



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

## **Cory Decarbonisation Project**

PINS Reference: EN010128

**February 2025**

Revision E

## 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, consistency checks and updates in cross-referencing.

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
Articles			
<b>Article 2</b>	Insertion of definition of ‘2005 Agreement’.	As now referred to in Article 50 (Crossness Local Nature Reserve). See below.	Deadline 1
	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

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
	<p>Definition of 'belvedere power station jetty'. Amended to state:</p> <p><i>“means the existing jetty contained within plots 1-107 <del>and</del>, <u>1-110</u> 1-111 and <u>1-118</u> on the land plans”</i></p>	<p>Plot numbers added to capture the full extent of the BPS Jetty, as requested by the PLA.</p>	<p>Pre-Examination</p>
	<p>Definition of 'belvedere power station jetty'. Amended to state:</p> <p><i>“means the existing jetty and associated outfall and dolphins contained within plots 1-107, 1-110, 1-111 and 1-118 on the land plans, and the associated cowshed located within plot 1-113”</i></p>	<p>Plot numbers added to capture the full extent of the structures associated with the BPS Jetty that will be subject to the revised drafting of article 8, as requested by the PLA.</p>	<p>Deadline 2</p>
	<p>Definition of 'belvedere power station jetty' amended to state:</p> <p><i>“means the existing jetty, conveyor bridge, intake shaft (but not the intake tunnel) and associated piles, <del>outfall and</del> dolphins and supports contained within plots 1-107, 1-110, 1-111 and 1-118 on the land plans, and the</i></p>	<p>Following further engagement with the PLA, to better reflect the description of the works in the existing BPSJ licence.</p>	<p>Deadline 3</p>

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
	<i>associated <del>cowshed</del> barge berth located within plot 1-113”</i>		
	Insertion of definition of ‘business day’.	To ensure consistency throughout the whole draft DCO by replacing the definition of ‘working day’, as working day and business day were used interchangeably throughout. Any references to ‘working day’ have been replaced to ‘business day’.	Deadline 2
	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
	Insertion of definition of ‘electronic communication’.	As now referred to in new Article 3 (Electronic communications). See below.	Deadline 1
	Definition of ‘limits of deviation’. Amended to state:  <i>“in the case of Work No. 4C, dredging to a depth of – <del>10.50m</del><u>11.00m</u> chart datum and</i>	To reflect on-going discussions with Viking CCS (the CCS storage provider) to continue to develop its understanding of the best way of taking forward the usage of the Proposed Jetty, not least to ensure its usage best achieves the aims	Change Request dated 25 October 2024

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
	<i>within the dredging co-ordinates shown on the works plans;”</i>	of Government in bringing forward Non-Pipeline Transport as part of the CCS sector.	
	Insertion of definition of ‘Middleton Jetty’.	As now referred to in Article 8(9) (Interaction with the 1968 Act). See below.	Deadline 1
	Insertion of definition of ‘Permit Scheme’	As now referred to in new Article 12 (Application of the permit scheme). See below.	Deadline 1
	<p>Definition of permitted preliminary works amended as follows:</p> <p><i>“means environmental surveys and monitoring, investigations for the purpose of assessing ground conditions (including the making of trial boreholes), archaeological surveys and investigations, the creation of new ditches and the enhancement of existing ditches, receipt and erection of construction plant and equipment, erection of any temporary means of enclosure, the temporary display of site notices or advertisements, establishment of laydown</i></p>	<p>Amendment made following discussion with NE on the Method Statement submitted to seek to obtain a LoNI. NE have requested that water vole habitat creation/enhancement take place early in the Proposed Scheme construction programme. Appendix 2.1 of the ES, which controls the permitted preliminary works, has been updated accordingly.</p> <p>The reference to vegetation clearance is to ensure complete clarity as to what is meant by ‘site clearance’.</p>	Deadline 3

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
	<p><i>areas and welfare facilities, erection of construction fencing, diversion and laying of underground apparatus, site clearance including vegetation clearance, Work No. 3, and any other works that do not give rise to any materially new or materially different effects which are worse than those assessed in the environmental statement;”</i></p>		
	<p>Definition of permitted preliminary works, deleted the final part of the definition which states: <i>‘and any other works that do not give rise to any materially new or materially different effects which are worse than those assessed in the environmental statement’</i>.</p>	<p>Amendment made as a result of the discussions held during Issue Specific Hearing 2 (ISH2).</p>	<p>Deadline 4</p>
	<p>Inserted new definition for Pre-2032 WRWA Underlease Determination Event.</p>	<p>Insertion made as a result of updates made to the protective provisions in Part 9 of Schedule 12 (For the Protection of Each RRRL Entity) following discussions with WRWA.</p>	<p>Deadline 4</p>
	<p>Inserted new definition for Post-2032 WRWA Underlease Determination Event.</p>	<p>Insertion made as a result of updates made to the protective provisions in Part 9 of Schedule 12 (For the Protection of</p>	<p>Deadline 4</p>

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
		Each RRRL Entity) following discussions with WRWA.	
	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
	<p>Inserted text into the definition of REPL to link them it to the '<i>freehold of any part of the REPL land (as defined in Schedule 12 Part 8 paragraph [95]) save to the extent that any such successor in title is the undertaker</i>'.</p> <p>Similar text relating to RRRL was also inserted into the definition of RRRL.</p>	Insertion made as a result of updates made to the protective provisions in Part 9 of Schedule 12 (For the Protection of Each RRRL Entity) following discussions with WRWA.	Deadline 4
	Inserted new definition for RRRL Entity.	Insertion made as a result of updates made to the protective provisions in Part 9 of Schedule 12 (For the Protection of Each RRRL Entity) following discussions with WRWA.	Deadline 4

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
	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
	Definition of undertaker amended to make it <i>'subject to articles 9 (benefit of this Order) and 10 (consent to transfer benefit of this Order)'</i> .	Amendment made to improve clarity of the drafting.	Deadline 4
	Deletion of definition of 'working day'.	Replaced by a new definition of 'business day' to ensure consistency throughout the whole draft DCO, as working day and business day were used interchangeably throughout. Any references to 'working day' have been replaced to 'business day'.	Deadline 2
	Amendment to the authority's address in the definition of WRWA.	Amendment made further to ongoing discussions with WRWA.	Deadline 4
	Inserted new definition of WRWA Lease.	Insertion made as a result of updates made to the protective provisions in Part 9 of Schedule 12 (For the Protection of	Deadline 4



ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
		Each RRRL Entity) following discussions with WRWA.	
	Inserted new definition of WRWA Underlease.	Insertion made as a result of updates made to the protective provisions in Part 9 of Schedule 12 (For the Protection of Each RRRL Entity) following discussions with WRWA.	Deadline 4
<b>Article 3</b>	Insertion of new Article on Electronic Communication.	Article 3 (Electrical communications) has been added to confirm that references to documents in the Order include documents in electronic form and reference to communications being in writing include electronic communications. Paragraph (2) sets out conditions that must be satisfied in order for an electronic communication to be treated as valid. Paragraphs (3) to (5) set out the arrangements for sending paper copies and the revocation of consent by recipients to the use of electronic communications.	Deadline 1

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
<b>Article 8</b>	<p>A number of changes to this article, which now states:</p> <p><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 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>Changes made after extensive discussions with the PLA which are ongoing.</p>	<p>Pre-Examination</p>

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
	<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 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</i></p>		

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
	<p><i>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 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,</i></p>		

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	<p><i>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> <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>		

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	<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 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>		

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	<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 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>		

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	<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>		
	<p>The addition of the following wording to sub-paragraph (5):</p> <p>without the consent of the undertaker not to be unreasonably withheld or delayed <b>and in event no longer than 65 days from the date of the PLA notifying the undertaker that it has received an application for a river works licence under section 66 (licensing of works) of the 1968 Act or a dredging licence under section 73 (licensing of dredging, etc.) of the 1968 Act to which this sub-paragraph applies.</b></p>	<p>Wording added following discussions with the PLA and deal with their request that some certainty is brought to the process of the undertaker’s consent being required under sub-paragraph (5).</p>	<p>Deadline 1</p>
	<p>The movement of previous sub-para (8) to sub-para (10) and extending it to include variations, and conditions as well as refusals of consents</p>	<p>To ensure that the ambit of the drafting covers all scenarios proposed in the rest of the article</p>	<p>Deadline 1</p>



ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
	<p>Modification of sub-paragraph (11):</p> <p><i>Any exclusion zone established pursuant to paragraph 17.1 of the PLA General Directions (or any equivalent provision in any replacement of those directions) in respect of an applicable vessel berthed at the jetty constructed as part of Work No. 4B shall not apply to vessels, tugs or barges transiting to or from the Middleton Jetty or any structures constructed as part of Work No. 4B for— that are associated with the authorised development, Riverside 1 or Riverside 2 passing through or that are moored within that exclusion zone.</i></p> <ul style="list-style-type: none"> <li>(a) <i>operational reasons to transit to or from vessels, mooring or berths within that exclusion zone;</i></li> <li>(b) <i>to undertake works or dredgings consented by the PLA under the 1968 Act; or</i></li> <li>(c) <i>for navigational safety or emergency reasons.</i></li> </ul>	<p>Following discussion with the PLA has enabled this wording to develop further, but it is still under review.</p>	<p>Deadline 1</p>

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
	<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

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
		<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>	
	<p>A number of changes to this article clarifying or imposing notification requirements on the undertaker to allow the PLA to maintain the appropriate work licencing regime in respect</p>	<p>Following further discussions with the PLA. This reflects all key principles that the Applicant understands the PLA wants dealt with in the article. It is hoped that this can now be agreed but</p>	<p>Deadline 2</p>

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
	of structures that may be affected by Work No. 4 as it is undertaken.	the PLA will review to allow for finalisation at Deadline 3, if necessary.	
	<p>Amendments as per the below:</p> <p><i>“(2) Not later than 30 business days prior to the proposed commencement of Work No. 4A, the undertaker must notify the holder of the BPSJ licence of the works that are intended to be carried out on the belvedere power station jetty and any other existing structures that are the subject of the <b>BPSJ</b> licence and the undertaker must provide a copy of such notice to the PLA”...</i></p> <p><i>“(7) Within 30 business days of the PLA being notified under paragraph (3), the PLA must issue a new licence to the holder of the BPSJ licence with a new licence to reflect—</i></p> <p><i>(a) that the belvedere power station jetty shall no longer form part of the licence; <b>and</b></i></p> <p><i>(b) any changes to the conditions of the works licence that the PLA considers necessary to</i></p>	Final amendments to this article following further engagement with the PLA.	Deadline 3

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
	<p><del>reflect the physical changes and to</del> meet the requirements of the 1968 Act<del>;</del></p> <p>(c) <del>and</del> the PLA's duties under the 1968 Act; and</p> <p><del>(e)</del>(d) sub-paragraphs (9)(e) and (9)(f) shall apply in respect of the new licence"...</p> <p>"(9) To the extent any works licence granted by the PLA under section 66 (licensing of works) of the 1968 Act, other than the BPSJ licence, and still having effect immediately before this Order comes into force includes within its scope existing structures within the limits of deviation of Work No. 4 <del>(other than the belvedere power station jetty)</del> and which are required to be removed or altered as a result of the carrying out of Work No. 4"...</p> <p>"(10) The undertaker must pay the reasonable costs of the PLA in complying with sub-paragraph (7), (8) and (9)(d) <del>and in connection with the PLA's reasonable costs in participating in any appeal under sub-paragraph (1)(b) of section 69 (appeal to</del></p>		

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	<i>board of trade) of the 1968 Act made in connection with a varied or new works licence issued under sub-paragraph (8) or (9), but not sub-paragraph (7)."</i>		
<b>Article 10(3)</b>	Amended to state:  <i>"The Secretary of State must consult the MMO before giving consent to the transfer or grant to another person of the whole or any 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>	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, including Liquid Carbon Dioxide (LCO2)), following discussions with the PLA and in response to the PLA's relevant representation.	Pre-Examination
<b>Article 12</b>	Insertion of new Article 12 on permit scheme.	This article deals with the relationship between the Order powers and the permit scheme contained in the Schedule to the Traffic Management (London Borough of Bexley) Permit Scheme 2012. It has been introduced following the experience of the Applicant on the implementation of the Riverside 2 DCO.	Deadline 1

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
		<p>Paragraph (1) confirms that the Permit Scheme apply and will be used in connection with the construction, maintenance and decommissioning of the authorised development, subject to the qualifications in paragraphs (2) and (3).</p> <p>Paragraph (4) clarifies that the procedure for appeals in Schedule 14 of the draft DCO is capable of applying to any refusal to grant a permit, or to any decision to grant a permit subject to conditions, but not so as to limit any other appeal mechanism available under the permit schemes or otherwise.</p>	
	<p>Deleted article 12(1)(e) and article 12(5).</p> <p>Amended article 12(1)(d) as follows (deleted text in bold strikethrough):</p> <p><i>'article 20<del>(1)(d)</del> (traffic regulation measures) <del>between points B and D on the traffic regulation measures plan</del>'</i></p>	<p>Amendments made as a result of discussions during the Issue Specific Hearing 2 (ISH2).</p>	<p>Deadline 4</p>

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
<b>Article 13(1)(c)</b>	Amended to state:  <i>“(c) place and keep apparatus in the street”</i>	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</b> and <b>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>(1)</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 requested. Please also see response to LBB’s Relevant Representation.	Pre-Examination
<b>Article 14(4)</b>	Inserted reference to paragraph (1) alongside paragraph (2) in article 14(4).	Amendment made as a result of discussions during the Issue Specific Hearing 2 (ISH2).	Deadline 4



ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
<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 17</b>	<p>Sub-paragraph (5) amended to allow the undertaker to authorise the use of motor vehicle on:</p> <p><i>“(a) the current route of footpath 2 between points H and L on the access and rights of way plan;”</i></p>	<p>This is to allow for the same power previously sought to apply to the diverted route to the current route of the footpath, to allow for the period of time when the new route may not yet have been created.</p>	Deadline 1
<b>Article 18(1)(a)</b>	<p>Insertion of ‘<i>with approval of the highway authority</i>’ at the start of the sub-paragraph.</p>	<p>Amendment made further to discussions held during the ISH2.</p>	Deadline 4
<b>Article 21(4) and various</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

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
other DCO provisions			
Article 25(9)	<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> <ul style="list-style-type: none"> <li><i>(d) the suspension of the public right of navigation applies to no more of the river than is necessary in the circumstances;</i></li> <li><i>(e) all reasonable steps are taken to secure that the period of suspension is kept to a minimum; and</i></li> <li><i>(f) 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></li> </ul>	<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

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
<b>Article 27(4)</b>	<p>Addition made to the drafting:</p> <p><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 PLA's approval of dredging proposals and the payment of compensation for dredged material.</i></p>	<p>Made further to discussion with the PLA to ensure consistency with their Protective Provisions</p>	<p>Pre-Examination</p>
<b>Article 32</b>	<p>Paragraph (6) amended to state:</p> <p><i>"(6) This article does not apply <u>in relation to</u>—</i>  <i>(a) <del>in relation to</del> any right or apparatus to which section 138 (extinguishment of</i></p>	<p>Amended in response to the concerns of Western Riverside Waste Authority (WRWA) expressed in their Written Representation.</p>	<p>Deadline 2</p>

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
	<p><i>rights, and removal of apparatus, of statutory undertakers etc.) of the 2008 Act or article 39 (statutory undertakers) applies; <u>and</u></i></p> <p>(b) <i><u>any contractual rights</u>, private rights and restrictive covenants owned <u>or held</u> by the undertaker REPL, RRRL or WRWA within the Order limits.”</i></p>		
<p><b>Article 32(6)</b></p>	<p>Article 32(6) amended as follows (newly inserted text shown in bold):</p> <p><b>‘(6) Regardless of any other provision in this Order or anything shown on the land plans or contained in the book of reference—</b></p> <p>(a) <del>This article does not apply in relation to any right or apparatus to which section 138 (extinguishment of rights, and removal of apparatus, of statutory undertakers etc.) of the 2008 Act or article 39 (statutory undertakers) applies; and</del></p> <p>(b) <b>paragraph (1) of this article does not apply</b> to any contractual rights, private rights and restrictive covenants owned or held by the</p>	<p>Insertion made as a consequence of the discussions between the Applicant and WRWA.</p>	<p>Deadline 4</p>

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
	<p><i>undertaker, REPL, RRRL or WRWA unless otherwise agreed by those parties, such agreement not to be unreasonably withheld or delayed by those parties, acting in good faith and having regard to the ability of the undertaker to construct the authorised development in a timely and cost-effective manner within the Order limits.</i></p>		
<p><b>Article 34(6) and Article 35(2)</b></p>	<p>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></p>	<p>To align with the time period in Article 29.</p>	<p>Pre-Examination</p>
<p><b>Article 42</b></p>	<p>New sub-paragraph (2) added:   <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>Pre-Examination</p>

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
		This provision therefore allows for a process the MMO is used to dealing with, to be invoked.	
<b>Article 48</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 required or contemplated by any provisions of this Order, <del>save for any approvals required under the deemed marine licence contained in Schedule 11 (deemed marine licence) or similar.</del> including:</i></p> <ul style="list-style-type: none"> <li><i>(a) consent, agreement or approval in respect of part of a requirement; or</i></li> <li><i>(b) 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><i>(c) documents approved pursuant to a requirement; or</i></li> </ul>	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.	Pre-Examination

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
	(d) <i>consent sought under section 61 (prior consent for work on construction sites) of the Control of Pollution Act 1974.</i> "		
	Article 48(2) amended to include a reference to article 32(6)(b) (private rights).	Amendments made for clarity and to reflect changes made in article 32(6) set out above.	Deadline 4
<b>Article 49(2)</b>	Amended to state:  <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>	Amendment made in response to a request from the MMO in its Relevant Representation.	Pre-Examination
<b>Article 50(2)(b)</b>	Deletion of Article 48(2)(b).	No longer required as Articles 53 and 54 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	Pre-Examination

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
		to be determined if byelaws are actually required.	
<b>Article 50</b>	Insertion of new sub-paragraph into paragraph (2) to provide:  <i>"(d) clause 24 of the 2005 agreement shall be abrogated in its entirety".</i>	Wording added following discussions at ISH1 and with LBB, TWUL and SCNR reflecting the permissions and s.106 obligations which relate to the Norman Road Field.	Deadline 1
	Paragraph (3) amended to provide that the carrying out of Work No. 7 on the crossness local nature reserve as extended shall not constitute a breach of:  <i>"...(b) the 2005 Agreement; or</i>  <i>(c) planning permission numbers 91/1318U, 02/03373/OUTEA, 07/08166/FULM, 08/01834/FUL, 10/00063/OUTEA and 10/00063/OUTEA13".</i>		Deadline 1
<b>Article 53</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)	Pre-Examination



ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
		<p>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.</p>	
	<p>Paragraph (1) amended to state:   <i>“(1) Following the discharge of Requirement 12 (Landscape Biodiversity Access and Recreation Delivery Strategy) in Schedule 2 (Requirements) <u>and following consultation with TWUL</u>, the undertaker or London Borough of Bexley may make byelaws regulating—...”</i></p>	<p>Following further engagement with Thames Water.</p>	<p>Deadline 3</p>
	<p>Article 53(1) amended so the undertaker is a consultee alongside TWUL rather than able to make byelaws alongside London Borough of Bexley.</p> <p>Article 53(1)(a) ‘the efficient management and operation of the Crossness Nature Reserve’ and (b) ‘travel in the Crossness Nature Reserve’ have been deleted. What were</p>	<p>Deletions and amendments to the article have been made to reflect discussions with TWUL as reflected in the SoCG with them.</p>	<p>Deadline 4</p>

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
	<p>previously article 53(1)(c) and (d) have now become new article 53(1)(a) and (b).</p> <p>In article 53(4) deleted '<i>where the byelaws are to be made by the undertaker, the provisions of subsection 236(4) to (8), and (11) (procedure, etc., for byelaws) of the Local Government Act 1972 apply as if the undertaker were a local authority for the purposes of subsection 236(1) of the Local Government Act 1972</i>'.</p> <p>The words '<i>the undertaker or</i>' are also deleted from article 53(5).</p>		
<b>Article 54</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 the byelaws made under Article 51. This power can be undertaken by an authorised person, defined to be a person employed by LBB.	Pre-Examination
Schedules			

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
<p><b>Schedule 1 end ‘catch all’</b></p>	<p>Amendment made:</p> <p><i>“and further ancillary or related development <del>associated development</del>”</i></p>	<p>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’.</p>	<p>Pre-Examination</p>
<p><b>Schedule 1 (Work No. 2)</b></p>	<p>Amendment made:</p> <p><i>“Work No. 2A – process steam and condensate <b>connections</b>, and heat offtake infrastructure, including—...”</i></p>	<p>This amendment has been made to correct a typographical omission from the drafting as these words should always have been present at this location.</p> <p>This ensures that the wording is consistent with:</p> <ul style="list-style-type: none"> <li>• the overall description of Work No. 2, which refers to ‘interconnection’;</li> <li>• the Works Plans, which reference to this work number as involving ‘Connections’; and</li> <li>• Chapter 2 of the Environmental Statement, which is clear that the</li> </ul>	<p>Deadline 2</p>

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
		focus of these works is connections.	
<b>Schedule 1</b>	Work No. 1 – various insertions of new text made to Work No. 1A, Work No. 1B and Work No. 1C.	The amendments reflect the Changes 1, 2, 6, 7, 8 and 9 as set out in Change Request and Consultation Report No. 2 <b>(Document Ref: 9.19) [AS-067]</b> .	Change Request 2
	<ul style="list-style-type: none"> <li>– Work Nos. 1A and 1E - Addition of <i>'retaining walls and sheet pile walls'</i>.</li> <li>– Clearer delineation of the "Ancillary Works" section at the end of Schedule 1 made by inserting heading above this section.</li> <li>– Removal of <i>'retaining walls and sheet pile walls'</i> and <i>'gatehouses and control rooms'</i> from the Ancillary Works section.</li> </ul>	Amendments to the Schedule have been made to reflect discussions held during ISH2.	Deadline 4
<b>Schedule 2 (Requirement 1)</b>	<p>Definition of 'jetty works environmental design scheme'. Amended to state:</p> <p><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></p>	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	Pre-Examination

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
		already captured in the LaBARDS (Requirement 12) for terrestrial BNG.	
	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 commence 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):	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	Pre-Examination

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
	<p><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 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>  <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>  <i>(b) must as part of its approval under sub-paragraph (4) certify that it agrees with the undertaker that the proposed</i></p>	<p>within the assessment envelope and this principle has therefore been applied.</p> <p>For example, most recently on the A66 Northern Trans-Pennine Development Consent Order 2024 and the A303 Stonehenge (Amesbury to Berwick Down) Order 2023.</p>	

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
	<p><i>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></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>Sub-paragraph (1) amended to state:</p> <p><i>“No part of Work No. 1 or Work No. 5 may commence until details of the layout, scale and external appearance for <del>that</del> those Work Nos. have been submitted to and approved by the relevant planning authority in writing.”</i></p>	<p>In response to ExA WQ 1.8.3.3.</p>	<p>Deadline 3</p>
	<p>Sub-paragraph (2) amended to state:</p> <p><i>“Subject to sub-paragraph (4), Work No. 1 must be designed and constructed in accordance with the design parameters in</i></p>	<p>In response to ExA WQ 1.8.7.2.</p>	<p>Deadline 3</p>

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
	<i>Schedule 16 (design parameters) and item 1.12(a) of the mitigation schedule”</i>		
	Sub-paragraph (1) amended to insert ‘ <i>Work No. 2 (except for internal modifications to existing plant, equipment and apparatus under Work No 2A(iii), 2B(iii) and 2C(i))</i> ’ between the words ‘ <i>Work No. 1</i> ’ and ‘ <i>or Work No. 5</i> ’.	Amendments to the Requirement have been made to reflect discussions held during ISH2.	Deadline 4
<b>Schedule 2 (Requirement 7)</b>	Amended to state: <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>	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.	Pre-Examination
	Amended to state: <i>“(1) No part of the authorised development may commence until a code of construction practice for that part has been submitted to</i>	In response to WRWA’s comments in its Written Representation.	Deadline 2



ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
	<p><i>and approved by the relevant planning authority, in consultation with the <a href="#">PLAWRWA</a> <u>and</u>, where the code of construction practice submitted relates to construction activities in the river Thames, <u>the PLA</u>.”</i></p>		
	<p>In sub-paragraph (1), first sentence, inserted ‘<i>emergency planning or opportunities to use the river Thames to transport equipment or materials during construction</i>’ between ‘<i>construction activities in the river Thames</i>’ and ‘<i>the PLA</i>’.</p>	<p>Amendments to the Schedule have been made to reflect agreed position with the PLA.</p>	<p>Deadline 4</p>
<p><b>Schedule 2 (Requirement 8)</b></p>	<p>Sub-paragraph (1) amended to state:  <i>“The construction of the authorised development <del>Construction works relating to Work Nos. 1, 2, 3, 5 and 6</del> must not take place on ...”</i></p>	<p>In response to ExA WQ 1.8.3.6.</p>	<p>Deadline 3</p>
	<p>Sub-paragraph (2) amended to state:  <i>“The restrictions in sub-paragraph (1) do not apply to construction works <u>for the authorised development</u> where these ...”</i></p>		<p>Deadline 3</p>

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
<b>Schedule 2 (Requirement 9)</b>	Amended to state: <i>“(1) No part of the authorised development may commence until a construction traffic management plan (which must be substantially in accordance with the 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 and National Highways.”</i>	To identify National Highways as a consultee for the purposes of discharging the construction traffic management plan requirement, in response to National Highways’ Relevant Representation.	Pre-Examination
	Amended to state: <i>“No part of the authorised development may commence until a construction traffic management plan (which must be substantially in accordance with the 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 <del>and</del> National Highways <u>and WRWA</u>”</i>	In response to WRWA’s comments in its Written Representation.	Deadline 2

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
	In sub-paragraph (1), Dartford Borough Council and Kent County Council inserted as consultees.	Inserted following discussions with these Interested Parties.	Deadline 4
<b>Schedule 2 (Requirement 10)</b>	Sub-paragraph (1) amended to state:  <i>“(1) Work Nos. 1 and 4 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 and, the London Fire Brigade and, in respect of Work No. 4 only, the PLA.”</i>	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.	Pre-Examination
	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>	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.	Pre-Examination

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>TWUL added as a consultee for the approval of the detailed LaBARDS.</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>Added at the request of TWUL.</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.</p>	<p>Deadline 1</p> <p>Pre-Examination</p>

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
		This builds on the drafting already included at Article 15(2)(b) and the new drafting at Article 15(4) (see above), in 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 12)</b>	Sub-paragraph (2)(a) to read " <i>paragraph (c), (e)(h) and the matters listed under additional mitigation of item 1.12</i> "	This change is made to correct the type – (h) should have been (c) and the addition of a new mitigation measures at (e). This is a mitigation measure that has been developed to ensure that deposition levels at the Thames Marshes SSSI are significantly reduced,	Deadline 1

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
		well below critical load levels. This has been proposed in discussion with Natural England as part of providing detailed modelling on this issue.	
	<p>In paragraph 12(3)(e), after <i>'watercourse units for all of the authorised development'</i> deleted <i>'during the operation of the authorised development'</i> and inserted <i>'for thirty years from the date of commissioning of the authorised development'</i>.</p> <p>Inserted new paragraph 12(3)(i) 'provision for graziers'.</p> <p>Inserted new sub-paragraph (5) as follows:  <i>'(5) Any landscape, biodiversity, access and recreation delivery strategy submitted for approval under sub-paragraph must be accompanied by a report setting out—</i></p> <p><i>(a) the engagement activities that the undertaker has undertaken to inform the development of the landscape, biodiversity, access and recreation delivery strategy which must be in accordance with the engagement commitments set out in the outline landscape, biodiversity, access and recreation delivery</i></p>	Amendments made following discussions during ISH2.	Deadline 4

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
	<p><i>strategy unless otherwise agreed by the relevant planning authority; and</i></p> <p><i>(b) how the undertaker has had regard to the feedback received during that engagement in the landscape, biodiversity, access and recreation delivery strategy that is submitted for approval.'</i></p>		
<p><b>Schedule 2 (Requirement 15)</b></p>	<p>Amended to state:</p> <p>(1) No part of Work No. 1 may <del>be fully commissioned</del><u>commence</u> until a <del>written</del> skills and employment plan has been submitted to and approved by the relevant planning authority.</p> <p>(2) The skills and employment plan must <del>include the measures set out in item 11.3 of the mitigation schedule</del><u>be substantially in accordance with the outline skills and employment plan.</u></p> <p>(3) The skills and employment plan must be implemented as approved.</p>	<p>Added further to London Borough of Bexley's Written Representation and discussions on their SoCG. The outline skills and employment plan has been submitted at Deadline 2.</p>	<p>Deadline 2</p>

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
Schedule 2 (Requirement 18)	Amended to state:  <i>“(1) The authorised development must be carried out and operated in accordance with paragraphs 8.3.20 to 8.3.33 and 8.6.9 of the flood risk assessment.”</i>	In response to ExA Q1.8.3.19.	Deadline 3
Schedule 2 (Requirement 19)	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
	Sub-paragraph (2) becomes sub-paragraph (1) and is amended to state: <i>“Prior to commencement of construction of Work No. 4 and following consultation with the PLA, the undertaker must update the preliminary navigation risk assessment to take account of the final detailed design and construction methodology of Work No. 4 and</i>	Updated to reflect the above and to streamline the process, further to discussions with the PLA.	Pre-Examination



ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
	<p><i>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)."</i></p> <p>Sub-paragraph (3) is deleted accordingly.</p>		
<p><b>Schedule 2 (Requirement 21)</b></p>	<p>Amended sub-para (1) as follows:</p> <p><i>No part of 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 authority, in consultation with the Environment Agency and where the ground conditions investigations and assessments strategy submitted covers investigations and assessments to carried out in the river Thames, the Port of London Authority.</i></p>	<p>Change made at the request of the PLA.</p>	<p>Deadline 1</p>
	<p>Amended as follows:</p> <p><i>"No part of <del>Work No. 1</del> the authorised development may commence until a ground</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</p>	<p>Pre-Examination</p>

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
	<p><i>conditions investigations and assessments strategy for that part has been submitted to and approved by the relevant planning 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>	<p>only, to reflect that ground investigations will be required outside of Work No.1.</p>	
	<p>Amended to state:</p> <p><i>“No part of 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 authority, in consultation with the Environment Agency, <a href="#">the WRWA</a>, and where the ground conditions investigations and assessments strategy submitted covers investigations and assessments to carried out in the river Thames, the Port of London Authority.”</i></p>	<p>In response to WRWA’s comments in its Written Representation.</p>	<p>Deadline 2</p>

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
<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 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</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 river Thames. This amendment is in response to the PLA’s and MMO’s Relevant Representations.</p>	<p>Pre-Examination</p>

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
	<i>decommissioning environmental management plan for that part.</i>		
	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>	To clarify the scope of ‘restoration works’ to be detailed within the decommissioning environmental management plan, further to the Environment Agency’s Relevant Representation.	Pre-Examination

	<p>Sub-paragraph (3) amended to state:</p> <p><i>“The plan submitted and approved must—</i></p> <ul style="list-style-type: none"><li><i>(a) include details of—</i></li><li><i>(i) the buildings to be demolished;</i></li><li><i>(ii) the means of removal of the materials resulting from the decommissioning works;</i></li><li><i>(iii) the phasing of the demolition and removal works;</i></li><li><i>(iv) any restoration works (including the proposed finished levels of the land following those works and any proposals for the restoration of watercourses lost as a result of the construction of the authorised development) to restore the land to a condition agreed with the relevant planning authority;</i></li><li><i>(v) the phasing of any restoration works;</i></li></ul> <p><i>and</i></p> <ul style="list-style-type: none"><li><i>(vi) a timetable for the implementation of the plan; and</i></li></ul> <p><i>(b) be accompanied by, or include, a site waste management plan which demonstrates how the waste hierarchy will be followed in respect of the decommissioning works.”</i></p>	<p>The updated to (iv) is in response to Q1.0.1.6 and the update for (b) is in response to ExA Q1.8.3.22.</p>	<p>Deadline 3</p>
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ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
<b>Schedule 2 (Requirement 24)</b>	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 Highways, a decommissioning traffic management plan for that part.”</i>	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.	Pre-Examination
<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

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
	<p>Paragraphs (3) and (4) amended to state:</p> <p><i>“(3) The heat strategy submitted, and <del>approved</del> <u>the relevant planning authority approval</u> under sub-paragraph (1) <del>does</del> <u>must</u> not <del>need to</del> require the undertaker to repeat actions already undertaken pursuant to—...”</i></p> <p><i>“(4) The heat strategy must be implemented as approved and such implementation does not constitute a breach of the documents, conditions and Requirements referred to in sub-paragraphs (1)(a)-(f).”</i></p>	<p>Further to the Applicant’s response to LBB’s comments on this Requirement in its Written Representation.</p>	<p>Deadline 2</p>
	<p>Amended to state:</p> <p><i>“No part of the authorised development may be <del>constructed</del> <u>commenced</u>...”</i></p>	<p>For consistency with the language used in other Requirements and for certainty by using reference to a defined term.</p>	<p>Deadline 3</p>
<p><b>Schedule 2 (various)</b></p>	<p>The Applicant has updated the dDCO at Deadline 3 to clarify that matters requiring approval must be submitted and approved “in writing”.</p>	<p>In response to ExA Q1.8.3.1.</p>	<p>Deadline 3</p>

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
	The Applicant has added drafting to Requirements 10, 11, 12,14 15 and 25 to confirm that those management plans, strategies or schemes requiring implementation should maintained throughout the operation of the relevant part of the authorised development to which the approved document relates.	In response to ExA Q1.8.3.2.	Deadline 3
<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
<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
	Amendment to definition of licensable area to cross-refer to the new paragraph 3(3) of Part 1 of Schedule 11.	Amendments made in response to the Marine Management Organisation's Deadline 3 submissions as set out in	Deadline 4



ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
	Amendment to definition of the Order to change it from 'Riverside' to 'Cory Decarbonisation Project 202*'. <i>Cory Decarbonisation Project 202*</i> .	Applicant's Response to Deadline 3 Submissions submitted at Deadline 4.	
<b>Schedule 11 (Part 1, Paragraph 2)</b>	Amendment to paragraph 2(3) to delete 'unless' at the start of the paragraph and replaced with 'Except where otherwise indicated or'.	Amendments made in response to the Marine Management Organisation's Deadline 3 submissions as set out in Applicant's Response to Deadline 3 Submissions submitted at Deadline 4.	Deadline 4
<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 1, new paragraph 3(3))</b>	Insertion of a new paragraph 3(3) and table setting out the coordinates of the licensable area.	Amendment made in response to the Marine Management Organisation's Deadline 3 submissions as set out in	Deadline 4

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
		Applicant's Response to Deadline 3 Submissions submitted at Deadline 4.	
<b>Schedule 11 (Part 2, Condition 6)</b>	Inserted <i>'that will be carrying out any licensed activity on behalf of the licence holder' between 'agents and contractors' and 'together with any masters'.</i>	Amendment made in response to the Marine Management Organisation's Deadline 3 submissions as set out in Applicant's Response to Deadline 3 Submissions submitted at Deadline 4.	Deadline 4
<b>Schedule 11 (Part 2, Condition 11)</b>	Inserted new sub-paragraph (2) as follows:  <i>'Any sediment sampling required under sub-paragraph (1) must be carried out in accordance with the approved sediment sampling plan, unless otherwise agreed in writing by the MMO'.</i>	Amendment made in response to the Marine Management Organisation's Deadline 3 submissions as set out in Applicant's Response to Deadline 3 Submissions submitted at Deadline 4.	Deadline 4
<b>Schedule 11 (Part 2, Insertion of new Condition 12)</b>	Inserted new Condition 12 as follows:  <i>'Marine Noise Registry</i>  <i>12.—(1) Only when impact driven or part-driven pile foundations or detonation of explosives are proposed to be used as part of the foundation installation, the undertaker</i>	Amendment made in response to the Marine Management Organisation's Deadline 3 submissions as set out in Applicant's Response to Deadline 3 Submissions submitted at Deadline 4.	Deadline 4

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
	<p><i>must provide the following information to the Marine Noise Registry (MNR)—</i></p> <p><i>(a) prior to the commencement of the licensed activities, information on the expected location, start and end dates of impact pile driving/detonation of explosives to satisfy the Marine Noise Registry’s Forward Look requirements; and</i></p> <p><i>(b) within 12 weeks of completion of impact pile driving/detonation of explosives, information on the exact locations and specific dates of impact pile driving/detonation of explosives to satisfy the Marine Noise Registry’s Close Out requirements.</i></p> <p><i>(2) The undertaker must notify the MMO of the successful submission of Forward Look requirements.’</i></p> <p>Condition numbering in remainder of the Schedule has been updated to reflect this insertion.</p>		

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
<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
<b>Schedule 11 (Part 2, Condition 16)</b>	Amended to state: <i>“The licence holder must—</i>  <i>(a) store, handle, transport and use fuels, lubricants, chemicals and other substances so as to prevent <del>releases</del> 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>  <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</i>	In response to the MMO’s Relevant Representation.	Pre-Examination

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
	<i>soon as reasonably practicable, but in any event within 12 hours of the spill occurring being identified; and...</i>		
<b>Schedule 11 (Part 2, Condition 18)</b>	<p>Insertion of a new sub-paragraph (2) as follows:</p> <p><i>'(2) Within five business days following the completion of the removal activities referred to in sub-paragraph (1), the licence holder must notify the MMO in writing that such activities have been completed.'</i></p>	Amendment made in response to the Marine Management Organisation's Deadline 3 submissions as set out in Applicant's Response to Deadline 3 Submissions submitted at Deadline 4.	Deadline 4
<b>Schedule 11 (Part 2, Condition 20)</b>	<p>Amended to state:</p> <p><i>"The material to be disposed of within the disposal site referred to in condition 2019 (or any other disposal site approved in writing by the MMO) must be placed evenly within the boundaries of that site."</i></p>	In response to the MMO's Relevant Representation.	Pre-Examination
<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

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
<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 (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	Pre-Examination

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
		added the MMO as a consultee for the purposes of discharging Requirement 23.	
<b>Schedule 11 (Part 2, New Condition 25)</b>	Variations of approvals of Part 2 Conditions moved from Part 3 to Part 2. Sequential numbering of paragraphs has been updated to reflect this.	Amendment made in response to the Marine Management Organisation's Deadline 3 submissions as set out in Applicant's Response to Deadline 3 Submissions submitted at Deadline 4.	Deadline 4
<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 11 (Part 3, Paragraph 28)</b>	Determination of application – inserted new sub-paragraph (3) as follows:  <i>'(3) If the MMO is unable to determine the application in accordance with sub-paragraph (2), this shall not constitute a breach of this condition nor be an offence under the Marine and Coastal Access Act 2009.'</i>	Amendment made in response to the Marine Management Organisation's Deadline 3 submissions as set out in Applicant's Response to Deadline 3 Submissions submitted at Deadline 4.	Deadline 4

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
Schedule 11 (Part 1, Paragraph 1)	Insertion of definition of Works Plans: <i><u>"the works plans" has the same meaning as in the Order."</u></i>	To ensure consistency across the DCO and Deemed Marine Licence.	Deadline 2
Schedule 11 (Part 1, Paragraph 2)	Amendment of correspondence address of the MMO: <del><i>"MMO Lowestoft, Pakefield Road, Lowestoft, Suffolk, NR33 0HT; Tel – 01502 573 149 or 01502 572 769; Email lowestoft@marinemanagement.org.uk. Muriel Matters House, Breeds Place, Hastings, Kent TN34 2EZ; Tel – 0208 026 9180 Email – hastings@marinemanagement.org.uk."</i></del>	At the request of the MMO, to ensure accurate email and postal returns and correspondence.	Deadline 2
	Insertion of new sub-paragraph (3): <i>"(3) Unless otherwise agreed in writing by the MMO, all applications or notifications required under this licence must be sent by the undertaker to the MMO using the MMO's marine case management system."</i>	At the request of the MMO.	Deadline 2



ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
<b>Schedule 12 (Part 3) Protective Provisions for Environment Agency</b>	<p>Various amendments made to this Part of this Schedule including:</p> <ul style="list-style-type: none"> <li>– Insertions of new terms to the Interpretation section.</li> <li>– Insertion of a new paragraph 20 in the “Submission and approval of plans” section</li> <li>– Insertion of new paragraphs 24(1) and 24(2) in the “Works not in accordance with this Part of this Schedule”.</li> <li>– Deletion of paragraph 28 regarding The Great Breach Pumping Station.</li> </ul>	<p>The amendments have been made by the Applicant in response to the Environment Agency’s submissions (including their updated standard set of Protective Provisions) made at Deadline 3. It seeks to incorporate their preferred form, with some adjustments.</p>	<p>Deadline 4</p>
<b>Schedule 12 (Part 4, Paragraph 39)</b>	<p>Amended to state:</p> <p><i>“(1) 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 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) must not to</i></p>	<p>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.</p>	<p>Pre-Examination</p>

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
	<p><i>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>
<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</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><i>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 and for the avoidance of doubt includes article 25 (power to dredge); and</i></p> <p><i>“specified work” means—</i></p> <ul style="list-style-type: none"> <li><i>(a) any part of the authorised development (which for this purpose includes the removal of any part of the authorised development or any decommissioning works), which—</i> <ul style="list-style-type: none"> <li><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></li> <li><i>(ii) may affect the river Thames or any function of the PLA;</i></li> </ul> </li> <li><i>(b) any dredging, including pursuant to article 25 (power to dredge); and</i></li> <li><i>(c) including any projection over the river Thames (whether inside or outside of the</i></li> </ul>		

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
	<i>Order limits) by any authorised work or any plant or machinery.</i>		
<b>Schedule 12 (Part 5, Paragraph 45)</b>	Amended to state: <i>“plans” includes navigational risk assessments, plans, sections, elevations, drawings, specifications, programmes, construction methods and descriptions including, where applicable, such relevant hydraulic information about the river Thames as may be reasonably requested by the PLA and details of where the undertaker considers that paragraph 46(8), paragraph 46(10) or article 8(1)(b)(ii) should apply to existing structures”</i>	Further to discussion with the PLA.	Deadline 1
<b>Schedule 12 (Part 5, Paragraph 45)</b>	Article reference to ‘article 8(1)(b)(ii)’ amended to say ‘article 8(2) or article 8(4)’.	Amendment made as part of undertaking cross referencing check in the PLA provisions. This amendment is agreed with the PLA.	Deadline 4
<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	Pre-Examination

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
	<p>Sub-paragraph (8) (now (12)) amended to state:</p> <p><i>“(a) “commence” includes investigations for the purpose of assessing ground conditions (including the making of trial boreholes) and archaeological surveys and investigations the permitted preliminary works where they take place in the river Thames,</i></p> <p><i>(d) “plans” shall, in respect of the exercising of article <b>Error! Reference source not found.</b>, only mean navigational 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 <del>and</del> <i>not any other document under the definition of plans in paragraph <b>Error! Reference source not found.</b>, in respect</i></p>	<p>by the Applicant that are not covered by the provisions of article 7.</p> <p>Commence definition amended following discussion with the PLA who seek the ability to control all permitted preliminary works in the river.</p> <p>“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 maintenance dredging. This re-drafting ensures that both aims are achieved.</p>	

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
	<p><del>of the exercising of article <b>Error!</b> <b>Reference source not found.</b>, 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</del></p>		
	<p>Sub-paragraph (8) amended to state:</p> <p><i>“(8) To the extent that the PLA approves under sub-paragraph (1) the carrying out of any specific works or the exercising of any specified functions outside of the limits of deviation of Work No.4, and the physical extent of any existing structures that are authorised by a works licence granted by the PLA under section 66 (licensing of works) of the 1968 Act is changed or any of the existing structures are removed in their entirety as a result of the carrying out of that specified work or exercise of that specific function,</i></p>	Further to discussion with the PLA.	Deadline 1

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
	<p>(a) <i>such works shall not constitute a breach of that works licence;</i></p> <p>(b) <i>the undertaker must notify the holder of that works licence of the specified works or specified functions that are intended to be carried out on the existing structures at least 30 business days before the specified works or specified functions are carried out;</i></p> <p>(c) <i>following the completion of that specified work or exercise of that specific function, the undertaker must provide the PLA with information as to the changed physical extent or to confirm the entire removal of those existing structures;</i></p> <p>(d) <i>unless sub-paragraph (10) applies, the PLA must issue to the holder of the works licence granted by the PLA under section 66 (licensing of works) of the 1968 Act in respect of the existing structures in question a new licence to reflect <del>that variation to its physical extent</del> the physical changes to the</i></p>		

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
	<p><i>existing structures and any changes to the conditions of the works licence it considers necessary to reflect <del>that variation</del> the physical changes and to meet the requirements of the 1968 Act and the PLA's duties under it;</i></p> <p>(e) <i>from the date of its issue that new licence shall apply to the changed extent of the remaining existing structures in question, the existing works licence shall be revoked, the holder of the licence must comply with the conditions of the new licence and the 1968 Act shall apply to the remaining existing structures and works authorised by the new licence; and</i></p> <p>(f) <i>the holder of the works licence for the existing structures in questions shall have the right to appeal the <del>terms</del> conditions of any new licence issued by the PLA sub-paragraph (b) under section 69 (appeal to board of trade) of the 1968 Act."</i></p> <p>Sub-paragraph (10) amended to state:</p>		



ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
	<p><i>“(10) To the extent that the PLA approves under sub-paragraph (1) the carrying out of any specific works or the exercising of any specified functions outside of the limits of deviation of Work No.4 and all <del>any</del> existing structures that are authorised by a works licence granted by the PLA under section 66 (licensing of works) of the 1968 Act are removed <del>or demolished</del> in their entirety as a result of the carrying out of that specified work or exercise of that specific function, and article 8(1)(b)(ii) does not apply—</i></p> <p><i>(a) following the completion of that specified work or exercise of that specific function, the undertaker must provide the PLA with information to demonstrate that the existing structures have been removed <del>or demolished</del> in their entirety; and</i></p> <p><i>(b) upon the PLA being satisfied that the existing structures have been removed <del>or demolished</del> in their entirety it must—</i></p>		

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
	<p>(i) <i>notify the undertaker that it is so satisfied; and</i></p> <p>(ii) <i>write to the holder of the works licence to confirm that that works licence is terminated.</i></p>		
	<p>Amended sub-paragraph (7) to state:</p> <p><i>“(7) To the extent that the PLA approves under sub-paragraph (1) the carrying out of any specific works or the exercising of any specified functions outside of the limits of deviation of Work No.4, and the physical extent of any existing structures that are authorised by a works licence granted by the PLA under section 66 (licensing of works) of the 1968 Act is changed or any of the existing structures are removed in their entirety as a result of the carrying out of that specified work or exercise of that specific function,</i></p> <p>(a) <i>such works shall not constitute a breach of that works licence;</i></p> <p>(b) <i>the undertaker must notify the holder of that works licence of the specified works or specified functions that are intended</i></p>	<p>Following further engagement with the PLA and to align with the updated drafting in Article 8 of the DCO.</p>	<p>Deadline 2</p>

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
	<p><i>to be carried out on the existing structures, at least 30 business days before the specified works or specified functions are carried out;</i></p> <p>(c) <u><i>within 30 business days</i></u> following the completion of that specified work or exercise of that specific function, the undertaker must provide the PLA with <u><i>such</i></u> information as <u><i>the PLA may reasonably require as</i></u> to the changed physical extent or to confirm the entire removal of those existing structures;</p> <p>(d) unless sub-paragraph (10) applies, the PLA must <u><i>within 30 business days of receipt of the information referred to in sub-paragraph (c)</i></u> issue to the holder of the works licence granted by the PLA under section 66 (licensing of works) of the 1968 Act in respect of the existing structures in question a new licence to reflect <del><i>the physical changes to the existing structures and</i></del>;</p> <p>(i) <i>the physical changes to the existing structures; and</i></p>		

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
	<p><i>(ii) any changes to the conditions of the works licence it considers necessary to reflect the physical changes and to meet the requirements of the 1968 Act and the PLA's duties under it;</i></p> <p><i>(e) from the date of its issue that new licence shall apply to the changed extent of the remaining existing structures in question, the existing works licence shall be revoked, the holder of the licence must comply with the conditions of the new licence and the 1968 Act shall apply to the remaining existing structures and works authorised by the new licence; and</i></p> <p><i>(f) the holder of the works licence for the existing structures in questions shall have the right to appeal the conditions of any new licence issued by the PLA <u>under</u> sub-paragraph (1)(b) <del>under</del>of section 69 (appeal to board of trade) of the 1968 Act."</i></p>		

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
	<p>Sub-paragraph (9)(b) amended to state:</p> <p><i>“...pay the reasonable costs of the PLA in complying with sub-paragraph (8)(d) and in connection with the reasonable costs of the PLA’s participation in any appeal made under sub-paragraph (1)(b) of section 69 (appeal to board of trade) of the 1968 Act in connection with a new works licence issued under sub-paragraph (8)(f).”</i></p>	<p>Following further engagement with the PLA.</p>	<p>Deadline 3</p>
	<p>Amended cross-reference to ‘article 8(1)(b)(ii)’ to ‘article 8’.</p>	<p>Amendment made as part of undertaking cross referencing check in the PLA provisions. This amendment is agreed with the PLA.</p>	<p>Deadline 4</p>
<p><b>Schedule 12 (Part 5, Paragraph 56)</b></p>	<p>Sub-paragraph (1)(b) amended to state:</p> <p><i>“(b) during construction or carrying out gives rise to sedimentation, scouring, currents, wave action, or <del>material</del> worsening of the condition of the river bed, which would be materially detrimental to traffic in, or the flow or regime of, the river Thames”</i></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>Sub-paragraph (4) amended to state:</p> <p><i>“(4) If a specified work gives rise to materially new or materially different environmental impacts over and above those anticipated by effects than those identified in any environmental document, the undertaker must, in compliance with its duties under any enactment, take such action as is necessary to prevent or mitigate those adverse 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><i>during the construction of any specified work, or the carrying out of any specified function, as is reasonably required</i></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 during the construction process without incurring undue delay and cost.</p>	<p>Pre-Examination</p>

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
	<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> <p><i>(a) if it has given at least 30 days notice of its intention to do so to the undertaker; and</i></p> <p><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></p>		
<b>Schedule 12 (Part 5, Paragraph 61)</b>	Deletion of previous wording and replacement with entire new provision.	The PLA’s preferred wording inserted following discussions with them.	Pre-Examination
	Sub-paragraph (1)(a) amended to state:  <i>“(a) nothing contained in Part 3 of this Order nor article <del>39</del><sup>38</sup> (statutory undertakers) authorises the acquisition of any interest in, or the acquisition, appropriation, interference, overriding or extinguishment of any right in,</i>	Further to discussion with the PLA.	Deadline 1

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
	<p><i>on or over, or the imposing of restrictive covenants in any Order land (including airspace and subsoil) if the interest or right or the land to be affected by the restrictive covenant is (at the time of the proposed acquisition, appropriation, interference, overriding, <del>or</del> extinguishment or the imposition of the restrictive covenant) <del>the</del> land, airspace, subsoil or a right is vested in the PLA”.</i></p>		
<p><b>Schedule 12 (Part 5, Paragraph 64)</b></p>	<p>New paragraph added:</p> <p><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></p>	<p>Added further to PLA engagement as PLA wishes to see documentation before submission.</p>	<p>Pre-Examination</p>
	<p>Insertion of a new paragraph (2):</p>	<p>Further to discussion with the PLA.</p>	<p>Deadline 1</p>



ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
	<p><i>“(2) The undertaker must consult with the PLA on any updates to a plan, scheme or strategy approved 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, prior to submission to the relevant planning authority under requirement 3 (approved details and amendments to them).”</i></p>		
<p><b>Schedule 12 (Part 8)</b></p>	<p>Deletion of paragraph 106.</p>	<p>Deletion made to reflect consistency following discussion with WRWA in relation to the RRRL PPs.</p>	<p>Deadline 4</p>
<p><b>Schedule 12 (Part 9) Throughout</b></p>	<p>Various amendments made to reflect updated defined terms inserted in article 2 of the draft DCO as well as the deletion of paragraph 119.</p>	<p>Amendments made as a result of ongoing discussions with WRWA.</p>	<p>Deadline 4</p>
<p><b>Schedule 13</b></p>	<p>Updates to document references, revision numbers and dates of latest documents.</p>	<p>General updates to reflect latest documents submitted alongside this Schedule of Changes and those</p>	<p>Each deadline</p>

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
		submitted as part of the Second Change Application.	
		To confirm, the Applicant has not changed the references in Schedule 13 for the documents that have been submitted as part of the Changes Request submitted alongside Deadline 3. Schedule 13 has been updated to be up to date as at Deadline 3 only, prior to the Changes being accepted as part of the application.	Deadline 3
		This version of the Schedule 13 reflects updates to revision numbers for documents submitted as part of Second Change Request and documents submitted at Deadline 4.	Deadline 4
<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':	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
	<i>“means any schemes made under Part 3 of the 2004 Act in force at the date on which this Order is made”</i>		
<b>Schedule 14 (Paragraph 1)</b>	Deletion of definition of ‘the 2004 Act’.	Amendment made to improve clarity of drafting as the term is not used in the Schedule.	Deadline 4
<b>Schedule 14 (Paragraph 2)</b>	<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—, including:</i></p> <p><i>(a) consent, agreement or approval in respect of part of a requirement and; 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>	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).	Pre-Examination

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
	<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><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</del> referred to in paragraph 1 of this Schedule 14 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>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>

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
	<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>		
<b>Schedule 16</b>	<p>Deletion of “Carbon Capture Facility” heading in the table.</p> <p>Absorber Column(s) and Stack(s) row – Column 3 insertion after ‘2’ ‘<i>combined Absorber Column(s) and Stack(s) or a maximum of 2 Absorber Column(s) and 2 Stack(s)</i>’. In Column 6 insertion of ‘vertical’ after the first ‘minimum’ and ‘whether combined or separate after the first ‘top of Stack(s)’.</p> <p>Regenerator – in Column 4 amended 50 to 60 and in Column 5 amended 53 to 63.</p> <p>Access Trestle Start Point – in Column 5 amended ‘Chart’ to ‘Ordnance’.</p>	<p>Deleted as this is unnecessary wording, as Schedule 16 includes elements that are not the Carbon Capture Facility.</p> <p>Amendments made as a result of the changes accepted by the Examining Authority and set out in more detail in Change Request No. 2 (<b>Document Ref: 9.19) [AS-067]</b> and following the discussion at ISH2.</p>	<p>Deadline 3</p> <p>Deadline 4</p>

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
	Insertion of new rows for 'Insulated heat pipework and flue gas ducting' and 'LCO2 pipelines, piperacks and pipe bridges'.		



## DECARBONISATION

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