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To All Interested Parties

Your Ref:

Our Ref: EN010082

Date: 4 July 2018

Dear Sir/Madam

**Planning Act 2008 (as amended) and The Infrastructure Planning
(Examination Procedure) Rules 2010 (as amended) – Rule 9**

**Application by Sembcorp Utilities (UK) Limited for an Order Granting
Development Consent for the Proposed Tees CCPP Project**

**Applicant's Proposed Changes to the Original Application and the
Cancellation of the Hearings reserved in the Examination Timetable for 14
and 15 August 2018**

I refer to the Applicant's request dated 2 May 2018 [AS-007] for the following changes to the original application:

- An increase in the maximum height of the turbine hall buildings from 25 metres ('m') to 32 m;
- An increase in the maximum height of the heat recovery steam generator ('HRSG') buildings from 44 m to 45 m.

The turbine hall and HRSG buildings comprise Work No. 1A (a) and Work No. 1A (b) of the draft DCO [APP-005]. The original maximum heights (25 m and 44 m respectively) were set out in Schedule 2, Requirement 4 of the draft DCO. A revised draft DCO incorporating the requested change was submitted by the applicant [AS-018].

I have considered the material submitted by the Applicant, including the additional environmental information submitted with the requested changes [AS-001 – AS-025], comments received in response to my letter to interested parties and other statutory bodies dated 8 June 2018 [PD-011] and the response to the wider consultation carried out by the applicant as detailed in the 'Proposed Non- Material Change – Consultation Report' [AS-027].

Advice on the assessment of whether a proposed change is material is set out in paragraph 2.1 of the Planning Inspectorate's Advice Note 16 *'How to request a change*

that may be material'. There is no legal definition of what is material, but the tests to apply are whether the change is substantial, or whether the development now being proposed is not in substance that which was originally applied for. The assessment is a matter of planning judgement which may be based on criteria including, for example, whether the change would generate any new or different likely significant effects, and whether an extension to the order land would be required.

The requested changes do not involve an extension to the order land. Having regard to the material submitted by the applicant and the consultation responses received I am satisfied that the proposed changes would not give rise to any new or different likely significant effects in respect of impacts on air quality, noise, cultural heritage and human health. With regard to visual impact, the proposed change in height for the turbine hall buildings from a maximum of 25 m to a maximum 32 m is a material change in my judgment, involving an increase of approximately one third in the potential maximum height of a significant element of the proposal.

However, the applicant has undertaken a thorough programme of consultation and associated publicity in respect of the proposed change. Of the responses received, all but one were neutral or expressed no objection. One letter of objection was received from a local resident. Whilst objecting to the increased height and visual impact of the buildings, the weight of this objection was to the principle of the development in this location with reference to problems experienced with the previous power station on the site. The clear majority of consultation responses indicated that the changes would not result in any new or different likely significant effects.

In my judgment, the requested changes are not of such significance as to amount to a form of development which is substantially different to that which was originally applied for. Given that the proposed changes have been advertised and placed on deposit, accepting them for examination as part of the proposed development would not result in prejudice to any interested party. Accordingly, I conclude that the proposed changes to the draft DCO can be accepted for consideration in the examination as part of the proposed development.

I also wish to inform all Interested Parties that I do not intend to hold the two Issue Specific Hearings scheduled for Tuesday 14 and Wednesday 15 August 2018.

Yours sincerely

David Richards
Examining Authority

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