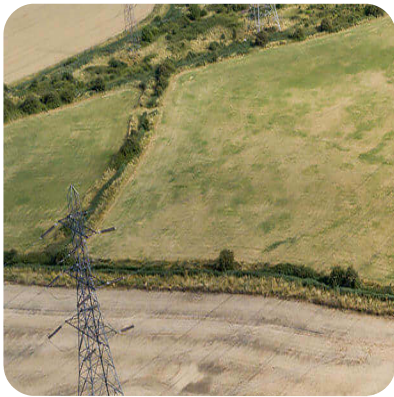


Thurrock Flexible Generation Plant

Table of amendments to the draft Development Consent Order between version 6 (REP5-003 to version 7 (Deadline 6 submission)



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Article / Paragraph	Amendment	Reason
Article 8 Consent to transfer benefit of Order	Amendments to article 8(4)(iv) to add Work no. 15 to the list and amend the description of the Port's status: (iv) in relation to a transfer or lease of any works within a street situated within the Port of Tilbury <u>or Work no. 15</u> , Port of Tilbury London Limited or any successor as the statutory Port Authority <u>harbour authority</u> for the Port of Tilbury.	As requested by the Port of Tilbury London Limited.
Article 10 Disapplication of legislation etc.	Amend to Article 10(4) to expand the list of items which can be carried out without conflicting with the Port of Tilbury (Expansion) Order 2019: <u>(4) In so far as any of-:</u> <u>(a) the works to be carried out as part of Work nos. 12(a), 12(e) and 15; or</u> <u>(b) any ancillary work listed in Schedule 1; or</u> <u>(c) the use of Work no. 15 under this this Order would 12 or the passage of construction, maintenance or decommissioning vehicles utilised for the authorised development; or</u> <u>(d) any activities carried out pursuant to the requirements set out in Schedule 2;</u> <u>would result in conflict or non-compliance with the requirements of Schedule 2 to</u> The Port of Tilbury (Expansion) Order 2019 ⁽¹⁾ landscape and ecological management plan (as defined in that Order) , then the requirement to comply with that plan is disapplied by this Order. This disapplication has effect only in so far as The Port of Tilbury (Expansion) Order 2019 landscape and ecological management plan would otherwise apply to area within which Work no. 15 is authorised to be carried out by this Order. 2019 <u>is disapplied by this Order.</u>	As requested by the Port of Tilbury London Limited.

Schedules		
<p>Schedule 2</p> <p>Requirement 17 Navigational risk assessment</p>	<p>Addition of decommissioning to requirement 17(4):</p> <p>(2)(5) No change to the operation of Work no.10 <u>including any decommissioning</u>, may be implemented until a revised navigational risk assessment reflecting the proposed change has been submitted to and approved by the PLA following consultation with the Port of Tilbury London Limited.</p>	<p>As requested by the Port of Tilbury London Limited.</p>
<p>Schedule 2</p> <p>Requirement 18 Review of access for abnormal indivisible loads</p>	<p>Addition of Port of Tilbury London Limited as a consulted and amendment to include that alternatives may not worsen traffic conditions on the strategic road network in requirement 8(3):</p> <p>(3) If, in the opinion of the relevant planning authority, following consultation with Highways England <u>and Port of Tilbury London Limited</u>, an environmentally acceptable, permanent, feasible and economic alternative to the use of the causeway to be constructed as Work no. 10 for AIL access, <u>which would not have a significant adverse effect on traffic conditions on the strategic road network</u>, is identified in the report submitted under sub-paragraph (1), then the relevant planning authority must notify the undertaker of that decision in writing. Where such notice is issued the undertaker must;</p>	<p>Addition of the Port as requested by the Port of Tilbury London Limited and insertion of traffic wording as agreed with Highways England.</p>

	<p>Insertion in requirement 18(5)(a) and (c):</p> <p>(5)(a) Where, <u>in the opinion of the relevant planning authority</u>, the review undertaken under sub-paragraph (1) does not identify an environmentally acceptable, permanent, feasible and economic alternative to the use of the causeway to be constructed as Work no.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;</p> <p>(c) Where a subsequent review undertaken under this sub-paragraph does not, <u>in the opinion of the relevant planning authority</u>, identify an environmentally acceptable, permanent, feasible and economic alternative to the use of the causeway to be constructed as Work no.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>	<p>To clarify who determines if an acceptable alternative has been identified.</p>
	<p>Amendment of requirement 18(6):</p> <p>(3)<u>(6)</u> In this requirement, an environmentally acceptable, permanent, feasible and economic alternative means:</p> <p><u>(a)</u> that the environmental impacts of the alternative are determined by the relevant planning authority to be likely to be acceptable to any authority from whom consent would be required to construct or operate the alternative access (which view is without prejudice to any later decision made by it in any statutory capacity or in determining any application received), having regard to the assessment criteria applicable at the time of undertaking the review, which criteria may include</p> <p><u>(iv)</u> <u>any</u> environmental impact assessment and <u>required from and provided by the undertaker, and</u></p> <p>(iv)<u>(v)</u> <u>any required</u> assessment of the impact on protected species and habitats,</p>	<p>As discussed in reponse to ExA third written question 3.3.5</p>
<p>Schedule 2 Requirement 29</p>	<p>The period for response in requirement 29(3) has been changed from 3 to 5 working days.</p>	<p>As requested in ExA third written question 3.33</p>

<p>Schedule 8, Deemed marine licence</p>	<p>Amends to paragraph 3(2)(c)(ii) and 392)(d) to clarify that the licensed activities cover investigatory works.</p> <p>(ii) carry out excavations (including archaeological investigation excavation) and clearance (excluding clearance or detonation of ordnance), deepening, scouring, cleansing, dumping and pumping operations;</p> <p>(d) such other works as may be necessary for the purposes of, or in connection with or in consequence of, the construction, maintenance or use of the authorised development, including works comprising geotechnical investigation and archaeology investigation (including the drilling of boreholes, taking of samples and opening of trenches and pits for such investigations); and works for the accommodation or convenience of vessels (including but not limited to berthing and mooring facilities, ladders, buoys, bollards, fenders, rubbing strips and fender panels, fender units and pontoons);</p>	<p>As suggested by the MMO to clarify that these works are included.</p>
<p>Schedule 9 Protective provisions, Part 4</p>	<p>Amends to properly classify the flood defence wall on the river Thames as a sea defence and to insert the agreed wording on indemnities.</p>	<p>To insert the wording as agreed with the Environment Agency.</p>
<p>Schedule 9 Protective provisions, Part 5</p>	<p>Amended throughout to reflect discussions with National Grid</p>	<p>To insert the wording as agreed with National Grid, and the Applicant's preferred drafting where it is not – please see the separate document on the detail of the protective provisions drafting.</p>
<p>Schedule 9 Protective provisions, Part 7</p>	<p>Amended throughout to reflect discussions with Network Rail</p>	<p>To insert the wording as agreed with Network Rail, and the Applicant's preferred drafting where agreement has not been reached – please see the separate document on the detail of the protective provisions drafting.</p>
<p>Schedule 9 Protective provisions, Part 9</p>	<p>Agreed wording inserted.</p>	<p>To insert the wording agreed with Highways England.</p>

Schedule 9 Protective provisions, Part 10	Amended throughout.	To insert the wording as agreed with RWE and the Applicant's preferred drafting where agreement has not been reached – please see the separate document on the detail of the protective provisions drafting.
Schedule 9 Protective provisions, Part 11	Wording inserted	This is the Applicant's drafting, comment from Thurrock Council has been sought and is awaited, but this has been provided for consideration by the ExA ahead of the issue specific hearing on the dDCO.