



## Other Consents and Licenses

### Thurrock Flexible Generation Plant

Application document number A7.7

APFP Regulations reference 5(2)(q)



## A7.7 OTHER CONSENTS AND LICENSES STATEMENT

### Document status

| Version | Purpose of document                   | Authored by | Reviewed by   | Approved by | Review date |
|---------|---------------------------------------|-------------|---------------|-------------|-------------|
| V1      | Details of Other Consent and Licences | Jon Brier   | Dan Smyth     | -           | -           |
| V2      | Details of Other Consent and Licences | RPS         | Paula McGeady | Tom Dearing | 19/02/20    |

### Approval for issue

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19 February 2020

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# 1 INTRODUCTION

- 1.1.1 This Other Consents and Licenses Statement has been prepared as part of the application by Thurrock Power Ltd (the Applicant) for a Development Consent Order (a DCO), that has been submitted to the Secretary of State (the SoS) for Business, Energy and Industrial Strategy (BEIS), under section 37 of the Planning Act 2008 (the PA 2008), in respect of the proposed development (the Application).

## 1.2 Thurrock Power Ltd

- 1.2.1 Thurrock Power is a subsidiary of Statera Energy Limited, a private British company that develops, builds and operates flexible electricity generating plant in the UK.
- 1.2.2 Statera Energy was established with the aim of delivering increased flexibility for the UK electricity system to assist in the transition to a low carbon economy in the expectation that renewable energy sources, such as solar and wind, will become the dominant form of generation of the future.
- 1.2.3 Thurrock Power will be a fully integrated developer, owner, and operator of the proposed Thurrock Flexible Generation Plant.
- 1.2.4 Thurrock Power proposes to develop a flexible generation plant on land north of Tilbury Substation in Thurrock. The flexible generation plant will provide up to 600 megawatts (MW) of electrical generation capacity on a fast response basis when called by the National Grid, together with up to 150 MW of battery storage capacity.
- 1.2.5 The proposed development falls within the definition and thresholds for a Nationally Significant Infrastructure Project (an NSIP) under sections 14 and 15 of the PA 2008.
- 1.2.6 Section 37 of the Planning Act 2008 sets out the requirements for the necessary accompanying documents specified in the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009. An other consents and licenses document is not required but is recommended within paragraph 45 of the Department for Communities and Local Government Planning Act 2008: Application Form Guidance (June 2013):
- "Where the proposed development will also require other consents, licences, permits, etc, to enable it to be constructed and/or operational, and for which the Secretary of State is not the authorising body under the Planning Act, then the applicant must list and briefly describe these in Box 24. Reference should be made to any that have already been applied for, and a copy enclosed of any that the applicant may already be in the possession of. Such other consents could be required for controlling pollution, for example."*
- 1.2.7 While the principal consent for the Thurrock Flexible Generation Plant will be in the form of the DCO, this may need to be supplemented by other applications. This document identifies in Table 1.1 other consents, agreements and licences which are likely to be required in addition to those being requested as part of the DCO.
- 1.2.8 In particular, other consents are required for control of pollution, including the Environmental Permit to operate the installation, which will regulate emissions to air, water and land, noise, energy efficiency and use of Best Available Techniques,

including the choice of technology and operator management techniques. The Environment Agency will also regulate greenhouse gas emissions through the Greenhouse Gas Permit.

- 1.2.9 This document will be updated as appropriate or if other licenses or consents are obtained prior to determination of the DCO application.

### 1.3 Site Description

- 1.3.1 The proposed development site is located on land south west of Station Road near Tilbury, Essex. The British National Grid coordinates are TQ662766 and the nearest existing postcode is RM18 8UL. It is within the administrative area of Thurrock Borough Council (TBC) and lies in the Thurrock Green Belt.
- 1.3.2 The application boundary and location of the proposed development are shown in the Location and Order Limits Plans.
- 1.3.3 The main development site for the generating plant and battery storage facility currently comprises open fields crossed by drainage ditches and three overhead power lines with steel lattice electricity pylons. Land for access routes (including causeway for barge deliveries during construction) and connections to the gas and electricity grid within the Order Limits comprises farm land, previously developed industrial sites, and the north bank of the River Thames.

### 1.4 The Proposed Development

- 1.4.1 In overview, the proposed development comprises the construction and operation of:
- reciprocating gas engines with an electrical output totalling 600 MW;
  - batteries with an electrical output of 150 MW and storage capacity of up to 600 MWh;
  - gas and electricity connections;
  - creation of temporary and permanent private access routes for construction haul and access in operation, including a causeway for barge deliveries; and
  - creation of exchange Common Land and habitat creation or enhancement for protected species translocation and biodiversity gain.

**Table 1.1: Summary of Potential Other Consents**

| Nature of Consent |   | Key Legislation  | Consenting Authority   | Status/Comment  |
|-------------------|---|--|--|---|
| 1.                | Electricity Generation Licence  | Electricity Act 1989   | Office and Gas and Electricity Markets (OFGEM)   | Required at the operational stage of the Project in relation to generating activities. Thurrock Power are in the process of applying for this licence.  |
| 2.                | Bilateral Connection Agreement<br>To connect the project to the National Electricity Transmission System                  | N/A - Commercial Agreement   | National Grid  | The Applicant has secured a connection agreement and construction agreement with National Grid Electricity Transmission (NGET) for a grid connection to the 275kV network at Tilbury. As part of the connection process The Applicant has entered into a suite of contracts with National Grid. The two main contracts with National Grid are: The Bilateral Connection Agreement (BCA) and the Construction Agreement. |
| 3.                | Building Regulations approval   | Building Regulations 2010  | Thurrock Council   | Applications will be made following grant of the DCO if the regulated activities are confirmed to be required within the Order Land.  |
| 4.                | Environmental Permit  | The Environmental Permitting (England and Wales) Regulations 2016  | Environment Agency   | The Applicant currently intends to make the Environmental Permit application after granting of the DCO  |
| 5.                | Health and Safety related consents  | Health and Safety at Work Act 1974 and subsidiary legislation (including the Pressure Systems Safety Regulations 2000 and the Dangerous Substances and Explosive Atmospheres Regulations 2002) | Health and Safety Executive (HSE)  | Applications to be made by nominated contractor or operator, as applicable, prior to commencement of operation. Gas pipeline inventory would be below threshold for COMAH.  |
| 6.                | Permit for transport of abnormal loads<br>For delivery by road of loads that fall outside standard practice (if required) | Road Vehicles (Authorisation of Special Types) (General) Order 2003 or with authorisation from the Secretary of State under the Road Traffic Act 1988  | Department for Transport, Highways Agency, Local Highway Authority or the police and bridge owners (if any) as appropriate | Applications to be made by nominated contractor prior to commencement of construction, where required.  |

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| 7.  | GHG Emissions Permit  | Greenhouse Gas Emissions Trading Scheme Regulations 2012 as amended by The Greenhouse Gas Emissions Trading Scheme (Amendment) (No. 3) Regulations 2019 | Environment Agency                    | The application will be progressed in parallel with the Environmental Permit application, prior to operation.  |
| 8.  | Safety Regulations Compliance - General   | Pipelines Safety Regulations 1996<br>Gas Safety (Management) Regulations 1996   | HSE                                   | Application will be made by the contractor before pipeline construction commences.   |
| 9.  | Section 38<br>This is required for any assets connecting to the highway.  | Highways Act 1980   | Thurrock Council                      | Not currently expected to be required. However, if this needed, applications will be made by nominated contractor prior to commencement of construction where required.          |
| 10. | Planning (Hazardous Substances) Consent   | Planning (Hazardous Substances) Act 1990  | Thurrock Council                      | Applications for HSC can be made prior to operation. Volumes of hazardous substances to be stored on site are below the HSC threshold so this is not anticipated to be required. |
| 11. | Water abstraction licence(s) for the abstraction of water during construction   | Water Resources Act 1991  | Environment Agency                    | Not currently anticipated; however, if required, applications to be made by contractor before construction starts.   |
| 12. | Request for Non-domestic Water Supply   | Water Industry Act 1991   | Essex and Suffolk Water/Water utility | Application to be made after the DCO has been submitted and prior to construction of the water supply connection.  |
| 13. | Notification of Construction Project.<br>A construction project is notifiable if the construction work is expected to last longer than 30 working days and have more than 20 workers working at the same time at any point on the project, or exceed 500 person days. | Construction (Design and Management) Regulations 2015   | HSE                                   | Application to be made before construction starts.   |
| 14. | Water Vole conservation licence   | Wildlife & Countryside Act  | Natural England                       | Applied for by developer (the licence holder), with a named ecologist.<br>Normally applied for post-consent.   |

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|     |  |   |                         |  |
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|     |  | (1981 and as amended)   |                         | Natural England has indicated in discussions undertaken for this project that they would consider issuing a licence ahead of DCO consent provided that the licence would provide an overall net benefit for water voles.   |
| 15. | GCN mitigation licence   | Conservation of Habitats and Species Regulations 2017           | Natural England         | Applied for by developer (the licence holder), with a named ecologist.<br>Potentially required to erect fencing and exclude GCN from access road construction in Zone C and gas main installation in Zones C/D within 500m of GCN population in Low Street Pit LWS.<br>Licences will only be granted after the DCO is issued and will be applied for post-consent. |
| 16. | Planning and Advanced Reservation Capacity Agreement (PARCA)<br>For the supply of natural gas to the power plant National Grid | N/A - Commercial Agreement                                      | National Grid           | To be progressed after the DCO has been made.  |
| 17. | Network Exit Agreement<br>Technical and operational conditions for the connection point to the National Transmission System    | N/A - Commercial Agreement                                      | National Grid           | To be progressed, after the DCO application has been made, but before the DCO is granted.  |
| 18. | Water impoundment licences for the abstraction of water during construction  | Water Resources Act 1991  | Essex and Suffolk Water | Not currently anticipated; however, applications to be made before construction starts if required.  |
| 19. | Section 16 consent for the deregistration and exchange of common land  | Commons Act 2006  | Planning Inspectorate   | A separate application for this consent will be made after the DCO has been submitted.   |
| 20. | Section 38 consent for the temporary use of common land for installation of small stretch of the gas pipeline                  | Commons Act 2006  | Planning Inspectorate   | A separate application for this consent will be made after the DCO has been submitted, if required. It is possible that this will not be required if a trenchless construction technique may avoid affecting the common in question.   |
| 21. | Waste Recovery Permit  | The Environmental Permitting (England & Wales) Regulations 2016 | Environment Agency      | If needing to excavate and move/dispose of material that is within a permitted landfill boundary (which may be the case for the access road at the location of former landfill for disposal of pulverised fuel ash (PFA) from Tilbury B Power Station,   |



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|     |  |                               |                  | depending on status of current PFA mining and land-raising being undertaken in that area.                |
| 22. | Section 61 consent<br>Control of noise on construction sites | Control of Pollution Act 1974 | Thurrock Council | Applications may be made by the nominated contractor a minimum of 28 days before construction commences. |