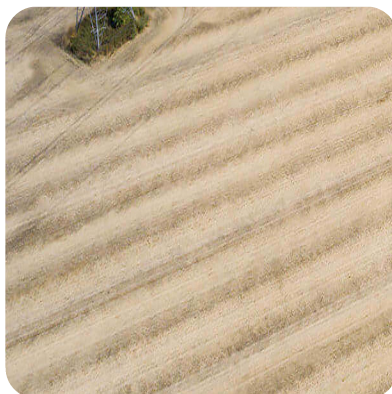
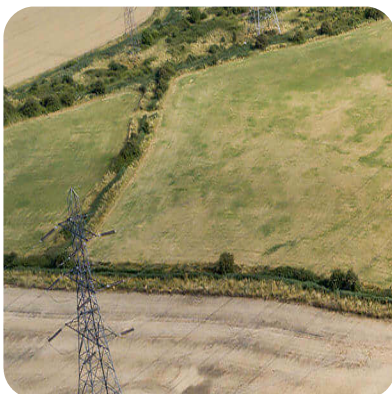


Thurrock Flexible Generation Plant

Written Summary of Oral submissions: ISH3 DCO (29 April 2021)



1 MAIN DISCUSSION POINTS

1.1 Schedule 2 (Requirements)

- 1.2 The Applicant confirmed that it has been in discussion with Thurrock Council and PoTLL in relation to the wording of various requirements and is seeking to reach agreement and provide an updated dDCO at Deadline 4.
- 1.3 The Applicant confirmed that Royal Mail have been added as a consultee to Requirement 6 as Royal Mail is now requesting this as standard for all DCOs where service delivery may be affected.
- 1.4 The Applicant confirmed that a number of parties will be added as consultees in relation to the CTMP under requirement 6 and the CWTP under requirement 7, but the Applicant does not believe it appropriate for PoTLL to be a discharging authority under the requirements. Rather, the Applicant proposes that the protective provisions will be used in order to give PoTLL the level of comfort necessary to ensure that their position is adequately protected in relation to levels of traffic using the Port.
- 1.5 The Applicant confirmed that it would check whether the Environment Agency are seeking any amendments to requirement 10. It is not understood that any changes are sought. Further discussion have been held with Thurrock Council on this requirement and the concept drainage strategy has been updated to reflect those.
- 1.6 The Applicant confirmed its position that, in relation to the points raised by PoTLL on requirement 14 and CCR land, it is not considered necessary to add the additional wording being suggested by PoTLL as consent is not being sought to develop the CCR land in this DCO application. In the event that the land were to be used, a further consent would be required. The Applicant awaits any further submissions from PoTLL on this point.
- 1.7 The Applicant confirmed that requirement 14(2) will be moved to the DML at the request of the MMO.
- 1.8 In relation to Thurrock Council's comments on Part 2 of Schedule 2 to the dDCO, the Applicant confirmed that the timescales being proposed by the Council (changing 5 weeks to 8 weeks) were acceptable. However, the inclusion of a reference to section 70 Town and Country Planning Act 1990 is not appropriate as that is a separate regime.

1.9 Schedule 8 (Deemed Marine Licence)

- 1.10 The Applicant confirmed that the DCO and the DML do not include maintenance dredging and that changes are being proposed at the next deadline to make that clear.
- 1.11 The Applicant confirmed that discussions are ongoing with the MMO and the parties are making good progress. In particular, it has been agreed as a point of principle not to duplicate requirements and DML conditions. Some requirements have therefore been moved to the DML. In addition, the Applicant is proposing changes to make it clear that the arbitration provisions within the DCO will not apply to regulatory decisions to be made by the MMO (as these do not constitute "disputes").

1.12 Schedule 9 – Protective Provisions

- 1.13 The Applicant confirmed that it will be adding a new Part 10 to Schedule 9 for the benefit of RWE and that good progress is being made with discussions regarding protective provisions with the relevant parties.

2 OPPORTUNITY FOR INTERESTED PARTIES TO COMMENT ON OTHER ASPECTS OF THE DCO AND RAISE ANY MATTERS NOT COVERED ABOVE

- 2.1 The Applicant disagreed with the suggestion by PoTLL that it should be a consultee for the purposes of article 8 of the dDCO. The Applicant submitted that it was not appropriate

for PoTLL to be given special status in relation to the process set out in this article and that the SoS was capable of determining who it is appropriate to consult should the process in this article be invoked. The Applicant emphasised that PoTLL is not the harbour authority for the causeway (it is the PLA).

- 2.2 In relation to PoTLL's request to be a consultee in relation to article 36, the Applicant confirmed that it would need to discuss this with the PLA before reaching a position on this, as the wording of article 36 has been subject to extensive discussion with the PLA. Following the hearing, comment was sought from the PLA which has agreed that PoTLL can be added as a consultee and an amendment to the article is proposed in revision 5 of the dDCO.