

## **EXPLANATORY MEMORANDUM**

### Variation of Section 36 Consent

Condition 2(e) the definition of the development is varied to remove reference to the specified throughput capacity of the development and the means by which this was estimated. The waste throughput will be controlled through new condition 4 of the new deemed planning permission.

Condition 3 is varied to reflect the variation application and the operational status of the development.

### Conditions in Section 90 Direction – comparison with existing planning conditions

Condition 1 is varied to reflect that the new deemed planning permission replaces the original one.

Condition 2 is varied:

- to include a definition of “CHPQA Standard issue 3” to reflect the new condition (condition 32) on CHP.
- to revise the definition of “the development” to reflect the variation application.

Condition 4 has been varied to allow an increase in the total amount of waste to be delivered to the development from a maximum of 670,000 to 785,000 tonnes per annum.

Condition 5 has been varied to allow for the transportation of waste by river from the Port of Tilbury, in addition to continued delivery from riparian wharves within Greater London.

Condition 6 has been inserted to limit the amount of waste to be transported to the development from the Port of Tilbury to 115,000 tonnes per annum.

Condition 10 has been varied to reflect the section 73 permission issued under the Town and Country Planning Act by LBB to the Applicant on 14 October 2011.

Condition 20 has been retained following comment from the Council and varied to reflect the operational status of the development.

Condition 23 has been retained following comment from the Council and varied to reflect the operational status of the development.

Condition 32 is a new requirement to ensure the full exploration of opportunities to use heat from the development as part of a combined heat and power scheme, and that appropriate steps are taken to implement such a scheme where viable opportunities are identified.

Condition 35 has been retained following comment from the Council and varied to reflect the operational status of the development.

Condition 37 is a new condition to ensure clarity that where provision is made for the Council to agree to variations to the application of the planning conditions, the scope of any such variations will be limited to immaterial changes.

In addition a number of minor drafting changes are made (for example to reflect that the development is operational, to ensure consistency with the terms used and to correct typographical errors).