National Infrastructure Planning Temple Quay House 2 The Square Bristol, BS1 6PN Customer Services: 0303 444 5000

e-mail: ThurrockFPG@planninginspectorate.

gov.uk

To Interested Parties, Statutory Parties and Other Persons invited to the Preliminary Meeting

Your Ref:

Our Ref: EN010092

Date: 16 February 2021

Dear Sir/ Madam

The Planning Act 2008 – Section 89
The Infrastructure Planning (Examination Procedure) Rules 2010 – Rules 8 and 9

Application by Thurrock Power Limited for an Order Granting Development Consent for the Thurrock Flexible Generation Plant project

Procedural Decision to close the Preliminary Meeting in writing, Examination Timetable and Procedure

Procedural Decision on Preliminary Meeting

I write further to my letter dated 2 November 2021. Having considered the further information provided by Applicant at Procedural Deadline C and the comments made by Interested Parties (IPs) at Procedural Deadline D, I have decided that there are no further procedural matters which need to be explored orally. As a result, and in accordance with paragraph 7.5 of the Planning Inspectorate's <u>Advice Note 8.6</u> 'Virtual Examination Events', I am satisfied that there is no need to reconvene the Preliminary Meeting and have made the Procedural Decision to close the meeting in writing, effective immediately.

This means that a virtual meeting (PM Part 2) will no longer be held and the Examination will now start.

Examination Timetable and Procedure

This letter provides you with the Examination Timetable, details of the publication of my Written Questions and other important information about the Examination.

All documentation associated with this project, including a note of the Preliminary Meeting and the digital recording taken at that meeting, can be found using this link:



https://infrastructure.planninginspectorate.gov.uk/projects/south-east/thurrock-flexible-generation-plant/?ipcsection=docs

As set out in my Rule 6 Letter, dated 21 September 2020, the Planning Inspectorate must follow Government advice and adhere to the restrictions in place, and so I currently anticipate holding all hearings virtually. For further information on how events are held and managed virtually please view the Planning Inspectorate's <u>Advice Note 8.6</u> 'Virtual Examination Events' or contact a member of the Case Team on the contact details above.

The Examination Timetable

I have made a Procedural Decision about the way the application will be examined. The final Examination Timetable is attached at **Annex A**.

The Examination Timetable replaces the draft Examination Timetable included in my letter dated 2 November 2020. However, in finalising the Examination Timetable, I note that no written submissions were received on any changes considered necessary to the draft Examination Timetable by Procedural Deadline D. I have therefore taken the Procedural Decision to confirm the draft timetable with only minor modifications. Further information on these modifications can be found in **Annex B**.

Please note that the Examination Timetable contains a number of deadlines for receipt of information by the Planning Inspectorate. All deadlines are at 23:59 on the date specified. Please ensure submissions arrive by the deadline. If you do not make your submissions by the dates specified in the timetable, I may disregard them.

I request that IPs send, where practicable, electronic copies of their submission as email attachments to ThurrockFPG@planninginspectorate.gov.uk on or before the applicable deadline. Electronic attachments should be clearly labelled with the subject title and not exceed 12MB for each email. Providing links to websites where your submissions can be viewed is not acceptable. All submissions must be made in a format that can be viewed in full on the National Infrastructure Planning website.

If I consider it necessary to vary the Examination Timetable during the Examination, notification will be sent to all those invited to the Preliminary Meeting. The changes will be published on the Thurrock Flexible Generation Plant project page of the National Infrastructure Planning website.

Other Procedural Decisions

Annex B contains important details and clarifications about my other Procedural Decisions made following Procedural Deadline D. These include:

- The Examination Timetable
- Examining Authority's Written Questions (WQs); and
- Accompanied Site Inspection (ASI)

Written Representations



All Interested Parties are now invited to submit Written Representations (WRs) and any comments on the Relevant Representations already submitted. These should be submitted by **Deadline 2 (Tuesday 23 March 2021)** in the Examination Timetable (**Annex A**).

WRs can cover any relevant matter and are not restricted to the matters set out in my Initial Assessment of Principal Issues discussed at the Preliminary Meeting and included in my Rule 6 letter¹. Nor are they restricted to the content of my Written Questions (see below).

Any person, other than the Applicant, who submits a Written Representation must identify those parts of the application with which they agree and those parts with which they do not agree, explaining the reasons why². Interested Parties should also provide with their Written Representations "the data, methodology and assumptions used to support their submissions"³.

Any WRs, and any further written submissions requested by the ExA in the course of the Examination which exceed 1500 words should also be accompanied by a summary which should not exceed 10% of the original text. The summary should set out the key facts of the written submission and must be representative of the submission made.

ExA's Written Questions

I have compiled Written Questions (WQ) about the application and the representations received so far. These questions are published on the National Infrastructure Planning website and can be accessed through the following link:

https://infrastructure.planninginspectorate.gov.uk/document/EN010092-001000

Answers to my WQs must be provided by **Deadline 2 (Tuesday 23 March 2021)** in the Examination Timetable (**Annex A**).

If you require an editable word or hard copy of my WQs, please contact the Case Team who will send you a copy.

Hearings

The Examination Timetable at **Annex A** includes periods of time reserved for any hearings to be held, and I will notify all IPs of any hearings scheduled as part of the Examination at least 21 days in advance of them taking place. That notification will include an additional deadline for IPs to inform the Planning Inspectorate if they wish to attend the notified hearing(s).

² Required under Rule 10(4) of The Infrastructure Planning (Examination Procedure) Rules 2010

 $^{^{3} \ \}underline{\text{https://www.gov.uk/government/publications/planning-act-2008-examination-of-applications-for-development-consent}$



¹ Rule <u>6 letter</u>

Annex C provides details about what IPs should include in a request to be heard at a hearing, and the procedure that will be followed at hearings.

Accompanied Site Inspection

Information about a possible ASI is contained in **Annex B**.

Availability of application documents and representations submitted to the Examination

All documentation and digital recordings associated with the examination of this application can be found using this link:

https://infrastructure.planninginspectorate.gov.uk/projects/south-east/thurrock-flexible-generation-plant/?ipcsection=docs

Annex D provides details of locations in the vicinity of the Proposed Development at which all Examination documents can be viewed electronically, free of charge.

Advice to IPs about how to access and navigate the Examination Library is also provided at **Annex D**.

Your status in the Examination

You have received this letter because you fall within one of the groups described in this FAQ document:

https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2019/02/Status-faq.pdf

If your reference number begins with 2002, or THUR-AP you are in Group A. If your reference number begins with THUR-SP you are in Group B.

If having read the FAQ document published at the link above you are still unsure about your status, please contact the Case Team using the details at the top of this letter.

Award of costs

You should be aware of the possibility of the award of costs against parties who behave unreasonably.

To assist understanding of what 'unreasonable behaviour' means in the context of an Examination under the PA2008, you may find it helpful to read the government guidance 'Awards of costs: examinations of applications for development consent orders' (July 2013)⁴. It is in everyone's interest that information is brought forward as early as possible in the examination process so you are encouraged to do so.

disability
confident

⁴ https://www.gov.uk/government/publications/awards-of-costs-examinations-of-applications-for-development-consent-orders

Management of information

The Planning Inspectorate has a commitment to transparency. Therefore, all information submitted for this project (if accepted) and a record of any advice which has been provided, is published at:

https://infrastructure.planninginspectorate.gov.uk/projects/south-east/thurrock-flexible-generation-plant/

Please note that in the interest of facilitating an effective and fair examination, we consider it necessary to publish some personal information. To find out how we handle your personal information, please view our Privacy Notice.

I look forward to working with all parties in the examination of this application.

Yours faithfully

Rory Cridland

Rory Cridland Examining Authority

Annexes

- **A** Examination Timetable
- **B** Procedural Decisions made by the Examining Authority
- **C** Requests to appear and procedure to be followed at hearings
- **D** Availability of representations and application documents

This communication does not constitute legal advice.

Please view our Privacy Notice before sending information to the Planning Inspectorate.



Examination Timetable

The Examining Authority (ExA) is under a duty to **complete** the examination of the application by the end of the period of six months beginning with the day after the close of the Preliminary Meeting.

	Matters	Due Dates
Items 1-6	Items 1-4 of the draft Examination Timetable published in Annex C of the Rule 6 letter have already occurred. They are not repeated here. Items 5-6 of the draft Examination Timetable published in Annex C of my letter dated 2 November 2021 have already occurred. They are not repeated here.	N/A
7.	Close of Preliminary Meeting	Tuesday 16 February 2021
8.	 Issue by the ExA of: Examination Timetable; The ExA's Written Questions (ExQ1). 	As soon as practicable after the close of the Preliminary Meeting
9.	 Deadline 1 Notification of wish to speak at any Issue Specific Hearing(s); Notification of wish to speak at any Compulsory Acquisition Hearing(s); Notification of wish to speak at an Open Floor Hearing; Submission by the Applicant, Interested Parties (IPs) and Affected Persons (APs) of suggested locations for the ExA to include in any Unaccompanied Site Inspections (USIs) or Accompanied Site Inspections (ASIs), including the reason for nomination and issues to be observed, information about whether the location can be accessed using public rights of way or what access arrangements (if any) would need to be made, and the likely time requirement for the visit to that location¹; 	Tuesday 2 March 2021

¹ Please note: an ASI can only go ahead if Government guidance on COVID-19 at that time permits. In the event it cannot be undertaken as a physical visit, alternative approaches (including the use of technology) will be explored, and all participants will be notified.

10.	 Notification by Statutory Parties and certain Local Authorities who wish to be considered as an IP; Notification of wish to have future correspondence electronically; Any other information requested by the ExA for submission at Deadline 1. Deadline 2 Deadline for receipt by the ExA of: Responses to ExQ1; Local Impact Reports (LIRs) from Local Authorities; Written Representations (WRs) including summaries of all WRs exceeding 1500 words; Comments on Relevant Representations; Comments on Procedural Deadline D submissions; Statements of Common Ground (SoCG) requested by the ExA; Statement of Commonality of SoCG; The Compulsory Acquisition (CA) Schedule; Comments on any Additional Submissions accepted by the ExA; A Guide to the Application; Any other information requested by the 	Tuesday 23 March 2021
11.	ExA for submission at Deadline 2. Time reserved for issue by the Examining Authority of • Any notification of hearings.	Monday 29 March 2021
12.	 Deadline 3 Deadline for receipt by the ExA of: Comments on WRs; Responses to comments on RRs; Responses to comments on Procedural Deadline D submissions; Comments on responses to ExQ1; Comments on LIRs; Comments on other submissions for Deadline 2; The Applicant's draft ASI arrangements and itinerary (if required); Progressed SOCG and updated Statement of Commonality of SOCG; 	Monday 12 April 2021

	 An updated Guide to the Application; An updated version of the draft Development Consent Order (dDCO) in clean and tracked versions; Schedule of changes to the dDCO; An updated CA Schedule in clean and tracked versions; Any other information requested by the ExA for submission at Deadline 3. 	
13.	Hearings	Week
	Dates reserved for any:	Commencing 26 April 2021
	 Issue Specific Hearing(s) (if required); Compulsory Acquisition Hearing(s) (if required); Open Floor Hearing(s) (if required). 	20 April 2021
14.	Reserve dates for Hearings	Week
	Reserve dates for any Hearing should they not take place on w/c 26 April 2021.	Commencing 3 May 2021
15.	Deadline 4	Monday 17 May
	Deadline for receipt by the ExA of:	2021
	 Comments on responses submitted for Deadline 3; Written summaries of oral submissions made at any Hearings held during the weeks commencing 26 April 2021 or 3 May 2021; Comments on the Applicant's draft ASI arrangements and itinerary²; Any post-Hearing notes requested at the Hearings; An updated Guide to the Application; An updated version of the dDCO in clean, tracked and word versions; An updated Schedule of changes to the dDCO; An updated Compulsory Acquisition Schedule in clean and tracked versions; Progressed SoCG and updated Statement of Commonality of SOCG; 	

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² Please note: an ASI can only go ahead if Government guidance on COVID-19 at that time permits. In the event it cannot be undertaken as a physical visit, alternative approaches (including the use of technology) will be explored, and all participants will be notified.

16.	Publication by the ExA of:Further Written Questions (ExQ2) (if required).	Tuesday 1 June 2021	
17.	Time reserved for issue by the Examining Authority	Monday 7 June 2021	
18.	Any notification of Hearings and ASI.		
10.	Deadline 5	Monday 14 June 2021	
	Deadline for receipt by the ExA of:	2021	
	 Responses to ExQ2; Comments on submissions for Deadline 4; Any information requested by the ExA under Rule 17 of the Examination Rules to assist with the preparation of Hearings scheduled for weeks commencing 5 July 2021 and/or 12 July 2021; Progressed SOCG and updated Statement of Commonality of SOCG; An updated Guide to the Application; Updated Book of Reference (if required); Updated Statement of Reasons (if required); Draft s106 Agreement(s) (if required); An updated version of the dDCO in clean, tracked and word versions; An updated Schedule of changes to the dDCO; Any other information requested by the ExA for submission at Deadline 5. 		
19.	Hearings and Accompanied Site Inspection(s)	Week Commencing	
	Dates reserved for any:	5 July 2021	
	 Further Issue Specific Hearing(s) (if required); Further Open Floor Hearing(s) (if required); Further Compulsory Acquisition Hearing(s) (if required); 		
	 Accompanied Site Inspection(s) (if required and deemed necessary and safe to carry out). 		
20.	Reserve dates for Hearings	Week	
	Reserve dates for any Hearing or ASI should they not take place on week commencing 5 July 2021	Commencing 12 July 2021	

21.	 Publication by the ExA of: The Report on the Implications for European Sites (RIES) (if required); Any requests for information under Rule 17 of the Examination Rules (if required); The ExA's proposed schedule of changes to the dDCO (if required). 	Monday 19 July 2021
22.	Reserve dates for Hearings Date reserved for any further hearings (if required).	Week Commencing 26 July 2021
23.	 Deadline 6 Deadline for receipt by the ExA of: Comments on submissions for Deadline 5; Written summaries of oral submissions made at any Hearings held during the weeks commencing 5 July 2021 and 12 July 2021; Any post-Hearing notes requested at the previous Hearings; Any other information requested by the ExA for submission at Deadline 6. 	Tuesday 27 July 2021
24.	 Deadline 7 Deadline for receipt by the ExA of: Comments on responses submitted for Deadline 6; Comments on the RIES (if required); Comments on the ExA's proposed schedule of changes to the dDCO (if required); Final SoCG and finalised Statement of Commonality; Final Compulsory Acquisition Schedule in clean and tracked versions; Final Guide to the Application; A final Schedule of changes to the dDCO; Final dDCO to be submitted by the Applicant in the Statutory Instrument (SI) template with the SI template validation report; Resubmission of final version of updated application documents; Final updated version of the Book of Reference; Any final, duly executed, section 106 agreement(s); 	Monday 9 August 2021

25	 Any other information requested by the ExA for submission at Deadline 7. 		
25.	Deadline 8	Friday 13	
	Deadline for receipt by the ExA of:	August 2021	
	 Any further information requested by the ExA after Deadline 7 (if required), under Rule 17 of the Examination Rules. 		
26.	Close of Examination	Monday 16	
	The ExA is under a duty to complete the Examination of the application by the end of the period of 6 months.	August 2021	

Submission times for deadlines

The time for submission of documents at any deadline in the timetable is, **unless otherwise stated**, 23:59 hours on the relevant deadline date.

Publication dates

All information received will be published on the project webpage on the National Infrastructure Planning website (see link below) as soon as practicable after the deadlines for submissions. An Examination Library will be kept up-to-date throughout the Examination and can be accessed via the 'Documents' tab on the project webpage. Each document will be given a unique reference. These references will be used by the ExA during the Examination:

https://infrastructure.planninginspectorate.gov.uk/projects/south-east/thurrock-flexible-generation-plant/?ipcsection=docs

Report on the Implications for European Sites (RIES)

The Applicant has provided a Habitats Regulations Assessment (HRA) with the application (Examination Library reference [PDC-039]. In light of this the ExA may decide to issue a RIES during the Examination.

The RIES is a factual account of the information and evidence provided to the ExA on HRA matters during the Examination up to the date of the publication of the RIES, for the purposes of enabling the Secretary of State, as competent authority, to undertake its HRA. It is not the ExA's opinion on HRA matters. Comments on the RIES will be invited by the ExA and any received will be taken into account as part of the ExA's Recommendation to the relevant Secretary of State.

The Secretary of State may rely on the consultation on the RIES to meet its obligations under Regulation 63(3) of The Conservation of Habitats and Species Regulations 2017 (as amended).

Annex B

Procedural Decisions made by the Examining Authority

I have made the Procedural Decisions listed below following Procedural Deadline D:

1. Examination Timetable

The following changes have been made to the draft Examination Timetable included in my letter dated 2 November 2020:

- The opportunity to comment on any additional submissions accepted into the examination has been moved from Deadline 1 to Deadline 2. I have also invited comments on the submissions received at Procedural Deadline D and responses to those comments at Deadlines 2 and 3 respectively.
- A request is now included at Deadline 2 for the submission of a Guide to the Application.
- Minor typographical and formatting errors corrected.

2. Examining Authority's Written Questions

Some of my Written Questions (WQ) are directed to specific Statutory Parties which have not, at the time of writing, confirmed that they wish to become Interested Parties for the purposes of the examination of the application.

All relevant Statutory Parties will receive this correspondence and I request for each to check my WQs carefully in order that they may identify and respond to any questions posed to them. No party should feel inhibited or restricted in responding to any question I ask, even if it is directed elsewhere.

For the avoidance of doubt, Statutory Parties are defined as the parties listed in Schedule 1 to The Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015¹.

3. Accompanied Site Inspection (ASI)

Time has been reserved in the Examination Timetable to undertake an ASI during the weeks commencing 5 July 2021 or 12 July 2021. The format and detail of this will depend on the Government's public health restrictions relating to the COVID19 pandemic in force at the time. If restrictions have been lifted, a more traditional site visit may be possible with registered IPs being invited to attend. However, if restrictions remain, attendance may be limited and socially distanced; I may visit unaccompanied (with all necessary consents in place); or we may need to hold a virtual site inspection using photography or technology. I will release details nearer to the time.

The Examination Timetable at Annex A invites the Applicant and IPs to submit suggested locations to include in both Accompanied and Unaccompanied Site Inspections (along with further details) at Deadline 1. I have also asked the

¹ https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/legislation/

Applicant to provide a draft ASI itinerary by Deadline 3. There is an opportunity for all parties to comment on this at Deadline 4.

I will consider all the submissions received on this matter, and decide if it is appropriate to hold an ASI, and I will aim to publish the final itinerary and arrangements, if required, on the project page of the Planning Inspectorate's National Infrastructure website as soon as practically possible.

IPs should be aware that any ASI would not be an opportunity to make any oral representations about the Proposed Development. However, I may invite participants to indicate specific features or sites of interest.

Requests to appear and procedure to be followed at hearings

The Examination Timetable reserves the weeks commencing 26 April 2021 (and/or 3 May 2021) and 5 July 2021 (and/or 12 July 2021) for Open Floor, Issue Specific and Compulsory Acquisition hearings (if required). At present, I anticipate at least one Issue Specific Hearing dealing with the draft Development Consent Order will be held as well as at least one Compulsory Acquisition Hearing.

Requests to appear at hearings

IPs are required to provide notification in writing of their wish to take part in an Open Floor Hearing (OFH), Compulsory Acquisition Hearing (CAH) or Issue Specific Hearing (ISH). Please note that notification of a wish to speak at an OFH, ISH or CAH should be made on or before **Deadline 1 (Tuesday 2 March 2021)**.

If no written requests to take part in an OFH or CAH are received by the above deadline, I am not required to hold such a hearing; although I may choose to do so nonetheless.

The time, date and place of any confirmed hearing will be notified in writing to all IPs, providing at least 21 days' notice.

If an IP wishes to attend an OFH, CAH or ISH they should indicate which topics in their Relevant Representation, Procedural Deadline D submission or Written Representation they wish to address at the hearing (and in the case of a CAH identify clearly the plots of land about which they wish to speak).

Notifications from IPs in respect of the above should be sent separately from any other written submission, and appropriately titled to allow us to quickly identify which event the notification relates to.

Procedure at hearings

The procedure to be followed at hearings is set out in The Infrastructure Planning (Examination Procedure) Rules 2010¹. Any oral representations must be based on either the Relevant Representation or Written Representation made by the person by whom, or on whose behalf, the oral representations are made.

The ExA is responsible for the oral questioning of a person giving evidence and the process affords very limited scope to allow cross-questioning between parties². My examination will be principally undertaken through the exchange of written submissions, and I will decide whether a hearing on a particular issue or topic is necessary. This decision is not connected to how relevant or important I consider an issue or topic to be.

¹ Rule 14

² Rule 14(5)

Hearing agendas

I will aim to publish a draft agenda for each hearing on the project page of the National Infrastructure Planning website at least five working days in advance of the hearing date. The actual agenda on the day of each hearing may be subject to change.

Availability Examination documents

The application documents and Relevant Representations are available on the project webpage on the National Infrastructure Planning website:

https://infrastructure.planninginspectorate.gov.uk/projects/southeast/thurrock-flexible-generation-plant/?ipcsection=docs

All further documents submitted during the Examination will also be published at the above location.

For ease of navigation, please refer to the Examination Library (EL) which is accessible via a blue button under the 'Documents' tab. The EL is updated regularly throughout the Examination.

The EL records and provides hyperlinks to:

- each application document;
- each representation made to the Examination; and
- each Procedural Decision made by the Examining Authority.

Each document is given a unique reference which will be fixed for the duration of the Examination. A hyperlink to each document on the project webpage is also provided. Please use the unique reference numbers applied in the EL when referring to any Examination Documents in any future submissions that you make.

Electronic deposit locations

Documents can be viewed electronically, free of charge, at the locations below. Please note that you may need to bring a form of identification and register as a library member in order to use a computer at these locations.

<u>Please Note:</u> Opening hours and the availability of information technology set out in the table below may be subject to local changes or additional limitations to address COVID-19 pandemic public health requirements.

Bearing in mind the effect of public health restrictions, please consider your need to attend these locations with care. Please check the current circumstances with the relevant locations before you attend. The information given in brackets was correct as at 17 September 2020.

Local authority	Library/ address	Opening hours	
Thurrock Council (Currently closed to the public)	Civic Offices, New Road, Grays, RM17 6SL	Monday Tuesday Wednesday Thursday Friday Saturday Sunday	8:45am-5:15pm 8:45am-5:15pm 8:45am-5:15pm 8:45am-5:15pm 8:45am-4:45pm Closed Closed
Tilbury Hub	16 Civic Square,	Monday	10:00am-5:00pm

Local authority	Library/ address	Opening hours	
	Tilbury, RM18 8ZZ	Tuesday Wednesday Thursday Friday Saturday Sunday	Closed 10:00am-5:00pm Closed 10:00am-5:00pm 10:00am-1:00pm Closed
Gravesend Library	Windmill Street, Gravesend, DA12 1BE	Monday Tuesday Wednesday Thursday Friday Saturday Sunday	10:00am-5:00pm 10:00am-5:00pm 10:00am-5:00pm 10:00am-5:00pm 10:00am-5:00pm 10:00am-5:00pm
Chadwell St Mary Library	Brentwood Road, Chadwell St Mary, Grays, RM16 4JP	Monday Tuesday Wednesday Thursday Friday Saturday Sunday	10:00am-5:00pm 10:00am-5:00pm Closed 10:00am-5:00pm 10:00am-5:00pm 10:00am-1.00pm Closed

Links to all libraries

Thurrock Council:

https://www.thurrock.gov.uk/

Tilbury Hub:

http://www.tilburyhub.org.uk/

Gravesend Library:

http://www.kent.gov.uk/libs

Chadwell St Mary Library:

https://www.thurrock.gov.uk/community-hubs-and-community-centres/chadwell-st-mary-centre