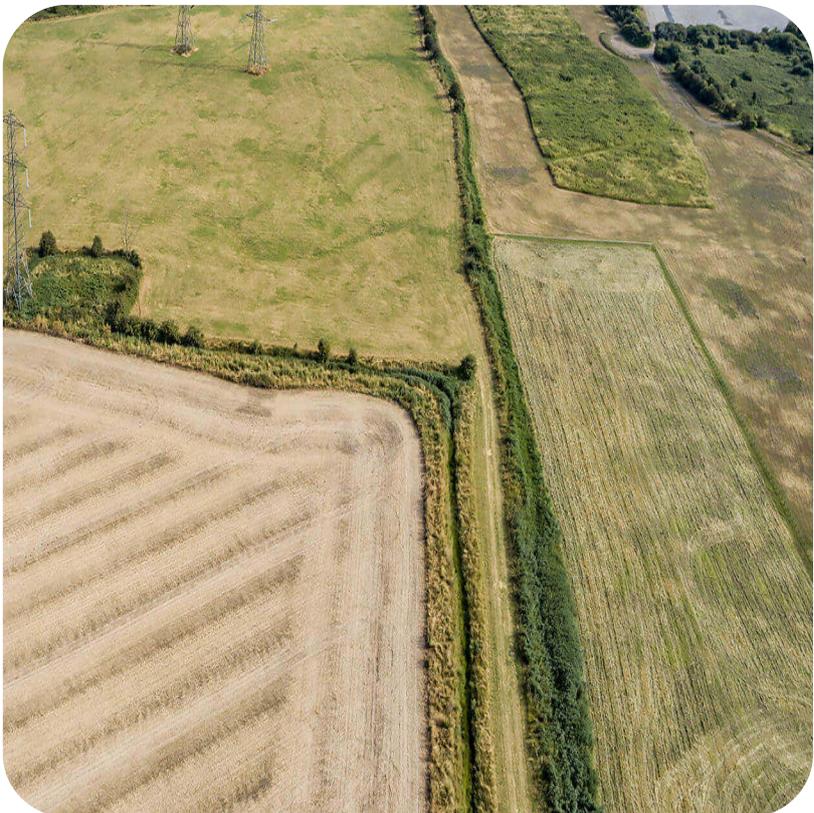


Thurrock Flexible Generation Plant

Table of amendments to the Development Consent Order between version 2 (post section 51 advice) to version 3 (to accompany further information, December 2020)



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Article / Paragraph	Amendment	Reason
Article 1 Definitions, and Article 39(1) Certification of documents	Deletion of 'outline saltmarsh enhancement and maintenance plan'.	Following the discussions with stakeholders, the applicant proposes to seek to remove Work no.9, the creation of saltmarsh habitat from the Order. That change would make this plan unnecessary.
New Article 37, Power to dredge	<p>Power to dredge</p> <p>37—(1) The undertaker may dredge, deepen, scour, cleanse, alter and improve the river bed and foreshore within any part of the Order limits situated within the river Thames as may be required for the purpose of constructing and operating the authorised development.</p> <p>(2) All materials dredged up or removed by the undertaker in exercise of the powers of paragraph (1) of this article or under Schedule 1 (authorised development) to this Order (other than wreck within the meaning of Part 9 (salvage and wreck) of the Merchant Shipping Act 1995(a)) are to be the property of the undertaker and may be used, sold, deposited or otherwise disposed of as the undertaker thinks fit.</p> <p>(3) No materials dredged under the powers of this Order may be disposed of in the UK marine area except in accordance with an approval from</p> <ul style="list-style-type: none"> (a) the MMO under a marine licence granted by the MMO; and (b) the PLA where such disposal is on the bed of the river Thames. <p>(4) In respect of any activities falling within paragraph (1), this Order is deemed to be 'legislation' falling within section 75(3) (exemptions for certain dredging etc. activities) of the 2009 Act.</p>	The applicant has always included dredging in the description of Work no.10 as it is necessary for the construction of that work. The dredging and volumes of material to be dredged are also set out in the deemed marine licence in schedule 8 of the Order. However, noting the PLA's submission that it did not consider the power to dredge to be explicit, the applicant agrees that the addition of this article, based on the equivalent powers granted in the Port of Tilbury Expansion DCO would be of assistance in removing any dubiety.

Schedules		
Schedule 1, work 9	Deletion of work No 9, creation of saltmarsh	Following the discussions with stakeholders, the applicant proposes to seek to remove Work no.9, the creation of saltmarsh habitat from the Order.
Schedule 1, Work 10	Clarification that the causeway will be gated Work no. 10 – A gated causeway with crane platforms, extending from above mean high water springs to the foreshore, and a berthing pocket for barges.	Natural England requested that the applicant ensure that the proposals exclude public access to the causeway at all times to ensure that it does not develop a secondary purpose (such as leisure or recreation). As part of the response to that request, the applicant proposes to gate the causeway to prevent unauthorised access, and that has been added to the description of Work 10.
Schedule 1, work 14	Deletion of 'topsoil strip' from work description. Work no. 14 – Creation of common land with topsoil strip , planting and landscaping.	The applicant has determined that stripping the topsoil would not be needed as a suitable seed mix adapted to the existing high-nutrient topsoil has been identified.
Requirement 4(1)	Addition of requirement for details to include details of provision of cycle parking (1) No part of the authorised development can be commenced until written details of the following for that part have been submitted to and approved by the relevant planning authority specifying— (a) the siting, design, external appearance, dimensions and floor levels of all permanent buildings and structures; and (b) the colour, materials and surface finishes of all permanent buildings and structures; and (c) details of the provision made for cycle parking facilities for staff.	This was requested by Public Health England and agreed to by the applicant.

New Requirement (4)4	<p>Addition of a new sub-paragraph 4(4)</p> <p>(4) No works creating or affecting culverts in ordinary watercourses may be commenced unless the detail of such works has been approved by the relevant planning authority in consultation with Thurrock Council is its capacity as the lead local flood authority.</p>	<p>This addition was requested by Thurrock Council as Lead Local Flood Authority during discussion of the statement of common ground and the applicant agreed to seek its inclusion.</p>
Requirement 6	<p>Royal Mail has been added to the bodies required to be consulted on the CTMP</p> <p>6 –(1) No part of the authorised development can be commenced until a Construction Traffic Management Plan for that part has been submitted to and approved by the relevant planning authority in consultation with the highway authority and Royal Mail.</p>	<p>To address the concerns expressed in the Royal Mail’s representation that disruption to the highway could impact their service, the applicant proposes this addition to ensure that Royal Mail is properly allowed for in the traffic management planning and is kept informed on the traffic management plans.</p>
Requirement 10	<p>Amends to more precisely set out what details must be provided for approval.</p> <p>Surface and foul water drainage</p> <p>10—(1) No part of the authorised development can be commenced until written details of the surface and foul water drainage system (including means of pollution control and connection points to existing drainage network) for that part have been submitted to and approved by the relevant planning authority.</p> <p>(2) The details submitted under sub-paragraph (1) must include:</p> <p>the means of pollution control;</p> <p>connection points to existing drainage network with consideration to directing drainage away from the West Tilbury Main catchment; and</p> <p>ground raising and effects on the routing of flood waters.</p> <p>The surface and foul water drainage system for the relevant part of the authorised development must be constructed in accordance</p>	<p>These amendments are to address concerns raised by the Environment Agency and Thurrock Council (as lead local flood authority).</p>

	with the approved details unless otherwise agreed in writing by the relevant planning authority	
New Requirement 11. Flood Evacuation Plan	<p>Flood Evacuation Plan</p> <p>11.—(1) The undertaker must, prior to the commencement of the authorised development, put in place a flood evacuation plan for the authorised development. The flood evacuation plan must be maintained and kept up to date throughout the operational life of the authorised development.</p> <p>(2) A copy of the flood evacuation plan must be provided to the relevant planning authority or Thurrock Council acting as lead local flood authority on request.</p>	<p>Thurrock Council requested that this plan be added to the documents certified in DCO. However, as this requires to be a document which is revised and updated when necessary, a static certified document was not considered appropriate. The applicant accordingly proposes this new requirement to provide certainty that a flood evacuation plan will be produced and maintained.</p>
Requirement 12, new sub-paragraphs (3), (4) and (5)	<p>(3) <u>The undertaker must, prior to the commencement of Work 10, carry out further sediment sampling of the river bed and analysis of those samples. That further sediment sampling and analysis must be carried out in accordance with a plan which has been submitted to and approved by the relevant planning authority in consultation with the Marine Management Organisation and the PLA. The plan must include details of the sampling locations with surface, mid and depth levels which will provide a representative sediment assessment.</u></p> <p>(4) <u>The results and analysis of the further sediment sampling carried out in accordance with the plan approved under sub-paragraph (3) must be provided to the Marine Management Organisation and the PLA.</u></p> <p>(5) <u>Where the further sediment sampling and analysis carried out in accordance with sub-paragraph (3) identifies that the sediment contains contaminants which, in the reasonable opinion of the Marine Management Organisation and/or the PLA, make the use of water injection dredging unsuitable for the authorised development, dredged material may not be disposed of by dispersal and must be removed to a licenced waste disposal site.</u></p>	<p>The PLA advised the applicant that it did not consider the sampling of the area within Work 10 to provide as much information as would normally be sought by the PLA if the causeway works were to be authorised under a river works licence. The PLA considers that further sampling is required to demonstrate that dispersal of water injection dredged material is acceptable.</p> <p>The applicant considers that further sampling would most productively be undertaken closer to the commencement of construction in order to obtain current data and when the detailed design has been progressed and there is more certainty on the precise location of the dredging works so that sampling locations can be determined having regard to the detailed design. The applicant accordingly proposes this requirement for further sampling and, where that shows contamination which would make dispersal of water injection dredged material inappropriate, securing that this material will be removed. The applicant confirms that while its preferred dredging approach is water injection with material being dispersed, it has allowed for complete removal of all dredged material by vehicle over land in its traffic assumptions as that is considered to be the worst case.</p>

<p>Requirement 14</p>	<p>Addition of requirement for consultation with Natural England.</p> <p>Landscaping and Ecological Management Plan</p> <p>14 – (1) No part of the authorised development can commence until a LEMP for that part, substantially in accordance with the outline ecological management plan and illustrative landscape plan, including-</p> <p>....</p> <p>has been submitted to and approved by the relevant planning authority in consultation with Natural England.</p>	<p>Natural England has requested to be a named consultee on this requirement.</p>
<p>Requirement Saltmarsh management</p>	<p>15 Requirement deleted.</p>	<p>This requirement is no longer required where Work no 9, creation of saltmarsh is deleted</p>
<p>New Requirement 15, restoration of construction compounds</p>	<p>Construction compound restoration</p> <p>15—(1) Prior to the completion of construction of Work 1, the undertaker must submit a plan to the relevant planning authority for approval detailing how all of the construction compounds areas which do not form part of the permanent works will be restored, including—</p> <ul style="list-style-type: none"> (a) details of the use and condition of the land before it was used as a construction compound; (b) proposed finished ground levels; (c) details of any soft landscaping works to be undertaken as part of the restoration; (d) details of any hard landscaping to be to be undertaken as part of the restoration including paving, surfacing, gates and fencing; and (e) implementation timetables for the restoration works. <p>(2) The restoration of the construction compounds must be carried out in accordance with the approved plan.</p>	<p>This requirement was requested by Thurrock Council and the applicant agreed to seek its inclusion.</p>

**New requirement 17,
Review of access for
abnormal indivisible
loads**

Review of access for abnormal indivisible loads

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

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

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

(3) Where all the consents required to create and/or use alternative AIL access are granted, the causeway to be constructed as Work 10 and the changes to the sea-defence wall to be carried out as Work 11 must be decommissioned in accordance with requirement 18(3).

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

- (i) the submission of the review under sub-paragraph (1);
or

Following discussion with interested parties on the life of the causeway, requests have been made to remove this as soon as practical. The applicant cannot commit to removing this unless and until another route for abnormal indivisible loads is created as the project would not be financeable if engine components cannot be removed for repair or replaced in case of failure. The applicant has therefore agreed to propose these requirements to secure a review of abnormal load route options every 5 years and if there is a permanent, feasible and economic alternative option for these, the causeway would then be decommissioned.

	<ul style="list-style-type: none"> (ii) the undertaker notifying the relevant planning authority of the refusal of consent under sub-paragraph 2(b); (c) where the review undertaken under this sub-paragraph identifies an environmentally acceptable, permanent, feasible and economic alternative to use of the causeway to be constructed as Work 10 for AIL access which was not identified in the previous review, sub paragraphs (2), (3) will apply as if the report had been submitted under sub-paragraph (1), (d) Where a subsequent review undertaken under this sub-paragraph does not identify a permanent, feasible and economic alternative to use of the causeway to be constructed as Work 10 for AIL access, then a further review will be required at each five year interval as if the subsequent review had been submitted under sub-paragraph (1). <p>(5) In this requirement, a permanent, feasible and economic alternative means:</p> <ul style="list-style-type: none"> (a) that the alternative route is available and will remain so for the flexible generation plant's operating lifetime; (b) that transport of AIL via the alternative route is feasible and practicable, taking into account factors including but not limited to the physical characteristics of the AILs and the route (such as load limits and clearance), the agreement of landowners and having all of the consents required to create and/or use the alternative route; and (c) that the alternative route costs no more than 10% more than the cost of shipment from the port of delivery, berthing and unloading at the causeway. 	
<p>New requirement 18, causeway</p>	<p>Causeway decommissioning plan</p>	

<p>decommissioning plan</p>	<p>18.—(1) Where in accordance with requirement 17(3), the causeway to be constructed as Work 10 is to be decommissioned, the undertaker must, within 6 months of the undertaker receiving all of the consents for which applications were made under requirement 17(2), submit a causeway decommissioning plan to the relevant planning authority for approval in consultation with the Environment Agency and PLA.</p> <p>(2) Where Work 1 permanently ceases operation and no Causeway decommissioning plan has previously been approved under this requirement, the undertaker must, within 6 months of the operation of Work 1 ceasing, submit a causeway decommissioning plan to the relevant planning authority for approval.</p> <p>(3) The causeway decommissioning plan must include:</p> <ul style="list-style-type: none"> (a) a description of the decommissioning works and methods for Works 10 and 11; (b) a description of environmental management measures to be employed; (c) details of the reinstatement of the sea defence wall altered as part of Work 11; (d) details of the restoration of mudflat habitat; and (e) a timetable for implementation. <p>(4) Decommissioning of Works 10 and 11 must be carried out in accordance with the approved causeway decommissioning plan.</p>	
<p>New requirement 19, Bird monitoring</p>	<p>Bird monitoring</p> <p>19.—(1) — No part of the Works 10 or 11 can commence until plan for the carrying out of foreshore bird passage and wintering bird survey and monitoring and including:</p> <ul style="list-style-type: none"> (a) details of pre-commencement surveys to be carried by the undertaker; (b) details of the monitoring to be carried out by the undertaker during the construction of work 10; (c) details of post-construction monitoring to be carried by the undertaker; and (d) how the results of surveys and monitoring are to be provided to Natural England, 	<p>Requested by Natural England and agreed by the applicant as required to ensure that the impacts on birds are appropriately monitored.</p>

	<p>has been submitted to and approved by the relevant planning authority in consultation with Natural England.</p> <p>(2) The surveys and monitoring must be carried out in accordance with the approved details and to a reasonable standard in accordance with recognised codes of good practice.</p>	
Schedule 8, Deemed marine licence, Part 1	Deletion of activities which were for the creation of saltmarsh subsequent to the proposed deletion of Work no. 9.	Following the discussions with stakeholders, the applicant proposes to seek to remove Work no.9, the creation of saltmarsh habitat from the Order. That change would make the inclusion of works related to the previously proposed saltmarsh unnecessary.