

# Issue Specific Hearing on the Draft Development Consent Order

21 February 2018, 10.00am

Thurrock Hotel, Ship Lane, Aveley, RM19 1YN

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An Issue Specific Hearing (ISH) on the Applicant's Draft Development Consent Order (dDCO), its drafting, and its content.

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## **Agenda**

1. Welcome, introductions, purpose and arrangements for this Issue Specific Hearing
2. Brief explanation by the Applicant of the aims and objectives of the dDCO, as currently drafted (maximum 10 minutes).
3. Opportunity for the host Unitary Council and relevant Interested Parties and Affected Persons to comment on their main concerns regarding the current drafting of the dDCO.
3. The matters in Annex A
4. Action Points Arising from this ISH
5. Any other business

The Applicant, all Interested Parties, and Affected Persons are invited to attend. In particular, the Panel would welcome the attendance and participation of the Environment Agency (EA), Natural England (NE), Port of London Authority (PLA), the Marine Management Organisation (MMO), Thurrock Council, other Statutory Undertakers, Gravesham Council, RWE Generation UK Plc, the Crown Estate and Trinity House.

## Annex A

### Drafting questions and issues relating to the draft DCO [APP-016]

The questions and issues set out below expand on the Examining Authority's (ExA's (the Panel's)) identification of the draft Development Consent Order (DCO) as submitted [APP-016] as a matter for Examination in the Initial Assessment of Principal Issues. They will be referred to in the first issue-specific hearing (ISH1) into the dDCO on Wednesday 21 February 2018. They are principally to be addressed to the Applicant but observations from other Interested Parties (IPs) attending the hearing will be welcome.

#### Abbreviations used

<b>PA2008</b>	<i>The Planning Act 2008</i>	<b>LIR</b>	<i>Local Impact Report</i>
<b>Art</b>	<i>Article</i>	<b>LPA</b>	<i>Local planning authority</i>
<b>ALA 1981</b>	<i>Acquisition of Land Act 1981</i>	<b>MMO</b>	<i>Marine Management Organisation</i>
<b>BoR</b>	<i>Book of Reference [APP-020]</i>	<b>NE</b>	<i>Natural England</i>
<b>CA</b>	<i>Compulsory Acquisition</i>	<b>NPA</b>	<i>Neighbourhood and Planning Act</i>
<b>CMAT</b>	<i>Construction Materials and Aggregates Terminal</i>	<b>NPS</b>	<i>National Policy Statement</i>
<b>CPO</b>	<i>Compulsory purchase order</i>	<b>NSIP</b>	<i>Nationally Significant Infrastructure Project</i>
<b>dDCO</b>	<i>Draft Development Consent Order [APP-016](Rev 0)</i>	<b>PLA</b>	<i>Port of London Authority</i>
<b>DML</b>	<i>Deemed Marine Licence</i>	<b>R</b>	<i>Requirement</i>
<b>EA</b>	<i>Environment Agency</i>	<b>RR</b>	<i>Relevant Representation</i>
<b>EM</b>	<i>Explanatory Memorandum [APP-017](Rev 0)</i>	<b>s</b>	<i>Section of an Act of Parliament</i>
<b>ES</b>	<i>Environmental Statement [APP-031]</i>	<b>SI</b>	<i>Statutory Instrument</i>
<b>ExA</b>	<i>Examining authority (the Panel)</i>	<b>SoS</b>	<i>Secretary of State</i>
<b>GVD</b>	<i>General Vesting Declaration</i>	<b>TP</b>	<i>Temporary Possession</i>
<b>IP</b>	<i>Interested Party</i>	<b>TWO</b>	<i>Transport and Works Act Order</i>
<b>ISH</b>	<i>Issue Specific Hearing</i>	<b>WR</b>	<i>Written Representations</i>

**The Examination Library** - References in these questions set out in square brackets (eg [APP-010]) are to documents catalogued in the Examination Library. The Examination Library can be obtained from the following link:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR030003/TR030003-000523-Tilbury%20%20Examination%20Library.pdf> It will be updated as the Examination progresses.

## Citation of Questions and Issues

Questions in this table should be cited as follows:

Hearing reference: question number, eg **ISH1:1** – refers to question 1 in this table.

<b>Q No.</b>	<b>Part of DCO</b>		<b>Question</b>
1.	<b>General: Order Format and Tracking of Changes</b>		<p>The Applicant is asked to confirm that subsequent versions of the draft DCO (dDCO) submitted after the application version will be:</p> <ul style="list-style-type: none"> <li>(a) supplied in both .pdf and Word formats, the latter showing changes from the previous version in tracked changes, with Word comments outlining the reason for the change; and</li> <li>(b) identified by a separate version number.</li> </ul> <p>The Applicant is also asked to confirm that its final dDCO will be supplied in both .pdf and Word formats, the latter showing in tracked changes all changes from the version supplied with the application documents [APP-016] to the final version submitted at the end of the Examination, with Word comments outlining the reasons for the changes.</p>
2.	<b>General: List of Plans / Documents to be Certified</b>		<p>The Applicant is asked to prepare and maintain a tabulated list of all plans and other documents that will require to be certified by the Secretary of State (SoS) under <b>Art 57</b> (including all plan, drawing and revision or document reference numbers), to be updated throughout the examination process, and supplied to the Examining authority at each relevant deadline and before the close of the Examination.</p>

<b>Q No.</b>	<b>Part of DCO</b>		<b>Question</b>
3.	<b>General: Drawing and Revision Numbers</b>		The Applicant is asked to ensure that all plans referred to in <b>Art 2</b> and elsewhere are identified by Drawing and Revision Numbers in subsequent versions of the draft DCO. Where revisions are prepared, these should be reflected in the latest version of the dDCO.
4.	<b>General: Document Numbers</b>		The Applicant is asked to ensure that all documents referred to in <b>Art 2</b> and elsewhere are identified by their correct document numbers in subsequent versions of the dDCO. Where revisions are prepared and document numbers change, these should be reflected in the latest version of the dDCO.
5.	<b>General: 'guillotine' provisions</b>		<p><b>Art 56</b> makes provision that in relation to applications for any consent, agreement, certification or approval, consent is deemed to be granted if the consultee does not respond within 28 days – a 'guillotine' provision.</p> <p>The Panel is aware that such provisions are included in a number of made DCOs: however, they have tended to be justified with reference to the particular characteristics of the development permitted in each DCO. This type of provision is not automatically appropriate to all NSIP development and has to be justified on a project-specific basis.</p> <p>(a) The Applicant is asked to justify why the proposed 'guillotine' provision is necessary and appropriate, having regard to the particular circumstances of the development applied for.</p> <p>(b) Could any provisions other than 'guillotine' provisions address the Applicant's objective for their inclusion?</p> <p>(c) What evidence does the Applicant have that they</p>

<b>Q No.</b>	<b>Part of DCO</b>		<b>Question</b>
			<p>have consulted with and taken account of consultee's views about the appropriateness and operation of such provisions?</p>
6.	<p><b>General: drafting approach to associated and ancillary development</b></p>		<p>Paragraphs 2.6- 2.9 of the Explanatory Memorandum (EM) [APP-017] identify the drafting approach taken in the dDCO to associated development. No distinction is made between the principal development of the Nationally Significant Infrastructure Project (NSIP) and associated development in Schedule 1 of the dDCO, other than sub headings above Works No 1 and Works No 2.</p> <p>The Applicant is requested to prepare a table, itemising all proposed works (Works Nos. 1 – 11 and items (a) – (z) listed in Works 12 of Schedule 1) and categorising each in the following terms:</p> <ul style="list-style-type: none"> <li>• Principal development;</li> <li>• Associated development;</li> <li>• Ancillary development; or</li> <li>• Composite development, being works having the character of a composite of any two or all three of principal, associated or ancillary development at the same time.</li> </ul>
7.	<p><b>Preamble</b></p>		<p><b>Preamble: the Examination process</b></p> <p>The Applicant is asked to draft the Preamble to the next version of the dDCO to reflect that the Examination is being carried out by a Panel.</p>

<b>Q No.</b>	<b>Part of DCO</b>		<b>Question</b>
8.	<b>Art 2(1)</b> <i>[Interpretation]</i>	<i>“commence” means beginning to carry out any material operation (as defined in section 56(4) of the 1990 Act) forming part of the authorised development other than operations consisting of environmental surveys and monitoring, investigations for the purpose of assessing ground conditions, receipt and erection of construction plant and equipment, erection of any temporary means of enclosure, the temporary display of site notices or advertisements, and “commencement” is to be construed accordingly;</i>	The EM paragraph 5.5.1 refers to difficulties caused by deletion of definition in A160/A180 (Port of Immingham Improvement) DCO, without identifying what they were. If it is accepted that a degree of flexibility is required, why are the particular exclusions from the meaning of ‘material operation’ necessary and justified in the particular circumstances of this case?
9.		<i>“maintain” and any of its derivatives include inspect, repair, adjust, alter, remove or reconstruct and any derivative of “maintain” is to be construed accordingly;</i>	The EM paragraph 5.5.3 merely says that the Applicant considers the definition appropriate and has precedent. However particular inclusion of ‘adjust’, ‘alter’ and ‘remove’ appear to enable changes to such scheme as may be approved, under the guise of maintenance works. Why is this justified in this particular case?
10.	<b>Art 3</b> <i>[Disapplication of legislation]</i>		a) The EM paragraphs 5.11-5.12 identify the organisations responsible for the local legislation disapplied by Article 3(1). Can the Applicant confirm the current state of discussions with each relevant body in relation to these provisions; and confirm that updates will be provided during the Examination by way of Statements of Common

<b>Q No.</b>	<b>Part of DCO</b>		<b>Question</b>
			<p>Ground;</p> <p>b) Section 120(5)(a) PA2008 only enables the disapplication of legislation if it relates to a matter for which provision may be made in the order. Can the Applicant identify, in relation to each piece of legislation to be disappplied, the corresponding power within the dDCO?</p>
11.	<b>Art 3(1)(h)</b>		<p>This paragraph disapplies the provisions of the Neighbourhood Planning Act (NPA) 2017 relating to temporary possession. The EM [APP-017] paragraph 5.19 indicates that this is because the NPA provisions are not yet in force, so the 'tried and tested' regime from previous DCOs and TWOs should be used. Given the parliamentary approval to the temporary possession regime under the NPA, could the 'tried and tested' regime be modified to more closely reflect the statutory regime where possible?</p>
12.	<b>Art 3(2)</b>	<p><i>(2) On the date this Order comes into force, any works licences granted by the PLA to the Company, RWE Generation UK PLC and the Anglian Water Authority under section 66 of the 1968 Act in respect of the existing structures within the parts of the river Thames situated within the extended port limits are extinguished and no longer have effect.</i></p>	<p>Can the Applicant confirm and identify the dDCO provisions which will come into force with the order so as to provide a seamless authorisation for the works of RWE and Anglian Water Authority?</p>

<b>Q No.</b>	<b>Part of DCO</b>		<b>Question</b>
<b>13.</b>	<b>Art 4</b> <i>[Application of enactments relating to the Port of Tilbury]</i>		Is the Port of London Authority (PLA) content with the drafting of this Article?
<b>14.</b>	<b>Art 5</b> <i>[Incorporation of Railway Clauses Consolidation Act 1845]</i>		a) In the next iteration of the dDCO, can the summary headings in relation to each section to be incorporated be amended to the heading for that section as stated in the 1845 Act? E.g. the heading for section 24 should be <i>"Penalty for obstructing construction of railway"</i>
		<i>"prescribed", in relation to any such provision, means prescribed by this Order for the purposes of that provision</i>	b) In relation to the definition of <i>"prescribed"</i> in Art 5(2) please identify where in the DCO matters are <i>"prescribed by this Order for the purposes of [a provision of the 1845 Act incorporated in the DCO]"</i>
		<i>"the railway" means any railway authorised to be constructed by this Order and, except where the context otherwise requires, any other authorised works</i>	c) In relation to the definition of <i>"the railway"</i> in Art 5(2), please explain: <ul style="list-style-type: none"> <li>i. why it is appropriate to incorporate these provisions as regards works other than the railway;</li> <li>ii. why the draft refers to <i>"any railway"</i> - is the Applicant satisfied that this definition sufficiently encompasses the railway lines, rail sidings and associated rail infrastructure referred to in Schedule 1?</li> </ul>

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15.	<b>Art 7</b> <i>[Limits of deviation]</i>		<p>Since the linear works can be deviated downwards to any depth:</p> <ul style="list-style-type: none"> <li>a) What depths of works are envisaged?</li> <li>b) How have these works been assessed in the ES?</li> <li>c) What impact do the works have on the water table and other water-related matters?</li> </ul> <p>In Article 7(e) the maximum depth of dredging should be specified.</p>
16.	<b>Art 8</b> <i>[Street works]</i>		<p>The EM [APP-017] in paragraph 5.34 acknowledges that this article is widely drafted but <i>"the scope is considered necessary in light of the early design stage the Scheme is at as maximum construction flexibility is required"</i>.</p> <ul style="list-style-type: none"> <li>a) Should the article be limited to streets within the Order limits?</li> <li>b) Can the Applicant supply a table identifying the street authority for each street to which the article is intended to apply?</li> </ul>
17.	<b>Art 10</b> <b><i>[Construction and maintenance of new, altered or diverted streets]</i></b>	<i>10.—(1) Subject to paragraph (4), any street constructed under this Order must be completed to the reasonable satisfaction of the street authority and, unless otherwise agreed in writing with the street authority, must be maintained by and at the</i>	<p>In respect of each new street to be constructed under the Order, who is to be the street authority that will become responsible for the street under this paragraph?</p>

<b>Q No.</b>	<b>Part of DCO</b>		<b>Question</b>
		<i>expense of the Company for a period of 12 months from its completion and <u>thereafter by the street authority.</u></i>	
<b>18.</b>		<i>(3) Where land not previously part of the public highway comes to form part of the public highway by virtue of the construction, diversion or alteration of a street under this Order, unless otherwise agreed with the street authority the land is deemed to have been dedicated as public highway on the expiry of a period of 12 months from completion of the street that has been constructed, altered or diverted.</i>	<p>a) Please explain how this provision is to operate? How will the land “come to form part of the public highway” in the absence of dedication?</p> <p>b) If the highway authority is not the street authority under this provision, has the highway authority been consulted about its implications?</p>
<b>19.</b>		<i>(4) In the case of any bridge or any other structure</i>	<p>a) Should this paragraph read “...both the street surface and structure of the bridge or other structure must be....</p> <p>b) Please identify the bridges or structures that will be subject to this paragraph, and the corresponding street</p>

Q No.	Part of DCO		Question
		<i>constructed under this Order to carry a street, both the street surface and structure of <u>the bridge</u> must be maintained by and at the expense of the street authority from their completion.</i>	<p>authority</p> <p>c) Are any of these bridges or structures to carry a public highway?</p> <p>d) Unlike other articles, this paragraph does not follow the precedent of, for example, the A19/A1058 Coast Road DCO, Art 9(3). Why?</p>
20.	<b>Art 11</b> [Classification of roads]		The EM [APP-017] indicates that this article is under discussion with the Highway Authority. Can the Applicant and the Highway Authority state whether the principles are now agreed?
21.	<b>Art 12</b> [Permanent stopping-up and restriction of use of highways and private means of access]		<p>a) This article refers to the stopping-up of <u>highways</u>, yet Article 12(2)(a) refers to new highways or private means of access being completed to the reasonable satisfaction of the <u>street</u> authority rather than the highway authority. Why is this? There are similar references to the street authority elsewhere in the article.</p> <p>b) Please explain why Part 1 of Schedule 4 includes “New highways which are otherwise to be provided” – i.e. where there is no corresponding stopping-up - which do not appear to be referred to in Article 12 or elsewhere. This is not explained or referred to in the EM.</p>
22.	<b>Art 16</b> [Use of private roads for construction]		Can the Applicant identify the private roads within the Order limits to which this article would apply?
23.	<b>Art 18</b>		a) In Article 18(7), the reference to “Homes and

<b>Q No.</b>	<b>Part of DCO</b>		<b>Question</b>
	<i>[Discharge of water]</i>		<p>Communities Agency" should now be to "Homes England".</p> <p>b) Should Homes England – and the Environment Agency (EA) – be defined in Art 2(1)?</p> <p>c) The EM [APP-017] in paragraph 5.57 says "This provision does not deal with the issue of damage to main rivers, as this would be captured by the protective provisions for the benefit of the Environment Agency contained in Schedule 10" Have the protective provisions been agreed by the EA?</p> <p>d) This article should be amended to make provision for consultation/agreement with the Marine Management Organisation (MMO) on any discharge of water which may take place below mean high water springs.</p>
<b>24.</b>	<b>Art 19</b> <i>[Protective works to buildings]</i>		<p>Article 19(2)(b) enables protective works to be carried out up to 5 years from the day on which that part of the authorised development is "first opened for use". Art 19(8)(b) also uses that phrase. The article appears to follow precedents from highways DCOs, e.g. the A19/A101058 Coast Road DCO, for which that phrase may be appropriate. However, what does it mean in the context of the development that would be authorised by this DCO?</p>
<b>25.</b>	<b>Art 20</b> <i>[Authority to survey and investigate land]</i>		<p>Article 20(1) would enable the Applicant to enter onto any land shown within the Order limits or which may be affected by the authorised development, to survey or investigate the land, with only a minimum of 14 days notice required. Whilst compensation for any loss or damage must be paid, is this Article proportionate and fair, given there being no indication</p>

<b>Q No.</b>	<b>Part of DCO</b>		<b>Question</b>
			of the extent of the land outside the Order limits that may be affected by the authorised development?
<b>26.</b>	<b>Art 22</b> <i>Works in the River Thames: conditions</i>		Has the text of this article been agreed with the PLA?
<b>27.</b>	<b>Art 24</b> <i>[Time limit for exercise of powers to possess land temporarily or to acquire land compulsorily]</i>		Does Article 24(2), as drafted, give rise to the possibility of the Applicant remaining in temporary possession of land for a very long time scale after the end of the period defined in A24(1)? If so, why?
<b>28.</b>	<b>Art 29</b> <i>[Rights over or under streets]</i>		In what circumstances would this Article be used?
<b>29.</b>	<b>Art 31</b> <i>[Application of the Compulsory Purchase (Vesting Declarations) Act 1981]</i>		a) Article 31(5) omits s5A of the 1981 Act. That was added by the Housing and Planning Act 2016 and provided a 3 year time limit for making a vesting declaration (GVD). Whilst the omission of this section is consistent with the inclusion of a 5 year time limit for making a GVD in Article 24, why is a 5 year period needed in this case as opposed to the 3 year period considered appropriate in national legislation? b) The EM provides no explanation of the modifications to national legislation made by this article. Can the Applicant justify each modification in the circumstances of this case?

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			<p>c) In particular, please explain the omission in paragraph (8)</p> <p>d) Is the reference to s125 PA2008 in paragraph (10) necessary, as it merely repeats what is in Article 30(1) which is also referred to in paragraph (10)?</p>
<b>30.</b>	<b>Art 32</b> <b>[Temporary use of land for carrying out the authorised development]</b>	<i>32(1)(a)(i) the land specified in columns (1) of Schedule 6 (land of which only temporary possession may be taken) for the purpose</i>	"...column (1)...."?
<b>31.</b>	<b>Art 32</b>	<i>32(1)(a)(ii) and no declaration has been made under section 4 (expectation of declaration) of the 1981 Act</i>	"...execution of declaration...?"
<b>32.</b>	<b>Art 32</b>	<i>32(1)(d) construct any works on that land as are mentioned in Schedule 1 (authorised development).</i>	The EM [APP-017] in paragraph 6.20 says in relation to this provision "The article provides for any of the authorised development listed in Schedule 1, in particular, to be built and left on land that has been temporarily occupied. The rationale for this is that it provides for flexibility in the construction programme and also reduces the extent of the compulsory acquisition of land." Please clarify further the rationale for including a power to construct permanent works within an article dealing with temporary possession.
<b>33.</b>	<b>Art 32</b>	<i>32(2) Not less than 14 days before entering on and taking temporary possession of land</i>	As noted in Q11 above, the Neighbourhood Planning Act 2017 includes provisions relating to temporary possession that will apply nationally once brought into force. Those provisions were

<b>Q No.</b>	<b>Part of DCO</b>		<b>Question</b>
		<i>under this article the Company must serve notice of the intended entry...</i>	<p>subject to consultation and debate before being enacted.</p> <ul style="list-style-type: none"> <li>a) The notice period that will be required under the 2017 Act is 3 months, substantially longer than the 14 days required under this article. Other than prior precedent, what is the justification for only requiring 14 days' notice in this case (it is noted that the notice period in Article 33 is 28 days)?</li> <li>b) Under the 2017 Act provisions, the notice would also have to state the period for which the authority is to take possession. Why should such a requirement not be included in this case?</li> <li>c) Powers of temporary possession are sometimes said to be justified because they are in the interests of landowners, whose land would not then need to be acquired permanently. The 2017 Act provisions include the ability to serve a counter-notice objecting to the proposed temporary possession so that the landowner would have the option to choose whether temporary possession or permanent acquisition was desirable. Should this article make some such provision – whether or not in the form in the 2017 Act?</li> </ul>
<b>34.</b>	<b>Art 33</b> <b>[Temporary use of land for maintaining the authorised development]</b>		<ul style="list-style-type: none"> <li>a) The same questions arise as under Q33(a) above, albeit it is 28 days here.</li> <li>b) The power of entry under Article 33 (unlike Article 32) is over all the land within the Order limits, not only the land identified as being subject to temporary possession in the Book of Reference (BoR) and shown as such on the land plans. Why is this appropriate/justified?</li> <li>c) In Article 33(5) should there also be a need to remove all temporary buildings that would have been</li> </ul>

<b>Q No.</b>	<b>Part of DCO</b>		<b>Question</b>
			constructed under Art 33(1)(c)?
<b>35.</b>	<b>Art 35</b> <b>[Apparatus and rights of statutory undertakers in stopped up streets]</b>	<i>35(8) "statutory utility" means a statutory undertaker for the purposes of the 1980 Act or a public communications provider as defined in section 151(1) of the Communications Act 2003</i>	The definition of ' <i>statutory utility</i> ' in the 1980 Act excludes some statutory undertakers that one would expect to be protected by this provision, e.g. electricity, water and gas undertakers which were included in the 1980 Act definition as originally enacted. The EM does not address this. Why is this limited definition appropriate in the circumstances of this case?
<b>36.</b>	<b>Art 37</b> <b>[Special category land: West Tilbury common land]</b>		<ul style="list-style-type: none"> <li>a) As there are two alternative "<i>relevant Order powers</i>" as defined in 37(4), should 37(2) commence e.g. "On the exercise of any relevant Order power-..."</li> <li>b) For the same reason, should the definition in 37(4) read "...in respect of the special category land, and "<i>relevant Order power</i>" is to be interpreted accordingly"?</li> <li>c) Can the Applicant clarify in what circumstances it envisages the exercise of temporary possession as a "<i>relevant Order power</i>", given that under 37(1) that power cannot be exercised until the Company has (already) acquired the land?</li> </ul>
<b>37.</b>	<b>Art 39</b> <b>[Set-off for enhancement in value of retained land]</b>	<i>(3) The 1961 Act has effect, subject to paragraphs (1) and (2), as if this Order were a local enactment for the purposes of that Act.</i>	Although this paragraph follows the precedent in the Thames Tideway Tunnel DCO, it is not mentioned in the EM. Can the Applicant clarify its effect in this particular case, by reference to section 8 of the 1961 Act?
<b>38.</b>	<b>Art 40</b>	<i>40. Compensation is not</i>	As noted in the EM, compensation should not be payable under

<b>Q No.</b>	<b>Part of DCO</b>		<b>Question</b>
	<b>[No double recovery]</b>	<i>payable in respect of the same matter both under this Order and under any other enactment, any contract or any rule of law, or under two or more different provisions of this Order.</i>	different compensation regimes. However, there are a number of provisions in the Order giving rise to a liability for compensation. It is conceivable that, for example, the Company could take temporary possession of land under Article 32 (with a consequent liability to compensation) but also subsequently seek to acquire the land compulsorily under Article 23. On the face of it, this provision would prevent compensation being paid for the compulsory acquisition because that would be proceeding under a different provision of the Order. Can the Applicant comment?
<b>39.</b>	<b>Art 41 [Operation and maintenance of the authorised development]</b>		<p>This article provides extraordinarily wide powers to carry out works and development in addition to the authorised development described in Schedule 1, which already itself includes a substantial number of items of 'ancillary or related development'. There is also some duplication e.g. item (y) in Schedule 1 includes a number of items referred to in this article. Article 46 also enables the land to be treated as operational land, with consequent ability to exercise PD rights which will no doubt include much of what is sought by this article.</p> <p>(a) Can the Applicant explain why these three avenues to achieving what appears to be the same objective are necessary and justified?</p> <p>(b) Is the cross reference to Art 3(2) in Art 41(1) correct?</p> <p>(c) Please can the Applicant provide confirmation that</p>

<b>Q No.</b>	<b>Part of DCO</b>		<b>Question</b>
			all of the activities that would be authorised have been assessed within the ES?
40.	<b>Art 42</b> <b>[Power to appropriate]</b>		The EM explains that this article provides wider powers than s85 of the Port of London Act 1968, and it is noted that Article 29 of the Able Marine Energy Park is a similar provision. Does the PLA have any comments?
41.	<b>Art 43</b> <b>[Power to dredge]</b>		<p>The EM explains that dredging would otherwise be subject to licensing, but that the relevant regulators' interests would be protected by the protective provisions.</p> <ul style="list-style-type: none"> <li>(a) Article 43(1) would control the depth of dredging to that specified in Article 7(e). However Article 7(e) does not provide any maximum depths, instead referring the reader to the limits shown on the "engineering sections and plans". The relevant errata document [AS-010] is titled "Engineering Drawings and Plans". Drawing PO5 within that document, entitled "Extent and Depth of Dredging Regulation 5(2)(o)" does not show a definitive maximum depth of dredging, but states "-18.1m OD Approx" and "Proposed Dredge Level". For clarity please provide the maximum dredge depth in Article 7(e).</li> <li>(b) Please can the Applicant confirm its agreement (or otherwise) to amend the wording of Article 43 (3) in accordance with the proposed wording of provided by the MMO [RR-023], paragraph 5.</li> <li>(c) Article 43 generally would give the Applicant powers to dredge anywhere within the Order limits for maintaining and operating activities –within the Limits</li> </ul>

<b>Q No.</b>	<b>Part of DCO</b>		<b>Question</b>
			<p>of Deviation (LoDs) specified in Art 7(e). Art 7(e) relates only to dredging during construction, so does the Applicant intend there to be no LoDs for maintenance and operational dredging?</p> <p>(d) Can the PLA provide its comments on this Article and the associated Protective Provisions?</p>
<b>42.</b>	<b>Art 48</b> <b>[Defence to proceedings in statutory nuisance]</b>		Could the Applicant explain where and how in the dDCO there is provision for suitable and sufficient complaints procedures with timely publication of details of complaints that have arisen together with actions taken?
<b>43.</b>	<b>Art 50</b> <b>[Consent to transfer benefit of Order]</b>		Why and under what circumstances would the deemed marine licence need to be transferred? Should the consent of the MMO also be required where a transfer or lease includes the deemed marine licence?
<b>44.</b>	<b>Art 51</b> <b>[Traffic regulation measures]</b>		Article 51(3) enables the Company to take various actions (with the consent of the traffic authority) in respect of "any road", which at face value is a very broad power. Presumably the power is only intended to relate to roads in the vicinity of the development – can the Applicant elaborate?
<b>45.</b>	<b>Art 51</b>		Article 51(4) enables the Article 51(3) power to be exercised within 24 months from " <i>the opening of the authorised development for operational use</i> ". The authorised development contains a number of disparate uses. Can the start of the 24 month period be more precisely defined?

<b>Q No.</b>	<b>Part of DCO</b>		<b>Question</b>
46.	<b>Art 51</b>	<p><i>(6) Any prohibition, restriction or other provision made by the Company under paragraph (1) or (3)—</i></p> <p><i>....</i></p> <p><i>(b) is deemed to be a traffic order for the purposes of, as the case may be Schedule 7 (road traffic contraventions subject to civil enforcement) to the 2004 Act; and</i></p>	<p>What is the purpose of the phrase "as the case may be" in this sub-paragraph, as there appears to be only one consequence (ie the prohibition restriction or other provision is deemed to be a traffic order for the purposes of Schedule 7 of the 2002 Act)?</p>
47.	<b>Art 51</b>	<p><i>(8) Before exercising the powers conferred by paragraphs (1) or (3) the Company must consult such persons as the Company considers necessary and appropriate and have regard to the representations made to the Company by any such person.</i></p>	<p>Is it sufficient for the Company to be the sole arbiter of who should be consulted, and not additionally for example such persons as the traffic authority or the chief officer of police may require?</p>
48.	<b>Art 52</b> <b>[Deemed marine licence]</b>		<p>Please can the Applicant and the MMO provide an update regarding discussions in respect of the revised wording proposed by the MMO for the deemed marine licence?</p>
49.	<b>Art 53</b>		<p>Please can the Applicant and the Statutory Undertakers identified in the Protective Provisions provide an update</p>

<b>Q No.</b>	<b>Part of DCO</b>		<b>Question</b>
	<b>[Protective provisions]</b>		regarding whether these have been agreed? Are there any further Protective Provisions that will be necessary in later drafts of the dDCO?
<b>50.</b>	<b>Art 55 [Crown rights]</b>		<p>(a) Please can the Applicant and the Crown Estate Commissioners provide an update regarding whether the relevant consents required in relation to Crown land have been agreed?</p> <p>(b) Is the Crown Estate content with Article 55 (as drafted)?</p> <p>(c) Does the Crown Estate envisage any other provisions for inclusion in the dDCO?</p>
<b>51.</b>	<b>Art 56 [Consents, agreements and approvals]</b>	<i>(4) If before this Order comes into force the Company or any other person has taken any step in relation to an application to which this article applies, that step may be taken into account to determine whether the consent, agreement, certification or approval concerned has been obtained provided that step would have been a valid step for the purpose of the application if it has been taken after this Order came into force.</i>	Can the Applicant please clarify how this provision is intended to work? The paragraph appears to assume the making of an application but if the relevant step is taken into account to determine whether the consent has (already) been obtained, why would an application be needed in the first place? Instead, should the step be taken into account in determining whether the consent should be given?

<b>Q No.</b>	<b>Part of DCO</b>		<b>Question</b>
52.	Art 56		Article 56(5) indicates that the article applies to applications made under various articles for consent etc, including under Article 20 (authority to survey). Article 20 does not appear to include any requirement for consent, agreement, certification or approval to which article 56 could apply?
53.	Schedule 1	<i>General</i>	<ul style="list-style-type: none"> <li>a) Each of the numbered works includes the words "<i>to include</i>" before the detailed list of items comprised within that work. That implies that other (unspecified) development is also included. Why are the numbered works not comprehensively described (of particular relevance given the substantial number of 'ancillary works' that are also proposed as part of the authorised development in any event)?</li> <li>b) As noted in an earlier question, there are a considerable number of ancillary works listed in the Schedule. Should the ancillary Works identified as (a) to (z) be included in Works 12, if not, then it should be clarified that they relate to all Works?</li> <li>c) Can the Applicant identify how the scope of each of these unspecified works has been considered in the ES so that the Secretary of State can be satisfied that the ES has considered the worst case scenario for the development proposed to be authorised?</li> <li>d) There appear to be several instances where ancillary works duplicate powers already provided for in the articles (examples follow, not intended to be exhaustive). In the next iteration of the DCO, can the Applicant omit any unnecessary duplication and justify any apparent duplication that remains?</li> </ul>

<b>Q No.</b>	<b>Part of DCO</b>		<b>Question</b>
54.	Schedule 1		<ul style="list-style-type: none"> <li>e) The ancillary or related development includes works within highways, which appear to duplicate at least in part the various articles relating to street works. Why is the Applicant unable to rely on those articles alone?</li> <li>f) Similarly ancillary work (g) appears to largely duplicate the power in article 43?</li> <li>g) Similarly ancillary work (l) appears to largely duplicate the power in article 41(2)(c)?</li> <li>h) The unrestrained and unspecified scope of ancillary works (x) – (works for the benefit and protection of the authorised development) – and (z) – (works of whatever nature, as may be necessary or expedient for the purposes of, or for purposes associated with or ancillary to the construction of the authorised development) – is excessive, please review and modify accordingly.</li> <li>i) The caveat in work (z) relating to ensuring those works should not cause significant adverse effect should apply to all such ancillary works. It is not clear that it does at present, seemingly being limited to work (z).</li> <li>j) The radial conveyor mentioned in Errata ES chapter 5 [AS-006] paragraph 5.26, does not seem to have any further details including size, location, whether it would be covered or hours of operation, or which Works it would relate to. Why is it not identified in the dDCO?</li> <li>k) Please identify which parts of the proposed Works would be carried out below mean high water springs and explain where in the deemed marine licence (DML) these are detailed.</li> <li>l) Are the references to the construction and operation of the railway in the dDCO suitable and sufficient?</li> </ul>

<b>Q No.</b>	<b>Part of DCO</b>		<b>Question</b>
			m) Does Works 9B cross the railway, if so is there any associated bridge construction necessary?
<b>55.</b>	<b>Schedule 1</b>	<i>Works No. 1</i>	<p>(a) This does not specify any particular piling method. How does the Applicant propose to restrict the methods of piling together with the types and dimensions of piles to those that were assessed in the ES?</p> <p>(b) This also includes the alteration and renewal of an existing flood defence. The Applicant's errata engineering drawings and plans [AS-010] included revised figures identifying the locations of the flood defences and necessary works, including a proposed flood gate. The proposed flood gate does not appear to be described in any of the Works in Schedule 1. Why not?</p>
<b>56.</b>	<b>Schedule 1</b>	<i>Associated Development</i>	Paragraph 6.38 of the ES [APP-031] states, " <i>However, as set out in the Outline Business Case, the development of land in the form shown is crucial to the future success of the project and PoTLL's investment objectives</i> ". Explain how this justifies the breadth of associated development provided in works 2-8, especially that of Works 8D(iii) with specific reference to paragraph 5 and 6 of the DCLG guidance <sup>1</sup> on associated development applications for major infrastructure projects.
<b>57.</b>	<b>Schedule 1</b>	<i>The Built Development Platform (the filling of land)</i>	How would the assumed maximum level of the built development platform (a maximum height of 4m AOD) be

<sup>1</sup> DCLG (April 2013) Planning Act 2008. Associated Development Applications for Major Infrastructure Projects

<b>Q No.</b>	<b>Part of DCO</b>		<b>Question</b>
			secured through the dDCO?
<b>58.</b>	<b>Schedule 1</b>	<i>The proposed silo Works no 8A</i>	How is the maximum diameter of the proposed silo (15m, as stated in the Errata version of ES chapter 5 [AS-006, paragraph 5.30]) to be secured in the dDCO.
<b>59.</b>	<b>Schedule 1</b>	<i>Works No 8D</i>	<p>The Errata version of the ES, Chapter 5 [APP-006] paragraph 5.26 states, "This area (Works No. 8D) will comprise the storage of aggregates, pigments and cementitious materials in silos and in the open air..."</p> <p>(a) How many silos are proposed, where exactly will they be located and how big will they be?</p> <p>(b) If more than one is proposed, how does this accord with the ES assessments that considered one silo for storage of cementitious material? (understood to be the silo in Works Area 8A)?</p> <p>(c) The draft DCO, in Schedule 1, Works No 8D does not include any silos, please explain the discrepancy.</p>
<b>60.</b>	<b>Schedule 1</b>	<i>Works No 8D</i>	When the Applicant's consultants were assessing the environmental effects of the various proposed CMAT processing facilities including the block and pre-cast manufacture facility; the ready-mixed concrete batching plant; and the asphalt manufacturing plant, as well as the maximum height of 30m (above the maximum ground level of 4mAOD), what assumptions were made about the maximum dimensions and locations relative to the site boundary of these processing facilities? How would these dimensions and locations be

<b>Q No.</b>	<b>Part of DCO</b>		<b>Question</b>
			secured? PINS advice note on the Rochdale Envelope <sup>2</sup> requires "clearly defined parameters within which the framework of development must take place".
<b>61.</b>	<b>Schedule 1</b>	<i>Works 9(a)</i>	The proposed highway is described in ES paragraph 5.40 [AS-006] as being "approximately 1450m in length" however the dDCO states it would be approximately 1250m in length. Which is correct?
<b>62.</b>	<b>R1 [Interpretation]</b>		"AOD" is defined in R1 merely as "above ordnance datum". Should 'ordnance datum' itself also be defined as in, for example, the Hinkley Point Harbour Empowerment Order 2012 and the Poole Harbour (Works) Revision Order 2015?
<b>63.</b>	<b>R3 [External appearance and height of the authorised development]</b>		<p>Subsequent detailed approval is only required under this article in respect of:</p> <ul style="list-style-type: none"> <li>• Silo facilities constructed as part of Work 8A(i) – construction of silo facilities and associated piping and pumping infrastructure and road tanker loading facilities;</li> <li>• Processing facilities constructed as part of Work 8C(iii) – construction of a railway line, rail sidings and associated rail infrastructure; and</li> <li>• Fencing as part of Works 9 - new highway – and 12 – rail line</li> </ul> <p>(a) Why are other elements of the authorised development not subject to detailed approval?</p> <p>(b) Is the reference to Work 8C(iii) correct, as the</p>

<sup>2</sup> The Planning Inspectorate (April 2012) Advice Note 9. Using the 'Rochdale Envelope'.

<b>Q No.</b>	<b>Part of DCO</b>		<b>Question</b>
			<p>description does not include processing facilities?</p> <p>(c) The table in R3 should include the maximum dimensions of the marine elements of the Proposed Development, as well as the flood gate, the radial conveyor and Fort Road Bridge. It should also define the maximum dimensions of the CMAT processing facilities and the warehouse.</p>
<b>64.</b>	<b>R5 [Off-site mitigation]</b>	<i>(2) The details submitted under sub-paragraph (1) must include a commitment that any habitat provided as part of the off-site ecological mitigation will be managed and maintained for a minimum period of 25 years.</i>	<p>(a) Requirement 5 requires the "<i>written details of the proposed off-site mitigation</i>" to be submitted and approved. However, the ES discusses the Ecological Management and Compensation Plan (EMCP), which is to be submitted to the Examination. Should this Requirement therefore be linked to the contents of the EMCP?</p> <p>(b) Would this off-site ecological mitigation include any land below mean high water springs? If so, the MMO should also be consulted.</p> <p>(c) How does the Applicant intend to secure the delivery of the off-site ecological compensation?</p> <p>(d) It is understood that the ECMP would also provide further details of construction of further habitat and mitigation measures on-site. The updated LEMP makes reference to the EMCP, but it is not evident how these aspects of the ECMP would be secured in the dDCO. Please explain how these aspects of the ecological mitigation would be secured.</p> <p>(e) Should this paragraph also require the submitted details to identify how the obligation to maintain for 25 years will be secured?</p>

<b>Q No.</b>	<b>Part of DCO</b>		<b>Question</b>
65.	<b>R7</b> <b>[Highway works]</b>		Should any works other than the RoRo and CMAT be dependent on the opening of the remodelled ASDA roundabout?
66.	<b>R9</b>	<i>Noise mitigation</i>	Requirement 9 of the draft DCO states that Work Nos 4, 9A and 12 must not be opened for public use until the noise barriers have been constructed. What does ' <i>public use</i> ' mean as the rail link and the main Tilbury2 site would not be 'public'? Should this terminology be reconsidered?
67.	<b>R10</b> <b>[Noise monitoring and mitigation]</b>	<i>10.—(1) Prior to the opening of any of Work Nos. 1 to 8 the Company must carry out a re-assessment of the predicted noise impacts arising from the finalised detail design and operational procedures to be implemented for those works.</i>	Can the Applicant clarify what is meant by the ' <i>opening</i> ' of each of these works? Can the requirement be made more specific?
68.	<b>R10</b>	<i>(2) Following the assessment carried out under subparagraph (1), if a significant effect is predicted for any receptor, the Company must offer that receptor a scheme of mitigation that must include the installation of noise insulation or triple glazing at</i>	Should the requirement include confirmation to the effect that the scheme of mitigation must negate the predicted significant effect and that it would be provided at the Applicant's cost?

<b>Q No.</b>	<b>Part of DCO</b>		<b>Question</b>
		<i>that receptor.</i>	
<b>69.</b>	<b>R10</b>		The requirement should include a provision requiring the agreed noise monitoring and mitigation scheme to be implemented. If the noise monitoring and mitigation scheme addresses impacts upon ecological receptors or marine receptors, then it should also be agreed with NE and/or MMO.
<b>70.</b>	<b>R12</b> <b>[Lighting strategy]</b>	<i>12.—(1) No part of the authorised development may be brought into operational use until a written scheme of the proposed operational lighting to be provided for that part of the authorised development has been submitted to and approved in writing by....</i>	(a) What distinction is sought to be drawn in this requirement between ' <i>operational use</i> ' and mere ' <i>use</i> '? (b) Please remove the MMO from this requirement, as the Panel understands that lighting is not within their remit. (c) Please could Trinity House confirm their remit in any lighting strategy as far as it may impact upon the marine environment?
<b>71.</b>	<b>R13</b> <b>[Interpretation]</b>		Does Thurrock Council have a view as to the inclusion of its functions under s60 and 61 of the Control of Pollution Act 1974 in this procedure instead of the mechanism in that Act? The Applicant cites precedent of the Thames Tideway Tunnel, but there was an urgency for that development which is not present here.
<b>72.</b>	<b>R16</b>	<i>2.-(e) the appeal parties must make any counter-submissions</i>	Although the paragraph refers to the 'appeal parties' having the opportunity to provided counter submissions to written

<b>Q No.</b>	<b>Part of DCO</b>		<b>Question</b>
	<b>[Appeals]</b>	<i>to the appointed person within 10 business days of receipt of written representations pursuant to sub-paragraph (c) above....</i>	representations (WRs), since WRs are only made by the authority and any consultee, only the Applicant would be given the opportunity to make counter-submissions, and so sub-paragraph (e) should refer to the Applicant not the appeal parties. Also, should the reference to sub-para (c) be to (d) since (c) only refers to the appointment by the SoS?
<b>73.</b>	<b>R17 [Amendments to approved details]</b>	<i>17.—(1) With respect to the parameters specified in paragraph 3(3), the documents specified in paragraph 11 and any other plans, details or schemes which require approval .....</i>	This sub-paragraph should refer to Requirement 3(3) and Requirement 11?
<b>74.</b>	<b>Requirements Generally</b>	<i>Proposed New Requirements</i>	<p>Please can the Applicant and the EA provide an update on whether there is agreement regarding additional requirements in (a)-(c) as follows: -</p> <ul style="list-style-type: none"> <li>(a) The EA's draft requirement on ecological matters (paragraph 8 of their RR [RR-017];</li> <li>(b) The EA's draft requirement on contaminated land (paragraph 2.3 of their RR); and</li> <li>(c) The EA's draft requirement (or protective provision) in respect of flood defences with the need to raise the river wall to a future height of 8m AOD.</li> </ul> <p>Please can the Applicant also confirm how they will address the</p>

<b>Q No.</b>	<b>Part of DCO</b>		<b>Question</b>
			<p>following two matters:-</p> <ul style="list-style-type: none"> <li>(d) ES [APP-031] paragraph 17.47 makes assumptions about pile diameter and estimates of blow energy. There are limited restrictions within the DCO/DML. Either maximum hammer blow energies should be stipulated within the DCO/DML, and/or a piling method statement is to be provided as an additional requirement and/or within the DML, to be approved by the MMO and/or the LPA accordingly.</li> <li>(e) The heights of the noise barriers are not specified in the draft DCO. It is also not clear from the works plans where the noise barriers would be located. Noise barriers are depicted on Sheets 2 and 3 of the General Arrangement Plans (which are stated to be illustrative); however, there are no references to these plans within the draft DCO. Can the Applicant update the draft DCO so that it secures the design and location of the noise barriers through a requirement?</li> </ul>
<b>75.</b>	<b>Schedule 3</b>	<i>Classification of Roads etc</i>	Are the Local Highway Authority (LHA) and Local Street Authority (LSA) content with Schedule 3, as drafted?
<b>76.</b>	<b>Schedule 4</b>	<i>Permanent Stopping up of Highways and Private Means of Access and Provision of New Highways and Private Means of Access</i>	Are the LHA and LSA content with Schedule 4, as drafted?

<b>Q No.</b>	<b>Part of DCO</b>		<b>Question</b>
77.	<b>Schedule 5 [Modification of compensation and compulsory purchase enactments for creation of new rights]</b>		<p>The Panel notes that the SoS made amendments to Schedule 6 of the recommended M20 Junction 10A DCO in terms similar to but not the same as Schedule 5 of this draft DCO. The Applicant may wish to consider whether any amendments to Schedule 5 should be made in the next iteration of the dDCO?</p> <p>The following questions relate to the current dDCO.</p>
78.	<b>Schedule 5</b>		<p>The heading of this Schedule should also refer to the imposition of restrictive covenants?</p>
79.	<b>Schedule 5</b>		<p>Paragraph 3(2) refers to Schedule 2A of the 1965 Act as substituted by paragraph 10. That substituted schedule provides a procedure whereby an owner served with a notice to treat in respect of a right over or restrictive covenant affecting the whole of his land can serve a counter notice requiring the purchase of his interest instead. If the tribunal agrees, the DCO and notice to treat are to have effect as if they included the owner's interest.</p> <p>Paragraph 2(2) substitutes section 5A of the 1965 Act to the effect that the relevant valuation date is when the authority enters the land to exercise a right. It appears to be silent as to the relevant valuation date where an owner serves a counter-notice in relation to the imposition of a covenant. What (if any) provision should be included to address this?</p>

<b>Q No.</b>	<b>Part of DCO</b>		<b>Question</b>
80.	Schedule 5	<p>3. (2)</p> <p>.....</p> <p><i>the authority is deemed for the purposes of subsection (3)(a) to have entered on that land where it entered on that land for the purpose of exercising that right.</i></p>	This should read "...when it entered on that land...."?
81.	Schedule 5	<p>4.—(1) <i>The 1965 Act has effect ..... so that, in appropriate contexts, references in that Act to land must be read (according to the Requirements of the particular context) as referring to, or as including references to—</i></p>	To avoid confusion with the Requirements in Schedule 2, should this read "... (according to the particular context)...."?
82.	Schedule 5	<p>4.(2) <i>Without limitation on the scope of sub-paragraph (1), Part 1 of the 1965 Act applies in relation to the compulsory acquisition under this Order of a right by the creation of a new right or, in relation to the imposition of a restriction, with the modifications specified in the following</i></p>	As drafted, because of the comma after 'or', this implies that the subsequent modifications only apply " <i>in relation to the imposition of a restriction</i> "?

<b>Q No.</b>	<b>Part of DCO</b>		<b>Question</b>
		<i>provisions of this Schedule.</i>	
<b>83.</b>	<b>Schedule 5</b>	<i>[Paragraph 7 (modifying s11 of the 1965 Act)]</i>	The Applicant is referred to the modifications made by the SoS to the equivalent paragraph in the M20 J10A DCO. Should this paragraph of the dDCO be in the same terms? If not, why not?
<b>84.</b>	<b>Schedule 5</b>	<i>[Paragraph 9 (modifying s22 of the 1965 Act)]</i>	The Applicant is referred to the modifications made by the SoS to the equivalent paragraph in the M20 J10A DCO. Should this paragraph of the dDCO be in the equivalent terms? If not, why not?
<b>85.</b>	<b>Schedule 5</b>	<i>[In Schedule 2A as substituted by paragraph10:] 11(c) if the right or covenant is proposed to be acquired or imposed for works or other purposes extending to other land, the effect of the whole of the works and the use of the other land.</i>	Can the Applicant explain the operation of this criterion which the tribunal is intended to take into account? Should it read "the effect of the whole of the works on the other land"?
<b>86.</b>	<b>Schedule 6</b>	<i>Land of which only temporary possession may be taken</i>	Please explain which of the plots listed in this schedule would be subject to permanent works and in each case explain what that permanent work would be and why these plots are not the subject of compulsory acquisition, rather than temporary possession, in view of the permanent nature of the works proposed.

<b>Q No.</b>	<b>Part of DCO</b>		<b>Question</b>
87.	Schedule 7	<i>Port Premises By Laws</i>	(a) Please explain how the "extended port limits" would be defined, given the concern of the MMO in its RR [RR-023, paragraph 4]. (b) Please explain where the by-laws quoted in paragraph 4 are derived from. (c) Is PLA content with Schedule 7, as drafted?
88.	Schedule 8	<i>Traffic Regulation Measures etc</i>	Is Thurrock Council content with Schedule 8, as drafted?
89.	Schedule 9	<i>Deemed Marine Licence</i>	(a) Please could the Applicant confirm (or otherwise) that all of the suggested changes to the DML that the MMO has suggested in its RR [RR-023] are accepted, and whether these will be included within the dDML in the next version of the dDCO submitted at D1? (b) Please could the MMO and the Applicant provide an update regarding whether these matters have now been agreed, and if so, provide the agreed text?
90.	Schedule 10	<i>Protective Provisions</i>	Could the Applicant and other parties to the Protective Provisions state their current positions?
91.	General	<i>Active Travel Study;</i>	How is this documents secured within the dDCO?
92.	General	<i>JNCC Protocol for Piling</i>	How are the measures contained within this document secured within the dDCO?
93.	General	<i>Regarding RWE Generation UK plc's RR</i>	Re: RWE's relevant representation [RR-015]:  (a) With regard to RWE's assertion that it does not consider that its interests are adequately protected by the terms of the dDCO submitted as part of the application, what specifically does RWE wish to propose by way of

<b>Q No.</b>	<b>Part of DCO</b>		<b>Question</b>
			<p>amendments to the dDCO?</p> <p>(b) What is the Applicant's position on this matter?</p> <p>(c) With regard to RWE's intention to submit a DCO application for the Tilbury Energy Centre (TEC) on the Tilbury Power Station site in Q4 2018, and RWE's statement that the Order Limits of the two projects are likely to overlap, construction periods may be concurrent, and operational elements of the Tilbury 2 project have the potential to affect RWE proposals, what is the Applicant's response to this situation and to RWE's statement that the dDCO should contain provisions to address the requirements of both parties in delivering their respective projects?</p> <p>(d) What are RWE's specific drafting proposals for the Tilbury2 dDCO to address the needs of the forthcoming TEC application?</p> <p>(e) With regard to protective provisions for RWE in the dDCO [APP-016] in relation to jetty improvements, access and services, and the construction materials and aggregates terminal (CMAT), what specific drafting would RWE wish to propose that is not already included in Part 1 of Schedule 10?</p>