

PLANNING ACT 2008
INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE)
RULES 2010

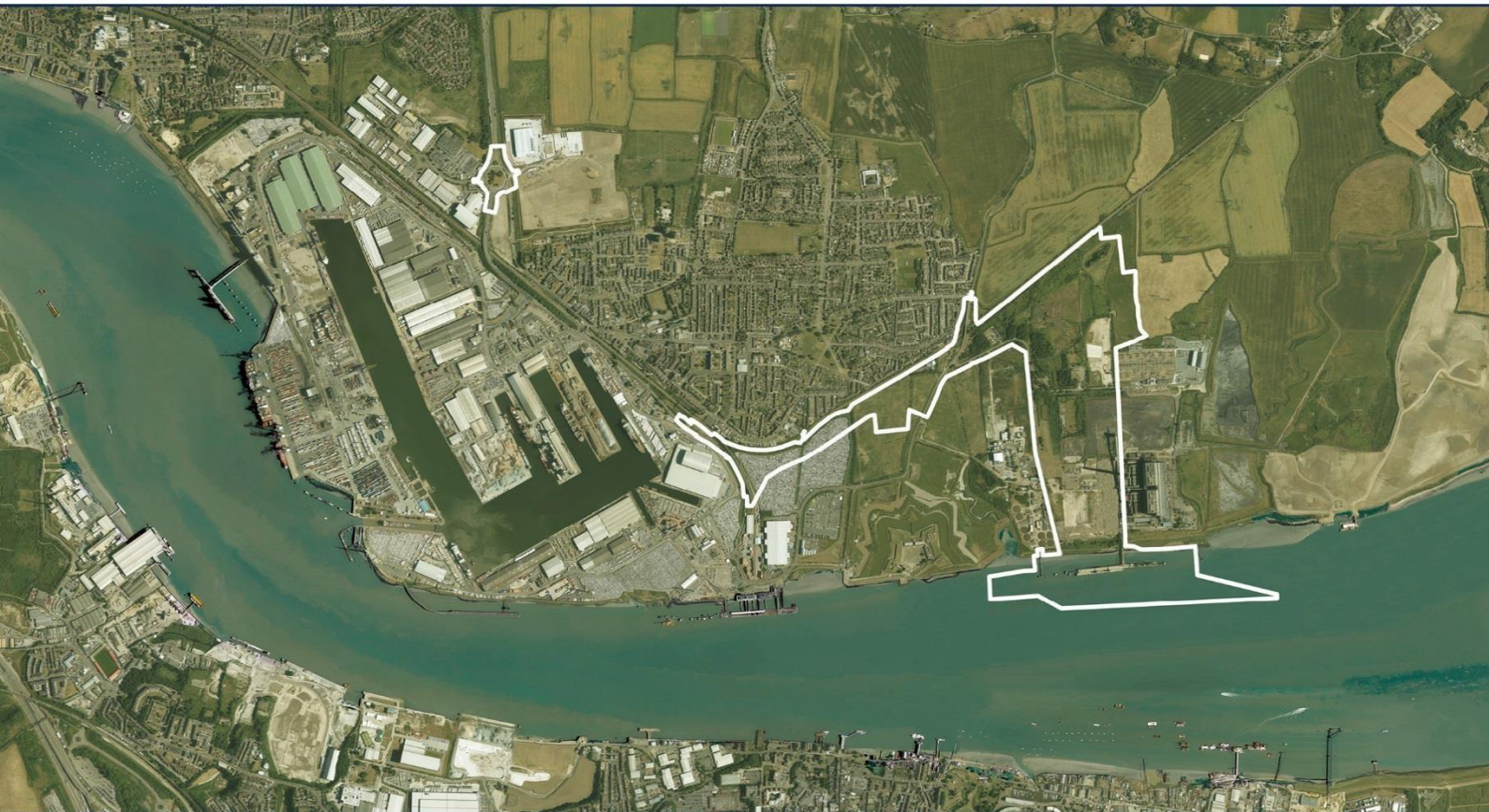
PROPOSED PORT TERMINAL AT
FORMER TILBURY POWER STATION

TILBURY2

TR030003

EXPLANATION OF CHANGES TO DRAFT
DEVELOPMENT CONSENT ORDER

TILBURY2 DOCUMENT REF: PoTLL/T2/EX/64



THE PORT OF TILBURY EXPANSION ORDER

EXPLANATION OF AMENDMENTS MADE TO THE DRAFT DCO AT DEADLINE 3 (REV 2)

1. INTRODUCTION

- 1.1 This document provides a commentary on changes made to the draft Development Consent Order ("dDCO") in the version submitted at Deadline 3 (30 April 2018) (DCO Revision 2), compared with the Revision 1 of the dDCO submitted at Deadline 1 on 20 March 2018 (Examination Library document reference [REP1-003]).
- 1.2 The Applicant's revised dDCO (Revision 2) is document 3.1 (Revision 2) [PoTLL/T2/EX/62], and an electronic .pdf comparison with Revision 1 has also been submitted [PoTLL/T2/EX/63].
- 1.3 In broad terms the changes made in the latest dDCO have been made for the following reasons:
- 1.3.1 changes have been agreed with Interested Parties as set out in the Applicant's Response to Written Representations, Local Impact Reports and Interested Party Responses to First Written Questions submitted at Deadline 2 ref [PoTLL/T2/EX/60] (the Response to Representations); and
- 1.3.2 other points which the Applicant has identified as requiring amendment since Revision 1 of the draft DCO was submitted at Deadline 1.

2. TABLE OF CHANGES TO THE DRAFT DCO REVISION 2

Provision in revised draft DCO and/or issue	Brief description and explanation
Article 3	This article has been amended pursuant to discussions with the PLA and RWE, and in order to aid clarity as to its effect.
Articles 10 and 12 and Schedule 4	The Applicant has updated the dDCO in order to ensure there is consistency between articles 10, 12 and Schedule 4. This was agreed at point 21 of the Applicant's Summary of Case Made at the DCO Hearing [PoTLL/T2/EX/48] and the applicant undertook that it would reflect on the drafting and update the dDCO accordingly.
Article 27	This article has been updated as it only applies to land subject to compulsory acquisition under the Order. This change has been made in response to comments from RWE Generation UK plc in their Written Representation submitted at Deadline 1 [REP1-087] at paragraphs 6.3-6.9. The Applicant agreed to make this change in its Response to Representations.
Articles 28 and 33	These articles have been updated to refer to "the Order land" as opposed to "land within the Order Limits", to ensure that it is clear that RWE's proprietary interests and rights are not proposed to be acquired. This change has been made in response to comments from RWE Generation UK plc in their Written Representation submitted at Deadline 1 [REP1-087] at paragraphs 6.3-6.9. The Applicant agreed to make this change in its Response to Representations.
Article 37	The wording in this article has been updated to reflect revised wording agreed with the Coles family in relation to the Special category land at

Provision in revised draft DCO and/or issue	Brief description and explanation
	West Tilbury Common.
Article 51	Paragraph (6) of this article has been updated to ensure that the Port of London Authority (PLA) is consulted by the Secretary of State regarding a proposed transfer of benefit of the Order. This was agreed between the Applicant and the PLA following the PLA's comments at 11.1 of its Written Representation submitted at Deadline 1 [REP1-080] and agreed in the Applicant's comments in its Response to Representations.
Article 52	This article has been amended following discussions between the Applicant and Highways England. A new paragraph (9) has been added which confirms that an order made under paragraph (3)(a) may be varied or revoked by an order made by the highway authority under the 1984 Act.
Schedule 2, Requirement 1	A definition of ecological mitigation and compensation plan has been added this Schedule as this document was submitted at Deadline 2 [REP2-009].
Schedule 2, Requirement 3	<p>This requirement has been extended to require details of external materials submitted to include the proposed warehouse to be constructed as Work No. 7(b) and the buildings constructed as part of Work Nos. 3(d) and 5(c).</p> <p>The table in this requirement has been updated to include a maximum height restriction (AOD) of 12 metres for any buildings constructed as part of Work No. 5(c).</p> <p>These amendments were suggested by Thurrock Council in section 8 of its Local Impact Report submitted at Deadline 1 [REP1-101] and agreed by the Applicant as set out in its Response to Representations.</p>
Schedule 2, Requirement 9	This requirement has been amended to correct an error and refer to the noise barrier as Work No. 4(d) instead of Work No. 4(c). This was suggested by Thurrock Council in section 8 of its Local Impact Report submitted at Deadline 1 [REP1-101] and agreed by the Applicant as set out in its Response to Representations.
Schedule 6	Plot 03/05 has been removed from this Schedule in order to reflect a change made to the Land Plans at Deadline 2. Plot 03/07 has been amended to refer to the carrying out of ecological restoration.
Schedule 10, Part 3	Two aspects of the protective provisions for the protection of the Port of London Authority have been updated to reflect the continuing discussions between the parties but further changes will be made at Deadline 4 to reflect, it is anticipated, the conclusion of those discussions.
Schedule 10, Part 7	The Schedule has been amended to add a new paragraph 81. This new paragraph reflects the position agreed with Highways England that its costs incurred in plan approval should be reimbursed. This provision has been added following a suggestion made in Highways England's Written Representation [REP1-060] at paragraph B5.3 and as agreed in the Applicant's Response to Representations.
Schedule 11	The list of Documents to be certified has been updated to reflect the latest set of drawings and documents and also to show version numbers

Provision in revised draft DCO and/or issue	Brief description and explanation
	in order to aid the ExA.