enquiries to: NDC@nwl.co.uk . Can request plans of assets: plans@eswater.co.uk			
Consider access for Fire Services, Building Regulations, possible necessity of additional water for firefighting and installation of sprinkler systems at site.	Essex County Fire & Rescue Service	N	Volume 6, Appendix 2.2 to the ES details accident and emergency management and an Emergency Response Plan will be put in place. The Applicant will implement a management system and individual plans will be developed to deal with fire/explosion risks, to include fire prevention and control equipment. Details of fire procedures will be kept on site and provided to the local fire and rescue service.
Have leased duct and fibre optic cable within the area of the site. The route is owned and operated by UKPN.	GTT	N	The Applicant has consulted UKPN. Protective provisions for existing infrastructure have been included in the draft DCO.
2019: Within Zone H there may be conflict between KPN and CenturyLink assets, which could involve observation of works adjacent to assets, rather than diversions.	Instalcom	N	Protective provisions for existing infrastructure have been included in the draft DCO.

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
<p>Overhead Electrical Lines: Statutory electrical safety clearance to be maintained at all times, with buildings not being closer than 5.3m to the lowest conductor and this distance must be maintained if the Development involves any changes to ground levels. All plant, machinery, equipment, buildings or scaffold must maintain the minimum clearance distance of 5.3 metres from NG high voltage conductors when the conductors are under their worst conditions of maximum sag and swing. TPL needs to obtain drawings from NG showing the overhead line profiles.</p>	<p>National Grid</p>	<p>N</p>	<p>Discussions with NG have been ongoing regarding transportation of engine blocks for the Development and, in particular, the Applicant's ability to transport these on a low-loader vehicle in order to ensure maintenance of the minimum distance to the lowest high voltage conductors required by NG. NG has confirmed that building proximity distances around the conductors are acceptable and there are no issues with plans as at November 2019 being submitted for DCO.</p> <p>Protective provisions for National Grid have been included in the draft DCO and National Grid has indicated that these can be discussed post-acceptance of the DCO application.</p>
<p>If landscaping or planting intended as part of Development, NG requests the use of slow and low growing species of shrubs and trees beneath and adjacent to existing overhead power lines so that</p>	<p>National Grid</p>	<p>N</p>	<p>Noted. Landscape and visual resources are discussed in Volume 3, Chapter 6 of the ES, which includes details of landscape mitigation. Refer also to the Illustrative Landscaping Plan submitted with the DCO application (document reference: A2.9).</p> <p>Protective provisions for National Grid have been included in the draft DCO.</p>

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
statutory clearance distances can be maintained.			
No drilling or excavation works to be conducted if there is potential for disturbance of the foundations (pillars of support) of any existing overhead power line towers. TPL can obtain drawings of the foundations from NG.	National Grid	N	Noted. Protective provisions for National Grid have been included in the draft DCO.
NG Electricity Transmission high voltage underground cables are protected by a Deed of Grant, Easement or Wayleave Agreement or by the provisions of the New Roads and Street Works Act, which allows NG access to retain, repair, maintain and inspect its assets. No permanent or temporary structures to be constructed over NG cables or within the easement strip. Any proposals to be discussed with NG in advance of works taking place.	National Grid	N	Noted. Protective provisions for National Grid have been included in the draft DCO.

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
Ground levels above NG underground cables must not be altered in any way. Any proposals to be discussed with NG prior to changes in levels.			
NG has a Deed of Grant of Easement for each gas pipeline, preventing the erection of permanent or temporary buildings, structures, change to existing ground levels and storage of materials.	National Grid	N	Noted. Protective provisions for National Grid have been included in the draft DCO.
Cables may cross NG gas pipelines at an angle perpendicular to the pipeline. Installation to be supervised by NG, with various conditions to be attached. For example, clearance must be 600mm above/below the pipeline, impact protection slabs must be laid if cable crossing is above pipeline.	National Grid	N	Noted. Protective provisions for National Grid have been included in the draft DCO.

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
<p>Requires further information to assess fully the potential impacts of the Development on Network Rail infrastructure.</p> <p>Two areas of initial concern relate to site access over the Station Road Level Crossing and the possibility of abnormal loads being transported over the railway at Parsonage Common, and also the proposed underground gas pipeline adjacent to the railway.</p>	Network Rail	Y	<p>Volume 3, Chapter 10, of the ES deals with Traffic and Transport assessment. Following project design changes in 2019, AIL's will no longer need to be transported across the railway at Parsonage Common and will instead arrive by water to a jetty in the River Thames.</p> <p>Concern relating to site access over the Station Road Level Crossing is noted.</p>
<p>Construction and maintenance to be carried out without adversely affecting the safety of or encroaching on NR's land adjacent to the Development and security of the railway boundary must be maintained at all times.</p>	Network Rail	N	Noted.
<p>Has provided statement of clearances for works near overhead power lines in relation to Cooper Shaw Road, north of the railway. Minimum clearances vary</p>	UK Power Networks	N	<p>Noted. The Applicant will ensure that minimum clearances are adhered to.</p> <p>Protective provisions for existing infrastructure have been included in the draft DCO.</p>

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
depending upon voltage of power lines.			
Requires further information in order to confirm where present Virgin Media cables are located. Requested marked location map, postcode and grid reference.	Virgin Media	N	Protective provisions for existing infrastructure of electronic communication code operators have been included in the draft DCO.

Protective Provisions

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
Requires protective provisions and have provided a draft wording	Anglian Water	N	Protective provisions for existing infrastructure of water undertakings have been included in the draft DCO.
Requires protective terms tba prior to submission of DCO. Has TPL been in touch with CG's plant protection team? (OT was to action 12.12.18)	Cadent Gas	N	Protective provisions for existing infrastructure have been included in the draft DCO.
Requires appropriate protections for both electricity and gas existing infrastructure, including compliance with relevant standards for works proposed within close proximity of apparatus if the	National Grid	N	Protective provisions for existing infrastructure have been included in the draft DCO. Bespoke protective provisions are proposed for National Grid.

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
<p>DCO affects these in any way. NG requires access to its overhead electrical lines for maintenance, repair and inspection. The lines are protected by Deed of Easement/ Wayleave Agreement.</p>			
<p>Will seek protection from the exercise of compulsory purchase powers over operational land and also protection for the railway and land interests during construction. Any rights for power or other lines near the railway will require asset protection measures. Standard protective provisions to be included in the DCO as a minimum. Contact Janie Thorn: Janie.Thorn@networkrail.co.uk</p>	<p>Network Rail</p>	<p>N</p>	<p>Noted. Protective provisions for existing infrastructure have been included in the draft DCO.</p>
<p>Will require legal and commercial agreements such as asset protection agreements, method</p>	<p>Network Rail</p>	<p>N</p>	<p>Noted.</p>

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
statements, connection agreements and property agreements. This list to be reviewed as DCO progresses. TPL to contact NR's Asset Protection Engineers asap.			
Need to consider protective provisions relating to PoTLL's statutory undertaking relating to environmental aspects of Tilbury2.	Port of Tilbury London Limited	N	Protective Provisions have been considered during ongoing consultation between the Applicant and POTLL. Given that the Applicant is only seeking rights to use an existing route through POTLL's land as an access, protective provisions are not considered to be necessary. The Applicant would, however, be happy to discuss this further with POTLL as part of the ongoing engagement.

Responses Relating Specifically to Project Changes 2019

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
Proposed causeway and access routes to the south bring construction facilities closer to Gravesham and impact on the marine environment. Project Changes Report lacks assessment of landscape, noise, lighting, historical environment, etc on Gravesham/Thurrock. Wants clarification of para 3.5 re height of causeway and	Gravesham Borough Council	N	<p>The Council's response regarding the construction of the new permanent causeway and alternative access routes is noted and a meeting between the council and the Applicant took place on 20th November 2019 (see notes of meeting at Appendix 8.3).</p> <p>The landscape and visual impacts of the causeway and associated impacts of the use of ships/barges for delivery of AIL's are considered in Volume 3, Chapter 6, of the ES (Landscape and Visual Impact), as well as cumulative assessment in Volume 4, Chapter 19, of the ES (Cumulative Landscape and Visual Impacts).</p> <p>Noise is considered in Volume 3, Chapter 11, of the ES (Noise and Vibration) and Volume 4, Chapter 24 (Cumulative Noise and Vibration) assesses cumulative noise impacts.</p>

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
<p>assessment of noise impacts from ships/barges where significant effects likely. Concerned about cumulative effects. Why is causeway permanent? Would like a meeting and Planning Performance Agreement.</p>			<p>Historical environment is considered in Volume 3, Chapter 7, of the ES (Historic Environment), with Volume 4, Chapter 20 (Cumulative Historic Environment) including assessment of potential cumulative impacts on the historical environment .</p> <p>Volume 2, Chapter 2, of the ES (Project Description) includes details relating to the causeway. The causeway is permanent during the Development's operating lifetime for use in the exceptional circumstance of a major component failure.</p> <p>A meeting between the Council and the Applicant took place on 20^h November 2019 (see notes of meeting at Appendix 8.3).</p>
<p>Requires response on marine impacts of the scheme and reasons causeway will be permanent.</p>	<p>Kent & Essex Inshore Fisheries and Conservation Authority</p>	<p>N</p>	<p>The impacts of construction and operation of the Development causeway on marine receptors are presented in the ES, Volume 3, Chapter 17: Marine Environment, including impacts on the soft sediment habitats of the River Thames shoreline. The causeway is permanent during the Development's operating lifetime for use in the exceptional circumstance of a major component failure.</p>
<p>Assumes amended EIA Scoping Report will be submitted prior to submission of DCO. Not possible to assess full environmental impacts of project changes. Also requires information on improvements to ground stability, evidence that the project design will minimise significant scouring of the foreshore and details of</p>	<p>Port of London Authority</p>	<p>N</p>	<p>The impacts of construction and operation of the Development causeway on marine receptors are presented in the ES, Volume 3, Chapter 17: Marine Environment, including impacts on the soft sediment habitats of the River Thames shoreline. Cumulative impacts on the marine environment are assessed in Volume 4, Chapter 30, of the ES. See also ES appendix 17.1, which includes an Intertidal Survey Report and Benthic Ecology Desktop Review, and ES appendix 17.2, Hydrodynamic Modelling and Sediment Assessment.</p>

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
habitat compensation. Also requires a pollution plan, consideration of a dredge licence, details of habitat enhancement, reasons for the size of the causeway area within the red line boundary and protection of the PLA Diver Shoal Groyne number 1.			
Queries whether the Applicant is aware of the location of a deep cable tunnel crossing a corner of the Development site and whether it will have a bearing on development of causeway? Asks what is proposed for maintenance of causeway long-term? Requires information regarding securing of vessels and consideration of proximity to Tilbury Port and Tilbury2.	Port of London Authority	N	The Applicant is aware of the location of the cable tunnel and the design and location of the causeway take this into account. Details of the design of the causeway can be found in section 2, Volume 2, Chapter 2, of the ES (Project Description) and in the Concept Design for Causeway document prepared by AECOM and submitted as application document reference: A7.8.
Considers further consultation inadequate and requires lower scale plans and environmental information on project	Port of Tilbury London Limited	N	Noted. Further environmental information on project changes made in 2019 are included in the relevant Chapters of the ES.

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
changes, which include and/or impact areas of PoTLL's land.			
Requires more detailed information on temporary access route through Tilbury2 and the longer-term access arrangements. Also concerned about the proposed causeway and use of River Thames in close proximity to the Tilbury2 jetty and interaction of environmental effects of the Development and Tilbury2.	Port of Tilbury London Limited	Y	<p>Discussions with PoTLL regarding a temporary access route through Tilbury2 and long-term access routes are ongoing and further information has been supplied. Details of road access are included in Volume 2, Chapter 2, of the ES (Project Description).</p> <p>The route of the access is shown on the land and works plans (application document references: A2.2).</p> <p>Cumulative environmental effects are considered in the relevant Chapters within Volume 4 of the ES.</p>
Comments that any marine works below the high water mark are to be assessed within a Marine Navigation Risk Assessment (part of the ES) ('MNRA'). Port of London Authority should be consulted directly, including on risk mitigation measures for marine works.	Trinity House	N	<p>Noted. The Applicant met with the Port of London Authority in February 2020 to explain further its proposals and to discuss the provisions of the DCO, including draft protective provisions and approach to disapplication of the Port of London Act provisions. The draft DCO submitted with this application is informed by those discussions, which are continuing but not yet finalised.</p> <p>The Applicant has consulted Port of London Authority directly and any relevant responses received are included within this table.</p>

Safety and Emergencies

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
TPL to consult operators of sites near to the proposed Development which are operated under the Control of Major Accident Hazards Regs 2015 ('COMAH').	Environment Agency	N	Noted.
2018: There are three major accident hazard pipelines and one major accident hazard site within the proposed Red Line Boundary (as at 16 th October 2018) and HSE's advice will depend upon whether the public will be present in the area.	Health and Safety Executive	N	Noted.
2019: No major accident hazard sites and two major accident hazard pipelines within the RLB, but no permanent populations in the consultation distances around the pipelines and therefore HSE will not object to the project.	Health and Safety Executive	N	Noted.
It would be good practice for the Applicant to develop and maintain an onsite Emergency and Business Continuity Plan, potentially with local resilience partners, which might address potential risks such as flooding, flue gas escape and waste fires.	Kent County Council	N	Noted. The Applicant will put in place an Emergency Response Plan. Details of emergency planning and procedures during construction are set out in the Outline Code of Construction Practice submitted with the DCO supplication (document reference: A8.6). A Flood Evacuation Plan has been developed and is included as application document reference: A8.5.
All relevant site staff to be familiar with the relevant guidance relating to working near existing overhead	National Grid	N	Noted.

<p>electricity power lines, which is contained in HSE Guidance Note GS6 'Avoidance of Danger from Overhead Electric Lines'.</p> <p>TPL also to be aware of the HSE guidance document HS(G) 47 'Avoiding Danger from Underground Services' and NG's specification for Safe Working in the Vicinity of National Grid high pressure gas pipelines and associated installations.</p>			
<p>2019: Confirmed that the Development does not conflict with their safeguarding criteria.</p>	<p>NATS Safeguarding</p>	<p>N</p>	<p>Noted.</p>

Support for the Development

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
<p>Support for measures to ensure resilience of energy supply, amounting to a 'very special circumstance' and outweighing any harm to Green Belt. Unlikely to cause significant harm due to existing landscape being industrial in nature. No adverse consequences for the borough.</p>	<p>Castle Point Borough Council</p>	<p>N</p>	<p>Noted. The Green Belt Statement is appended to the Planning Statement of Case submitted with the DCO Application. The existing landscape is detailed in Volume 3, Chapter 8, of the ES (Land Use, Agriculture and Socio-Economics).</p>
<p>UK needs the widest possible range of power production and distribution methods and the Development will help to secure energy sources for the future.</p>	<p>Essex Chambers of Commerce</p>	<p>N</p>	<p>Noted.</p>

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
Acknowledges the need for the Development and the job opportunities it may offer to local people.	Gateway Academy	N	Noted. Volume 3, Chapter 8, of the ES (Land Use, Agriculture and Socio-Economics) describes the baseline conditions and likely effects on socio-economic receptors, as well as including details of the employment generation predicted by the Applicant.

Support for Project Changes 2019

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
Refinement of gas pipeline route is welcomed, as this takes the route away from underground water assets of AW.	Anglian Water	N	Noted.
Project changes have merit and no direct adverse impact on CBC.	Castlepoint Borough Council	N	Noted.
No in principle objection to the development but work required to assess potential impacts.	Cogent Land LLP	N	Noted. Additional work has been done to assess the potential impacts of the Development and further information is included in the ES.
No apparatus near site but, if project changes bring site within 50m of Colt apparatus, new plans must be submitted for review.	Colt Network	N	Noted.
Pleased that haul road removed in favour of access from the south. Zone G corridor for causeway and temporary haul road are an improvement. Also pleased that part of field (F2) is now included for habitat compensation and enhancement, plus F1, to improve	Essex Field Club	N	Noted.

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
continuity with proposed new common land. Wants to be kept informed of developments.			
No assets in the area and no plans for any, therefore no comment.	Harlaxton	N	Noted.
Welcomes proposal to use water access and no objection to proposed changes.	Highways England	N	Noted.
No comments on project changes.	Kent Downs AONB	N	Noted.
No land/property in the area. KPN apparatus will be affected – forward documentation to: kpn.plantenquiries@instalcom.co.uk	Kier Property Developments Limited	N	Instalcom was consulted during further consultation in 2019 and any relevant responses are included in this table.
No safeguarding concerns.	Ministry of Defence	N	Noted.
The Applicant has been in ongoing discussions with the Open Spaces Society and the OSS was formally consulted on project changes in relation to the effects on common land in 2019. The OSS response commented that the revised proposals, particularly in relation to the provision of a link between the replacement common land located north of the railway line and Fort Road, were welcomed. Also considers that the requirement for a footbridge over the drain on the east side of Fort Road	Open Spaces Society	Y	Noted. The impacts of the Development on common land and the provision of replacement land are described in Volume 3, Chapter 8 (Land Use, Agriculture and Socio-Economics). The provision of a footbridge over the drain on the east side of Fort Road is a numbered work (Work 14) in Schedule 1 of the DCO and is therefore included in the Development for which consent is sought.

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
could be made a condition of the DCO and awaits the Applicants comments on this.			
Fully supports use of the River Thames to transport large loads – positive impact on the economic and environmental wellbeing of the Thames.	Port of London Authority	N	Noted.
Welcomes the fact that the overlap in order limits between Tilbury2 and the area noted as Zone 'J' (possible S106 planning gain land) in the PEIR has been removed.	Port of Tilbury London Limited	N	Noted.

Traffic and Transport Networks

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
Road closures and congestion may impact roads close to school.	Chadwell St. Mary Primary School	N	The traffic and transport impacts of the proposed Development are considered in Volume 3, Chapter 10, of the ES. An outline CTMP will be submitted as part of the application for development consent and will be approved by the relevant planning authority, in consultation with the relevant highways authority under requirement prior to construction. This will minimise the impacts of construction vehicle movements and manage those movements to maintain road safety.

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
<p>Very concerned that the proposed permanent access route (as at October 2018) runs from the A126/Gateway Academy roundabout. This could pose a direct threat to safety of students due to increased traffic. Mentions congestion of local roads at peak school times and wants an alternative route to be considered.</p>	<p>Gateway Academy</p>	<p>Y</p>	<p>Subsequent to production of the PEIR in October 2018, as a result of responses to the 2018 consultation and ongoing iterative design refinement, alternative access arrangements were put in place to avoid the A126 (Gateway Academy) roundabout. See Project Changes Report at Appendix 7.17 and Change Plan at Appendix 7.20. See also Volume 3, Chapter 10, of the ES (Traffic and Transport) and details of access routes in Volume 6, Appendix 10.1 (Transport Assessment).</p>

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
<p>Interested in potential impact of Development on M25, J30 in particular, and on A13 (to the junction with the A108) and A1089. Query whether there might be adverse safety implications and/or material increases in queues/delays on the SRN during a prolonged construction phase, including excessive transportation of abnormal loads/large plant and use of HGV's. TPL should look to reduce using road networks at peak times, possibly through Construction and Operational Management Plans.</p>	<p>Highways England</p>	<p>Y</p>	<p>The traffic and transport impacts of the proposed Development are considered Volume 3, Chapter 10, of the ES. The construction phase will generate more heavy goods vehicles and staff vehicle movements than the operational and decommissioning phases. In the latter phases, the level of vehicles generated will be low, with only a low number of vehicle movements per week.</p> <p>The impact of construction vehicles along the A1089 are set out in the ES at Volume 6, Appendix 10.1: Transport Assessment. The study area comprises of the route from the M25 junction 30 to the Station Road access at East Tilbury via the A13, A1089, Fort Road and Coopers Shaw Road. Suitable HGV routes have been identified to avoid adverse effects on communities and road users.</p> <p>The Applicant attended a meeting in July 2019 with Highways England and Thurrock Council Highway Officers, to update these consultees on the proposal for AIL's to arrive at the Development site via a jetty on the River Thames and to discuss the impact of construction vehicles arriving via the A1089.</p> <p>A route for AIL's has been identified, whereby loads will arrive via a proposed causeway on the River Thames thus avoiding the highway network.</p>

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
<p>2019: Comments on the number of HGV's using the Asda roundabout as a U-turn to reach the Development site and the safety implications of this. Comments that Highways England is unclear on the number of construction vehicles and would like to see a CTMP.</p>	Highways England	N	<p>Details of the number of construction vehicles and their impact along the A1089 and at the Asda roundabout are provided in Volume 6, Appendix 10.1 of the ES (Transport Assessment).</p> <p>An outline CTMP is submitted with the DCO application (document reference: A8.9)</p>
<p>Would like clarification as to whether all HGV's will use the M25, Junction 30, and also details of where HGV traffic will be coming from and travelling to, amount of construction car parking and measures to be proposed as part of a Construction Staff Travel Plan.</p>	Highways England	N	<p>Consideration of construction traffic and car parking is provided in the ES, Volume 6, Appendix 10.1: Transport Assessment. An outline CWTP is submitted with the DCO application (document reference: A8.10).</p>
<p>Concerned about potential conflict with the LTC project and encourages engagement with the Highways England LTC projects team.</p>	Highways England	N	<p>There is ongoing engagement between the Applicant and the Highways England LTC projects team. Cumulative effects relating to traffic and transport are considered in Volume 4, Chapter 23, of the ES.</p>
<p>Where existing roads cannot be used, construction traffic should only cross NG's gas pipelines at previously agreed locations and the pipelines will need to be protected at any crossing points by temporary rafts constructed at ground level. TPL to review ground conditions, vehicle types and crossing frequencies to determine the type of</p>	National Grid	N	Noted.

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
construction and the raft required and to agree with NG before installation.			
Concerned that the construction phase will lead to a permanent need to cross the railway using the Station Road Level Crossing and that this could lead to a significant increase in vehicular and/or pedestrian movement across this and/or other nearby level crossings. Network Rail wishes to avoid this as increased movement increases risk. Requests further and better particulars and reserves the right to comment further on this aspect.	Network Rail	Y	Further to project changes in 2019, Network Rail has confirmed that these concerns have been addressed, as primary access will no longer be via the level crossing at Station Road. Project changes have also addressed concerns over movement of AIL's, as these will now be transported by water (see the ES, Volume 2, Chapter 2: Project Description).
Requires further information regarding the intended positioning of the gas pipeline within the corridor of land south of the railway (designated as 'Zone C' in the PEIR), as the construction of an underground pipeline could affect the operational railway. Reserves the right to comment further in due course.	Network Rail	N	The Applicant continues to engage with Network Rail and will consult them as detailed design is progressed.

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
<p>2019: Requires details of exact position of permanent access road, gas pipeline route and construction laydown in Zone C and cannot fully assess potential impacts of these. An Asset Protection Agreement may be required in advance of construction close to Network Rail infrastructure.</p>	Network Rail	N	<p>The position of access routes and the gas pipeline route are illustrated on plans submitted with the DCO application. See in particular ES appendices A2.1 to A2.8. The routes and construction laydown in Zone C will be finalised under detailed design, at which time details can be provided to Network Rail.</p> <p>It is noted that an Asset Protection Agreement may be required in advance of construction.</p>
<p>Short length of road at Buckland (Zone J) is designated a temporary footpath diversion, but if this lies along Buckland Lane, it is a public road maintained at public expense.</p>	Open Spaces Society	N	<p>Noted. The Applicant advises that it has been unable to establish from the records examined that the whole length of Buckland Lane is a public road maintained at public expense. The inclusion of this route in the DCO is accordingly precautionary to prevent accidental creation of a gap in the proposed route of the temporary right of way diversion.</p>
<p>The Development site is close enough to the River Thames that the Applicant should continue to consider the use of barges for the delivery of bulky materials. POLA also encourages the consideration of use of the River Thames through the supply chain as a way of ensuring that more goods are transported by water. This would produce a positive impact by way of contribution to the reduction of CO2 and reduce lorry movements. POLA would fully support.</p>	Port of London Authority	Y	<p>2019 project changes include use of the River Thames for delivery of AIL's. The permanent causeway will provide means for other loads and/or abnormal loads to be delivered by water during operation of the Development. Details of the use of the causeway have been included in the ES, Volume 2, Chapter 2: Project Description.</p>

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
If, following further assessment, it appears that there will be significant impact on the strategic transport network within the Greater London Authority boundary, TFL would be happy to discuss further the Development proposals in this regard and provide advice.	Transport for London	N	The Applicant does not anticipate there being significant impact on the strategic transport network within the Greater London Authority boundary. The traffic and transport impacts of the proposed Development are considered in Volume 3, Chapter 10, of the ES.
Would prefer that haul road proposals in the PEIR be used as the construction route access for the Development site as this will keep traffic away from residential areas and off the local road network. Comments that Highways England will need to be consulted on proposals affecting their part of the highways network.	Thurrock Council Highways Development Control	Y	Highways England has been consulted as part of the S42 consultation process and its responses are included within this table. Discussions with both Thurrock Council and Highways England are ongoing. 2019 project changes include use of the River Thames for delivery of AIL's, which removes the need for these to be transported on the highway network. Access to the Development site will now be taken from the south and west of the Development. The traffic and transport impacts of the proposed Development are considered in Volume 3, Chapter 10, of the ES.
Comments that the Transport Assessment submitted with the PEIR covers all points raised by the Council during scoping.	Thurrock Council Highways Development Control	N	Noted.

Water Quality

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
2019: Comments on choice of dredging method and considerations for water quality.	Environment Agency	N	Effects of dredging on the marine environment, including water quality, have been considered in in Volume 3, Chapter 17, of the ES (Marine Environment).

Summary of relevant response	Consultee	Change? Y/N	The Applicant's regard to the response
The AA should be updated once the drainage strategy is in place, prior to submission of the DCO application.	Natural England	N	A conceptual drawing for the site has been produced (application document reference: A7.3), which includes the principles necessary for the AA to conclude no adverse effect on site integrity.

Changes to Scope of Environmental Statement following S42 consultation

- 9.1.12 Modifications to the scope of the Environmental Statement have taken place following receipt of S42 responses, some of which are indicated in the ‘Change’ and ‘Regard’ columns of Table L, above. The results of further assessments undertaken have been presented in the various Chapters of the ES.

10. Feedback received under Section 47

Introduction

- 10.1.1 This section provides a summary of the 43 responses received as a result of the S47 consultation activities and a breakdown of the key issues raised by consultees.

Overview of Responses

- 10.1.2 Under S47, approximately 16,000 consultation letters and feedback forms were sent out to local businesses and communities and nine consultation letters and feedback forms were sent to ‘hard to reach’ groups.
- 10.1.3 Any feedback received from consultation with ‘hard to reach’ groups has been included in the analysis of responses under S47.
- 10.1.4 In response to consultation under S47 of the Act, there were 43 responses from the local community. 38 respondents provided feedback by returning a feedback form, one provided feedback over the telephone, two provided feedback by email and the one letter received simply requested copies of the ‘have your say’ document and feedback form. Seventeen respondents in total provided an email address, five of whom did not indicate whether they would like to receive email updates about the proposed Development. Feedback was received through feedback forms returned via the Freepost address or at one of four public consultation exhibitions held during the consultation period, emails via the project email address and by telephone.
- 10.1.5 The majority of feedback under S47 was received via feedback forms being returned using the Freepost address provided in the consultation letter and on the feedback form itself.
- 10.1.6 In total, 4 S47 respondents were supportive of the proposed Development and 22 raised concerns, with a number raising more than one area of concern. 19 feedback forms returned contained no comments. Only one S47 consultee responded to the consultation on project changes in 2019.

Having Regard to Responses

- 10.1.7 Each piece of S47 feedback was individually reviewed to determine the issues raised. Issues within each category were reviewed, grouped and summarised. This process was carried out in line with the recommended approach in DCLG’s guidance on the pre-application process (March 2015):

Paragraph 80:

“Therefore, the consultation report should:

Set out a summary of the relevant responses to consultation (but not a complete list of responses);”

- 10.1.8 The summaries of relevant responses are present in Table M, below, and include details of the number of respondents who raised each issue, the regard had by the

Applicant to the relevant issue, and whether or not there has been a resultant change to either the design of the proposed Development or the EIA assessment undertaken subsequent to production of the PEIR in October 2018.

- 10.1.9 Once grouped and summarised, the relevant responses were considered individually by the Applicant to determine whether or not they required further/ongoing consultation and/or design changes to the proposed Development. Why changes were or were not implemented following comments being received by the Applicant is explained in relation to each summarised relevant response in Table M, below. This fulfils the S49 requirement to ‘have regard’ to responses received.

Key Issues Raised and the Applicant’s Response

- 10.1.10 This section contains issue-led summary tables of the relevant responses received under S47 of the consultation. The summary tables have been broken down into key themes, which have been categorised alphabetically for ease of reference and are as follows:
- Air quality
 - Alternatives
 - Cultural, Heritage and Archaeology
 - Ecology
 - Human. Health, Safety and Emergencies
 - Landscape and Visual Resources
 - Land Use, Agriculture and Socio-Economics
 - Noise
 - Support for the Development
 - Traffic and Transport Networks
- 10.1.11 Many issues raised have been addressed in the ES which accompanies the DCO application. Where this is the case, this Report refers to the specific Chapter of the ES where the issue is addressed.
- 10.1.12 The ‘Change?’ column in the tables below refers to whether or not the comment or issue summarised led to a change to the proposed Development and/or the approach taken to EIA of the relevant impact.

Table M: S47 Response Table**Air Quality**

Summary of relevant response	No. times raised in Feedback	Change? Y/N	The Applicant's regard to the response
Concerns about increased levels of dust particles in the local area	2	N	<p>Air Quality assessments are provided in the ES, Volume 3, Chapter 12 (Air Quality).</p> <p>Dust impacts during the construction phase are predicted to be of short duration and it is estimated that there will be no dust impacts during the operational phase. Dust impacts from decommissioning are likely to be less than during construction. Dust mitigation measures will be implemented during the construction phase.</p> <p>A Dust Management and Monitoring Plan ('DMMP') will be submitted to the Local Planning Authority for its approval as part of the Code of Construction Practice (CoCP) for the Development. The submission of the CoCP will be subject to a requirement of the DCO.</p>
Concern regarding the proposed Development contributing to existing pollution in the area, including the release of Nitrous Oxide from fossil burning fuels and from the use of heavy duty diesel vehicles.	10	N	<p>Air pollution impacts and potential effects on human health, including cumulative impacts with other locally proposed developments are assessed in the ES, Volume 3, Chapters 12 and 13, and in Volume 4, Chapters 25 and 26.</p> <p>The Stack Height Determination (ES, Volume 6, Appendix 12.3) sets out how the height of the gas engine exhaust stacks has been chosen to provide appropriate dispersion and dilution of air pollutant emissions.</p> <p>The background nitrogen dioxide levels around the site have been assessed as being well within air quality standards although, further away in some areas of Tilbury and Gravesend where existing levels of road traffic are higher, pollution is correspondingly higher.</p>

Summary of relevant response	No. times raised in Feedback	Change? Y/N	The Applicant's regard to the response
			<p>Emissions from heavy duty vehicle movements expected to be generated by construction activities are assessed in the ES, Volume 3, Chapter 12, and the impacts are considered to be 'not significant'.</p> <p>Emissions from operation of the proposed development have been assessed through dispersion modelling using best practice approaches. It is concluded that predicted contributions and resultant environmental impact for all pollutants considered are 'negligible' to 'moderate adverse' at individual receptor locations.</p> <p>The principal effect of the proposed Development will be an increase in the level of nitrogen dioxide. However, this will be controlled and limited and will not make a major contribution to air pollution in the area.</p>

Alternatives

Summary of relevant response	No. times raised in Feedback	Change? Y/N	The Applicant's regard to the response
<p>Queries raised regarding the need for such a Development in the proposed location and consideration of alternative sites closer to London.</p>	6	N	<p>Volume 2, Chapter 3, of the ES (Alternatives) outlines the reasonable alternatives considered and the reasons for selecting the preferred location, taking into account the potential environmental impacts of the Development.</p> <p>Alternative sites for the Development have been considered. The main driver for the Development's location is proximity to both gas and electricity grids. During the selection process, national and regional grid operators were consulted to ensure the Development is able to deliver optimum public benefits.</p> <p>The Applicant was invited to and attended a meeting with the WELCOM Forum on 31st October 2019 and gave a presentation explaining how the proposed Development will operate and why it is needed. The Applicant's contact details were left with attendees.</p>

Cultural, Heritage and Archeaology

Summary of relevant response	No. times raised in Feedback	Change? Y/N	The Applicant's regard to the response
Concern for the safeguarding of Tilbury Fort	1	N	<p>Impacts on cultural, heritage and archaeology are assessed in the ES, Volume 3, Chapter 7, and Tilbury Fort is noted as a receptor of high sensitivity.</p> <p>It is not expected that there will be any direct impact on Tilbury Fort, which is a Scheduled Monument. Any indirect impact will be limited to slight changes to the setting of the Fort, which is located approximately 1000m south-west of the main Development site on low lying ground on the north bank of the River Thames. The Development site is located in an area which is currently built and industrial in nature and any changes to the setting will be minor.</p> <p>Pre-application geo-archaeological investigation has been undertaken (ES, Volume 6, Appendix 7.2); local heritage officers and Historic England have been consulted concerning the scope of a further Written Scheme of Investigation for work to be undertaken prior to construction.</p>

Ecology

Summary of relevant response	No. times raised in Feedback	Change? Y/N	The Applicant's regard to the response
Concern regarding the proposed Development's impact on habitats, biodiversity and related general ecological and environmental issues. Specific comments on protected species or habitats and available data sources.	1	N	<p>Onshore ecological impacts are assessed in Volume 3, Chapter 9, of the ES (Ecology (Onshore)) and offshore ecological impacts are assessed in Volume 3, Chapter 17, of the ES (Marine Environment). See also the Report to Inform an Appropriate Assessment (the Habitats Regulations Assessment; application document reference A5.2). Chapter 9 and the Ecology Baseline Report (ES, Volume 6, Appendix 9.1) detail the data sources consulted concerning habitats and species.</p> <p>The Chapter relating to onshore ecology has concluded that effects of habitat loss in the absence of further mitigation are moderate adverse for grassland, reptiles and water</p>

Summary of relevant response	No. times raised in Feedback	Change? Y/N	The Applicant's regard to the response
			<p>voles. Additional mitigation will therefore be provided, comprising translocation of animals and habitat creation in Zone E and Zones F1-3 and habitat enhancement in Zone A and Zone F4. Once all mitigation measures are in place, the Development will have an overall minor benefit for ecology.</p> <p>The Marine Environment Chapter includes details of the construction and operation impacts of the proposed Development on marine receptors and of measures adopted to mitigate those impacts. The majority of impacts on marine ecological receptors are predicted to be short term, temporary and reversible and therefore not significant in EIA terms. The only exception is the loss of saltmarsh and intertidal mud flat habitats beneath the footprint of the causeway into the River Thames.</p> <p>Prior to construction commencing, a series of surveys will be undertaken to ensure that no further or new species have entered the Order Limits. Any habitats or trees which are removed as part of the construction phase will be subject to enhancement measures to be outlined in the Habitat Management Plan which will be subject to a DCO requirement. Any other specific mitigation will be undertaken as appropriate and as required.</p> <p>The Development has committed to provide Net Biodiversity Gain through habitat enhancement and creation in the onshore and marine environments. Details of habitat enhancement/creation and mitigation for impacts on protected species are provided in the ES, Volume 6, Appendix 9.3 (Biodiversity Net Gain), the OEMP (application document reference A8.7) and the outline Saltmarsh Enhancement and Maintenance Plan (application document reference: A8.10).</p>
Concern regarding the potential impact on horses which graze on the existing common land.	1	N	The potential effects of the proposed development on common land are assessed in the ES, Volume 3, Chapter 8: Land Use, Agriculture and Socio-Economics. Land will be provided in exchange for any loss of common land and it is anticipated that any grazing horses will be relocated accordingly.

Human Health, Safety and Emergencies

Summary of relevant response	No. times raised in Feedback	Change? Y/N	The Applicant's regard to the response
Concern over the general health and safety aspects of the Development.	3	N	<p>Volume 6, Appendix 2.2, of the ES (Accident and Emergency Management) assesses the potential for accidents and emergencies to occur during construction and operation of the proposed Development. Suitable measures will be included to reduce the likelihood for each potential type of occurrence and avoid or minimise any resulting effect.</p> <p>Construction risks will be controlled through well-established safety procedures and operational risks will be controlled through the requirement for the Development to operate under an Environmental Permit and other legislative controls.</p>
Concerns over the safety impacts of an increase in HGV traffic related specifically to the use of a temporary haul road located at the roundabout near to the Gateway Academy School.	2	Y	<p>The traffic and transport impacts of the proposed Development are considered in the ES, Volume 3, Chapter 10 (Traffic and Transport).</p> <p>Subsequent to production of the PEIR in October 2018, as a result responses to the 2018 consultation and ongoing iterative design refinement, alternative access arrangements were put in place to avoid the A126 (Gateway Academy) roundabout, and the temporary haul road was removed from the project. See Project Changes Report at Appendix 7.17.</p>
Concerns for human health and possible lowering of life expectancy.	2	N	Volume 3, Chapter 13, of the ES (Human Health) presents findings of the EIA concerning the potential impacts of the proposed Development on human health. It is not anticipated that the Development will result in any significant human health effects.

Landscape and Visual Resources

Summary of relevant response	No. times raised in Feedback	Change? Y/N	The Applicant's regard to the response
Concerns over the potential visual impact of the Development and also comment that there was a lack of drawings in the consultation materials to illustrate visual impact.	1	N	Landscape and Visual Resources, including the impact of the proposed Development on residential receptors, are assessed in Volume 3, Chapter 6, of the ES. This Chapter also contains details of the Applicant's landscape mitigation proposals. The main Development site layout has sought to minimise visual impact through the orientation of the exhaust stacks and the detailed design will use a suitable colour palette to reduce the visibility of buildings and stacks against the backdrop/sky. Thurrock Council will be consulted in this regard. This is discussed in the Design Principles Statement (application document reference A8.8). Volume 3, Chapter 6, of the ES includes illustrative photomontages.

Land Use, Agriculture and Socio-Economics

Summary of relevant response	No. times raised in Feedback	Change? Y/N	The Applicant's regard to the response
Concerns over loss of common land and its replacement, as well as loss of green belt, including the potential resultant effects on local wildlife and the displacement of grazing horses.	6	Y	<p>The potential effects of the proposed Development on common land are assessed in the ES, Volume 3, Chapter 8: Land Use, Agriculture and Socio-Economics. The proposed Development provides exchange common land that exceeds in size the area of temporary and permanent loss. In addition, a new permissive path access from Fort Road will improve recreational access to this and other areas of local access land in the green belt.</p> <p>Any common land temporarily affected by construction works will be subject to an application under Section 38 of the Commons Act 2006, which will be progressed alongside the DCO process, and the permanent exchange common land in Zone E will also be used for temporary grazing and public access during construction where necessary.</p>

			An OEMP is submitted with the DCO application (document reference: A8.7). This document describes the ecology and nature conservation mitigation measures that will be implemented prior to, during and post construction of the Development, as well as the long-term management measures to be put in place for reinstated and enhanced habitats.
Concern regarding the location of the Development within the Green Belt and the need for the Development in that location.	2	N	<p>A Statement of Case and Green Belt Statement has been formulated and accompanies the DCO application for the proposed Development (document reference: A8.3). This includes details of the need for the proposed Development, the site selection process, and limited impact on the purposes of the Green Belt.</p> <p>It has been assessed that the Development would not compromise the National Planning Policy Framework's ('NPPF') five objectives of the Green Belt or Thurrock Council's objectives. It is considered that there are several significant considerations relating to the proposed Development which comprise the 'very special circumstances' required by the NPPF in order to approve 'inappropriate development', as the NPPF identifies that these may 'include the wider environmental benefits associated with increased production of energy from renewable sources'. The proposed Development will provide a reliable energy source in an area that requires back-up capabilities to meet peak demand and will contribute to achieving the targets set out in Policy ENV6 of the Core Strategy - large scale renewable energy projects. The location within the Green Belt is necessary as there are no alternative viable sites outside of the Green Belt. This is because, being located adjacent to an existing substation, the site has access to both electricity and gas connections. It is therefore considered that the special circumstances of this case outweigh any harm to the Green Belt. Alternatives were considered and details are provided in Volume 2, Chapter 3, of the ES.</p>
Query whether there will be any benefits to the local community offered by the Development.	2	N	Volume 3, Chapter 8, of the ES considers the potential impacts of the Development on land use, agriculture and socio-economics. The benefits of employment generation and investment during construction are assessed in that Chapter.

Use of local labour is requested, particularly during the construction and operational phases of the Development.	4	N	Volume 3, Chapter 8, of the ES considers the potential impacts of the Development on land use, agriculture and socio-economics. This includes information regarding the benefits of employment generation and investment during construction. The Applicant will seek to procure services that promote the use of local employment over outsourced non-local employment where possible and lawful. However, it is difficult to know with certainty the level of employment that will be generated before a project has gone out to tender.
Concern for falling property values and difficulty in selling houses.	3	N	Volume 3, Chapter 8, of the ES considers the potential impacts of the Development on land use, agriculture and socio-economics. The proposed Development is located in an area of industrial use and therefore property values already take in to account the industrial nature of the immediate local area. The Statutory Nuisances Statement (document reference: A7.1) considers potential nuisance effects at properties and concludes that none are anticipated.

Noise

Summary of relevant response	No. times raised in Feedback	Change? Y/N	The Applicant's regard to the response
Concerns about noise pollution during construction and operation	3	N	Noise and Vibration impacts are considered in Volume 3, Chapter 11, of the ES. If the Development operates during the evening and night periods there may be a modest increase in the background noise levels at some properties to the north of the railway line when existing conditions are quiet. However, it is anticipated that human health effects from changes in noise exposure will be negligible.

Support for the Development

Summary of relevant response	No. times raised in Feedback	Change? Y/N	The Applicant's regard to the response
Positive support for the Development (as a green source of energy).	3	N	Noted.
2019: Support of use of the River Thames for delivery of large loads and the change in access routes to the Development site.	1	N	Noted.

Traffic and Transport

Summary of relevant response	No. times raised in Feedback	Change? Y/N	The Applicant's regard to the response
<p>Concerns raised with respect to use of local and temporary haul roads for construction and operational traffic and, in particular, HGV's. The main concerns are as follows:</p> <ul style="list-style-type: none"> - The fact that the proposed temporary haul road would run from the St Chad's Road Gateway Academy roundabout, which might increase potential hazards for 	5	Y	<p>Volume 3, Chapter 10, of the ES considers the traffic and transport impacts of the proposed Development. Volume 6, Appendix 10.1 comprises a Transport Assessment.</p> <p>Subsequent to production of the PEIR in October 2018, as a result responses to the 2018 consultation and ongoing iterative design refinement, alternative access arrangements were put in place to avoid the A126 (Gateway Academy) roundabout and the temporary haul road was removed from the project. In addition, access to the Development site for AIL's will now be taken via a new causeway from the River Thames foreshore. This will avoid both the Gateway Academy roundabout and crossing the railway line at Parsonage Green. Full details are set out in the ES, Volume 2, Chapter 2: Project Description.</p>

<p>school children, other road users and for people on horse back</p> <ul style="list-style-type: none"> - The fact of the proximity of the potential temporary haul road to Biggin Lane, which is situated on a flood plain - The fact that local roads are not suitable for HGVs and/or the increased volume of traffic anticipated during construction and operation - Pollution caused by HGV's - Concerns over access to the site for abnormal loads via crossing the railway line at Parsonage Green 			<p>Construction vehicles (cars and HGV's) will route from the A13 via the A1089 through the Asda roundabout and onto the Development site via the newly realigned A1089/Fort Road to RWE and Tilbury2 access. Some HGV's may deliver via the Port of Tilbury, thus minimising the number of HGV's on the strategic highway network.</p> <p>An outline CTMP will be submitted as part of the application for development consent (document reference: A8.9) and no phase of any works can commence until the CTMP has been submitted to and approved by the relevant planning authority, in consultation with the relevant highway authority.</p> <p>The construction phase of the Development will generate an average of 80 two-way daily HGV movements (or four HGV's on average on each direction every 60 minutes over a ten-hour day) throughout the whole construction period, and up to 160 daily HGV movements during the peak construction period.</p> <p>In terms of staff movements, it is predicted there will be an average of 50 daily car movements throughout the whole construction period and up to 70 daily car movements during the peak construction period. It is also estimated that there will be an average of 40 daily minibus movements and an average of 4 daily coach movements during the construction period. In the peak construction period, there will be a peak of up to 56 daily minibus movements and 4 daily coach movements.</p> <p>There will be negligible traffic flows during the operational phase. Decommissioning will generate fewer HGV movements than construction.</p>
<ul style="list-style-type: none"> - General concerns raised regarding the amount of traffic and disruption to local people from access to 			<p>Volume 3, Chapter 10, of the ES considers the traffic and transport impacts of the proposed Development. Volume 6, Appendix 10.1 comprises a Transport Assessment. Following environmental assessments, it is concluded that the effects of the</p>

<p>the site, both during construction and operation.</p>			<p>Development on driver delay, severance, pedestrian delay, accidents and road safety will be negligible.</p>
<p>- 2019: Support for use of the River Thames for transportation of large loads.</p>	<p>1</p>	<p>N</p>	<p>Noted</p>

11. Post-Consultation Engagement, Evolution and Changes to the Proposed Development

Post-Consultation Engagement

- 11.1.1 The Applicant has continued direct consultation on the proposed timetable for the Development and any proposed project changes, as well as the approach to further EIA work to be undertaken, with various statutory and non-statutory consultees whose inputs informed the 2018 Scoping Opinion and PEIR and the ES in 2019/20, as well as with landowners and other persons with an interest in the land.
- 11.1.2 The Applicant has continued engagement with Thurrock Council to clarify the scope of the ES and agree which consents and licences will be required for the Development.
- 11.1.3 The Applicant has engaged with the Open Spaces Society (OSS), notifying them of the proposals to de-register areas of common land and to provide details of the land it will be replaced with. The Applicant has stated its intention to submit the required forms following acceptance of the DCO application. The Applicant has informed the OSS that they are in discussions with the head of the appropriate commoners' association.
- 11.1.4 The Applicant has provided to the Marine Management Organisation a draft Deemed Marine Licence and further information relating to the proposed causeway in to the River Thames. Discussions with the MMO are ongoing.
- 11.1.5 The Applicant has been in contact with Ingrebourne Valley and provided work plans (application document reference: A2.3) for discussion.
- 11.1.6 Subsequent to completion of consultation on project changes in 2019, on 17th December 2019, climate change sea level allowances were updated to take account of revised climate modelling projections in UKCP18. The maximum variation in projected sea level rises between the current and previous guidance is 0.39m (390mm) and, in order to achieve a resilience level which accounts for the upper end sea level climate change allowance, the Applicant proposes to apply +390mm to its previously proposed flood risk resilience design for critical infrastructure on the Development site.
- 11.1.7 In April 2020, the Applicant sought advice from the Environment Agency on the appropriate methodology to include a suitable allowance for climate change to account for the most recent UKCP18 tidal levels. See Appendix 8.5, email from the Applicant to the Environment Agency, dated 1st April 2020. The Environment Agency responded on 9th April 2020 (Appendix 8.6) to confirm that the Applicant's proposed approach is acceptable, given that this is a residual risk situation. The Environment Agency states that it accepts that the Applicant's proposed approach represents resilience to a worst-case increase in potential flood depth, which is considered to be a proportionate and conservative approach in the absence of an up-to-date breach model. For further information, see Volume 3, Chapter 15, of the ES (Hydrology and Flood Risk) and, in particular, Table 1.4, paragraphs 3.1.35 to 3.1.38 (Current Baseline: Tidal Flooding), and paragraphs 3.2.4 to 3.2.14 (Future Baseline: Climate Change).
- 11.1.8 The Applicant also consulted Essex County Council, as Lead Local Flood Authority on behalf of Thurrock Council, about the proposed approach to flood

risk assessment set out above (paragraphs 11.1.6 and 11.1.7). Essex County Council confirmed, in an email dated 20th April 2020 (Appendix 8.9), that it is their position that the Environment Agency should advise on the Applicant's approach to coastal flooding. During this consultation, Essex County Council also provided guidance on surface water drainage for the proposed Development (see Appendix 8.10). The Applicant confirms that its Conceptual Drainage Strategy meets the requirements set out in that guidance.

- 11.1.9 Thurrock Council was also consulted about the Applicant's proposed approach to flood risk assessment. This consultation took place during a pre-arranged video conference call, on 15th April 2020 (see Appendix 8.11 for note of the meeting). Thurrock Council confirmed during the meeting that the Applicant should refer to Essex County Council and the Environment Agency in this regard. The note of the meeting on 15th April 2020 has been agreed by Thurrock Borough Council and this is evidenced at Appendix 8.12.
- 11.1.10 In April/May 2020, the Applicant consulted Gravesham Borough Council (see Appendix 8.7) and Thurrock Borough Council to inform them that further visualisations were being produced for viewpoints within the Councils' respective administrative areas. The Applicant also confirmed that eleven 3D photomontages would be produced prior to submission of the application, including, in the case of Gravesham, two viewpoints from south of the River Thames. This further consultation informed Gravesham Borough Council that consideration had been given to the council's consultation responses and to comments made by the Council in a meeting with the Applicant in November 2019.
- 11.1.11 On 5th May 2020, Gravesham Borough Council responded to the Applicant, acknowledging that the Applicant was undertaking work in response to comments made by the Council in its consultation responses and further to a meeting which took place between the Applicant and the Council in November 2019. The Council stated that, once it had had the opportunity to review the detailed information in the Applicant's DCO application, it would make representations as appropriate (see Appendix 8.8 for email Gravesham Borough Council to the Applicant, dated 5th May 2020). The Applicant has confirmed to both Councils that the application documents, including photomontage visualisations information, will be made available for review on submission of the Applicant's DCO application. The additional information does not affect the worst-case assessment consulted on previously. Consultation with Thurrock Council took place during a pre-arranged video conference call, on 15th April 2020 (see Appendix 8.11 for note of the meeting). Thurrock Council confirmed during the meeting that they would review the content of the Applicant's submission when the Applicant's DCO application is accepted by PINS. The note of the meeting on 15th April 2020 has been agreed by Thurrock Borough Council and this is evidenced at Appendix 8.12.
- 11.1.12 The detailed design of the Development will take into account landscape and visual resources and will be agreed with the local planning authority prior to construction. This will include agreement of the details of materials, finishes and colours. The Applicant's initial proposals are included in the Design Principles Statement (application document reference: A8.4).
- 11.1.13 The Applicant has held a number of consultation workshops/ meetings, including the following:

- Environment Agency, on 12th November 2019, relating to causeway design, flood defence wall alterations and marine impact assessments.
- Port of London Authority, on 11th February 2020, regarding causeway design, construction and licensing. The Applicant has provided further details of its proposals for the Development and discussed draft protective provisions and the approach to disapplication of the Port of London Act provisions. The DCO draft is informed by those discussions, but the approach has not yet been agreed, and discussions are continuing. Subsequent to the meeting, the Applicant has provided to the PLA information requested by them, including details of the flood gate and a draft Risk Register, as well as further detail on the design of the causeway and intentions for saltmarsh creation.

Evolution and Changes to the Proposed Development

11.1.14 Subsequent to production of the PEIR in October 2018, project changes were been made to the Development, as set out in section 8.1.2 of this Report. The extent of those project changes were considered to warrant further consultation. See section 8 of this Report for details.

11.1.15 Project changes post-consultation in 2019 include:

- The red line area of Zone A (see Zone Plan at Appendix 7.19) has been reduced to remove a ditch which was previously within Zone A but to which no works are now proposed.
- The area within the red line boundary in Zone G at the foreshore of the River Thames has been reduced to remove an area of sea wall.
- The shape of Zone G has been amended to reduce the width of the corridor for the access route where possible.
- The access to Zone F1 has been reduced to the north to make use of existing tracks around the fields and minimise the number of crossings that need to be taken over Parsonage Common.
- Changes to Zones D1/D2 to allow micro-siting of the most appropriate gas pipeline crossing points for Station Road, following pre-construction ecology surveys for features such as trees with bat roosting potential.
- Predicted traffic numbers have increased since the consultation in 2019. These will be managed through the CTMP and CWTP. It is not anticipated that the increased traffic numbers will affect the sensitive parts of the road network (including the Asda roundabout), as the Applicant has committed to providing a ‘park and ride’ arrangement for construction workers.
- The layout and diameter of exhaust stacks within the Development site have been refined as detailed engineering input is received. The wirelines showing examples of potential stack layouts have been updated to reflect the new details known at this stage and therefore represent the most likely configurations of stacks. A number of potential layouts have been assessed as an envelope of design options for the Applicant’s Environmental Impact Assessment. Details are included in the Design Principles Statement (application document reference: A8.4), and in Volume 2, Chapter 2, section 2.2, of the ES (Project Description), and Volume 3, Chapter 6,

section 2, of the ES (Landscape and Visual Resources). The incorporation of the new detail does not alter the significance of the predicted landscape and visual effects of the Development. The Applicant has also added illustrative photomontages, which provide further context. These illustrations have been selected to be representative of the likely appearance of a layout within the maximum-case assessment of potential impacts and are within the design envelope defined for the assessment of visual impacts in the ES. These details and illustrations add to the high level of information provided in the PEIR, they do not introduce new elements to the project or change the predicted effects. That being the case, the Applicant did not consider it necessary to reconsult the public or relevant local authorities in this regard.

- 11.1.16 The Applicant is aware that a further consultation in respect of project changes has recently been launched in respect of the Lower Thames Crossing scheme. These changes are being considered by the Applicant, but have taken place at too late a stage to be taken in to account in any detail in the ES. The Applicant will respond to the LTC's consultation. There is ongoing interaction between the two schemes and ongoing dialogue between the Applicant and LTC and it is the Applicant's intention to enter into a legal agreement and/or SOCG with LTC in due course.
- 11.1.17 A number of parties who were consulted by the Applicant are not included in the Book of Reference due to changes to the Order limits and/or as a result of the Common Land Register being updated (meaning that certain parties no longer have rights over common land). These parties are indicated with an asterisk next to their name in Appendix 4.3 (List of S44 (S42(1)(d)) Consultees, 2018 and 2019).

12. Conclusion

Introduction

- 12.1.1 This Consultation Report demonstrates the Applicant's adherence to the statutory requirements of the Planning Act 2008 with regard to pre-application consultation.
- 12.1.2 The Applicant has endeavoured to ensure a proportionate level of engagement with statutory consultees, local authorities, interested parties and the local community regarding its proposals.
- 12.1.3 The Applicant received a total of 94 responses from S42 statutory and non-statutory consultees and has therefore had regard to an adequate level of feedback from those consultee categories.
- 12.1.4 Although the level of response from the local community has been limited, the consultation process has ensured that the Applicant is aware of the views and position of key statutory and technical consultees and has been able to address those, where appropriate. The Applicant is of the view that the limited response from the local community suggests that the Development proposal is not locally controversial, given the efforts taken to inform a wide spectrum of the local community regarding the Applicant's proposals. Those responses which have been received have been had regard to and reflected in the application for DCO wherever possible.

Summary of Changes to the Development

- 12.1.5 Project changes were made subsequent to the initial consultation in 2018, and these are detailed in the Project Changes Report at Appendix 7.20. Any further changes made after production of the Project Changes Report are included in Volume 2, Chapter 2, of the ES (Project Design) and also the Design Principles Statement (application document reference: A8.4).
- 12.1.6 The Applicant notes the level of interest in the Development and will continue to work with statutory and non-statutory consultees and the local community.

Consultation Compliance

- 12.1.7 Compliance with the requirements of the Act is set out in Section 2 of this Report and, in particular, in Table C.

13. Glossary

AA	Appropriate Assessment
AIL's	Abnormal Indivisible Loads
APFP	Applications: Prescribed Forms and Procedures Regulations 2009
BNG	Biodiversity Net Gain
BSF	Battery Storage Facility
CoCP	Code of Construction Practice
CTMP	Construction Traffic Management Plan
CWTP	Construction Workers Travel Plan
CZ	Consultation Zone
DBA	Desk Based Assessment
DCLG	Department of Communities and Local Government
DCO	Development Consent Order
DMMP	Dust Management and Monitoring Plan
EMP	Ecological management Plan
EIA	Environmental Impact Assessment
ES	Environmental Statement
FAQ	Frequently Asked Questions
GFEGS	Gas Fired Electricity Generating Services
GLA	Greater London Authority
HRAR	Habitats Regulations Assessment Report
HSE	Health and Safety Executive
km	Kilometres
LCA	Land Compensation Act 1973
LoWS	Local Wildlife Sites
m	Metre
MW	Megawatt
MWh	Megawatt hour
NSIP	Nationally Significant Infrastructure Project
NTS	Non-Technical Summary
OCoCP	Outline Code of Construction Practice
OEMP	Outline Ecological Management Plan
PEIR	Preliminary Environmental Information Report

PILs	Persons with an interest in the land
PINS	Planning Inspectorate
S42	Section 42 of the Planning Act 2008 (duty to consult)
S43	Section 43 of the Planning Act 2008 (Local Authorities for purposes of section 42(b))
S44	Section 44 of the Planning Act 2008 (Categories for purposes of section 42(d))
S45	Section 45 of the Planning Act 2008 (Timetable for consultation under section 42)
S46	Section 46 of the Planning Act 2008 (Duty to notify Commission of proposed application)
S47	Section 47 of the Planning Act 2008 (duty to consult local community)
S48	Section 48 of the Planning Act 2008 (duty to publicise)
SoCC	Statement of Community Consultation
SuDS	Essex County Council Sustainable Drainage Systems
TPL	Thurrock Power Limited
WSI	Written Scheme of Investigation