



Marine
Management
Organisation

Marine Licensing
Lancaster House
Hampshire Court
Newcastle upon Tyne
NE4 7YH

T +44 (0)300 123 1032
F +44 (0)191 376 2681
www.gov.uk/mmo

Thurrock Power Limited Case Team
Planning Inspectorate

ThurrockFPG@planninginspectorate.gov.uk

MMO Reference:
DCO/2018/00015
Planning Inspectorate
Reference: EN010092

By Email Only

13 May 2021

Dear Sir/Madam

APPLICATION BY THURROCK POWER LIMITED (THE APPLICANT) FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE THURROCK FLEXIBLE GENERATION PLANT

Deadline 4 Response

This document comprises the Marine Management Organisation's (MMO) Deadline 4 response in respect to the above Development Consent Order (DCO) Application. This is without prejudice to any future representation the MMO may make about the DCO Application throughout the examination process. This is also without prejudice to any decision the MMO may make on any associated application for consent, permission, approval or any other type of authorisation submitted to the MMO either for the works in the marine area or for any other authorisation relevant to the proposed development.

The MMO reserves the right to modify its present advice or opinion in view of any additional matters or information that may come to our attention.

Yours faithfully,

Nicola Wilkinson
Marine Licensing Case Officer

D [REDACTED]
E [REDACTED] [@marinemanagement.org.uk](mailto:[REDACTED]@marinemanagement.org.uk)

Copies:

Sarah Errington (Case Manager): [REDACTED] [@marinemanagement.org.uk](mailto:[REDACTED]@marinemanagement.org.uk)

Lindsey Mullan (Senior Case Manager): [REDACTED] [@marinemanagement.org.uk](mailto:[REDACTED]@marinemanagement.org.uk)



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1 REP3-005 Thurrock Power Ltd Deadline 3 Submission - Statement of Commonality for Statements of Common Ground Rev 1

1.1 The MMO would like to advise that we are currently awaiting confirmation from both the Environment Agency (EA) and Natural England (NE) and will endeavour to provide a response as soon as possible.

2 REP3-016 Thurrock Power Ltd Deadline 3 Submission - Draft Statement of Common Ground with the Port of London Authority

2.1 The MMO note that the Applicant and Port of London Authority (PLA) have agreed amended drafting on the PLA's Protective Provisions. This would adequately provide for the carrying out river bed surveys, and a scour and accretion monitoring plan. The MMO would like to highlight that this has the potential for implications for the Deemed Marine Licence (DML) and are open to discussions with both parties should there be any uncertainty.

2.2 The MMO welcome revisions to the wording to article 5(1) maintenance dredging to clarify that the maintenance power does not grant development consent for any development not authorised by article 3, to ensure that maintenance dredging is excluded. The MMO note that further revisions will also be made within the DML. Please see section 5.2 of this response for further comments.

3 REP3-018 Thurrock Council Deadline 3 Submission

3.1 The MMO note that Thurrock Council have requested within the section 'Draft DCO' to be included as a consultee under the DML conditions. The MMO agree with the Local Planning Authority's (LPA) comments and request if the Applicant is minded to agree that this is updated in the next iteration of the DML.

4 REP3-021 Historic England Deadline 3 Submission

4.1 With regard to Question 1.4.4 – the MMO note Historic England's (HE) request to be consulted on any Written Schemes of Investigation (WSI) relating to the Marine and Intertidal aspects of the project. The MMO would like to re-confirm the advice provided in our Deadline 3 response (REP3-022), in section 1.3.1, that we defer to HE and that the WSI will be reviewed in consultation with HE unless evidence of HE's approval is provided by the Applicant.



4.2 The MMO assume that Trail trenching will be conducted above Mean High Water Springs. If this assumption is false, then the MMO would like to advise that this may have implications for the DML.

5 Issue Specific Hearings

The MMO have reviewed the Issue Specific Hearings 1 and 3 recordings and have the below comments:

5.1 With regard to ISH 3 (18 minutes and 10 seconds) – The MMO acknowledge and welcome the applicant's intent to move requirement 14 (2) into the Deemed Marine Licence (DML).

5.2 With regard to ISH3 (27 minutes 10 seconds) – The MMO acknowledge and welcome the Applicant's intent regarding revised wording to clarify that maintenance dredging is not permitted by the DML. The MMO will review the revised wording submitted at Deadline 4 with the aim of providing a response for Deadline 5.

5.3 With regard to ISH3 (27 minutes 40 seconds) – The MMO welcome further discussions with the Applicant directly. The MMO also acknowledge recent correspondence from the Applicant via email dated 06 May 2021 but unfortunately due to limited capacities of the case team MMO have not been able to respond to the applicant prior the submission of the Deadline 4 response.

5.4 With regard to ISH3 (27 minutes 54 seconds) – The MMO shares the hopes of the Applicant with regard to avoiding unnecessary duplication.

5.5 With regard to ISH3 (28 minutes 45 seconds) – The MMO appreciate the clarification provided by the Applicant regarding Arbitration not applying to the MMO.

6 REP3-023 Port of Tilbury London Limited (POTLL) Deadline 3 Submission

6.1 With regard to Response to FWQ 1.7.29 - As noted in section 2.3.2 of our Deadline 3 response (REP3-022) the MMO agree that POTLL are consulted on the Causeway decommissioning plan and if the Applicant is minded to agree that this is updated in the next iteration of the DML.

Nicola Wilkinson
Marine Licensing Case Officer

D [REDACTED]
E [REDACTED] [@marinemanagement.org.uk](mailto:[REDACTED]@marinemanagement.org.uk)

