

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/122



## THE PORT OF TILBURY (EXPANSION) ORDER

### EXPLANATION OF AMENDMENTS MADE TO THE DRAFT DCO AT DEADLINE 5 (6 JULY 2018) (REV 4)

#### 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 5 (6 July 2018) (DCO Revision 4), compared with the Revision 3 of the dDCO submitted at Deadline 4.5 on 18 June 2018 [PoTLL/T2/EX/109].
- 1.2 The Applicant's revised dDCO (Revision 4) is document 3.1 (Revision 4) [PoTLL/T2/EX/168], and an electronic .pdf comparison with Revision 3 has also been submitted [PoTLL/T2/EX/169].
- 1.3 In broad terms the changes made in the latest dDCO have been made for the following reasons:
- 1.3.1 changes arising from and agreed at the DCO issue specific hearing held on 28 June 2018 (the DCO ISH);
  - 1.3.2 changes agreed with Interested Parties including the Port of London Authority (the PLA) and the Marine Management Organisation (the MMO); and
  - 1.3.3 other points which the Applicant has identified as requiring amendment since Revision 3 of the draft DCO was submitted at Deadline 4.5.

#### 2. TABLE OF CHANGES TO THE DRAFT DCO REVISION 3

Provision in revised draft DCO and/or issue	Brief description and explanation
Article 2	<ul style="list-style-type: none"> <li>• The definition of National Grid has been updated in order to refer correctly to 'National Grid Electricity Transmission plc' to tie in with the protective provisions contained in Part 12 of Schedule 10, as well as the provision included in article 51(6).</li> <li>• A definition of Cadent Gas Limited has been added in order to tie in with the protective provisions contained in Part 11 of Schedule 10, as well as the provision included in article 51(6).</li> <li>• Definitions of 'deemed marine licence' and 'UK marine licensing area' have been added in order to tie in with the changes to article 43 (as outlined in more detail below).</li> </ul>
Article 3	This article has been amended following further discussions between the Applicant, the PLA and RWE. The changes made include the change which was agreed by the Applicant at item 3.8.1(i) of the DCO ISH agenda, in order to amend article 3 to make it clear that the Company will be acting "in exercise of its statutory functions".
Article 4	This article has been amended following further discussions between

Provision in revised draft DCO and/or issue	Brief description and explanation
	<p>the Applicant, the PLA and RWE.</p> <p>The changes made include the change which was agreed at item 3.8.2 (ii) of the DCO ISH agenda in relation to the General Trading Regulations (as they may be amended from time to time) made under section 22 of the Port of London Act 1968.</p>
Articles 6 and 47	As agreed at item 3.8.3 (ii) of the DCO ISH agenda, the Applicant has added paragraph (2) of article 6 to article 47 (formerly <i>Operational land for purposes of the 1990 Act</i> , renamed <i>Planning legislation</i> ) as it considers that the paragraph is better placed within article 47.
Article 17	The Applicant has amended this article in order to remove the text in the final sentence of article 17: " <i>and any right of way over it extinguished</i> ". This was agreed at item 3.8.7 (i) of the DCO ISH agenda.
Article 23	A minor tweak has been made to the wording of paragraph (1) of this article in order to improve the way it reads.
Article 33	The Applicant has amended paragraph (3) of this article as agreed at item 3.8.12 (iii) of the DCO ISH agenda so that notice of temporary possession under this article must indicate for how long temporary possession is required.
Article 43	This article has been amended following further discussions between the Applicant and the MMO. The wording of this article now reflects the agreed position between the parties.
Article 51	<p>Drafting changes have been made to paragraphs (1) and (7) of this article.</p> <p>Paragraph (6) of this article has been amended in order to include Cadent as a body to be consulted by the Secretary of State before giving consent under the article. This change was agreed between the Applicant and Cadent.</p>
Article 57	As agreed at item 3.8.17 of the DCO ISH agenda, the Applicant has amended paragraph (6) by removing the reference to "a planning authority," from the definition of "relevant authority" as no "application" (as defined in that paragraph) will be made to a planning authority.
Schedule 1	As agreed at item 3.8.18 (i) of the DCO ISH agenda, the Applicant has amended Schedule 1 in order to replace the term "to include" with the wording agreed with the ExA of "comprising".
Schedule 2, requirement 1	<ul style="list-style-type: none"> <li>• The list of documents in requirement 1 of Schedule 2 has been amended in order to reflect the most up-to date versions of the documents in the Order.</li> <li>• A definition of 'requirement 3 colour palette' has been added as this document is proposed to be certified and is therefore included in Schedule 11 to the Order.</li> </ul>
Schedule 2, requirement 3	This requirement has been amended as agreed at item 3.8.20 (i) of the DCO ISH agenda. It has been modified to indicate that other structures not specifically identified in Requirement 3(1) (a)-(f) must comply with

Provision in revised draft DCO and/or issue	Brief description and explanation
	the 'requirement 3 colour palette' (with this document now being a certified document, as set out above).
Schedule 2, requirement 5	As agreed at item 3.8.19 (i) of the DCO ISH agenda, the Applicant has added the EA as a party to be consulted under paragraph 1 of this requirement. Whilst this change has been made, should the Ecological Mitigation and Compensation Plan be agreed before the end of the Examination then further revisions will be made to this paragraph and the reference to the EA will be removed.
Schedule 2, requirement 10	This requirement has been amended further and discussions between the Applicant and Gravesham Borough Council regarding it are continuing.
Schedule 4	Schedule 4 (permanent stopping up of highways and private means of access and provision of new highways and private means of access) has been updated following discussions between the Applicant and statutory undertakers.
Schedule 8,	This Schedule has been updated following discussions with Thurrock Council and Highways England, as referred to at the DCO ISH.
Schedule 9	The Deemed Marine Licence (DML) has been revised following discussions between the Applicant and the MMO. The revised DML now represents the agreed position between the parties.
Schedule 10, Part 4	The protective provisions for the protection of the Environment Agency (EA) have been revised as part of continuing discussions between the Applicant and the Agency.
Schedule 10, Part 6	The protective provisions for the protection of railway interests have been updated in order to reflect the most up to date agreed position between the Applicant and Network Rail.
Schedule 10, Part 9	The protective provisions for the protection of Highways England have been revised as part of continuing discussions between the Applicant and Highways England.
Schedule 10, Part 10	The protective provisions for the protection of RWE have been updated as part of continuing discussions between the Applicant and RWE.
Schedule 10, Part 11	The protective provisions for the protection of Cadent Gas Limited as gas undertaker been updated in order to reflect the most up to date agreed position between the Applicant and Cadent Gas Limited.
Schedule 10, Part 12	The protective provisions for the protection of National Grid as electricity undertaker been updated in order to reflect the most up to date agreed position between the Applicant and National Grid.
Schedule 11	Some of the references to the documents to be certified and listed in Schedule 11 have been amended in order to reflect the most up-to date versions of those documents submitted into the Examination.