

PLANNING ACT 2008
INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE)
RULES 2010

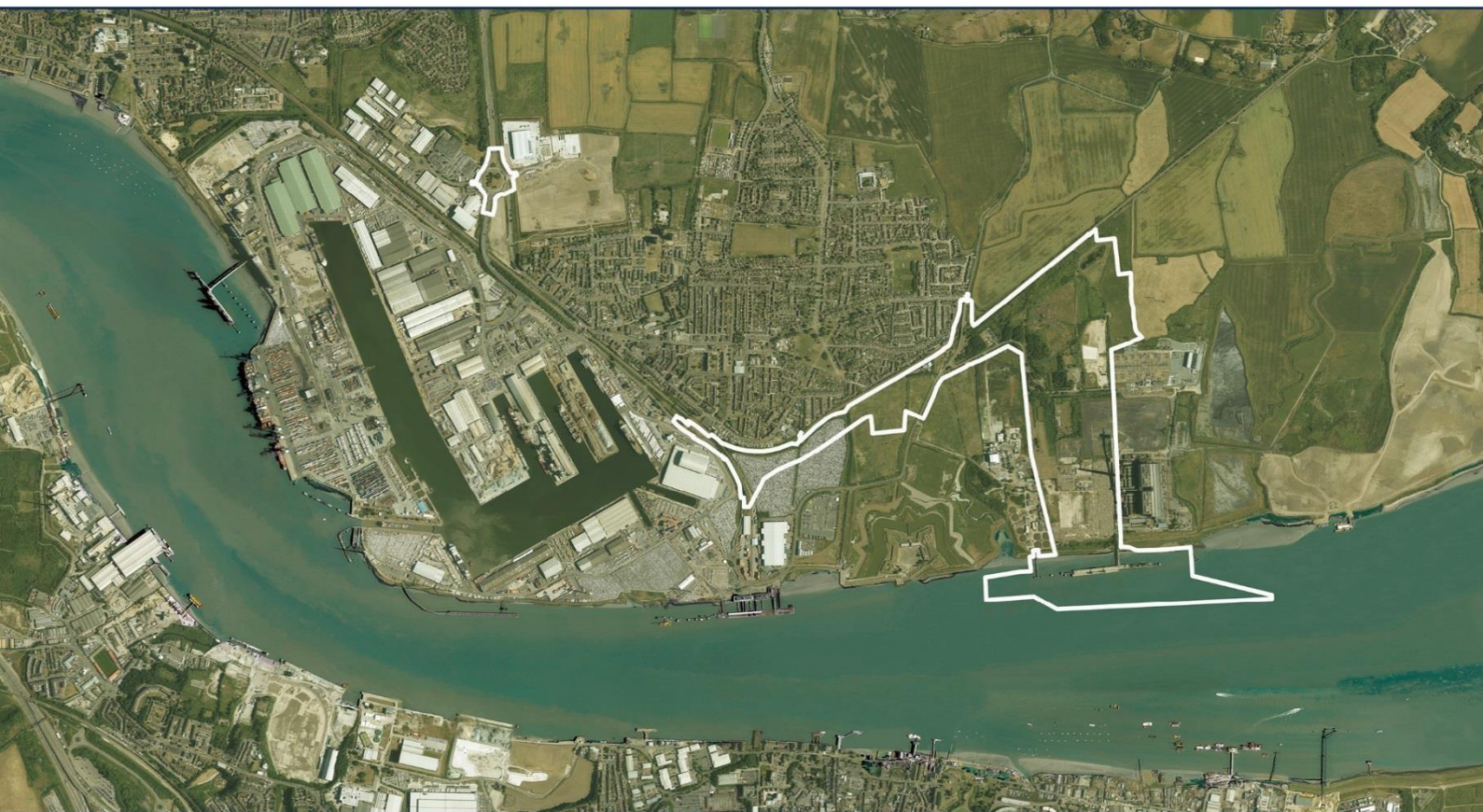
PROPOSED PORT TERMINAL AT FORMER TILBURY POWER STATION

TILBURY2

TR030003

EXPLANATION OF CHANGES TO DRAFT
DEVELOPMENT CONSENT ORDER FROM
APPLICATION TO DEADLINE 7

TILBURY2 DOCUMENT REF:
PoTLL/T2/EX/208



THE PORT OF TILBURY (EXPANSION) ORDER

EXPLANATION OF AMENDMENTS MADE TO THE DRAFT DCO DURING THE EXAMINATION AND AT DEADLINE 7 (16 AUGUST 2018) (REV 6)

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 7 (16 August 2018) (DCO Revision 6), compared with:
- 1.1.1 Revision 5 of the DCO which was submitted at Deadline 6 on 3 August 2018. Such changes are explained in Table 1 below; and
 - 1.1.2 the submission version of the dDCO submitted with the Application on 31 October 2017 [APP-016]. Such changes are set out in full at Table 2 below.
- 1.2 The Applicant's revised dDCO Revision 6 provided in word format is document 3.1 (Revision 6) [PoTLL/T2/EX/203]. Two electronic .pdf comparisons have been submitted comparing the changes with:
- 1.2.1 Revision 5 [PoTLL/T2/EX/205] and
 - 1.2.2 the submission version [PoTLL/T2/EX/204].
- #### 2. TABLE 1 - CHANGES TO THE DRAFT DCO REVISION 6 COMPARED TO REVISION 5
- 2.1 In broad terms the changes made in the latest dDCO have been made for the following reasons:
- 2.1.1 changes agreed with Interested Parties; and
 - 2.1.2 other points which the Applicant has identified as requiring amendment since Revision 5 of the draft DCO was submitted at Deadline 6.

Provision in revised draft DCO and/or issue	Brief description and explanation
General	The Applicant has updated some of the footnotes in order to reflect the approach taken by the Department for Transport in recently made Orders.

Provision in revised draft DCO and/or issue	Brief description and explanation
Article 2	<p>The Applicant has added the following definitions following consultation with the PLA:</p> <ul style="list-style-type: none"> • "mean high water level"; • "mean high water neaps"; and • "mean high water springs". <p>These definitions have been added in order to tie in with article 3 and in the provisions for the protection of the PLA in Part 3 of Schedule 10.</p> <p>The Applicant has also added the definition of "the highway management contractor" which was originally within the provisions for the protection of Highways England but needs to be in article 2 as it is also now referred to in Schedule 2 to the Order.</p>
Article 3	The Applicant has made some minor changes to this article following further discussions with the PLA. Changes have been made to paragraph (13) where the use of terminology has been corrected.
Article 27	A minor tweak has been made to paragraph (8) of this article in order to improve the way it reads.
Article 28	A minor tweak has been made to paragraph (3) of this article in order to improve the way it reads.
Article 51	The Applicant has amended paragraph (7) of this article following discussions with the PLA. The revised wording now means that the notice required to be given to the PLA, the EA and the MMO in writing includes details of the extent, nature and scope of the functions transferred or otherwise dealt with which relate to the functions of any of those bodies. This is more appropriate wording as it removes any implication that details relating to the deemed marine licence are the only details to be notified to the PLA and the EA.
Schedule 1	A minor tweak has been made to the wording of Schedule 1 at Work 9A(vi) and Work 9C(ii) in order to refer to the rights of way and access plans.
Schedule 2 , requirement 1	A definition of the ecological mitigation and compensation plan has been added to the definitions to reflect its inclusion in requirements 5 and 11.
Schedule 2 , requirement 5	This requirement has been updated in order to add the ecological mitigation and compensation plan and the relevant method statements listed at paragraph 1.
Schedule 2,	This requirement has been updated following discussions between the Applicant and Highways England.

Provision in revised draft DCO and/or issue	Brief description and explanation
requirement 7	
Schedule 2, requirement 11	The ecological mitigation and compensation plan has been added to this requirement in order to require that authorised development must be constructed and operated in accordance with it.
Schedule 9	The deemed marine licence has been updated following further discussions between the MMO and the Applicant. The terms of the DML are now agreed save for the arbitration clause as set out in more detail in the Applicant's closing statement [PoTLL/T2/EX/226].
Schedule 10, Part 4	The provisions for the protection of the Environment Agency have been updated and the form of these provisions is now agreed between the parties. Discussions in respect of the disapplication of s.24 of the Water Resources Act 1991 are still, however, ongoing. The Applicant is of the view that s.24 Water Resources Act 1991 can be disapplied in part by article 3 because dewatering during construction appears to be something that can be covered under the protective provisions. Whilst this issue is yet to be resolved, both parties intend to continue discussions and inform the Secretary of State of any updates in respect of agreement on the matter.
Schedule 10, Part 7	Changes have been made to the provisions for the protection of Thurrock Council as highway authority. These changes reflect amendments agreed between the parties.
Schedule 10, Part 9	The provisions for the protection of Highways England have been updated following further discussions between the Applicant and Highways England.
Schedule 10, Part 10	The provisions for the protection of RWE Generation UK PLC have been updated following further discussions between the Applicant and RWE.
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. The ecological mitigation and compensation plan has been added to this Schedule as it is intended to be a certified document.

3. TABLE 2 - CHANGES MADE TO THE DRAFT DCO DURING THE EXAMINATION

- 3.1 Table 2 below sets out all of the changes made to the original submission version of the dDCO [APP-016] during the course of the examination. The changes are set out alongside the explanation which was given at the time that the change was made in the relevant accompanying explanation of changes document (see Doc ref in the row headers for the relevant document). In some cases changes were made to the same article across multiple revisions of the dDCO, therefore the table below should be read article by article so that the evolution and progression of each article can be tracked; some changes are superseded by subsequent changes to the relevant article.

- 3.2 Each turn of the dDCO (and explanation of changes document) was focused on changes which arose from or were agreed in a particular examination document e.g. a note of changes agreed at a hearing or the Examining Authority's (ExA's) comments on the dDCO. Row 1 of Table 2 therefore sets out such key documents and relevant references.
- 3.3 During the course of the examination, in addition to the changes outline below, the Applicant has made a number of minor changes to the Order including: correcting references; adding full names of statutes; correcting errors, etc. Due to the minor nature of many of these changes, the Applicant has not listed each one individually in the table below as it is considered that such changes are self explanatory. The Applicant is, however, more than happy to assist the Examining Authority's should any further explanation be required.

3.4 **Table 2:**

Provision in DCO	Revision 1 Deadline 1 20 March 2018 Doc ref:[REP1-005]	Revision 2 Deadline 3 30 April 2018 Doc ref: [REP3-004]	Revision 3 Deadline 4.5 18 June 2018 Doc ref: [AS-067]	Revision 4 Deadline 5 6 July 2018 Doc ref: [REP5-046]	Revision 5 Deadline 6 3 August 2018 Doc ref: [REP6-028]]	Revision 6 Deadline 7 16 August 2018 Doc ref: [this document at table 1]
	At this deadline many of the changes made arose from issues raised by the ExA at the DCO Issue Specific Hearing ("ISH") held on 21 February 2018. The ISH agenda referred to is document reference [EV-004]. The Applicant's summary of the DCO ISH held on	At this deadline many of the changes made were agreed and included in the Applicant's Response to Written Representations, Local Impact Reports and Interested Party Responses to First Written Questions submitted at Deadline 2 (the Response to Representations). –	At this deadline many of the changes made arose from and were agreed in the Applicant's Response to the ExA's Second Written Questions [REP4-020].	At this deadline many of the changes made arose from changes agreed at the DCO issue specific hearing held on 28 June 2018 (the DCO ISH). The DCO ISH agenda referred to is document reference [EV-018]. The Applicant's summary of the DCO ISH held on	At this deadline many of the changes made arose from the Applicant's response to the Examining Authority's Response to the Applicant's dDCO Revision 4 (the ExA's response to the DCO). The Applicant's response to the ExA's response to the dDCO revision 4 is document reference [REP6-036].	The relevant changes made at this deadline are set out above in Table 1 and are therefore not repeated in this table.

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	21 February 2018 is [REP1-015].	document reference [REP2-007] .		28 June 2018 is [REP5-015].		
General			References in the dDCO to the River Thames have been made consistent with the way it is described in the Port of London Act 1968 i.e. as <i>“the river Thames”</i> . This was agreed at paragraph 2.8.17ii of the Applicant's Response to the ExA's Second Written Questions.		<p>All references to ‘St Andrew’s Road’ have been amended to ensure that an apostrophe is included. This change was made in response to the question raised by the ExA at point 5.8.14 of the ExA’s response to the DCO.</p> <p>References to <i>“carrying out the authorised development”</i> and its cognates have been replaced with <i>“construction of”</i> and its cognates. These changes have been made in response to the question raised by the ExA at point 5.8.6 of the ExA’s. This</p>	

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					change has therefore been made throughout the Order. The Applicant has also noticed the use of the word " <i>execution</i> " which is used to denote construction work and has replaced this with " <i>constructing</i> " and its cognates accordingly.	
Preamble	This has been amended to reflect that the examination is being carried out by a Panel as opposed to a single appointed person					
Article 2 (interpretation)	Paragraph (1) - A definition of the " <i>limits of dredging plan</i> " has been added in response to the ExA's comments at point		The following changes have been made to this article: (a) the definition of " <i>the extended port limits</i> " and " <i>the</i>	<ul style="list-style-type: none"> The definition of National Grid has been updated in order to refer correctly to 'National Grid 	The following changes have been made to this article: <ul style="list-style-type: none"> the definition of the "<i>harbour master</i>" has been 	

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	<p>41 of the ISH agenda requesting that such a plan is provided in order to show the maximum dredging depths in articles 7(e) and 43.</p> <p>Definitions of “authorised officer”, “the Company Harbour Master” and “the PLA Harbour Master” have been added. This is because “authorised officer” is used in relation to articles 45 and 46 and its definition includes the definitions of the two harbour masters.</p>		<p><i>harbour limits plan</i>” have been amended in order to reflect a change in the name of the plan which is now referred to as “<i>the extended port limits plan</i>”. The plan has been amended and submitted at Deadline 4.5 under document reference [PoTLL/T2/EX/111]. This amendment was made in response to a query from the ExA in respect of the definition of “<i>the extended port limits</i>” where the Applicant agreed to consider the drafting at paragraph 2.8.1ii of the Applicant's Response to the</p>	<p>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).</p> <ul style="list-style-type: none"> • 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). 	<p>removed. This has also meant that a consequential change has been made to article 3(10)(d) and article 42(2) where the term “harbour master” has been replaced by “<i>Company Harbour Master</i>”. This change was made in response to the question raised by the ExA at point 5.8.1 of the ExA’s response to the DCO; and</p> <ul style="list-style-type: none"> • a definition of the • • • • • • 	

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			<p>ExA's Second Written Questions. This change also feeds through to section 2 of Schedule 7 where the terms are defined again in respect of the Port Premises Byelaws;</p> <p>(b) a definition of “<i>National Grid</i>” has been added as it is now mentioned in article 51 as set out in more detail below; and</p> <p>(c) paragraphs (2) and (3) of this article have been amended in order to reflect agreement between the Applicant and the PLA regarding measurements of distances,</p>	<ul style="list-style-type: none"> 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). 	existing river jetty has been added as requested by the PLA and in order to tie in with changes made to article 3, Schedule 1 and Schedule 9 to the Order.	

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			directions and lengths and measurements in metres. These are now to be construed as if the words “ <i>or thereabouts</i> ” were inserted after each distance.			
Article 3 (disapplication of legislation, etc.)	Paragraphs 2 and 3 - this article has been amended to make it clear that the relevant structures are those within the extended port limits and owned by the Company at the date the Order comes in to force.	This article has been amended pursuant to discussions with the PLA and RWE, and in order to aid clarity as to its effect.	This article has been amended as part of ongoing discussions between the Applicant and the PLA and RWE.	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	Amendments have been made to article 3 as agreed between the Applicant and the PLA.	

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Article 4 (application of enactments relating to the Port of Tilbury)	An amendment has been made to this article to provide that the application of the functions under the 1968 Act (which were transferred to the Company by the 1991 Transfer Scheme) to the extended port limits does not apply to functions covered by section 64 (use of Thames Water) of the 1968 Act in respect of the discharge of water to the river Thames.		<p>The following changes have been made to this article:</p> <p>(a) amendments have been made to paragraph (2) and a new paragraph (6) has been added as part of ongoing discussions between the Applicant and the PLA;</p> <p>(b) paragraph (3)(c) has been updated as agreed in paragraph 2.8.3iii of the Applicant's Response to the ExA's Second Written Questions to add "<i>Port of</i>" before "<i>Tilbury</i>"; and</p> <p>(c) as agreed in</p>	<p>functions".</p> <p>This article has been amended following further discussions between the Applicant, the PLA and RWE. 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>	Amendments have been made to paragraph 6 of article 4 as agreed between the Applicant and the PLA.	

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			paragraph 2.8.3iv of the Applicant's Response to the ExA's Second Written Questions, a website link to the General Trading Regulations of the Port of Tilbury (referred to in paragraph (5)) has been added to the footnotes.			
Article 5 (incorporation of the 1845 Act)	This article has been amended in response to ExA's comments at point 14 of the ISH agenda: (a) summary headings in relation to each section to be incorporated have been amended to the heading for that section as set out in the Railway					

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	<p>Clauses Consolidation Act 1845;</p> <p>(b) the definition of "<i>prescribed</i>" has been removed as matters in the DCO are not prescribed by the Order for the purpose of that provision; and</p> <p>(c) the definition of "<i>the railway</i>" has been amended and narrowed as the scope of "any other authorised works" is arguably broader than is strictly necessary.</p>					
Article 6 (development consent granted by the Order)				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		

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				<i>Operational land for purposes of the 1990 Act, renamed Planning legislation)</i> as it considers that the paragraph is better placed within article 47.		
Article 7 (limits of deviation)	This article has been amended to incorporate the limits of dredging plan.		The following changes have been made to this article: (a) a new paragraph (2) has been added in order to clarify what is meant by a reference to a linear or non-linear work. This change was agreed in paragraph 2.8.6i of the Applicant's Response to the ExA's Second Written Questions; (b) paragraph			

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			<p>(1)(d)(ii) has been amended to remove the words: <i>“as may be found to be necessary or convenient”</i> as agreed in paragraph 2.8.6ii of the Applicant's Response to the ExA's Second Written Questions; and</p> <p>(c) paragraph (1)(e) has been amended to remove the word <i>“up”</i> as agreed in paragraph 2.8.6iii of the Applicant's Response to the ExA's Second Written Questions.</p>			
Article 9 (application of the 1991 Act)					A new paragraph (8) has been added to this article in order to confirm that a provision	

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					contained in Part 3 (street works in England and Wales) of the New Roads and Street Works Act 1991 does not apply to the Company or to the street authority in any case where the protective provisions for Thurrock Council (as highway authority) or for Highways England) contain either an equivalent provision or a provision which conflicts with the provision in Part 3.	
Article 10 (construction and maintenance of new, altered or diverted streets)	This article has been updated in response to point 19 of the ISH agenda in order to add the words " <i>or other structure</i> " at paragraph 4 as requested by the ExA.				Two changes have been made to this article: <ul style="list-style-type: none"> paragraph (3) has been amended to provide that agreement with the street authority must be in writing; 	

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	A typographical error has been corrected in paragraph 3.				and <ul style="list-style-type: none"> paragraph (4) has been amended in order to add a maintenance period of 24 months. This change was made in response to the question raised by the ExA at point 5.8.4 of the ExA's response to the DCO. 	
Article 10 (construction and maintenance of new, altered or diverted streets); Article 12 (permanent stopping up and restriction of use of highways and private means of access); and		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]				

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Schedule 4 (permanent stopping up of highways and private means of access and provision of new highways and private means of access)		[REP1-015].and the applicant undertook that it would reflect on the drafting and update the dDCO accordingly.				
Article 11 (classification of roads)			Paragraph (5) of this article has been amended as agreed in paragraph 2.8.9ii of the Applicant's Response to the ExA's Second Written Questions to insert the words " <i>the Thurrock Gazette or any other local newspaper circulating in the area</i> " in order to safeguard against any future demise of this newspaper.			

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Article 12 (permanent stopping up and restriction of use of highways and private means of access			The article has been amended in order to remove the abbreviation “PMA”. The Applicant originally considered that this article should use the abbreviation throughout and indicated in paragraph 2.8.10ii of the Applicant's Response to the ExA's Second Written Questions that the change would be made accordingly. The Applicant has, however, given this further thought and considers that the use of the abbreviation is both unconventional and unhelpful so it has been removed and a full reference to			

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			"private means of access" has been used. Accordingly, Schedule 4 has also been amended to reflect this change.			
Article 14 (access to works)					Article 14(1) has been amended in order to remove the words " <i>for the purposes of the authorised development and</i> " and to insert the word " <i>constructing</i> " between the words " <i>purposes of</i> " and " <i>the authorised development</i> ". This change has been made in response to the question raised by the ExA at point 5.8.7 of the ExA's response to the DCO.	
Article 17 (level crossings)				The Applicant has amended this article in order to remove the text in the final sentence		

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				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 19 (protective works to buildings)			Paragraphs (4) and (5) of this article have been amended in order to bring the drafting in line with the position in the recently-made Silvertown Tunnel Order 2018. The revised drafting makes it clear that if it is reasonably required, the Company may enter and take possession, or exclusive possession, of the building and land or part thereof for the purpose of carrying			

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			out protective works.			
Article 19 (protective works to buildings); and Article 20 (authority to survey and investigate land)					Minor changes have been made to these articles in order to reflect the settled drafting in recently-made Orders including the Silvertown Tunnel Order 2018.	
Article 22 (works in the river Thames: conditions)			This article has been amended following discussions with the PLA: (a) paragraph (6) has been amended to change the time in which the PLA must issue a notice to mariners from “ <i>within 10 business days</i> ” to “ <i>within 12 business days</i> ”, and (b) paragraphs (7) and (8) have been			

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			amended in order to clarify that there will be a deemed refusal if an application is neither given nor refused within 28 business days of the PLA receiving the application under paragraph as opposed to a deemed approval.			
Article 23 (compulsory acquisition of land)				A minor tweak has been made to the wording of paragraph (1) of article 23 in order to improve the way it reads.		
Article 24 (time limit for exercise of powers to acquire land compulsorily or to possess land temporarily)			The heading of this article has been amended as agreed in paragraph 2.8.18 of the Applicant's Response to the ExA's Second Written Questions.			

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Article 27 (private rights over land)		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.				
Article 28 (power to override easements and other rights); and Article 33 (temporary use of		These articles have been updated to refer to “ <i>the Order land</i> ” as opposed to “ <i>land within the Order Limits</i> ”, to ensure that it is				

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land maintaining for the authorised development)		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 32 (temporary use of land for constructing the authorised development)	This article has been amended to correct two typographical errors highlighted by the ExA at points 30 and 31 of the ISH agenda.				The notice period under article 32(2) has been amended from 14 days to 28 days. This change has been made in response to the question raised by the ExA at point 5.8.8 of the ExA's response	

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	This Article has been further amended so that the notice also states the period for which the authority is to take possession. This was suggested by the ExA at point 33 of the ISH agenda.				to the DCO.	
Article 33 (temporary use of land for maintaining the authorised development)	Article 33(5) has been amended in response to the ExA's comments at point 34 of the ISH agenda in order to make it clear that there is a need to remove all temporary buildings that would have been constructed under article 33(1)(c).		This article has been amended at paragraphs (4) and (9) in order to insert the word " <i>temporary</i> " before possession as agreed in paragraph 2.8.22 of the Applicant's Response to the ExA's Second Written Questions.	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 35 (apparatus and rights of statutory			The heading of this article has been updated to refer to			

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utilities in stopped up streets)			<i>“statutory utilities”</i> as opposed to <i>“statutory undertakers”</i> as agreed in paragraph 2.8.24ii of the Applicant's Response to the ExA's Second Written Questions.			
Article 37 (special category land: West Tilbury common land)	Article 37(2)(a) has been amended to make it clear that the replacement land vests in the persons in whom the special category land was vested immediately before it was vested in the Company (if the replacement land is not already vested in those persons). This article has also been amended in response to the	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 West Tilbury Common.			This article has been amended in order to make it clear that the term <i>“rights, trusts and incidents”</i> includes all such provisions contained in or under the Commons Regulation (West Tilbury) Provisional Order Confirmation Act 1893.	

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	ExA's comments at point 36 of the ISH agenda in order to make it clear that there is more than one 'relevant order power'. An additional 'relevant order power' has also been added.					
General changes to Part 3 (powers of acquisition and possession of land) including: Article 23 (compulsory acquisition of land); Article 25 (compulsory acquisition of rights); Article 26 (acquisition of	Articles 25, 26, 30, 31 and Schedule 5 have been updated to take account of the position of the Department for Transport, following the passing of the Housing and Planning Act 2016, set out in the M20 Junction 10a Development Consent Order 2017 as suggested by the ExA at point 77 of the ISH agenda.		These articles and schedules have been updated in order to bring the powers of acquisition and possession of land drafting in line with the position in the recently-made Silvertown Tunnel Order 2018 and the M20 Junction 10a Development Consent Order 2017. A number of drafting changes have also been		The Applicant has given further consideration to the provisions which relate to powers of acquisition and possession of land and has made some additional tweaks to the drafting of Part 3 of and Schedule 5 to the Order. These changes reflect the agreed position in recently-made Orders as well as the changes brought in by the Housing and Planning	

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subsoil or airspace only); Article 27 (private rights over land); Article 30 (modification of Part 1 of the Compulsory Purchase Act 1965); Article 31 (Application of the Compulsory Purchase (Vesting Declarations) Act 1981); and Schedule 5 (modification of compensation and compulsory purchase enactments for the creation of new rights)			made and the Applicant's general approach has been to follow the more recently made Order. There are a few minor differences in the drafting; for example, in article 25 (compulsory acquisition of rights) the reference to section 8 (other provisions as to divided land) of the Compulsory Purchase Act 1965 in connection with the objection to severance procedure has been kept. Section 8 applies Schedule 2A to the Compulsory Purchase Act 1965 (which is necessary), but it		Act 2016.	

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			<p>also includes additional provisions relating to the severance of land which “is not situated in a town or built upon”, such that it has wider application than Schedule 2A does on its own.</p> <p>The Applicant agreed to reconsider the drafting at paragraph 2.8.19 of the Applicant's Response to the ExA's Second Written Questions.</p>			
Article 41 (maintenance of the authorised development and operation of the Company's harbour undertaking)	A minor amendment has been made to this article in order to correct a typographical error highlighted by the ExA in its		Paragraphs (1) and (2) of this article have been amended in order to clarify the purpose and operation of this article. The			

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	comments at point 39 of the ISH agenda.		Applicant originally agreed at paragraph 2.8.28iii of the Applicant's Response to the ExA's Second Written Questions to amend paragraph (2) only; however, having considered the article in full, the drafting has been further amended.			
Article 42 (power to appropriate)			A minor amendment has been made to this article in line 1 of paragraph (2) so that it reads " <i>of any part</i> " instead of " <i>or any part</i> " as agreed in paragraph 2.8.29 of the Applicant's Response to the ExA's Second Written Questions.			
Article 43 (powers to dredge)	A new paragraph (4) has been added		The following amendments have	This article has been amended		

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	to this article following the Applicant's discussions with the MMO. This clarifies that the Order is 'legislation' falling within section 75(3) of the Marine and Coastal Access Act 2009 regarding exemptions for certain dredging activities. This means that the Company will get an exemption from the requirement to obtain a marine licence for maintenance dredging and will therefore benefit from the same exemption as other statutory harbour authorities.		<p>been made to this article following agreement between the Applicant and the PLA:</p> <p>(a) paragraph (3) has been amended in order to confirm that approval is required from the PLA; and</p> <p>(b) paragraph (4) has been amended in order to confirm that the exercise of the powers of the article is subject to the requirements of Schedule 10 as to the PLA's approval of dredging proposals and the payment of compensation for dredged material.</p> <p>(A note in respect</p>	following further discussions between the Applicant and the MMO. The wording of this article now reflects the agreed position between the parties.		

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	This article has also been updated to refer to the limits of dredging plan as above for article 7(e).		of this article was included at section 3 of the explanation of amendments submitted with this revision – document reference [AS-067]).			
Article 45 (byelaws relating to the extended port limits)	<p>This article has been amended to make it clear who has the authority to enforce the port premises byelaws contained in Schedule 7 to the Order i.e. the Company and any authorised officer.</p> <p>Relevant definitions have therefore been added to Article 2(1) as set out above.</p>		<p>This article has been amended:</p> <p>(a) the Applicant has considered the drafting in this article and has removed the words “<i>by the confirming authority</i>” as they are superfluous. The Applicant confirmed in paragraph 2.8.30 of the Applicant's Response to the ExA's Second Written Questions that the confirming authority is the</p>			

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			Secretary of State; and (b) by the addition of new paragraphs (5) and (6) as agreed with the PLA. These new paragraphs clarify that the Company must not make a byelaw so as to conflict with the PLA byelaws and that in the case of conflict with either a PLA byelaw or a direction given by the PLA or the PLA's Harbour Master, the byelaw or direction of the PLA or of the PLA Harbour Master will prevail.			
New Article 46 (fixed penalty notices)	A new article has been added to provide fixed penalty notices for					

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	<p>the port premises byelaws contained in Schedule 7 to the Order. This means that an authorised person can serve a person who has committed an offence under the byelaws with a fixed penalty notice.</p> <p>This article sets out the procedure for serving such a notice as well as how the deposit for such a fixed penalty is to be paid.</p> <p>Section 130 of the Local Government Act 2007 confers on the Secretary of State a power to make regulations prescribing classes of byelaw which could be enforced</p>					

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	through fixed penalty notices and broad precedent for this article is found within the Silvertown Tunnel Order 2018.					
Article 47 (planning legislation) (formerly article 46 in the submission version of the dDCO)					(as outlined above in respect of article 6) 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 51 (consent to transfer benefit of Order)		Paragraph (6) of this article has been updated to ensure that the Port of London Authority	The following amendments have been made to this article:	Drafting changes have been made to paragraphs (1) and (7) of this article. Paragraph (6) of		

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(formerly article 50 in the submission version of the dDCO)		(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.	(a) paragraph (6) of this article has been amended in order to add National Grid Gas as a party who the Secretary of State must consult before giving consent under the article. This was agreed between the Applicant and National Grid Gas; and (b) paragraph (7) of this article has been amended in order to add a requirement to notify the Environment Agency and the PLA as suggested by the ExA and agreed in paragraph 2.8.32ii of the Applicant's	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.		

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			Response to the ExA's Second Written Questions (in its response the Applicant deferred to the PLA's response and the PLA has confirmed that it would like to be notified).			
Article 52 (traffic regulation measures) (formerly article 51 in the submission version of the dDCO)	Article 52 has been amended in response to the ExA's comments at points 45 and 46 of the ISH agenda: (a) 52(4) has been amended to refer to the opening of Work No.3 for operational use - i.e. the RoRo terminal, as this is the first aspect of operations expected to be opened on Tilbury2 - as indicated in	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.	The following amendments have been made to this article: (a) paragraph (1)(b) has been amended to read " <i>other</i> " rather than " <i>others</i> " as agreed in paragraph 2.8.33ii of the Applicant's Response to the ExA's Second Written Questions; (b) paragraph (6)(b) has been amended to remove the			

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	<p>paragraph 5.127 of the ES; and</p> <p>(b) 52(6)(a) has been amended to remove the words “as the case may be” as such words are not required.</p>		<p>words “<i>as the case may be</i>” as they are superfluous in this part of the paragraph. The words “<i>as the case may be</i>” have, however, been reinstated at paragraph (6)(a) (previously removed by the Applicant in Revision 1 of the dDCO) as the words are appropriate given that there is more than one possible consequence of this part of the paragraph.</p>			
<p>Article 57 (consents, agreements and approvals) (formerly article 56 in the</p>	<p>Article 57(4) has been amended in response to the ExA's comments at point 51 of the ISH agenda in order to make it clearer. The</p>		<p>Paragraph (4) of this article has been amended to read “<i>if it had been taken after this Order came in to force</i>” in order to</p>	<p>As agreed at item 3.8.17 of the DCO ISH agenda, the Applicant has amended paragraph (6) by removing the</p>		

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submission version of the dDCO)	Applicant has added a new paragraph at 57(5) in order to make it clear that the deemed approval process under article 57(2) does not apply where an application is made to a relevant authority and the application includes submissions relating to the discharge of an obligation under Part 3 of Schedule 10 (protection for the Port of London Authority).		correct an error as agreed in paragraph 2.8.33ii of the Applicant's Response to the ExA's Second Written Questions.	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 (authorised development)	The Applicant has amended Schedule 1: (a) in order to clarify which elements of the Works to be		The following minor amendments have been made to Schedule 1: (a) to Work No.5 in order to ensure that the CMAT	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	The following changes have been made to this Schedule: • the word "and" has been removed from the first line describing the	

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	<p>authorised by the Order form the Nationally Significant Infrastructure Project and which elements re Associated Development. The Applicant has made further submissions in this point within the CMAT Position Statement included as appendix B to the Applicant's Response to the Examining Authority's First Written Questions (Document Reference: PoTLL/T2/EX/49 [REP1-016]);</p> <p>(b) in response to the ExA's comments at point 53 of the ISH</p>		<p>abbreviation is used as agreed in paragraph 2.8.35iii of the Applicant's Response to the ExA's Second Written Questions;</p> <p>(b) to Work No.9(a)(ii) in order to refer to the correct sheet of the rights of way and access plans as agreed in paragraph 2.8.35v of the Applicant's Response to the ExA's Second Written Questions;</p> <p>(c) to Work No.9(c)(i) and (ii) in order to state "carries" as opposed to "carried" as agreed in paragraph 2.8.35vi of the</p>	<p>wording agreed with the ExA of "comprising".</p>	<p>ancillary works. This change was made in response to the question raised by the ExA at point 5.8.14 of the ExA's response to the DCO; and</p> <ul style="list-style-type: none"> the works have been updated to account for the changes requested by the PLA in respect of the terms used to describe the Anglian Water Jetty and the existing river jetty. 	

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	<p>agenda in order to make it clear that Works (a) – (z) do not fall within Work 12, a new heading has been added for “Ancillary Works”;</p> <p>(c) in response to the ExA’S comments at point 53 of the ISH agenda regarding duplication of works the Applicant has considered such works and has assessed that ancillary works (g) and (l) can be removed as these works duplicate articles 43 and 41(2)(c) respectively. The Applicant considers that the other ancillary works do not include</p>		<p>Applicant's Response to the ExA's Second Written Questions;</p> <p>(d) to Work 10(a) so that it reads “<i>the construction of a new bridge over new highway and new railway (Work No. 9A and Work No. 12) tying into the existing bridge over the London to Tilbury railway line</i>” as agreed at paragraph 2.8.35vii of the Applicant's Response to the ExA's Second Written Questions; and</p> <p>(e) to the description of Ancillary Works to add the words “<i>being</i></p>			

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	<p>duplication and should therefore remain in Schedule 1;</p> <p>(d) in response to the ExA's comments at point 54(i) of the ISH agenda regarding the caveat in subsidiary work (z) relating to ensuring those works should not cause significant adverse effect should apply to all such ancillary works. This caveat has now been added to the text preceding subsidiary work (a) in order to make it clear that this applies to subsidiary works (a) – (z); and</p>		<p><i>development</i> before “<i>consisting of</i>” as agreed between the Applicant and the PLA.</p>			

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	(e) in response to the ExA's comments at 74(e) of the ISH agenda in order to provide the heights of the noise barriers within the draft DCO.					
Schedule 2, requirements general					The Applicant has amended the references to requirements to lower case. This change was made in response to the question raised by the ExA at point 5.8.21 of the ExA's response to the DCO.	
Schedule 2, requirement 1	The interpretation section has been amended to include a definition of the level 3 flood risk assessment addendum which will be certified by the Secretary of State in accordance	A definition of ecological mitigation and compensation plan has been added to this Schedule as this document was submitted at Deadline 2 [REP2-009].	The following amendments have been made to this requirement: (a) the Applicant has updated the definition of AOD in Schedule 2 Part 1 to " <i>means above</i>	<ul style="list-style-type: none"> 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 	The birds monitoring and action plan has been added to this paragraph in order to reflect its inclusion in requirement 11 as a document which the authorised development must be constructed and	

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	with article 58.		<p><i>ordnance datum (Newlyn)</i>". The reference to Newlyn ensures that there is a single reference datum which allows levels to be checked against a national horizontal plane. This accords with the chart datum used by the PLA and was agreed at paragraph 2.8.36 of the Applicant's Response to the ExA's Second Written Questions;</p> <p>(b) the definition of the "<i>ecological mitigation and compensation plan EMCP</i>)" has been removed in order to avoid confusion. As the Applicant</p>	<p>in the Order.</p> <ul style="list-style-type: none"> 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. 	operated in accordance with.	

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			<p>explained in its Deadline 4 submissions, until the EMCP is finalised, Requirement 5 (relating to the off-site compensation) cannot refer to it as it will not be a certifiable document; and</p> <p>(c) the definitions of various documents have been update in order to reflect the most up-to-date versions.</p>			
Schedule 2, requirement 3	<p>Requirement 3 has been amended:</p> <p>(a) in response to the ExA's comments at 63(b) of the ISH agenda to correct a typographical error and confirm that the</p>	<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</p>	<p>A minor amendment has been made to sub-paragraph (1) to read "<i>works have</i>" as opposed to "<i>works has</i>" as agreed at paragraph 2.8.37ii of the Applicant's</p>	<p>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</p>		

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	correct work is 8D(iii); and (b) in response to the ExA's comments at 58 of the ISH agenda to refer to a maximum diameter of 15m for the silo.	the buildings constructed as part of Work Nos. 3(d) and 5(c). 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). 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.	Response to the ExA's Second Written Questions.	identified in Requirement 3(1) (a)-(f) must comply with the 'requirement 3 colour palette' (with this document now being a certified document, as set out above).		
Schedule 2, requirement 5			An amendment has been made sub-paragraph (3) in	As agreed at item 3.8.19 (i) of the DCO ISH agenda,		

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			order state “ <i>provided, managed and maintained</i> ” as agreed in paragraph 2.8.38ii of the Applicant's Response to the ExA's Second Written Questions.	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 requirement 7 2,					This requirement has been amended following agreement between the Applicant and Highways England. The Applicant is content to agree minor improvements which would benefit the	

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					operation of the A13 westbound approach, so resulting in betterment. The Applicant does not, however, accept that the modelled impact is unacceptable without mitigation.	
Schedule 2, requirement 9	Requirement 9 has been amended in response to the ExA's comments at point 66 of the ISH agenda to refer to 'public use' for Work No. 9A, and 'operational use' for Work Nos. 4 and 12.	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.			The headings of requirements 9 and 10 have been amended for the purpose of clarity and ease of comprehending the purpose and scope of the two different requirements.	
Schedule 2, requirement 10	Requirement 10 has been amended:		This requirement has been updated	This requirement has been amended		

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	<p>(a) in response to the ExA's comments at point 67 of the ISH agenda to refer to 'commencement of first operational use' instead of 'the opening';</p> <p>(b) in response to the ExA's comments at point 68 of the ISH agenda in order to include confirmation to the effect that the scheme of mitigation must negate the predicted significant effect; and</p> <p>(c) in response to the ExA's comments at point 69 of the ISH</p>		<p>by the Applicant, reflecting on ongoing discussions with Gravesham Borough Council.</p> <p>A minor amendment has been made to sub-paragraphs (1) and (3) to add the word "inclusive" after "Work Nos 1 to 8" as agreed in paragraph 2.8.40ii of the Applicant's Response to the ExA's Second Written Questions.</p>	<p>following discussions between the Applicant and Gravesham Borough Council.</p>		

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	agenda so that the agreed noise monitoring and mitigation scheme must be implemented.					
Schedule 2, requirement 11					As above. The birds monitoring and action plan has been added to this paragraph in order to reflect its inclusion in requirement 11 as a document which the authorised development must be constructed and operate in accordance with.	
Schedule 2, requirement 12	This requirement has been amended to remove the approval of the MMO regarding the lighting strategy following discussions with the MMO and in response to the					

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	ExA's comments at point 70 of the ISH agenda.					
Schedule 2, requirement 16	Requirement 16(2)(e) has been amended in accordance with the ExA's comments at 72 of the ISH agenda in order to provide clarity over the appeal process.					
Schedule 2, requirement 17	<p>Requirement 17 has been amended in accordance with the ExA's comments at 73 of the ISH agenda.</p> <p>Requirement 17(2) has been amended in order to refer to "significant adverse effects that have not been assessed in the environmental statement" as</p>				<p>The references in requirement 17 have been amended to correctly refer to the relevant paragraph" as opposed to "requirement".</p> <p>This requirement has also been amended to give future flexibility by widening its application to the various documents specified in paragraphs 4 (construction</p>	

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	opposed to "materially new or materially different environmental effects to those assessed in the environmental statement" in order to be consistent with this same qualification elsewhere in the dDCO.				environmental management plan), 5 (off-site mitigation), 6 (terrestrial written scheme of archaeological investigation), 8 (flood risk assessment), 10 (operational noise monitoring and mitigation (receptors)) and 12 (lighting strategy). This approach follows the broader approach adopted in made orders, for example the M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016.	
Schedule 3 (classification of roads etc.)			The subheadings in this Schedule have been amended to lowercase as agreed at paragraph 2.8.43ii		The Applicant has capitalised "Ferry Road". This change was made in response to the question raised by the	

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			of the Applicant's Response to the ExA's Second Written Questions.		ExA at point 5.8.21 of the ExA's response to the DCO.	
Schedule 4 (permanent stopping up of highways and private means of access and provision of new highways and private means of access)			The words " <i>In relating this Schedule 4 to its corresponding rights of way and access plans</i> " have been removed from this Schedule as they are superfluous. This change was agreed at paragraph 2.8.44iii of the Applicant's Response to the ExA's Second Written Questions. This Schedule has also been updated in order to remove the abbreviation PMA as per the changes made to article 12 set out above.	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.	The word "Borough" has been deleted from Thurrock Council. This change was made in response to the question raised by the ExA at point 5.8.23 of the ExA's response to the DCO.	

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Schedule 5 (modification of compensation and compulsory purchase enactments for the creation of new rights)	This Schedule has been amended in order to correct a typographical error in paragraph 3(2).					
Schedule 6 (land of which only temporary possession may be taken)	This Schedule has been updated in relation to the purpose for which plot 03/05 is proposed to be taken.	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 7 (port premises byelaws – the port of tilbury (expansion) byelaws 201[9])	The port premises byelaws have been amended in order to reflect a number of practical changes in order to ensure that they accord with the Applicant's		The following changes have been made to the Port Premises Byelaws: (a) a heading has been added to the Byelaws;		A new paragraph 11 has been added to byelaw 9 (entry on Port Premises). This provides that the Master of every vessel must not refuse any authorised officer entry upon the vessel if the	

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	requirements to regulate Tilbury2 following completion of construction. The level of fines to be levied under Byelaw 4 has been updated to reflect the powers under section 120 of the Planning Act 2008 which means that only fines of up to level 3 on the standard scale may be levied.		(b) as per the change made to article 45 (set out above) the words <i>“by the confirming authority”</i> have been removed; (c) information notes have been added to the Byelaws as agreed with the PLA in order to clarify the area to which they relate and in order to state that the “PLA’s General Directions for Navigation in the Port of London 2016” apply throughout the River, including within the Port Premises. Such notes have been added to Part 5 – Berthing, Mooring		authorised officer has a reasonable suspicion of the contravention of any byelaw or the commission of an offence. This will allow the authorised officer to properly police the byelaws.	

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			<p>and Anchoring, Byelaw 31, Byelaw 35, Byelaw 37, Byelaw 49 and Byelaw 51; and</p> <p>(d) a new paragraph (2) has been added to Byelaw 50 as agreed with the PLA in order to state that in the case of dredging, the Company must not grant permission unless the master will be acting in accordance with plans approved under Part 3 of Schedule 10 to the Order or a licence granted by the PLA under section 73 of the 1968 Act.</p>			
Schedule 8 (traffic regulation)				This Schedule has been updated		

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measures)				following discussions with Thurrock Council and Highways England, as referred to at the DCO ISH.		
Schedule 9 (deemed marine licence)	The deemed marine licence has been amended to reflect the most recent position agreed between the Applicant and the MMO.		The deemed marine licence has been updated following discussions with the MMO. A number of changes have been agreed: (a) condition 3 has been updated to include specific licensable activities due to the practical requirements of the MMO in enforcing the terms of the DML. The grid coordinates for the area of the river Thames within which the licence	The deemed marine licence has been revised following discussions between the Applicant and the MMO.	The deemed marine licence has been updated following further discussions between the Applicant and the MMO. The changes made reflect those agreed between the parties following discussions regarding the MMO's response submitted to the ExA at deadline 5 [REP5-056].	

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			holder may carry out licensed activities have therefore been updated accordingly. The exclusion zone coordinates have also been updated and wording has been added to clarify that this zone only applies to water injection dredging; (b) the old condition 9 in respect of "Access" has been removed as the MMO has a general right of access under the Marine and Coastal Access Act 2009 (" MACAA 2009 ") which it does not usually limit under a DML; and			

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			<p>(c) some minor tweaks to the wording and formatting have been made as agreed in paragraph 2.8.47 of the Applicant's Response to the ExA's Second Written Questions.</p> <p>(In respect of the exemption for maintenance dredging activities from the requirement to have a marine licence where the dredging is carried out by a harbour authority under section 75 of MACAA 2009. – additional information was provided in section</p>			

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			3 of the explanation of amendments made to the dDCO at deadline 4.5 [AS-067]).			
Schedule 10, Part 2 (for the protection of electronic communications code networks)	Part 2 of the protective provisions for the protection of operators of electronic communications code networks have been updated to reflect changes in the law.					
Schedule 10, Part 3 (for the protection of the Port of London Authority)	Part 3 of the protective provisions for the protection of the Port of London Authority have been amended to reflect some of the discussions held and ongoing with the PLA.	Two aspects of the protective provisions for the protection of the Port of London Authority have been updated to reflect the discussions between the parties.	The provisions for the protection of the PLA have been updated following discussions between the Applicant and the PLA. These protective provisions now reflect the agreed position between the parties.			

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Schedule 10, Part 4 (for the protection of the Environment Agency)				The protective provisions for the protection of the Environment Agency have been revised following discussions between the Applicant and the Agency.	The protective provisions for the protection of the Environment Agency have been following discussions between the parties. A new paragraph has been added in order to make it clear that the Company must consult with the EA as soon as reasonably practicable before applying to the PLA for consent to any dredging. The paragraph gives the EA 28 days to respond to the consultation and also makes it clear that nothing else in the protective provisions for the EA applies to dredging carried out under the powers of the Order.	
Schedule 10, Part 5 (for the					In paragraph 57 the words “and	

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protection of Thurrock Council as drainage board)					<i>maintenance</i> ” have been inserted after the word “ <i>construction</i> ”. This reflects the position as agreed with Thurrock Council.	
Schedule 10, Part 6 (for the protection of railway interests)			The provisions for the protection of railway interests have been updated following discussions between the Applicant and Network Rail.	The protective provisions for the protection of railway interests have been updated following discussions between the Applicant and Network Rail.		
Schedule 10, Part 7 (for the protection of Thurrock Council as highway authority) (originally these provisions were together with the provisions for Highways England until Deadline 4.5		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			Changes have been made to the provisions for the protection of Thurrock Council as highway authority. These changes reflect amendments agreed between the parties.	

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when the provisions were split out as explained below)		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 10, Part 9 (for the protection of Highways England)			The previous set of separate protective provisions for the protection of Highways England has been moved to this new place.	The protective provisions for the protection of Highways England following discussions between the Applicant and Highways England.	Changes to the protective provisions for the benefit of Highways England have been made to reflect discussions with Highways England and to make clearer some of the drafting. Consistent with the approach adopted in the Order, the Applicant has replaced the term "carrying out" and its cognates with the word "constructing" and its cognates.	

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					Discussions with HE on some remaining aspects of these protective provisions continue.	
Schedule 10, Part 10 (for the protection of RWE Generation UK PLC)			Provisions for the protection of RWE have been added to the dDCO. These provisions are currently in discussion between the parties.	The protective provisions for the protection of RWE have been updated following discussions between the Applicant and RWE.	Changes to the protective provisions for the benefit of RWE have been made following discussions between the parties.	
Schedule 10, Part 11 (for the protection of Cadent Gas Limited)			Provisions for the protection of Cadent Gas Limited as gas undertaker have been added.	The protective provisions for the protection of Cadent Gas Limited as gas undertaker have been updated following discussions between the Applicant and Cadent Gas Limited.		
Schedule 10, Part 12 (for the protection of			Provisions for the protection of National Grid as	The protective provisions for the protection of		

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National Grid as electricity undertaker)			electricity undertaker have been added.	National Grid as electricity undertaker been updated following discussions between the Applicant and National Grid.		
Schedule 11 (documents to be certified)	The list of Documents to be certified has been updated to reflect the latest set of drawings and documents and to show version numbers in order to aid the ExA.	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 in order to aid the ExA.	This schedule has been updated to reflect updates to the documents and plans to be certified in accordance with article 58 of the Order.	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.	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.	