



The Planning Inspectorate

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To the Applicant, All Interested Parties
and Statutory Parties.

Your Ref:

Our Ref: EN010092

Date: 29 March 2021

Dear Sir/ Madam,

Planning Act 2008 and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rules 8(3), 9, 13, and 17

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

Procedural Decision on Site Inspections and Notification of Hearings

Site Inspections

I would like to thank all those who have taken the time to suggest locations for me to visit and points to note. These have helped me formulate the approach to site inspections for this Examination.

I note that the majority of locations suggested are publicly accessible and I therefore intend to view those locations on an unaccompanied basis. In addition, I propose to view the Condoovers Scout Activity Centre site and the graveyard at St James' Church on an access required basis. This means I will require access to the relevant parts of the site but will not enter into any discussion with any parties present – whose role will be solely to grant access, open any locked gates and direct me to the relevant part of the site.

However, there are a small number of other locations which have been proposed, (many on or around the development site), which are not publicly accessible and would be difficult to carry out on an access required basis. These include the Tilbury 2 access road and jetty, the RWE site, the Ingrebourne Valley PFA extraction site as well as the level crossings identified by Network Rail Infrastructure Limited as not being easily accessible.

Nevertheless, I am conscious of the continued threat of, and uncertainties around, COVID-19 and the latest government guidance and restrictions. While I note the Government's roadmap indicates that restrictions may be lifted before the date set aside in the Examination timetable for an Accompanied Site Inspection (ASI), I am mindful that there is still some uncertainty around this and it is possible that some restrictions will remain in place at that time.

With this in mind, I have taken the procedural decision to postpone any further detailed planning of a possible ASI at this time and instead invite the Applicant to submit alternative proposals for viewing those areas which are not publicly accessible and/or cannot be viewed or accessed easily. These proposals should be submitted at **Deadline 3 (Monday 12 April 2021)** and could include, for example, still images, video footage or Unmanned Aerial Vehicle (UAV) footage (the latter of which I note has been used effectively in other examinations).

In the event that the Applicant proposes to utilise UAV footage, a detailed flight plan should also be provided at Deadline 3. Additional information/ considerations that should be kept in mind when proposing UAV footage is contained in **Annex A**.

Interested Parties (IPs) are invited to comment on the Applicant's alternative proposals at **Deadline 4 (Monday 17 May 2021)** following which I will give further consideration as to how best to proceed.

Notification of Hearings

As I have previously indicated, I have decided to hold most hearings by virtual means, through Microsoft Teams. For further information on how events are held and managed virtually please view the Planning Inspectorate's [Advice Note 8.6](#) 'Virtual Examination Events' or contact a member of the Case Team on the contact details above.

Details of the hearings I intend to hold in the **week commencing 26 April 2021** are set out in the table below. Agendas for each hearing will be published on the project page of the Planning Inspectorate's National Infrastructure Planning website ("the NI Website") at least 1 week before the hearing is due to take place. However, the actual agenda on the day of each hearing may be subject to change.

Notification is also made of reserve dates. These are also set out below but would only be used in unforeseen circumstances, for example where an event is disrupted by technical issues and runs over. Nevertheless, participants should ensure that they are available for all of the dates listed.

Reserve hearings that are not required may be cancelled. Notification of cancellation will appear in the banner of the project page of the NI Website.

Hearing Dates

Date	Hearing	Starting Time	Venue
Tuesday 27 April 2021	Issue Specific Hearing 1 on Transportation and Traffic (including matters relating to the proposed causeway)	10.00am Arrangements conference starts 9.30am	By virtual means
Wednesday 28 April 2021	Issue Specific Hearing 2 on Cultural Heritage	10:00am Arrangements conference starts 9.30am	
Wednesday 28 April 2021	Compulsory Acquisition Hearing	2.00pm Arrangements conference starts 1.30pm	
Thursday 29 April 2021	Issue Specific Hearing 3 on the draft Development Consent Order (dDCO)	2:00pm Arrangements conference starts 1.30pm	

Reserved Hearing Dates

Date	Hearing	Starting Time	Venue
Tuesday 4 May 2021	Issue Specific Hearing 1 on Transportation and Traffic (including matters relating to the proposed causeway)	10.00am Arrangements conference starts 9.30am	By virtual means
Wednesday 5 May 2021	Issue Specific Hearing 2 on Cultural Heritage	10:00am Arrangements conference starts at 9.30am	
Wednesday 5 May 2021	Compulsory Acquisition Hearing	2.00pm Arrangements conference starts at 1.30pm	
Thursday 6 May 2021	Issue Specific Hearing 3 on the dDCO	2:00pm Arrangements conference starts at 1.30pm	

Arrangements Conference

Invitees can join the Arrangements Conference using the joining link or telephone number that will be sent in a separate email shortly before the hearings. This is solely for your use. Please join the Arrangements Conference at the appointed time shown above and wait until the Case Manager registers you, and then admits you to the hearing. The Arrangements Conference allows procedures to be explained and enables the hearing to start promptly.

If you do not wish to speak but would like to observe the hearings, digital recording will be made available on the project page of the NI Website as soon as possible after the close of the hearing.

Participation at Hearings

Due to the nature of these events, we can only accommodate participation on the day by those who register in advance with the Case Team.

If you wish to speak at any of the hearings listed above please notify the case team in writing by Deadline 3 (Monday 12 April 2021), specifying the relevant hearing and the specific matter on which you wish to speak.

Notification in respect of the above should be sent separately from any other written submission, and appropriately titled to allow the Planning Inspectorate to identify quickly 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 2010. Any oral representations must be based on either the Relevant Representation (including submissions made at Procedural Deadline D) 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 parties.

Publicity for events

In accordance with the Infrastructure Planning (Examination Procedure) Rules 2010, the Applicant should send copies of any newspaper notices advertising each event to the Case Team by **Deadline 3 (Monday 12 April 2021)**.

Other matters

If you have any further queries, please do not hesitate to contact the case team using the details at the top of this letter.

Yours faithfully,

Rory Cridland

Examining Authority

Annex A - Considerations for the use of unmanned drone footage

Legal Matters

The ExA would draw the Applicant's attention to the need to ensure that any Unmanned Aerial Vehicle (UAV) flight undertaken must comply in full with the law, including, but not limited to, the Civil Aviation Authority's CAP1789A, CAP1789B and CAP722. Furthermore, the operator of the UAV must also hold a valid CAA Permission to operate the UAV and be registered within CAP1361 when the flight takes place, as well as holding appropriate insurance. Additionally, the flyer must hold a valid Flyers Licence for an UAV, or an appropriate exemption.

Data Protection – The use of UAV and the recording of images

The Applicant will need to ensure full compliance with the General Data Protection Regulations/ Data Protection Act 2018 and the ExA would draw attention to the Information Commissioner's Office's publication [In the picture: A data protection code of practice for surveillance cameras and personal information](#), especially Section 7.3. The UAV and any video footage recorded must be undertaken in a responsible way that is safe and respects the privacy of others. The Applicant will need to ensure, where necessary, that the appropriate consent of any third parties has been obtained, including those third parties who's land you include within any video footage submitted. Additionally, the Applicant will need to ensure, where necessary, that the consent of any identifiable person included in the footage has been obtained.

The Applicant when submitting any video footage taken using UAV must confirm that the appropriate consents of third parties was obtained. Additionally, the Applicant must include details of what measures were undertaken and/or put in place to ensure third parties, including owners of third party land, were made aware of the potential to be included within the submitted video footage.

Specifications and Other Matters

In terms of the high-resolution video footage, the ExA would ask for consideration in regard to the size of the data file created and how this could be hosted so it is publicly accessible in the interests of openness, fairness and impartiality. The ExA would also ask for full details of the nature/type of camera used in the filming to be provided, including full details of whether any special functions on the camera are in use and when during the footage (i.e. full details of the camera in use, it's settings, the nature of any focus/zoom being used and when, whether auto focus, white balance or image sharpening is in use and when, etc.). It would also be helpful for the footage to include a clear overhead shot of a structure of known size which can be used as a reference point.

In addition to the above, the high-resolution video footage should also contain information about telemetry, including, but not limited to, height of the UAV at any given time, direction of flight, wind speed and wind direction, GPS data, orientation of the camera (both vertically and horizontally), etc.