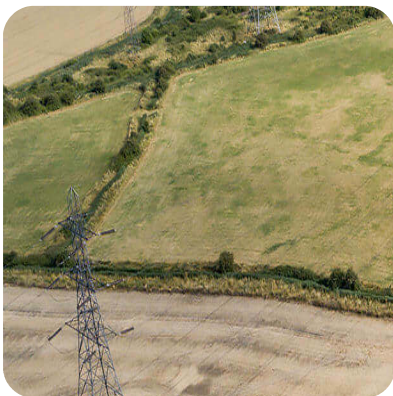


Statement of Common Ground with the Marine Management Organisation

Draft 4: August 2021



1 STATEMENT OF COMMON GROUND

1.1 Introduction

- 1.1.1 This is the Statement of Common Ground between the applicant, Thurrock Power Ltd (TPL), and the Marine Management Organisation (MMO). It relates principally to the deemed marine licence (DML) that TPL has applied for, for which the MMO will be the regulator.

1.2 Matters that are agreed

Sediment sampling for dredging

- 1.2.1 The applicant provided the sediment sampling data in the MMO template on 14 October 2020 and clarified that the lab used for the PAH analysis was Socotec, which holds the relevant accreditation. The applicant provided further clarification on 16 March 2021 that the laboratory used for the particle size analysis (PSA) analysis was Kenneth Pye Associates Limited. MMO can confirm that this laboratory is validated for the analysis of PSA. The applicant also confirmed that the unit for polychlorinated biphenyls (PCB), and organochlorine pesticides (OCP) is 'microgram/kilogram' (µg/kg). An updated template has been provided to the MMO to reflect this. The sediment analysis has been undertaken in accordance with MMO guidelines.
- 1.2.2 The current sediment contamination analysis indicates that water injection dredging (WID) is a suitable dredge method. TPL and the MMO agree that additional sediment sampling in the area of the dredge pocket and at depth (depending on the confirmed dredging depth) is required and will be undertaken prior to construction. Condition 14 of the DML in schedule 8 of the DCO secures additional sediment sampling within the river prior to any construction work commencing, in accordance with a plan to be approved by the MMO in consultation with the PLA.
- 1.2.3 **Inclusion of maintenance dredging within the DML**
- 1.2.4 At the Port of London Authority (PLA)'s request, any maintenance dredging will fall outside the DML and will therefore require a licence. The MMO agrees with the PLA that a separate marine licence must be applied for in addition to any other necessary consents if maintenance dredging details are not confirmed at this stage. Method statements will be prepared and sediment sampling carried out to support such applications as required by that process at the time an application for any maintenance dredging is made.

Although the MMO has suggested that maintenance dredging should be included within the DML, the PLA opposes this and TPL has therefore accepted that it should not be. TPL has agreed with the PLA that a dredging licence will be required for maintenance dredging and would not therefore propose to add this to the DML. TPL has amended article 10 seeking to make it clearer that these licensing requirements will apply to maintenance dredging.

DCO drafting

- 1.2.5 The MMO's comments on drafting are noted with thanks and have been taken into account in drafting the DCO.
- 1.2.6 TP has also decided to make all of the dimensions in Tables 1 and 2 of Schedule 8 in the draft DCO (the DML) into maximum figures rather than have +5% or +10% parameters.

Location of culverts

- 1.2.7 TP confirms that no culverts are proposed within the marine environment.

Bird monitoring plan

- 1.2.8 Requirement 20 deals with bird monitoring for Works 10 and 11. TPL will move this requirement to the DML as the bird monitoring is in the marine rather than terrestrial environment.

Construction Management Plan

- 1.2.9 The MMO have commented that the Construction Management Plan should also be submitted for consultation with Natural England. Natural England will be identified as a consultee in this part of the DML.

Period for determination

- 1.2.10 TPL is concerned that the MMO request for a 6 month determination period is unduly long. While TPL notes MMO's comments, TPL's original drafting was designed to allow for an efficient consultation and decision-making process, akin to what would be expected of a TCPA determination. The MMO recognises the concerns from the project team and note that a 3-month determination period is reasonable. This is consistent with the period agreed with the PLA.

Habitats Regulations Assessment Report (HRAR) (ref. A5.2, PINS ref. PDC-039)

- 1.2.11 TPL notes the MMO's comments on the HRA. TPL is actively responding to NE's comments on the HRA. The MMO defers to Natural England on this matter.
- 1.2.12 TPL confirms that the primary method of dredging will be by WID, and a back hoe excavator may also be used to remove some material for disposal in at a licensed location onshore (in the terrestrial environment).
- 1.2.13 There are no proposals for gas pipeline infrastructure in the marine environment.

Tentacled lagoon worm

- 1.2.14 The MMO advises that the applicant engages with Natural England with regard to protected species in Natural England's role as the Statutory Nature Conservation Body but not with regard to licensing. The MMO's Marine Conservation Team is responsible for wildlife licensing..

Seasonal restrictions on working and conditions relating to breeding and wintering birds etc

- 1.2.15 Following submission of further bird impact analysis and agreement from Natural England that this is sufficient, it is agreed that these restrictions are not required.

Marine written scheme of investigation" and marine archaeological monitoring

- 1.2.16 These have been separated from the terrestrial WSI and are secured in the DML rather than through the requirements. The MMO welcomes the amendment of the approach the archaeology control to include within the DML a condition securing the marine written scheme of investigation (WSI).

Arbitration

- 1.2.17 The DML provides that arbitration does not apply to that licence (paragraph 23 of schedule 8 of the DCO). This resolves the MMO's concern.

1.3 Matters that are not agreed

- 1.3.1 The MMO have submitted at Deadline 6 (REP6-024 Deadline 6 Submission - Comments on responses submitted for Deadline 5) that:

With regard to Schedule 8 Part 3 (20) (2) – The MMO note that this has remained although note that there have been some amendments to the wording. The MMO still object to this as it impacts our ability as regulator and is not in accordance with standard marine licences. Please refer to previous responses for further detailed comments (e.g. REP3-022).

- 1.3.2 TPL defined this time period following discussion with the MMO in which they advised 13 weeks was the appropriate period for considering such applications. TPL needs some certainty on timing period to allow it to programme this work as DML discharges will require to be undertaken

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alongside and in parallel to requirement discharge. TPL does not accept that this interferes with the MMO's ability as a regulator.

Signed for and on behalf of the MMO:

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Name

Title

Date

Signed for and on behalf of Thurrock Power Limited

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Name

Title

Date