



Marine Management Organisation

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

By Email Only

20 July 2021

Dear Sir/Madam,

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

Deadline 6 Response

This document comprises the Marine Management Organisation's (MMO) Deadline 6 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

Copies:

Sarah Errington (Case Manager): [REDACTED]

Lindsey Mullan (Senior Case Manager): [REDACTED]



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1 General Comments:

- 1.1 The MMO advise that all draft marine plans have now been adopted by the Secretary of State, as such a number of the policies have now been updated and wording for these policies have changed. As decisions must be made on best available evidence an updated assessment is required.
- 1.2 The MMO can confirm the case team has had a meeting with the Environment Agency and can now confirm that no seasonal restrictions or further mitigation regarding migratory fish species are required within the DML.

2 REP5-003 Thurrock Power Ltd Deadline 5 Submission - Draft Development Consent Order (Version 6) & REP5-004 Thurrock Power Ltd Deadline 5 Submission - Tracked Change Draft Development Consent Order - Version 5 to Version 6

- 2.1 With regard to Schedule 8 Part 2 (6) – The MMO would like to highlight that condition 10 is related to the marine pollution contingency plan, rather than condition 5 which provides the information relevant to this condition.
- 2.2 With regard to Schedule 8 Part 2 (9) 2a – The MMO note that there is a reference to the ‘licence holder’ in this paragraph, whereas all other wording has been updated it appears this has been missed and should be amended to ‘undertaker’ in line with the rest of the DML.
- 2.3 With regard to Schedule 8 Part 2 (17) - ‘Saltmarsh colonisation and mudflats monitoring programme’. The MMO would like to question the inclusion of consultation with Port of London Authority, as the MMO are not aware of their request to be consulted.
- 2.4 With regard to Schedule 8 Part 3 (20) (2) – The MMO note that this has remained although note that there have been some amendments to the wording. The MMO still object to this as it impacts our ability as regulator and is not in accordance with standard marine licences. Please refer to previous responses for further detailed comments (e.g. REP3-022).

3 REP5-006 Thurrock Power Ltd Deadline 5 Submission - Explanatory Memorandum - Application Document Reference A3.2 (Version 5)

- 3.1 The MMO welcome the clarification provided by the amended wording for Article 5 ‘Maintenance of authorised development’.
- 3.2 With regard to Schedule 2 Requirement 3 - ‘Notice of commencement of development’. The MMO welcome the removal of this duplication through the deletion of the MMO from the requirement, as highlighted in our Deadline 5 response.



- 3.3 With regard to Schedule 2 Requirement 14 - 'Landscaping and Ecological Management Plan'. The MMO welcome the replacement of this with condition 17 in the DML.
- 3.4 With regard to Schedule 2 Requirement 17 – 'Navigational risk assessment (3)'. The MMO recognise that decommissioning will be dealt with through a separate consent. The MMO would like to advise the applicant that it is important to make sure any activities such as maintenance are suitably covered in the DML.
- 3.5 With regard to Schedule 2 Requirement 19 – 'Causeway decommissioning plan'. As noted in the MMO's Deadline 5 response (REP5-025) the MMO do not consider it suitable to have this wording within the requirements and needs to be conditioned within the DML. We would like to reiterate our previous offer to discuss this with the Council on the matter to resolve before Deadline 7.
- 3.6 With regard to Schedule 8, Deemed marine licence, Part 1 Paragraph 2 - Contacts (MCMS notifications). The MMO welcome this addition as recommended in our Deadline 3 response (REP03-0022).

4 REP5-012 Thurrock Power Ltd Deadline 5 Submission - Statement of Common Ground with the Port of London Authority (Final Version)

- 4.1 With regard to Point 7 – 'Monitoring and addressing impacts'. The MMO would like to make the applicant aware of marine licensing needs requirements regarding river bed surveys, a scour and accretion monitoring and mitigation plan, and monitoring and remediation of sedimentation.

5 REP5-016 Thurrock Power Ltd Deadline 5 Submission - Applicant's Comments on Port of Tilbury London Limited's Deadline 4 Submission

- 5.1 The MMO note that unexploded ordnances (UXO) survey will be undertaken prior to construction to ensure safe working conditions. The MMO would like to highlight that it is the Applicant's responsibility to ensure any licensable activities are covered by the DML or separate marine licence, surveys may trigger the need for consent. At present the current DML does not permit removal or detonation of UXO's. If detonation is required then it will also be the Applicant's responsibility to ensure that they comply with the Wildlife and Countryside Act as detonation activities s may require a wildlife licence.

6 ExQ3 – published 09 July 2021

- 6.1 3.2.1 Please respond to the MMOs comments in its Deadline 5 response (REP5-025) in relation to the WSI for Marine and Intertidal Archaeological mitigation.

- 6.1.1 The MMO welcome the Applicants response and would be happy to discuss further. Please note team availability is currently very limited so advanced notice is required.



6.2 3.3.8 – Requirement 19 - Please comment on the request by the MMO to have Requirement 19 (Causeway Decommissioning Plan) moved to Schedule 8 (Deemed Marine Licence) (REP5-025) (paragraph 2.6).

6.2.1 The MMO welcome the Applicants responses and happy to discuss, as previously noted team availability is currently very limited so advanced notice would be required. We would like to note that this has been requested by the MMO as it is important that activities occurring within our jurisdiction are included within the DML, and by not including Requirement 19 within the DML the MMO would not be able to enforce the causeway decommissioning plan.

Nicola Wilkinson
Marine Licensing Case Officer

