



# **SCHEDULE OF CHANGES TO THE DRAFT DCO: 9.4**

## **Cory Decarbonisation Project**

PINS Reference: EN010128

**September 2024**

Revision A

## Schedule of Changes to the draft DCO [APP-018] (“dDCO”)

The table below details the changes made to the dDCO since its submission. The table below does not detail minor changes made in relation to typographical errors and updates in cross-referencing.

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
Articles			
<b>Article 2</b>	Insertion of definition of ‘authorised navigational channel of the river Thames’.	As now referred to in Article 7 following engagement with the PLA and consideration of their Relevant Representation. See below.	Pre-Examination
	Insertion of definition of ‘authorised person’.	As now referred to in the new Articles 51 and 52 following consideration of the most appropriate approach to the development of byelaws for the extended Crossness LNR.  See further below.	Pre-Examination
	Definition of ‘belvedere power station jetty’. Amended to state:  <i>“means the existing jetty contained within plots 1-107 and, 1-110 1-111 and 1-118 on the land plans”</i>	Plot numbers added to capture the full extent of the BPS Jetty, as requested by the PLA.	Pre-Examination

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
	Deletion of definition of 'crossness local nature reserve byelaws'.	The defined term is no longer used following the deletion of Article 48(2)(b) and Requirement 12(3)(k) of Schedule 2. See below.	Pre-Examination
	Addition of definition of Riverside 1 and Riverside 2	As these terms are now used in article 7 and the new Heat Strategy Requirement (discussed below).	Pre-Examination
	Deletion of the words " <i>of that part of the Order land identified in the book of reference</i> " from the definitions of REPL and RRRL	Deleted to avoid ambiguity as the previous wording was not clear what is meant by 'that part'.	Pre-Examination
	Definition of 'undertaker'. Amended to state:  <i>"means Cory Environmental Holdings Limited (company number 05360864) whose registered office is at Level 5, 10 Dominion Street, London, England, EC2M 2EF"</i>	To include the registered office address of the undertaker entity.	Pre-Examination
<b>Article 7</b>	A number of changes to this article, which now states:  <i>"(1) Any works licence granted by the PLA under section 66 (licensing of works) of the 1968 Act which includes within its scope the</i>	Changes made after extensive discussions with the PLA which are ongoing.	Pre-Examination

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
	<p><i>belvedere power station jetty and still having effect immediately before this Order comes into force shall be varied such that such a licence shall no longer apply to those structures from the earlier of the date that—</i></p> <p><i>(a) the undertaker begins Work No. 4;</i></p> <p><i>(b) the undertaker exercises the powers under articles 26 (compulsory acquisition of land), 28 (compulsory acquisition of rights) or 35 (temporary use of land for carrying out the authorised development) in respect of the belvedere power station jetty; or</i></p> <p><i>(c) a voluntary agreement has been completed for possession of the belvedere power station jetty to be transferred the undertaker,</i></p> <p><i>such date to be notified by the undertaker to the PLA within 30 days of it having occurred.</i></p> <p><i>(2) Any works licence granted by the PLA under section 66 (licensing of works) of the 1968 Act in respect of existing structures</i></p>		

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	<p><i>within the limits of deviation for Work No. 4 and still having effect immediately before this Order comes into force is extinguished and no longer has effects from the earlier of the date that—</i></p> <p><i>(a) the undertaker begins Work No. 4;</i></p> <p><i>(b) the undertaker exercises the powers under articles 26 (compulsory acquisition of land), 28 (compulsory acquisition of rights) or 35 (temporary use of land for carrying out the authorised development) over any plot shown on the land plans which includes the existing structure; or</i></p> <p><i>(c) a voluntary agreement has been completed for possession of the plot shown on the land plans which includes the land plans,</i></p> <p><i>such date to be notified by the undertaker to the PLA within 30 days of it having occurred.</i></p> <p><i>(3) If a works licence applies to an existing structure as well as to other works or</i></p>		

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	<p><i>structures within the limits of deviation for Work No. 4—</i></p> <p><i>(a) paragraph (1) has effect to vary a works licence; and</i></p> <p><i>(b) paragraph (2) has effect to extinguish a works licence;</i></p> <p><i>only in relation to, and so far as it applies to, the existing structure.</i></p> <p><i>(4) Any existing structure within the limits of deviation for Work No. 4 and for which a works licence no longer subsists as a consequence of paragraph (1) or (2) may remain and subsist in the river Thames under the authority of, and subject to the terms of, this Order and the requirement to obtain a works licence under section 66 (licensing of works) of the 1968 Act does not apply to the structure.</i></p> <p><i>(5) The PLA must not grant or vary—</i></p>		

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	<p><i>(a) a river works licence under section 66 (licensing of works) of the 1968 Act; or</i></p> <p><i>(b) a dredging licence under section 73 (licensing of dredging, etc.) of the 1968 Act, licensing any works or dredging within—</i></p> <p><i>(c) at any time, the limits of deviation for Work Nos. 4A or 4B; and</i></p> <p><i>(d) within the area of dredging within the limits of deviation of Work No. 4C that is approved by the PLA under Part 5 of Schedule 12 from the date that such approval is given by the PLA;</i></p> <p><i>without the consent of the undertaker not to be unreasonably withheld or delayed.</i></p> <p><i>(6) Paragraph (5) does not apply to the authorised navigational channel of the river Thames.</i></p> <p><i>(7) Despite the provisions of section 66(1)(b) of the 1968 Act, the grant or variation by the</i></p>		

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	<p><i>PLA of a river works licence in relation to any part of the river Thames situated within the limits of deviation for Work No. 4 belonging to the PLA and in respect of which the undertaker has a proprietary interest is not, without the consent of the undertaker, to be deemed to confer on the holder of the licence such rights in, under or over the land as are necessary to enable the holder of the licence to enjoy the benefit of the licence.</i></p> <p><i>(8) If the undertaker refusing consent under paragraph (5) necessitates the PLA having to refuse a licence application from a third party, section 69 of the 1968 Act (appeal to board of trade) does not apply to that refusal.</i></p> <p><i>(9) The undertaker must not unreasonably withhold or delay its consent under paragraph (5) or paragraph (7) but may require reasonable modifications to the proposed works or dredging or impose reasonable terms and conditions on them, and in considering whether to grant consent, require modifications or impose terms and conditions</i></p>		



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	<p><i>the undertaker must have regard only to the matters mentioned in paragraph (10).</i></p> <p><i>(10) The matters referred to in paragraph (9) are the prevention of significant interference with—</i></p> <p><i>(a) the works comprising the authorised development within the limits of deviation for Work Nos. 4A or 4B or dredging within those limits of deviation;</i></p> <p><i>(b) the area of dredging within the limits of deviation of Work No. 4C that is approved by the PLA under Part 5 of Schedule 12;</i></p> <p><i>(c) access to and egress from those works or area of dredging; or</i></p> <p><i>(d) the use of and access to and egress from any other existing structures within the Order limits.”</i></p>		

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	<p>Insertion of new sub-paragraph (11) to state:</p> <p><i>“Any exclusion zone established pursuant to paragraph 17.1 of the PLA General Directions shall not apply to vessels that are associated with the authorised development, Riverside 1 or Riverside 2 passing through or that moored within that exclusion zone.”</i></p>	<p>The relevant parts of PLA General Directions paragraph 17 state as follows:</p> <p>17 NAVIGATIONAL RESTRICTIONS AND EXCLUSION ZONES</p> <p>17.1 No Vessel is to: a) enter any Exclusion Zone shown on PLA charts or established in the Thames from time to time by the PLA; b) approach within 60 metres of any Berthed tanker, or oil or gas jetty in the Thames; c) approach within 50 metres of any wind turbine tower unless for the purposes of construction or maintenance; d) transit through a bridge arch or span of the Thames Barrier which is closed to Navigation; or e) pass or overtake a ULCS between Knock John 1 and Knock John 4, except in an emergency or with the permission of the Harbourmaster.</p> <p>17.2 Vessels manoeuvring on or to an adjacent berth, mooring or anchorage where it is unavoidable for navigational safety reasons shall be exempt from the requirements of sub-paragraph a) and b) of General Direction 17.1.</p>	Pre-Examination

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		<p>As noted in section 6.1 of the submitted NRA (APP-115) the current position in respect of the Proposed Scheme is that the PLA would seek to enforce a exclusion zone around LCO2 vessels berthed at the Proposed Scheme.</p> <p>As that text in the NRA makes clear, however, the PLA has indicated that such exclusion zone would not apply to Cory vessels. This has been provided for in the draft DCO as although Direction 17.2 is noted, the reference to 'navigational safety reasons' leads to ambiguity which the proposed drafting seeks to remove in respect of Cory vessels.</p> <p>This is still under discussion with the PLA.</p>	
<b>Article 9(3)</b>	<p>Amended to state:</p> <p><i>"The Secretary of State must consult the MMO before giving consent to the transfer or grant to another person of the whole <b>or any</b></i></p>	<p>To add the PLA as a consultee in the event that the undertaker seeks consent from the Secretary of State to transfer the benefit of the whole benefit of Work No. 4 (i.e. works for the proposed Jetty,</p>	Pre-Examination

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	<i>part of the benefit of the provisions of a deemed marine licence and must consult the PLA before giving consent to the transfer or grant to another person of the whole or part of the benefit of Work No. 4</i>	including Liquid Carbon Dioxide (LCO2)), following discussions with the PLA and in response to the PLA's relevant representation.	
<b>Article 11(1)(C)</b>	Amended to state:  “(c) place <i>and keep</i> apparatus in the street”	To confirm that the street works powers extend to allowing apparatus to be kept in a street having been placed there under the existing powers. This wording has precedent, for example <b>The Abergelli Power Gas Fired Generating Station Order 2019, The Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order 2022 and The Medworth Energy from Waste Combined Heat and Power Facility Order 2024.</b>	Pre-Examination
<b>Article 12(4)</b>	Amended as follows: The powers conferred by paragraph (2) <del>(4)</del> must not be exercised without the consent of the street authority.	This corrects a typo in the submitted DCO. It reflects the approach on most made DCOs to date that street authority consent is required for ‘generic’ use of streets powers, but not for where specified extents of powers are	Pre-Examination

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		requested. Please also see response to LBB's Relevant Representation.	
<b>Article 15(4)</b>	<p>Insertion of new sub-paragraph to state:</p> <p><i>“The undertaker must not exercise the powers in paragraph (3) until the landscape, biodiversity, access and recreation delivery strategy which relates to the land on which the substitute public rights of way is to be provided has been approved under requirement 12 (landscape, biodiversity, access and recreation delivery strategy).”</i></p>	<p>This drafting is to acknowledge that the PRoW referred to at Articles 15(1) and 15(3) are part of the overall project and not to be considered in isolation and ensure that the creation power must not be used until the full LaBARDS (Requirement 12) has been approved. This builds on the drafting already included at Article 15(2)(b) and responds to the concerns raised by the London Borough of Bexley in its relevant representation.</p>	Pre-Examination
<b>Article 20(4) and various other DCO provisions</b>	<p>Amended as follows:</p> <p><i>“...such consent must not be unreasonably withheld or delayed.”</i></p>	<p>For consistency with other provisions of the DCO drafting and to ensure there is no undue delay to the provision of any consents required under the DCO.</p>	Pre-Examination
<b>Article 23(9)</b>	<p>Insertion of new sub-paragraph to state:</p> <p><i>“(1) Notwithstanding sub-paragraphs (1) to (8), construction of the authorised development must be carried out so that—</i></p>	<p>This incorporates wording from The Silvertown Tunnel Order 2018 to seek to minimise interference with navigation so far as is reasonably practicable and has been added following comments by the PLA.</p>	Pre-Examination

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	<p>(a) <i>the suspension of the public right of navigation applies to no more of the river than is necessary in the circumstances;</i></p> <p>(b) <i>all reasonable steps are taken to secure that the period of suspension is kept to a minimum; and</i></p> <p>(c) <i>that the minimum obstruction, delay or interference is caused to vessels or craft which may be using or intending to use the part where the public right of navigation is so suspended."</i></p>		

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<b>Article 25(4)</b>	Addition made to the drafting: <i>The exercise of the powers of this article is subject to the requirements of Part 5 of Schedule 12 (protective provisions) as to the <b>PLA's approval of dredging proposals</b> and the payment of compensation for dredged material.</i>	Made further to discussion with the PLA to ensure consistency with their Protective Provisions	Pre-Examination
<b>Article 32(6) and Article 33(2)</b>	Amendment as follows: <i>"...the <del>five</del>seven year period mentioned in article 27 (time limit for exercise of authority to acquire land compulsorily)..."</i>	To align with the time period in Article 27.	Pre-Examination

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<b>Article 40</b>	<p>New sub-paragraph (2) added:</p> <p><i>“Any decision made by the MMO under conditions 26(2)(b) and 26(2)(c) of Schedule 11 (deemed marine licence) is deemed to be a decision able to be appealed under the Marine Licensing (Licence Application Appeals) Regulations 2011”.</i></p>	<p>This has been added by the Applicant as the MMO has requested to be not subject to arbitration, and was already not subject to Schedule 14 (which is preceded on other DCOs). As such, whilst this drafting is not preceded, the Applicant considers that it is not appropriate for there to be no ability to appeal a MMO decision given the criticality of the Proposed Jetty.</p> <p>This provision therefore allows for a process the MMO is used to dealing with, to be invoked.</p>	Pre-Examination
<b>Article 46</b>	<p>Sub-paragraph (1) amended to state:</p> <p><i>“(1) Subject to paragraph (2), Schedule 14 (procedure in relation to certain approvals etc.) is to have effect in relation to all consents, agreements or approvals <b>required or contemplated by any provisions of this Order, save for any approvals required under the deemed marine licence contained in Schedule</b></i></p>	<p>Re-formatting and additional clarification to ensure that the scope of this article, which introduces Schedule 14, is consistent with the extent of the scope of application of Schedule 14 (as it was at application and also now extended – see below). The MMO text has moved to paragraph 2.</p>	Pre-Examination



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	<p><del>11 (deemed marine licence) or similar.</del>  <u>including:</u></p> <ul style="list-style-type: none"> <li>(a) <i>consent, agreement or approval in respect of part of a requirement; or</i></li> <li>(b) <i>any consent, agreement or approval required by any of the documents listed in Schedule 13 (documents and plans to be certified); or</i></li> <li>(c) <i>documents approved pursuant to a requirement; or</i></li> <li>(d) <i>consent sought under section 61 (prior consent for work on construction sites) of the Control of Pollution Act 1974.”</i></li> </ul>		
<b>Article 47(2)</b>	<p>Amended to state:</p> <p><i>“Any matter for which the consent or approval of the Secretary of State or the MMO is required under any provision of this Order is not subject to arbitration.”</i></p>	<p>Amendment made in response to a request from the MMO in its Relevant Representation.</p>	<p>Pre-Examination</p>
<b>Article 48(2)(b)</b>	<p>Deletion of Article 48(2)(b).</p>	<p>No longer required as Articles 51 and 52 now deal with the byelaws relating to the Crossness Local Nature Reserve.</p>	<p>Pre-Examination</p>

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		The Applicant considers it more appropriate for the process of making the byelaws to be separate from the discharge of the LaBARDS process, to allow for a process of bedding in of the new extended Crossness LNR and for it to be determined if byelaws are actually required.	
<b>Article 51</b>	Insertion of an Article: 'Byelaws relating to the Crossness Local Nature Reserve'.	Wording added to provide the undertaker or the London Borough of Bexley with the power to make byelaws in relation to the Crossness Local Nature Reserve. Sub-paragraph (1) specifies the purposes for which the byelaws may be made. The London Borough of Bexley also has the power under sub-paragraph (3) to vary or revoke any byelaws made by the undertaker in exercise of this power.	Pre-Examination
<b>Article 52</b>	Insertion of an Article: 'Fixed penalty notices relating to byelaws'.	Provisions added to set out the fixed penalty notice procedure to be followed in the event that it appears that a person has committed an offence under	Pre-Examination

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		the byelaws made under Article 51. This power can be undertaken by an authorised person, defined to be a person employed by LBB.	
Schedules			
<b>Schedule 1 end 'catch all'</b>	Amendment made: <i>"and further ancillary or related development associated development"</i>	Amendment made to be consistent with drafting prior to the preceding list and to reflect recent precedent – this catch all list should not be limited to those elements related to the 'associated development'.	Pre-Examination
<b>Schedule 2 (Requirement 1)</b>	Definition of 'jetty works environmental design scheme'. Amended to state: <i>"(c) details of the undertaker's proposals for environmental measures in the intertidal environment (which may include measures outside of the Order limits or the payment of credits (as appropriate))..."</i>	To make it clear that environmental measures within the intertidal environment may incorporate environmental measures offsite, for example outside of the Order limits or through the payment of credits. This approach aligns with the principle already captured in the LaBARDS (Requirement 12) for terrestrial BNG.	Pre-Examination

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
	Insertion of definition of 'National Highways'.	As now referred to in Requirement 9 (Construction traffic management plan) and Requirement 24 (Decommissioning traffic management plan). See below.	Pre-Examination
<b>Schedule 2 (Requirement 2)</b>	Amended to state: <i>"The authorised development must not <del>commence</del> begin after the expiry of seven years from the date on which this Order comes into force."</i>	In light of recent case law, this change seeks to make it clear that the Permitted Preliminary Works are caught by this Requirement. It is felt that this will bring additional clarity to all parties and follows the approach in the recent consented A66 DCO.	Pre-Examination
<b>Schedule 2 (Requirement 4)</b>	Sub-paragraph (2) amended to state: <i>"Subject to sub-paragraph (4), Work No. 1 must be <del>carried out</del> designed and constructed in accordance with the design parameters in Schedule 16 (design parameters)."</i>  Insertion of new sub-paragraph (4): <i>"Any part of the authorised development may be designed and constructed to deviate from the design parameters set out in Schedule 16 (design parameters) if the Applicant has first</i>	This wording has been added to allow for deviation from the parameters in the DCO, as the 'limits of deviation' definition is limited to lateral deviation and dredging matters.  There is much precedent for vertical limits of deviation being able to be varied within the assessment envelope and this principle has therefore been applied.  For example, most recently on the A66 Northern Trans-Pennine Development	Pre-Examination

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	<p><i>sought and obtained approval for such deviations from the relevant planning authority prior to the commencement of that part of the authorised development.”</i></p> <p>Insertion of new sub-paragraph (5):</p> <p><i>“The relevant planning authority—</i></p> <ul style="list-style-type: none"> <li><i>(a) may only give approval under sub-paragraph (4) if the undertaker has demonstrated to the relevant planning authority’s satisfaction that that the proposed deviation from the design parameters set out in Schedule 16 (design parameters) will not lead to materially new or materially different effects than those identified in the environmental statement; and</i></li> <li><i>(b) must as part of its approval under sub-paragraph (4) certify that it agrees with the undertaker that the proposed deviation from the design parameters set out in Schedule 16 (design parameters) will not lead to materially new or materially different effects than</i></li> </ul>	<p>Consent Order 2024 and the A303 Stonehenge (Amesbury to Berwick Down) Order 2023.</p>	

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	<p><i>those identified in the environmental statement; and</i></p> <p><i>(c) must, in relation to any submission by the undertaker under sub-paragraph (4) which relates to works within the river Thames, consult with the PLA before giving any approval.</i></p>		
<p><b>Schedule 2 (Requirement 7)</b></p>	<p>Amended to state:</p> <p><i>“(1) No part of the authorised development may commence until a code of construction practice for that part has been submitted to and approved by the relevant planning authority, in consultation with the PLA where the code of construction practice submitted relates to construction activities in the river Thames...”</i></p>	<p>To identify the PLA as a consultee for the purposes of discharging the code of construction practice requirement where the code of construction practice submitted relates to construction activities in the river Thames, in response to comments made in the PLA’s Relevant Representation.</p>	<p>Pre-Examination</p>
<p><b>Schedule 2 (Requirement 9)</b></p>	<p>Amended to state:</p> <p><i>“(1) No part of the authorised development may commence until a construction traffic management plan (which must be substantially in accordance with the</i></p>	<p>To identify National Highways as a consultee for the purposes of discharging the construction traffic management plan requirement, in</p>	<p>Pre-Examination</p>

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	<p><i>framework construction traffic management plan) for that part has been submitted to and approved by the relevant planning authority in consultation with the relevant highways authority <b>and National Highways.</b></i></p>	<p>response to National Highways' Relevant Representation.</p>	
<p><b>Schedule 2 (Requirement 10)</b></p>	<p>Sub-paragraph (1) amended to state:  <i>“(1) Work Nos. 1 <b>and 4</b> must not be fully commissioned until an emergency preparedness and response plan has been submitted to and approved by the relevant planning authority in consultation with the Environment Agency, lead local flood authority <b>and</b>, the London Fire Brigade <b>and, in respect of Work No. 4 only, the PLA.</b>”</i></p>	<p>To identify the PLA as a consultee for the purposes of discharging the emergency preparedness and response plan requirement in respect of Work No. 4, in response to the PLA's Relevant Representation.</p>	<p>Pre-Examination</p>
	<p>Inserted new sub-paragraph (2) to state:  <i>“(2) For the purposes of sub-paragraph (1), the undertaker may submit one emergency preparedness and response plan for both Work Nos. 1 and 4 or one for each of Work No. 1 and Work No. 4.”</i></p>	<p>To clarify the practicalities of the requirement and confirm that the undertaker may submit a single plan covering both sets of works or separate plans to cover each respective set of works.</p>	<p>Pre-Examination</p>

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
	<p>Sub-paragraph (3) amended to state:</p> <p><i>“(3) The emergency preparedness and response plan or plans submitted under sub-paragraphs (1) and (2) must be substantially in accordance with the outline emergency preparedness and response plan”</i></p>	<p>Consequential amendment of the wording added at sub-paragraph (2) above.</p>	<p>Pre-Examination</p>
<p><b>Schedule 2 (Requirement 11)</b></p>	<p>Amended to state:</p> <p><i>“(1) No part of the authorised development may commence until lighting strategy has been submitted to and approved by the relevant planning authority, in consultation with the PLA.”</i></p>	<p>To identify the PLA as a consultee for the purposes of discharging the lighting strategy requirement in respect of Work No. 4, in response to the PLA’s Relevant Representation.</p>	<p>Pre-Examination</p>
<p><b>Schedule 2 (Requirement 12)</b></p>	<p>Sub-paragraph (3)(h) amended to state:</p> <p><i>“(h) the final routing, specification and maintenance regime for permissive paths and the public rights of way referred to in article 15(1) and article 15(3);...”</i></p>	<p>This drafting is to acknowledge that the PRoW referred to at Articles 15(1) and 15(3) are part of the overall project and not to be considered in isolation and ensure that the creation power must not be used until the full LaBARDS (Requirement 12) has been approved. This builds on the drafting already included at Article 15(2)(b) and the new drafting at Article 15(4) (see above), in</p>	<p>Pre-Examination</p>



ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
		response to concerns raised by the London Borough of Bexley in its Relevant Representation.	
	Deletion of sub-paragraph 3(k).	No longer required as Articles 51 and 52 now deal with the byelaws relating to the Crossness Local Nature Reserve. The Applicant considers it more appropriate for the process of making the byelaws to be separate from the discharge of the LaBARDS process, to allow for a process of bedding in of the new extended Crossness LNR and for it to be determined if byelaws are actually required.	Pre-Examination
<b>Schedule 2 (Requirement 19)</b>	Deletion of sub-paragraph (1).	The preliminary Navigational Risk Assessment has been updated to account for a vessel mooring interaction study (but not yet for the Applicant's proposed Change Request) and is submitted at Pre-Examination alongside this Schedule of Changes document. The DCO drafting has been updated to reflect this.	Pre-Examination

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	<p>Sub-paragraph (2) becomes sub-paragraph (1) and is amended to state:  <i>“Prior to commencement of construction of Work No. 4 <del>and following consultation with the PLA,</del> the undertaker must update the preliminary navigation risk assessment to take account of the <del>final detailed</del> design and construction methodology of Work No. 4 <del>and submit the updated navigation risk assessment to the PLA for its approval, which must not be unreasonably withheld or delayed and, in doing so, must take account of the results of the passing vessel mooring interaction survey carried out under sub-paragraph (1).”</del></i>            Sub-paragraph (3) is deleted accordingly.</p>	<p>Updated to reflect the above and to streamline the process, further to discussions with the PLA.</p>	<p>Pre-Examination</p>
<p><b>Schedule 2 (Requirement 21)</b></p>	<p>Amended as follows:  <i>“No part of <del>Work No. 1</del> the authorised development may commence until a ground conditions investigations and assessments strategy for that part has been submitted to and approved by the relevant planning</i></p>	<p>The scope of the requirement has been expanded to apply pre-commencement of the whole development as opposed to pre-commencement of Work No.1 only, to reflect that ground investigations will be required outside of Work No.1.</p>	<p>Pre-Examination</p>

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	<p><i>authority, in consultation with the Environment Agency.”</i></p> <p>References to ‘part’ have also been added to the definition of <i>ground conditions investigations and assessments strategy</i> in paragraph 1 of Schedule 2 accordingly.</p>		
<b>Schedule 2 (Requirement 22)</b>	<p>Sub-paragraph (1) amended to state:</p> <p><i>“(1) No part of the authorised development may commence until an archaeological mitigation strategy, including a required written scheme of archaeological investigation (or multiple written schemes of archaeological investigation) for that part has been submitted to and approved by the relevant planning authority, in consultation with the PLA and the MMO”</i></p>	<p>To identify the MMO as a consultee for the purposes of discharging the archaeological mitigation strategy requirement, in response to the PLA and MMO’s Relevant Representation.</p>	<p>Pre-Examination</p>
<b>Schedule 2 (Requirement 23)</b>	<p>Sub-paragraph (1) amended to state:</p> <p><i>“Within 12 months of the date that the undertaker decides to decommission any part of the authorised development, the undertaker must submit to the relevant planning authority</i></p>	<p>To identify the PLA and the MMO as consultees for the purposes of discharging the decommissioning environmental management plan requirement insofar as the plan relates to decommissioning works within the</p>	<p>Pre-Examination</p>

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
	<p><i>for its approval, after consultation with the Environment Agency and if the decommissioning environmental management plan to be submitted relates to decommissioning works within the river Thames, the PLA and the MMO, a decommissioning environmental management plan for that part.”</i></p>	<p>river Thames. This amendment is in response to the PLA’s and MMO’s Relevant Representations.</p>	
	<p>Sub-paragraph (2)(d) amended to state:  <i>“(d) any restoration works (including the proposed finished levels of the land following those works) to restore the land to a condition agreed with the relevant planning authority;...”</i></p>	<p>To clarify the scope of ‘restoration works’ to be detailed within the decommissioning environmental management plan, further to the Environment Agency’s Relevant Representation.</p>	<p>Pre-Examination</p>
<p><b>Schedule 2 (Requirement 24)</b></p>	<p>Amended to state:  <i>“Within 12 months of the date that the undertaker decides to decommission any part of the authorised development, the undertaker must submit to the relevant planning authority for its approval, after consultation with the relevant highway authority and National</i></p>	<p>To identify National Highways as a consultee for the purposes of discharging the decommissioning traffic management plan requirement, in response to National Highways’ Relevant Representation.</p>	<p>Pre-Examination</p>

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
	<i>Highways, a decommissioning traffic management plan for that part.”</i>		
<b>Schedule 2 (Requirement 25)</b>	Insertion of a new Requirement: ‘Heat Strategy’.	A new requirement for a heat strategy to be submitted to the relevant planning authority in consultation with the Greater London Authority. This wording is inserted to ensure that a strategy is submitted across the whole of the Riverside Campus, including Riverside 1, Riverside 2 and the authorised development. It has been developed further to LBB’s Relevant Representation and also to provide greater certainty to the delivery of the benefits of the heat network.	Pre-Examination
<b>Schedule 8</b>	Re-allocation of plots within the table to better reflect the Land Plans	Updated to reflect section 51 advice and the Applicant’s errata check to ensure alignment with the limits of deviation on the Works Plans.	Pre-Examination
<b>Schedule 10</b>	Removal of plot 01-122	This plot has been removed further to the Environment Agency’s Relevant Representation.	Pre-Examination

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
<b>Schedule 11 (Part 1, Paragraph 1)</b>	Insertion of definition of 'licensable area'.	As now referred to in the Condition (3)(1). See below.	Pre-Examination
<b>Schedule 11 (Part 1, Paragraph 3)</b>	Sub-paragraph (1) amended to state: <i>"Subject to the licence conditions in Part 2, this licence authorises the licence holder (and any agent, contractor or subcontractor acting on their behalf) to carry out any licensable marine activities under section 66(1) (licensable marine activities) of the 2009 Act within the licensable area..."</i>	To limit the scope of where licensable marine activities may be carried out pursuant to the Deemed Marine Licence. The powers are limited to a newly defined 'licensable area', which "means the grid coordinates within the UK Marine Area within which the licence holder may carry out a licensed activity, as shown on the works plans". This responds to comments in the MMO's Relevant Representation.	Pre-Examination
<b>Schedule 11 (Part 2, Condition 14)</b>	Sub-paragraph (2) amended to state: <i>"<del>Where practicable, the</del> The licence holder must site concrete and cement mixing and washing areas at least 10 metres away from the River and any surface water drain to minimise the risk of run off entering the River."</i>	In response to the MMO's Relevant Representation.	Pre-Examination

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
<p><b>Schedule 11 (Part 2, Condition 16)</b></p>	<p>Amended to state:</p> <p><i>“The licence holder must—</i></p> <p><i>(a) store, handle, transport and use fuels, lubricants, chemicals and other substances so as to prevent releases the release of fuel, oils and chemicals associated with plan, refuelling and construction equipment into the marine environment, including bunding with a capacity of no less than 110% of the total volume of all reservoirs’ and containers’ storage capacity;</i></p> <p><i>(b) report any spill of oil, fuel or chemicals into the marine area environment to the MMO Marine Pollution Response Team pursuant to paragraph 2(2) of this licence, as soon as reasonably practicable, but in any event within 12 hours of the spill occurring being identified; and...”</i></p>	<p>In response to the MMO’s Relevant Representation.</p>	<p>Pre-Examination</p>
<p><b>Schedule 11 (Part 2, Condition 20)</b></p>	<p>Amended to state:</p> <p><i>“The material to be disposed of within the disposal site referred to in condition 2019 (or</i></p>	<p>In response to the MMO’s Relevant Representation.</p>	<p>Pre-Examination</p>

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
	<i>any other disposal site approved in writing by the MMO) must be placed evenly within the boundaries of that site."</i>		
<b>Schedule 11 (Part 2, Condition 21)</b>	Deletion of Condition 21.	This wording is not needed additionally to the preceding condition (Condition 20).	Pre-Examination
<b>Schedule 11 (Part 2, New Condition 21)</b>	Insertion of new Condition 21: 'Agents, contractors and sub-contractors'.	In response to the MMO's Relevant Representation to give the MMO notice of any agents, contractors or subcontractors that may carry out licensed activities under the marine licence.	Pre-Examination
<b>Schedule 11 (Part 2, New Condition 22)</b>	Insertion of new Condition 22: 'Dropped Objects'.	In response to the MMO's Relevant Representation to require the licence holder to report all dropped objects to the MMO using the Dropped Object Procedure Form.	Pre-Examination
<b>Schedule 11 (Part 2, New Condition 23)</b>	Insertion of new Condition 23: 'Time periods'.	In response to the MMO's Relevant Representation to provide a time limit on the extent to which the deemed marine licence will remain in force. There is no need to refer to s106	Pre-Examination



ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
		(approval of decommissioning programmes) of the 2004 Act because the MMO is already involved in this process as a result of the drafting of Requirement 23. As per Requirement 23(3)(c), the DEMP must include details of the phasing of the demolition and removal works and the Applicant has added the MMO as a consultee for the purposes of discharging Requirement 23.	
<b>Schedule 11 (Part 3, Paragraph 28)</b>	Insertion of new Condition 28: 'Variations of approvals of Part 2 Conditions'.	In response to the MMO's Relevant Representation to confirm that any plans, protocols or statements to be approved under the licence will include any amendments that may be subsequently approved by the MMO.	Pre-Examination
<b>Schedule 12 (Part 4, Paragraph 39)</b>	Amended to state: “(1) <i>The undertaker must not stop up in whole or in part the access road under article 14 (permanent stopping up of specified street and private means of access) or extinguish in</i>	Reference added for certainty as to the access road being referred to. Separate to the DCO, changes are being made to the Outline CoCP to deal with the temporary position.	Pre-Examination

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
	<p><i>whole or in part any right of TWUL along the access road unless and until...</i></p> <p>and (c) <i>TWUL's agreement and approvals under sub-paragraphs (a) and (b)</i><b>Error! Reference source not found.</b> <i>must not to be unreasonably withheld or delayed and, in any event shall be deemed to be given if not otherwise stated within 28 days but may be given in accordance with such reasonable requirements as may be made by TWUL in respect of ensuring continued operational and emergency access to the existing Crossness Sewage Treatment Works from Norman Road.</i></p>		
<p><b>Schedule 12 (Part 5, Paragraph 44)</b></p>	<p>Amended to state:</p> <p><i>"The provisions of this Part of this Schedule have effect, unless otherwise agreed in writing between the undertaker and the PLA, for the protection of the PLA in relation to the construction <del>and</del>, maintenance, operation and decommissioning of the authorised development."</i></p>	<p>Following engagement with the PLA, to confirm that the Protective Provisions for the benefit of the PLA apply in relation to all phases of the authorised development, including the construction, maintenance, operation and decommissioning.</p>	<p>Pre-Examination</p>

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
<p><b>Schedule 12 (Part 5, Paragraph 45)</b></p>	<p>Amended as follows:</p> <p><i>“specified function” means any function of the undertaker under this Order (except any function under articles 26 (compulsory acquisition of land), 28 (compulsory acquisition of rights) and 29 (acquisition of subsoil or airspace only) , the exercise of which may affect the river Thames or any function of the PLA <del>and for the avoidance of doubt includes article</del> <b>Error! Reference source not found.</b> (power to dredge); and</i></p> <p><i>“specified work” means—</i></p> <p>(a) <i>any part of the authorised development (which for this purpose includes the removal of any part of the authorised development <b>or any decommissioning works</b>), which—</i></p> <p>(i) <i>is, may be, or takes place in, on, under or over the surface of land below mean high water level forming part of the river Thames; or</i></p> <p>(ii) <i>may affect the river Thames or any function of the PLA;</i></p>	<p>Amendments made following discussions with the PLA</p>	<p>Pre-Examination</p>

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
	<p>(b) <i>any dredging, including pursuant to article 25 (power to dredge); and</i></p> <p>(c) <del>including</del> any projection over the river Thames <i>(whether inside or outside of the Order limits)</i> by any authorised work or any plant or machinery.</p>		
<b>Schedule 12 (Part 5, Paragraph 46)</b>	Sub-paragraph (8) to (11) added.	This wording has been added to seek to respond to concerns raised by the PLA in respect of what the regulatory position should be for works undertaken by the Applicant that are not covered by the provisions of article 7.	Pre-Examination
	Sub-paragraph (8) (now (12)) amended to state:  <i>“(a) “commence” includes <del>investigations for the purpose of assessing ground conditions (including the making of trial boreholes) and archaeological surveys and investigations</del> the permitted preliminary works where they take place in the river Thames,</i>  <i>(d) “plans” shall, in respect of the exercising of article <b>Error! Reference source not</b></i>	Commence definition amended following discussion with the PLA who seek the ability to control all permitted preliminary works in the river.  “Plans” definition amended following PLA’s comments in its Relevant Representation. The Applicant wishes to avoid duplication with MMO, but appreciates the PLA does not wish to lose its existing regulatory controls over	

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	<p><b>found.</b>, only mean <i>navigation risk assessments</i> such information which the PLA publishes on its website from time to time as being required to accompany an application for a licence to dredge under section 73 (licensing of dredging, etc.) of the 1968 Act and any documents required by the PLA pertaining to sampling but <i>and not any other document under the definition of plans in paragraph 45, in respect of the exercising of article 25, where the undertaker has already received approval for method statements from the Marine Management Organisation to those dredging activities pursuant to condition 10 of Schedule 11 (deemed marine licence) prior to seeking approval under this paragraph; and</i></p>	<p>maintenance dredging. This re-drafting ensures that both aims are achieved.</p>	
<p><b>Schedule 12 (Part 5, Paragraph 56)</b></p>	<p>Sub-paragraph (1)(b) amended to state:  “(b) during construction or carrying out gives rise to sedimentation, scouring, currents, wave action, or <i>material</i> worsening of the condition of the river bed, which would be</p>	<p>This amendment made following engagement with PLA – it is appreciated that the test in question is whether there is a material detriment to traffic however that is caused.</p>	<p>Pre-Examination</p>

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
	<p><i>materially detrimental to traffic in, or the flow or regime of, the river Thames”</i></p> <p>Sub-paragraph (4) amended to state:</p> <p><i>“(4) If a specified work gives rise to <b>materially new or materially different</b> environmental <del>impacts over and above those anticipated by effects than those identified in any</del> environmental document, the undertaker must, in compliance with its duties under any enactment, take such action as is necessary to prevent or mitigate <del>those</del> <b>adverse</b> environmental impacts and in so doing must consult and seek to agree the necessary measures with the PLA.”</i></p> <p>Similar changes are made to sub-paragraph (5).</p>	<p>Change made to align with the language used in the rest of the DCO in the relationship to the ES.</p>	<p>Pre-Examination</p>
<p><b>Schedule 12 (Part 5, Paragraph 59)</b></p>	<p>Insertion of new sub-paragraph (1)(c) to state that surveys can be carried out:</p>	<p>This has been added following requests from the PLA to be able to undertake surveys during construction. The Applicant accepts that this is a precedented position, but requires notice to ensure this can be managed</p>	<p>Pre-Examination</p>

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	<p><i>during the construction of any specified work, or the carrying out of any specified function, as is reasonably required</i></p> <p>This is subject to the caveats added in new sub-paragraph (2):</p> <p><i>The PLA may only carry out surveys under sub-paragraph (1)(c)—</i></p> <ul style="list-style-type: none"> <li><i>(a) if it has given at least 30 days notice of its intention to do so to the undertaker; and</i></li> <li><i>(b) subject to the undertaker's ability to refuse access for surveys if the undertaker considers that the carrying out of surveys at that time would lead to safety concerns in the construction of the specified work or the carrying out of the specified function.</i></li> </ul>	<p>during the construction process without incurring undue delay and cost.</p>	
<p><b>Schedule 12 (Part 5, Paragraph 61)</b></p>	<p>Deletion of previous wording and replacement with entire new provision</p>	<p>The PLA's preferred wording inserted following discussions with them.</p>	<p>Pre-Examination</p>

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
<b>Schedule 12 (Part 5, Paragraph 64)</b>	New paragraph added: <i>“The undertaker must consult with the PLA on draft documentation, prior to the submission of any plan, scheme or strategy under requirements 7 (code of construction practice), 10 (emergency preparedness and response plan), 11 (lighting strategy) 16 (jetty works environmental design scheme) and 23 (decommissioning environmental management plan) which relate to Work No. 4, to the relevant planning authority.”</i>	Added further to PLA engagement as PLA wishes to see documentation before submission.	Pre-Examination
<b>Schedule 13</b>	Updates to document references, revision numbers and dates of latest documents.	General updates to reflect latest documents submitted alongside this Schedule of Changes.	Pre-Examination
<b>Schedule 14 (Paragraph 1)</b>	Insertion of new definition: ‘the 2004 Act’: <i>“means the Traffic Management Act 2004”</i>	As referred to in the definition of ‘permit scheme’. See below.	Pre-Examination
	Insertion of new definition: ‘permit scheme’: <i>“means any schemes made under Part 3 of the 2004 Act in force at the date on which this Order is made”</i>	As now referred to at paragraph 4(1)(b) of Schedule 14. See below.	Pre-Examination



ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
<p><b>Schedule 14 (Paragraph 2)</b></p>	<p>Amended to state:</p> <p><i>“Subject to article 46(2) (procedures in relation to certain approvals etc.), where an application has been made to the relevant authority for any consent, agreement or approval required or contemplated by any provisions of this Order<del>—</del>, including:</i></p> <p><i>(a) consent, agreement or approval in respect of part of a requirement <del>and</del>; or</i></p> <p><i>(b) any consent, agreement or approval required by any of the documents listed in Schedule 13 (documents and plans to be certified);</i></p> <p><i>(c) documents approved pursuant to a requirement); or</i></p> <p><i>(d) consent sought under section 61 (prior consent for work on construction sites) of the Control of Pollution Act 1974”</i></p>	<p>To confirm that Schedule 14 will apply for a consent sought under section 61 (prior consent for work on construction sites) of the Control of Pollution Act 1974, for consistency with Article 46(1)(d).</p>	<p>Pre-Examination</p>

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
<p><b>Schedule 14 (Paragraph 4)</b></p>	<p>Sub-paragraph (1) amended to state:</p> <p><i>“(1) The undertaker may appeal in the event that—</i></p> <p><i>(a) the relevant authority refuses (including a deemed refusal pursuant to paragraph 2(4)) an application for any consent, agreement or approval <del>required or contemplated by any of the provisions of this Order referred to in paragraph 1 of this Schedule 14</del> or grants it subject to conditions; or</i></p> <p><i>(b) the relevant authority refuses an application for a permit under a permit scheme, or grants such a permit subject to conditions; or</i></p> <p><i>(c) the relevant authority issues a notice to the undertaker under section 60 (control of noise on construction sites) of the Control of Pollution Act 1974; or</i></p> <p><i>(d) ...”</i></p>	<p>To extend the circumstances within which the undertaker may appeal a decision that may be relevant to the construction of the authorised development to include if a relevant authority refused an application for any schemes under Part 3 of the Traffic Management Act 2004 that may into force at the date on which this Order is made and if a relevant authority issues a notice to the undertaker under section 60 (control of noise on construction sites) of the Control of Pollution Act 1974.</p>	<p>Pre-Examination</p>



## DECARBONISATION

10 Dominion Street  
Floor 5  
Moorgate, London  
EC2M 2EF  
Contact Tel: 020 7417 5200  
Email: [enquiries@corygroup.co.uk](mailto:enquiries@corygroup.co.uk)  
**[corygroup.co.uk](http://corygroup.co.uk)**