

# **Thurrock Flexible Generation Plant Project**

**Examining Authority's (ExA)**

**Consultation Draft Development Consent Order (dDCO)**

**Schedule of Proposed Amendments to the Applicant's draft Development Consent Order  
(dDCO) (Version 7) [REP6-003]**

**Note to Interested Parties:**

The Examining Authority (ExA) reminds Interested Parties (IPs) that the recommended schedule of changes to the draft DCO follows a statutory process. It is made irrespective of the recommendation the ExA will make to the Secretary of State (SoS) and is not an indication that the ExA has already made up his mind on the Application.

IPs participation and written responses will be treated as being given without prejudice to any position or view they hold on the scheme. IPs are invited to identify any **outstanding** concerns previously raised that are not addressed below.

Please note that where parties have indicated (at ISH4 or CAH2) that discussions are ongoing in relation to the wording of protective provisions, these matters have not been included in the schedule below.

Words in bold are intended to assist in the identification of recommended amendments.

NO	ARTICLE/ SCHEDULE	TEXT AS SET OUT IN DRAFT DCO (VERSION 7) [REP6-003].	EXA'S RECOMMENDED AMENDMENT	REASON AND NOTES
1.	Article 2 – Interpretation  Definition of “Highways England”	...whose registered office is at Bridge House, Walnut Tree Close, Guilford, GU1 4ZZ;	...whose registered office is at Bridge House, Walnut Tree Close, Guilford, <del>GU1 4ZZ;</del> <u>GU1 4LZ</u>	Incorrect post code.
2.	Article 2 – Interpretation  <i>Definition of “maintain”</i>	...and remove, reconstruct or replace any <b>part</b> , provided.....	...and remove, reconstruct or replace any part-, provided...	Typographical error.
3.	Article 2 – Interpretation  <i>Definition of “NGET”</i>	...whose registered office is at 1 to 3 Strand, London, WE2N 5EH;	...whose registered office is at 1 to 3 Strand, London, <del>WE2N 5EH</del> <u>WC2N 5EH;</u>	Incorrect post code.
4.	Article 2 – Interpretation  <i>Definition of “NGG”</i>	...whose registered office at 1 to 3 Strand, London, WCN 5EH;	...whose registered office <u>is</u> at 1 to 3, Strand, London, <del>WCN 5EH</del> <u>WC2N</u> <u>5EH;</u>	Typographical error and incorrect post code.
5.	Article 2 – Interpretation  <i>Definition of “Order limits”</i>	...shown on the works <b>plan</b> ....	...shown on the works plans....	To correct a drafting error.
6.	Article 2 – Interpretation  <i>Definition of “preliminary</i>	“preliminary navigational risk assessment” means the document certified as the preliminary navigational risk assessment for the operation of the Thurrock Flexible Power Generation Plant Causeway, Revision R03-00	“preliminary navigational risk assessment” means the document certified as the preliminary navigational risk assessment <del>for</del> <del>the operation of the Thurrock</del>	Superfluous wording removed/ consistency.

	<i>Navigational risk assessment</i>	prepared by Nash Maritime limited and dated 11 December 2020 by the secretary of state for the purposes of the Order;	<del>Flexible Power Generation Plant Causeway, Revision R03-00 prepared by Nash Maritime limited and dated 11 December 2020</del> by the secretary of state for the purposes of the Order;	
7.	Article 2 – Interpretation  <i>Definition of “replacement land”</i>	...and shown on the special category land plan of the lands plans ...	...and shown on the special category lands plan of the land plans...	To correct a drafting error.
8.	Article 2 – Interpretation  <i>Definition of “special category land”</i>	...registered as common land under the Commons Act 2006 and shown on the special category land plan of the <b>lands</b> plans;	...registered as common land under the <u>Commons Registration Act 1965</u> <del>Commons Act 2006</del> and shown on the special category land plan of the lands plans;	Thurrock Council is not a ‘pioneer authority’. The ExA understands that Walton Common is registered under the Commons Registration Act 1965.  Typographical error.
9.	Article 2 – Interpretation  <i>Definition of “undertaker”</i>	...whose registered office is at 1 <sup>st</sup> Floor, Kensington Church Street, London, W8 7LP;	...whose registered office is at 1 <sup>st</sup> Floor, <u>145</u> Kensington Church Street, London, W8 7LP;	Incomplete address (as listed at Companies House).
10.	Article 8 – Consent to transfer benefit of Order	N/A	N/A	The ExA notes PoTLL’s request for this article to provide for consultation by the SoS with PoTLL prior to any consent being given to transfer the benefit of the Order. While the ExA notes that other DCO’s have made provision for such consultation, the ExA considers

				it is a matter for the SoS as to who to consult in the event that consent is sought under Article 8.
11.	Article 8(5) – Consent to transfer benefit of Order	(5) Where the consent of the Secretary of State is not required under paragraph (4) the undertaker must notify the Secretary of State in writing before transferring or granting a benefit referred to in paragraph (1).	(5) Where the consent of the Secretary of State is not required under paragraph (4) the undertaker must notify the Secretary of State <u>and the Port of Tilbury London Limited</u> in writing before transferring or granting a benefit referred to in paragraph (1).	The ExA considers that the notification provisions requested by PoTLL are reasonable in the circumstances and would not be onerous on the applicant.
12.	Article 8(7) – Consent to transfer benefit of Order	(7) The date specified under paragraph (6)(b) must not be earlier than the expiry of five working days from the date of the receipt of the notice.	(7) The date specified under paragraph (6)(b) must not be earlier than the expiry <del>of five working days</del> <u>fourteen days</u> from the date of the receipt of the notice.	The ExA notes a number of made DCOs have included the 5 working day time limit. However, in the Wheelabrator Kemsley K3 Generating Station Order 2021, the SOS inserted provisions requiring the undertaker to notify the SOS at least 14 days before a transfer not requiring consent. The ExA considers this is a good indication of the SOS's preferred notice provisions. The Applicant agreed at ISH4 to amend the dDCO accordingly.
13.	Article 10(1)	...any operation for the purpose of or in connection with, the construction....	...any operation for the purpose of <u>.</u> or in connection with, the construction...	Typographical error.

14.	Article 10(4)	<p>(4) In so far as any of:</p> <p>(a) the works to be carried out as part of Work nos. 12(a), 12(e) and 15; or</p> <p>(b) any ancillary work listed in Schedule 1; or</p> <p>(c) the use of Work no. 12 or the passage of construction, maintenance or decommissioning vehicles utilised for the authorised development; or</p> <p>(d) any activities carried out pursuant to the requirements set out in Schedule 2; would result in conflict or non-compliance with the requirements of Schedule 2 to The Port of Tilbury (Expansion) Order 2019(h), then the requirement to comply with The Port of Tilbury (Expansion) Order 2019 is disapplied by this Order.</p>	<p><del>(4) In so far as any of:</del></p> <p><del>(a) the works to be carried out as part of Work nos. 12(a), 12(e) and 15; or</del></p> <p><del>(b) any ancillary work listed in Schedule 1; or</del></p> <p><del>(c) the use of Work no. 12 or the passage of construction, maintenance or decommissioning vehicles utilised for the authorised development; or</del></p> <p><del>(d) any activities carried out pursuant to the requirements set out in Schedule 2; would result in conflict or non-compliance with the requirements of Schedule 2 to The Port of Tilbury (Expansion) Order 2019(h), then the requirement to comply with The Port of Tilbury (Expansion) Order 2019 is disapplied by this Order.</del></p> <p><u>(4) The carrying out of any of the following works and operations:</u></p> <p><u>(a) Work Nos. 12 (a), 12(e), and 15;</u></p> <p><u>(b) any ancillary work listed in Schedule 1;</u></p> <p><u>(c) the use of Substation Road for the passage of construction, maintenance or decommissioning vehicles utilised for the authorised development; and</u></p>	<p>The ExA notes that PoTLL is the undertaker for the Port of Tilbury (Expansion) Order 2019. The ExA also notes the broad scope of section 120 and Schedule 5 of the Planning Act 2008.</p> <p>The ExA considers the drafting proposed by PoTLL provides greater certainty as to what parts of the Port of Tilbury (Expansion) Order 2019 are affected.</p>
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			<p><u>(d) any activities carried out pursuant to the requirements set out in Schedule 2, is not to be regarded as conflicting, or constituting non-compliance by Port of Tilbury London Limited, with the following requirements in Schedule 2 to the Port of Tilbury (Expansion) Order 2019:</u></p> <p><u>(e) Requirement 4;</u></p> <p><u>(f) Requirement 5;</u></p> <p><u>(g) Requirement 11 (c), (d), (f) and (h); and</u></p> <p><u>(h) Requirement 12.</u></p>	
15.	Article 15	N/A	<p><u>(13) In this article, “completion of the authorised development” means the date on which the authorised development commences operation by generating power on a commercial basis, but excluding the generation of power during commissioning.</u></p>	The ExA considers the term “completion of the authorised development’ should be clearly defined.
16.	Article 18(10)(a)	...must be sent by the undertaker to the Registrar General by the undertaker giving the date...	...must be sent by the undertaker to the Registrar General <del>by the undertaker</del> giving the date...	To correct a drafting error.
17.	Article 20(1)(b)	...as to use of and arising by virtue of contract.	....as to use of <u>l</u> and arising by virtue of contract.	To correct a drafting error.
18.	Article 20(2)(b)	...as to use land arising ....	...as to use <u>of</u> land arising....	To correct a drafting error.
19.	Article 19(3); Article 22(3); Article 29(11); Schedule 2,	Work No....	Work <del>N</del> no.	Typographical error/consistency.

	Paragraph 24; Schedule 8, Paragraph 3(2)(a)			
20.	Article 22(3)(a) and (b)	...lands plans....	...lands plans....	To correct a drafting error.
21.	Article 26(4)	(4) in section 22(2)...	(4) <del>i</del> n section 22(2)...	Typographical error.
22.	Article 27(1)	...may be required for the purposes of the authorised development any may use the....	...may be required for the purposes of the authorised development <del>and</del> y may use the....	Typographical error.
23.	Article 28(1)(a)(iii)	Use of colon	Replace with full stop	Typographical error.
24.	Article 30(5)	...to the owners and occupiers of land which temporary possession is taken...	...to the owners and occupiers of land <u>of</u> which temporary possession is taken...	To correct a drafting error.
25.	Article 31	Reference to <b>Article 12</b> (temporary restriction on use of streets)	Change to Article 13	Incorrect reference.
26.	Article 33(2)	“(2) On the requirements of paragraph (1) being satisfied, the special category land is to vest in the undertaker and be discharged from all rights, trusts and incidents to which it was previously subject.”	<del>“(2) On the requirements of paragraph (1) being satisfied, the special category land is to vest in the undertaker and be discharged from all rights, trusts and incidents to which it was previously subject.”</del>  <u>“(2) On the date on which the special category land vests in the undertaker by virtue of any power granted by this Order, the special category land is discharged from all rights, trusts and incidents to which it was previously subject.”</u>	The ExA considers the Order already makes provision for the special category land to vest in the undertaker by virtue of either a notice to treat or a vesting declaration.
27.	Article 33(5)	...under that Act [and s193 of the Law of Property Act 1925.	...under that Act and <del>§</del> s193 of the Law of Property Act 1925.	Typographical error.



28.	Article 37(3)	(3) An application for approval under paragraph (2) must provide details of the proposed suspension or extinguishment, including particulars of— (a) its commencement date; (b) the duration of any suspension; and (c) the affected area, (d) and must include an explanation of the need for any proposed suspension.	(3) An application for approval under paragraph (2) must provide details of the proposed suspension or extinguishment, including particulars of— (a) its commencement date; (b) the duration of any suspension; <del>and</del> (c) the affected area; <del>and</del> (d) <del>and must include an explanation of</del> the need for any proposed suspension.	Clarity and formatting issues.
29.	Article 37(9)	...have been permanently extinguished pursuant to paragraph (1)(b) the PLA may issue.....	...have been permanently extinguished pursuant to paragraph (1)(b), the PLA may issue.....	Missing comma.
30.	Article 38(3)	(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 <b>from</b>	Insert hyphen after 'from'	Typographical error.
31.	Article 41(1)	...(o) the preliminary navigational risk assessment (issue number R03-00); (p) the outline local employment and skills strategy (document number [ ]); and (q) any other plans or documents referred to in this Order as requiring certification, for certification that they are true copies of the documents referred to in this Order.	...(o) the preliminary navigational risk assessment (issue number R03-00); (p) the outline local employment and skills strategy (document number [ ]); <del>(q)</del> <u>the concept causeway design (document number [ ])</u> ; and <del>(q)</del> any other plans or documents referred to in this Order as requiring certification,	Does not currently include the 'concept causeway design' in the list of plans etc to be certified by SoS.  (See also item 38 below)

			-for certification that they are true copies of the documents referred to in this Order.	
32.	<p>Article 10(3) and (4); Article 19(3); Article 22(3); Article 37(10), Article 38(3)</p> <p>Schedule 2 – various including R5(2), R6(2), R10(2), R17(6), R18(6), R19(3)</p> <p>Schedule 9 – various including Part 5, Paragraph 11(6); Part 6, Paragraphs 2 and 3(3); Part 7, Paragraphs 6(1), 8(1), 9(1), 9(2), 9(3), 9(7) and (13); Part 8, Paragraph 7; Part 10 Paragraphs 2 and 3; Part 11, Paragraph 3.</p>	Use of colon/missing hyphen	Replace with hyphen	<p>Consistency.</p> <p>The ExA notes that colons and hyphens are used interchangeably. This should be reviewed and made consistent throughout the dDCO.</p>
33.	Schedule 1, Work no.1	...together with associated development comprising.	...together with associated development <del>comprising.</del>	To correct a drafting error.
34.	Schedule 1, Work no.14	“Work no. 14 – Creation of common land with planting and landscaping.”	“Work no. 14 – Creation of <u>approximately 11.60 hectares of</u>	The ExA considers this should include a reference to the

			common land with planting and landscaping.”	amount of replacement land being proposed.
35.	Schedule 2, Part 1, Paragraph 1  <i>Definition of “CCR area”</i>	Reference to ‘ <b>work</b> plans’	Change to ‘works plans’	To correct a drafting error.
36.	Schedule 2, Part 1, Paragraph 1  <i>Definition of “concept causeway design”.</i>	“concept causeway design” means the report entitled Concept Design of Causeway for Delivery of AILs (document number A7.8) prepared by AECOM Infrastructure & Environment UK Limited, revision D dated 11 February 2020;	<del>“concept causeway design” means the report entitled Concept Design of Causeway for Delivery of AILs (document number A7.8) prepared by AECOM Infrastructure &amp; Environment UK Limited, revision D dated 11 February 2020;</del> <u>“concept causeway design” means the document certified as the concept causeway design by the Secretary of State for the purposes of the Order;</u>	The ExA considers this should be a document certified under Article 41.
37.	Schedule 2, Part 1, Paragraph 1  <i>Definition of “CoCP”.</i>	“CoCP” means the Code of Construction Practice;	Remove definition	Consistency (e.g see Schedule 2, Part 1, Paragraphs 6 and 7).  See also item 41 below
38.	Schedule 2, Part 1, Paragraph 2(b)	..of up to <b>2.84 m</b> above...	...of up to 2.84m above...	Extra spacing/consistency.
39.	Schedule 2, Part 1, Paragraph 4(4)	...pond east of For Road.....	...pond east of Fort Road....	Typographical error.
40.	Schedule 2, Part 1, Paragraph 4(7)	...Work <b>no 10</b> ...	Work no.10	Typographical error.
41.	Schedule 2, Part 1, Paragraph 5	References to “CoCP”	Change to “Code of Construction Practice”	Consistency (e.g see Schedule 2, Part 1, Paragraphs 6 and 7).

				See also item 37 above.
42.	Schedule 2 – various including Paragraphs 4(1) and (3), 5(1), 6(1), 7(1), 10(1), 13(1), 14(1)  Schedule 8, Part 2, Paragraphs 15(1) and 16(1)	Use of the terms “can commence” and “can be commenced”.	Suggest use “can commence” in all cases.	Inconsistent use of terms.
43.	Schedule 2, Part 1, Paragraph 6(1)	...in consultation with the highway <b>authority</b> <b>Highways</b> England, Network Rail...	...in consultation with the highway authority, Highways England, Network Rail...	Missing comma.
44.	Schedule 2, Part 1, Paragraph 10(2)	<b>These</b> details submitted under....	<b>These</b> details submitted under...	To correct a drafting error.
45.	Schedule 2, Part 1, Paragraph 12(2)	...mentioned in sub-paragraph <b>1</b> ...	...mentioned in sub-paragraph <b>(1)</b> ...	Typographical error/consistency.
46.	Schedule 2, Part 1, Paragraph 12(3) – (7)	12.—(1) If contaminated land is found during preliminary works or construction of the authorised development, no further development can be carried out in the affected area until an investigation and remediation scheme has been submitted to and approved by the relevant planning authority; and the scheme must include details of— (a) how the contaminated land is to be identified and assessed; (b) where remediation is required by the scheme, the remediation measures; (c) timescales for carrying out the remediation measures; and	12.—(1) If contaminated land is found during preliminary works or construction of the authorised development, no further development can be carried out in the affected area until an investigation and remediation scheme has been submitted to and approved by the relevant planning authority; and the scheme must include details of— (a) how the contaminated land is to be identified and assessed;	Repetition with Schedule 8, condition 14.  The applicant indicated at ISH4 that they considered this would be better located in Schedule 8. The ExA is minded to agree.

		<p>(d) any ongoing monitoring or mitigation requirements.</p> <p>(2) Any remediation measures identified in the investigation and remediation scheme mentioned in sub-paragraph 1 must be carried out in accordance with the approved scheme.</p> <p>(3) The undertaker must, prior to the commencement of Work no.10, carry out further sediment sampling of the river bed and analysis of those samples.</p> <p>(4) The further sediment sampling and analysis carried out under sub-paragraph (3) must be carried out in accordance with a plan which has been submitted to and approved by the MMO and the PLA.</p> <p>(5) The plan described in sub-paragraph (4) must include—</p> <p>(a) details of the sampling locations with surface, mid and depth levels which will provide a representative sediment assessment; and</p> <p>(b) details of an alternative method of dredging to the use of water injection dredging if 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 MMO or the PLA, make the use of water injection dredging unsuitable for the construction of Work no.10.</p> <p>(6) The results and analysis of the further sediment sampling carried out in accordance</p>	<p>(b) where remediation is required by the scheme, the remediation measures;</p> <p>(c) timescales for carrying out the remediation measures; and</p> <p>(d) any ongoing monitoring or mitigation requirements.</p> <p>(2) Any remediation measures identified in the investigation and remediation scheme mentioned in sub-paragraph 1 must be carried out in accordance with the approved scheme.</p> <p><del>(3) The undertaker must, prior to the commencement of Work no.10, carry out further sediment sampling of the river bed and analysis of those samples.</del></p> <p><del>(4) The further sediment sampling and analysis carried out under sub-paragraph (3) must be carried out in accordance with a plan which has been submitted to and approved by the MMO and the PLA.</del></p> <p><del>(5) The plan described in sub-paragraph (4) must include—</del></p> <p><del>(a) details of the sampling locations with surface, mid and depth levels which will provide a representative sediment assessment; and</del></p> <p><del>(b) details of an alternative method of dredging to the use of water</del></p>	
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		with the plan approved under sub-paragraph (3) must be provided to the MMO and the PLA. (7) Where the further sediment sampling and analysis carried out in accordance with subparagraph (3) identifies, in the reasonable opinion of the MMO or the PLA, that the sediment contains contaminants no water injection dredging must be carried out for the construction of Work no.10 and dredged material must be removed to a licenced waste disposal site.	<del>injection dredging if the further sediment sampling and analysis carried out in accordance with subparagraph (3) identifies that the sediment contains contaminants which, in the reasonable opinion of the MMO or the PLA, make the use of water injection dredging unsuitable for the construction of Work no.10. (6) 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 MMO and the PLA. (7) Where the further sediment sampling and analysis carried out in accordance with sub-paragraph (3) identifies, in the reasonable opinion of the MMO or the PLA, that the sediment contains contaminants no water injection dredging must be carried out for the construction of Work no.10 and dredged material must be removed to a licenced waste disposal site.</del>	
47.	Schedule 2, Part 1, Paragraph 15(1)	..all of the construction compounds areas...	...all of the construction compounds areas...	Typographical error.
48.	Schedule 2, Part 1, Paragraph 17(8)	..or revised under sub-paragraph (6).	...or revised under sub-paragraph <del>(7)</del> (6).	Incorrect sub-paragraph reference.

49.	Schedule 2, Part 1, Paragraph 18	<p>18.—(1) No later than five years from the commencement of operation of Work no.1A, the undertaker must submit a report of the review of access options for transportation of AILs to or from Work no.1 in writing to the relevant planning authority and send a copy to Highways England.</p> <p>(2) ...</p> <p>(3) ...</p> <p>(a) submit applications for any consents required for that alternative AIL access within 6 months of the date of the issue of a notice under this sub-paragraph by relevant planning authority, and</p> <p>(b) advise the relevant planning authority of the outcome of any applications under this subparagraph which were not determined by that planning authority within five business days of the undertaker being notified of that outcome.</p>	<p>18.—(1) No later than <del>five</del><u>one</u> years from the <del>coming into force of this Order, commencement of operation of Work no.1A,</del> the undertaker must submit a report of the review of access options for transportation of AILs to or from Work no.1 in writing to the relevant planning authority and send a copy to Highways England.</p> <p>(2)...</p> <p>(3)...</p> <p>(a) submit applications for any consents required for that alternative AIL access within 6 months of the date of the issue of a notice under this sub-paragraph by <del>the</del> relevant planning authority, and</p> <p>(b) advise the relevant planning authority <u>and the Port of Tilbury London Limited</u> of the outcome of any applications under this subparagraph which were not determined by that planning authority within five business days of the undertaker being notified of that outcome.</p>	<p>The ExA notes that AIL access via Work no. 15 is the applicant's preferred option where the necessary agreements can be secured and that this is supported by a number of IPs.</p> <p>The ExA is therefore proposing that a review of AIL access is carried out before work on the causeway commences (ie within the first year following any grant of consent) with subsequent reviews every 5 years thereafter. This will give the SoS some further assurance that if an alternative AIL access route becomes available prior to construction on the causeway commencing, the alternative route would be brought into use instead.</p> <p>The ExA does not however, consider that the report prepared under this requirement should be prepared in consultation with the Port of Tilbury London Limited, who the ExA notes is a consultee under Requirement 18(2) in any event.</p>
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50.	Schedule 2, Part 1, Paragraph 18 (3), (5) and (6)	Use of semi colon.	Change to hyphen.	Consistency.
51.	Schedule 2, Part 1, Paragraph 19	...the Environment Agency, Natural <b>England Port</b> of Tilbury London Limited...	...the Environment Agency, Natural England, Port of Tilbury London Limited...	Typographical error.
52.	Schedule 2, Part 1, Paragraph 19(4)	Decommissioning of Works 10 and 11...	Decommissioning of Works <u>no.</u> 10 and 11...	Typographical error/consistency.
53.	Schedule 2, Part 1, Paragraph 24(1)(a)	(1) The undertaker must make a report ('carbon capture readiness monitoring report') to the Secretary of State—  (a) on or before the date on which three months have passed from the date of Work No. 1A full commissioning; and.....	(1) The undertaker must make a report ('carbon capture readiness monitoring report') to the Secretary of State—  <del>(a) on or before the date on which three months have passed from the date of Work No. 1A full commissioning; and.....</del> (a) <u>no later than three months from the date of full commissioning of Work no. 1A; and.....</u>	Suggest amending for clarity and consistency.
54.	Schedule 2, Part 2, Paragraph 31(2)	(2) Any fee paid under this Schedule must be refunded to the undertaker within 4 weeks of— (a) the application being rejected as invalidly made.	(2) Any fee paid under this Schedule must be refunded to the undertaker within 4 weeks of— <del>(a)</del> the application being rejected as invalidly made.	Formatting error.
55.	Schedule 3, Schedule 4, Schedule 5, Schedule 6	Various punctuation and formatting issues including inconsistent use of full stops, spacing.	Include consistent use of full stops and spacing.	Consistency.



56.	Schedule 7, Paragraph 3	<p><b>3.</b> Without limitation on the scope of paragraph 1, the Land Compensation Act 1973(a) has effect subject to the modifications;</p> <p>(a) In section 44(1) (compensation for injurious affection), as it applies to compensation for injurious affection under section 7 (measure of compensation in case of severance) of the 1965 Act as substituted by paragraph 4(3)—</p> <p>(b) for “land is acquired or taken from” substitute “a right or restrictive covenant over land is purchased from or imposed on”; and</p> <p>(c) for “acquired or taken from him” substitute “over which the right is exercisable or the restrictive covenant enforceable”.</p> <p>(d) Application of Part 1 of the 1965 Act.</p>	<p><b>3. – (1)</b> Without limitation on the scope of paragraph 1, the Land Compensation Act 1973(a) has effect subject to the modifications <u>set out in sub-paragraph (2).</u> ;</p> <p><del>(a)</del><u>(2)</u> In section 44(1) (compensation for injurious affection), as it applies to compensation for injurious affection under section 7 (measure of compensation in case of severance) of the 1965 Act as substituted by paragraph 4(3)—</p> <p><del>(b)</del><u>(a)</u> for “land is acquired or taken from” substitute “a right or restrictive covenant over land is purchased from or imposed on”; and</p> <p><del>(c)</del><u>(b)</u> for “acquired or taken from him” substitute “over which the right is exercisable or the restrictive covenant enforceable”.</p> <p><del>(d) Application of Part 1 of the 1965 Act</del></p> <p><u>Application of Part 1 of the 1965 Act</u></p>	To correct a drafting error.
57.	Schedule 8, Part 1, Paragraph 1	Missing semi-colons after definition of “statutory historic body” and Marine Management Organisation”.	Include semi-colons.	Typographical error/Consistency.

58.	Schedule 8, Part 1, Paragraph 1  Definition of “undertaker”	...whose registered office is at 1st Floor, Kensington Church Street, London, W8 7LP.	...whose registered office is at 1st Floor, <u>145</u> Kensington Church Street, London, W8 7LP.	Incomplete address (as listed at Companies House).
59.	Schedule 8, Part 1, Paragraph 3(a) and (b) – Tables 1 and 2	Tables 1 and 2 contain various references to +/- 5% which does not accord with the maximum parameters set out in Table 2.2 of ES Chapter 2.	Remove all references to +/- 5%	Applicant’s response to ExQ1 (1.11.4) indicates the maximum parameters in Tables 1 and 2 of Schedule 8 were adjusted to match those in Table 2 of ES Chapter 2.  It is unclear whether the +/- 5% parameter has been assessed in the ES.
60.	Schedule 8, Part 1, Paragraph 3(e)	Missing full stop	Add full stop after ‘authorised development’	Typographical error.
61.	Schedule 8, Part 2, Paragraphs 7 (a) and (b)	Repetition of “the undertaker’s registered office;”	Remove duplication	To correct a drafting error.
62.	Schedule 8, Part 2, Paragraph 22(2)	Reference to paragraph 18	Change to paragraph 20	Incorrect paragraph reference.
63.	Schedule 9, Part 1, Paragraph 2	In this Part of this Schedule—  “alternative apparatus” means—  (a) in the case of an electricity undertaker, electric lines or electrical plant (as defined in the Electricity Act 1989(a)), belonging to or maintained by that utility undertaker;.....	In this Part of this Schedule—  “alternative apparatus” means <u>alternative apparatus adequate to enable the utility undertaker in question to fulfil its statutory functions in a manner not less efficient than previously;</u>  <u>“apparatus” means—</u>	The ExA considers that these PPs should include the usual definitions of ‘apparatus’ and ‘alternative apparatus’.

			(a) in the case of an electricity undertaker, electric lines or electrical plant (as defined in the Electricity Act 1989(a)), belonging to or maintained by that utility undertaker; ... (b)	
64.	Schedule 9, Part 2, Paragraph 14(4)(b)	...made by Anglian Water <b>fir</b> the alteration or otherwise...	...made by Anglian Water <b>foir</b> the alteration or otherwise...	Typographical error.
65.	Schedule 9, Part 2, Paragraph 14(5)	... which apparatus is <b>places</b> ...	... which apparatus is place <b>ds</b> ...	To correct a drafting error.
66.	Schedule 9, Part 3, Paragraph 2  <i>Definition of “the 2003 Act”</i>	Unused brackets.	Remove brackets	Typographical error.
67.	Schedule 9, Part 4, Paragraph 6(4)	...Protective provisions...	... <b>Pp</b> rotective provisions...	Typographical error.
68.	Schedule 9, Part 4, Paragraphs 9(4) and 11	References to ‘the Applicant’.	Change to ‘the undertaker’	To correct a drafting error.
69.	Schedule 9, Part 4, Paragraph 12	Incorrect font.	Amend font	Consistency/typographical error.
70.	Schedule 9, Part 6, Paragraph 2  Definition of “specified work”	Missing punctuation.	Include colon or hyphen	Typographical error.
71.	Schedule 9, Part 6, Paragraphs 3(1),	Missing punctuation in para 3(1)(a-c), 3(5)(c), 9(1)(b)(iii), 15(2), 18(3)	Amend accordingly	Typographical error.

	3(5), 9(1)(b)(iii), 15(2), 18(1)(c)	Extra full stop after the word 'function' in paragraph 3(1)  Extra semicolon after the word 'or' in paragraph 18(1)(c)		
72.	Schedule 9, Part 6, Paragraph 6(5)	...under paragraph [19] or...	...under paragraph <del>{19}</del> or	Typographical error.
73.	Schedule 9, Part 6, Paragraph 9(2)	...the undertaker making goof the site...	...the undertaker making good <del>f</del> the site	Typographical error.
74.	Schedule 9, Part 6, Paragraph 11(4)	(4) Following the any submission of...	(4) Following the <del>any</del> -submission of...	To correct a drafting error.
75.	Schedule 9, Part 6, Paragraph 12(1)(b)	...at the time the survey carried out;	at the time the survey <u>is</u> carried out;	To correct a drafting error.
76.	Schedule 9, Part 6, Paragraph 13(3)(b)	(b) the PLA's reasons <b>for reach</b> that opinion.	(b) the PLA's reasons for <u>reaching</u> that opinion.	To correct a drafting error.
77.	Schedule 9, Part 7 Paragraph 2	Various references to Network Rail <b>Infrastructure Limited</b>	Alter to accord with definition (ie Network Rail)	Consistency.
78.	Schedule 9, Part 7 Paragraph 2	Reference to Network Rail <b>Limited</b>	Change to Network Rail to accord with definition in Paragraph 2	Consistency.
79.	Schedule 9, Part 7 – throughout	Various references to ' <b>Work No</b> '	Change to Work no. for consistency	Consistency.
80.	Schedule 9, Part 10	FOR THE PROTECTION OF RWE GENERATION UK LIMITED	FOR THE PROTECTION OF RWE GENERATION ( <del>UK</del> ) <del>PLC LIMITED</del>	To correct a drafting error.