

## The Infrastructure Planning (Compulsory Acquisition) Regulations 2010

### Thurrock Flexible Generation Plant - Proposed Provision for the Compulsory Acquisition of Additional Land

Regulation 6(1)			
Within 28 days (starting the day after receipt) the Secretary of State must decide whether or not to accept the proposed provision as part of the application.	Date received	28 day due date	Date of decision
	20 April 2021	18 May 2021	26 April 2021
Regulation 6(2)		Planning Inspectorate Comments	
Regulation 4 - Prescribed procedure for compulsory acquisition of land			
Regulations 5 to 19 prescribe the procedure for the purposes of the condition in subsection (4) of section 123 (land to which authorisation of compulsory acquisition can relate) and apply where—			
(a) it is proposed to include in an order granting development consent a provision authorising the compulsory acquisition of additional land;	<p>In its letter dated 20 April 2021 [AS-012], the Applicant requests that additional land affected by Compulsory Acquisition be added to the application in order to facilitate the addition of an alternative access for the delivery of oversized Abnormal Indivisible Loads.</p> <p>The request is made under Regulation 5 of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010. The additional land affected is described in paragraph 1.2 of the request and is identified on the revised Land Plans and Book of Reference. The proposed provisions include:</p> <ul style="list-style-type: none"> <li>• The permanent acquisition of 557.46 square metres of land being grassland, east of Fort Road, Tilbury. This land has been identified as registered Common Land.</li> <li>• New rights over 8926.38 square metres of land being public road (Fort Road), private road (Power Station Approach Road, Fort Road), north of Tilbury Power Station, Tilbury.</li> <li>• New rights over 174.52 square metres of land being hardstanding at Tilbury Power Substation, Tilbury.</li> <li>• New rights over 70.20 square metres of land being grassland, trees and shrubbery at Tilbury Power Substation, Tilbury.</li> </ul>		

	<ul style="list-style-type: none"> <li>• New rights over 370.98 square metres of land being hardstanding and overhead transmission lines, at Tilbury Power Substation, Tilbury.</li> <li>• New rights over 229.15 square metres of land being hardstanding, drain and overhead transmission lines, south of Tilbury Power Substation, Tilbury.</li> <li>• New rights over 3127.85 square metres of land being grassland, hardstanding, trees, shrubbery, drain and overhead transmission lines, south of Tilbury Power Substation, Tilbury.</li> <li>• New rights over 856.34 square metres of land being hardstanding and grassland, east of Fort Road, West Tilbury.</li> <li>• Temporary rights over 364.79 square metres of land being grassland and highway verge, east of Fort Road, West Tilbury.</li> <li>• Temporary rights over 1994.24 square metres of land being public highway (Fort Road) and highway verge, West Tilbury.</li> </ul>
<p>(b) a person with an interest in the additional land does not consent to the inclusion of the provision</p>	<p>The request seeks to add the additional land necessary in order to deliver a proposed alternative Abnormal Indivisible Loads (AILs) route from Tilbury Port to the main power station site (Work no 1).</p> <p>There are ongoing discussions with affected landowners but the Applicant explains (paragraph 2.8 of [AS-012]) that it has not been possible to obtain the agreement of all of the interests in the additional land which includes rights in favour of utilities. It follows that at least one person with an interest in the additional land does not consent.</p> <p>Furthermore, no evidence has been provided which would demonstrate that all persons with an interest in the additional land have consented to the inclusion of the proposed provisions.</p>
<p><b>Summary – Regulation 4</b></p>	<p>The proposed provisions are ones to which regulations 5 to 9 of the Infrastructure planning (Compulsory Acquisition) Regulations 2010 apply.</p>
<p><b>Regulation 5 - Proposed Provision</b></p>	

The applicant must send to the Secretary of State details of the proposed provision which must—	
(a) be in the form of a book of reference or, where a book of reference has been submitted to the Secretary of State, a supplement to that book;	The Applicant’s Regulation 5 request [AS-012] included a revised Book of Reference (Rev 5) [AS-029] in which the additional land interests are recorded in all relevant parts; together with a tracked changes version [AS-030].
(b) be accompanied by— (i) land plan identifying the land required as additional land, or affected by the proposed provision; and (ii) a statement of reasons as to why the additional land is required and a statement to indicate how an order that contains the authorisation of the compulsory acquisition of the additional land is proposed to be funded.	The Applicant’s Regulation 5 request [AS-012] included revised Land Plans and Special Category Land Plans [AS-015] in which the additional land interests are recorded.  The request also included an updated Statement of Reasons [AS-028] explaining the reasons why the additional land is sought and a revised Funding Statement [AS-037] indicating how the inclusion of the additional land is to be funded.
<b>Summary – Regulation 5</b>	The Applicant has included an updated Book of Reference, land plans identifying the additional land required and affected by the proposed provisions, a Statement of Reasons as to why the additional land is required and a statement indicating how the inclusion of the additional land is proposed to be funded. This accords with the requirements of Regulation 5.

**Case Leader**

Tracey Williams

*TA Williams*

**Signed**

**Date: 26 April 2021**

**Examining Authority** Rory Cridland

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*Rory Cridland*

**Signed**

**Date:** 26 April 2021