

Dear Sirs

EN010092: Thurrock Flexible Generation Plant

Procedural Deadline D Submission on behalf of RWE Generation (UK) Plc

We are acting for RWE Generation (UK) Plc ("RWE") in relation to the application for Development Consent for the above project.

Comments on Further Information submitted by the Applicant

We note that the revised documents submitted by the Applicant for Deadline C introduce a non-material change involving the removal of 2.2 hectares from the Order Limits (being approximately half of plot 01/20, owned by RWE) where habitat enhancement had been proposed as part of Work No 2. RWE welcome the removal of this habitat creation from its land at plot 01/20.

We note that an equivalent amount of habitat creation is now proposed at an alternative location within the existing Order Limits at plots 01/17 and 02/06. The Book of Reference includes RWE as category 2 owners in respect of plots 01/17 and 02/06. Our initial review suggests that RWE do not have an interest in this land; however, we are continuing to investigate this point and any impact of the revised proposals on RWE.

Objection

Despite being the removal of part of plot 01/20 from the Order limits and RWE being generally supportive of the principle of the proposed Development, RWE maintains its objection in relation to the following:

1. the extensive access rights that the applicant seeks to impose on RWE's landholding through compulsory acquisition powers, which could prevent the future development of the Site; and
2. the proposals for a causeway adjacent to the Site. RWE will continue to work with the Applicant to seek to reach a voluntary agreement to enable the construction and operation of the Development. However, it will strongly resist the compulsory acquisition of land and rights over land which RWE owns and requires for development purposes.

To protect RWE's existing property interests and future plans for the development of its Site suitable protective provisions should also be incorporated into the DCO.

RWE reserves the right to make further representations and provide written evidence as well as attend future hearings.

Preliminary Meeting

Whilst RWE wish to attend the Preliminary Meeting to understand the application issues fully, it is currently anticipated that RWE will not need to be heard orally at this meeting and will be able to cover any issues in the Examination hearings. However, RWE would like to reserve its position to speak if required.

Please do not hesitate to contact us if you require anything further.

Yours faithfully,

Eversheds Sutherland (International) LLP