



The Planning Inspectorate

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The Applicant, all Interested Parties,
Statutory Parties and Other Persons

Your Ref:

Our Ref: EN010092

Date: 26 April 2021

Dear Sir/Madam,

**The Planning Act 2008 – Section 89
The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 9
The Infrastructure Planning (Compulsory Acquisition) Regulations 2010 –
Regulation 6**

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

Procedural Decision on Proposed Changes to the Application

I am writing to advise you of my procedural decision to accept a material change to the above application. This relates to a change request made by the Applicant in its letter dated 20 April 2021. A copy of that letter has been published on the project page of the Planning Inspectorate's National Infrastructure website ("the NI website") [[AS-012](#)].

In summary, the changes involve the addition of an alternative access arrangement for oversized abnormal indivisible loads which requires a new work and a new sub-work to be added. This results in additional land being affected by the compulsory acquisition powers being sought and the Applicant has made a request under Regulation 5 of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 ("the CA Regulations") to add this additional land to the application.

The Applicant is seeking the following additions:

- 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.
- 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.
- New rights over 174.52 square metres of land being hardstanding at Tilbury Power Substation, Tilbury.

- New rights over 70.20 square metres of land being grassland, trees and shrubbery at Tilbury Power Substation, Tilbury.
- New rights over 370.98 square metres of land being hardstanding and overhead transmission lines, at Tilbury Power Substation, Tilbury.
- New rights over 229.15 square metres of land being hardstanding, drain and overhead transmission lines, south of Tilbury Power Substation, Tilbury.
- 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.
- New rights over 856.34 square metres of land being hardstanding and grassland, east of Fort Road, West Tilbury.
- Temporary rights over 364.79 square metres of land being grassland and highway verge, east of Fort Road, West Tilbury.
- Temporary rights over 1994.24 square metres of land being public highway (Fort Road) and highway verge, West Tilbury.

Full details of the changes are set out in the Applicant's request [[AS-012](#)] supporting documentation [[AS-013 to AS-037](#)].

Having had regard to the proposed changes, the DCLG Guidance on the examination of applications for development consent¹, as well as the Planning Inspectorate's Advice Note 16: Requesting Changes (AN16), I have decided that the change proposed is material. However, I agree with the Applicant that it does not substantially alter the substance of the scheme applied for and that accepting the change would not result in a materially different project. I am also satisfied that the request complies with the requirements of Regulation 5 of the CA Regulations and that sufficient time remains in the Examination for the proposed changes to be properly and fairly examined.

Consequently, I have decided to accept the changes in accordance with Regulation 6 of the CA Regulations. This does not imply any acceptance of the planning merits or evidence for these changes, the effects of which will be examined with equal rigour to the proposals contained in the original application.

Consultation

As new land is proposed to be subject to powers of compulsory acquisition, and agreement to its inclusion has not been reached with all those affected, the CA Regulations require a period of notice and publicity to provide opportunities for those affected to make representations.

It is now the Applicant's responsibility to publicise the proposed provisions in accordance with the CA Regulations. The Applicant has suggested that the notification and publication requirements be carried out between 29 April and 5 June 2021 with Certificates of Compliance² being submitted on 7 June 2021. While I agree that the proposed timetable indicates that there is sufficient time remaining for the necessary steps to be undertaken and for the proposed changes to be examined before the close of the Examination, I would emphasise the importance of this being carried out in a timely manner to allow the Examination to be completed within the statutory six-month time frame.

¹ [Planning Act 2008: Guidance for the examination of applications for development consent, DCLG \(2015\)](#).

² Regulation 9, CA Regulations.

In addition, the Applicant has submitted supplementary Environmental Information (SEI) in support of the change request. While I note there is no statutory requirement to consult on or publicise this under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, I consider such consultation is desirable in order to ensure that those who may wish to comment on it have an opportunity to do so. With this in mind, I note the Applicant's suggestion that consultation on the SEI can be carried out alongside the notification/publicity requirements under the CA Regulations and that copies of any consultation responses on the SEI (as well as a final version) can be provided at the same time as the Certificates of Compliance. I agree with that approach and look forward to receiving that documentation in due course.

Next Steps

The Applicant should advise the Case Team of its proposed schedule as soon as possible, so that an appropriate form can be made available on the project page of the NI website for representations to be made on the proposed changes only.

If you have any queries about the contents of this letter please contact the case team using the contact details above.

Yours faithfully

Rory Cridland

Rory Cridland
Examining Authority