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Services:

e-mail: <u>thurrockFPG@planninginspectorate.gov.uk</u>

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

Your Ref:

Our Ref: EN010092

Date: 9 June 2021

Dear Sir/Madam,

The Planning Act 2008 – Section 89
The Infrastructure Planning (Examination Procedure) Rules 2010 – Rules 8(3), 9, and 13

The Infrastructure Planning (Compulsory Acquisition) Regulations 2010 – Regulations 11 to 17

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

Further to my letter dated 26 April 2021 accepting the Applicant's proposed new AIL access into the Examination [PD-012], I write to inform you that the period for making comments and/or representations under the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 has now ended.

Having considered the additional documentation submitted by the Applicant and the comments and representations received from Interested Parties (IPs), I consider the principal issues arising from the proposed new AIL access relate to matters already being examined; these include matters relating to Compulsory Acquisition (CA), the draft Development Consent Order (dDCO), transportation and traffic, the potential effects on onshore ecology and protected habitats, and planning policy.

Changes to Examination Timetable

In order to examine the change effectively, I have made the procedural decision to alter the Examination Timetable. A copy of the Revised Examination Timetable can be found at **Annex A**. This replaces the Examination Timetable included in my letter dated 16 February 2021 [PD-009].

My alterations include, amongst other things, opportunities for the Applicant to comment on the additional representations received, for IPs to provide any Written Representations in respect of the change and for comments to be submitted on these.



I have also made provision for a third set of written questions (ExQ3) (if required). These are likely to focus on matters arising from the proposed new AIL access route but may include any other outstanding matters for which I would like further information or clarification. Responses to these should be submitted at **Deadline 6** (please note this deadline has been brought forward to Monday 20 July 2021). There is also an opportunity for parties to make comments on those responses at **Deadline 7** (Monday 9 August 2021).

In addition, I have moved the latest date for publication of my proposed schedule of changes to the dDCO (if required) to **Monday 2 August 2021** in order to allow for any matters which may arise out of the hearings to be taken into account. Comments on these can be made at **Deadline 7 (Monday 9 August 2021)**.

Hearings

Time has also been set aside in the **week commencing 26 July 2021** to hold any further hearings.

The additional AIL access has the potential to impact on how the DCO is to operate, including in terms of any possible mechanisms for regulating the use of the alternatives proposed. I am hopeful that these matters will be clarified in written comments made at Deadlines 5 and 6. However, I have set aside time for a further Issue Specific Hearing on the dDCO to take place on **Monday 26 July 2021** in case there are any outstanding matters which require further exploration.

While I anticipate that the additional CA provisions can be adequately examined in writing, I have included an opportunity at **Deadline 5A (Friday 2 July 2021)** for IPs to request to be heard orally. With this in mind, I have set aside time for a further CAH to take place on **Monday 26 July 2021** (if necessary).

Likewise, an opportunity has been provided at **Deadline 5A** for IPs to request to be heard at an Open Floor Hearing (OFH) and time has been set aside on **Tuesday 27 July 2021** for this to take place (if necessary).

Notification for all of the above hearings is included at **Annex B**.

I aim to publish agendas a week before the hearings. However, if I consider any hearings are no longer required, they will instead be cancelled through a banner on the project page on the Planning Inspectorate's National Infrastructure website in place of an agenda.

Written Representations

All IPs are now invited to submit Written Representations on the proposed new AlL access and any comments on the additional Relevant Representations. These should be submitted by **Deadline 5A (Friday 2 July 2021)**.

Availability of 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/wp-content/ipc/uploads/projects/EN010092/EN010092-000922-Thurrock%20FPG%20-%20EN010092%20-%20Examination%20Library%20PDF%20Version.pdf

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

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

Yours faithfully

Rory Cridland

Rory Cridland Examining Authority

Annexes

Annex A - Revised Examination Timetable

Annex B - Notification of hearings

Annex C – Availability of documents



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 the Rule 6, 9 and 17 letter 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) (ISHs) (if held); Notification of wish to speak at any Compulsory Acquisition Hearing(s) (CAHs) (if held); Notification of wish to speak at an Open Floor Hearing (OFH) (if held); Submission by the Applicant, IPs and APs of suggested locations for the ExA to include in any Unaccompanied Site Inspections (USIs) or Accompanied 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 	Tuesday 2 March 2021

	 requirement for the visit to that location¹; Notification by Statutory Parties and certain Local Authorities who wish to be considered as an Interested Party; Notification of wish to have future correspondence electronically; Any other information requested by the ExA for submission at Deadline 1. 	
10.	 Deadline 2 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; Any other information requested by the ExA for submission at Deadline 2. 	Tuesday 23 March 2021
11.	Time reserved for issue by the Examining Authority (ExA) of • Any notification of hearings	Monday 29 March 2021
12.	Any notification of flearings	
12.	Deadline 3	Monday 12 April 2021
	Deadline for receipt by the ExA of:	2021
	 Comments on WRs; Responses to comments on RRs; Comments on responses to ExQ1; Comments on LIRs; Comments on other submissions for Deadline 2; 	

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.

	 The Applicant's draft ASI arrangements and itinerary (if required); Progressed SOCG and updated Statement of Commonality of SOCG; 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 Dates reserved for any: Issue Specific Hearing(s) (if required); Compulsory Acquisition Hearing(s) (if required); Open Floor Hearing(s) (if required).	Week Commencing 26 April 2021
14.	Reserve dates for Hearings Reserve dates for any Hearing should they not take place on w/c 26 April 2021.	Week Commencing 3 May 2021
15.	 Deadline 4 Deadline for receipt by the ExA of: Comments on responses submitted for Deadline 3; Written summaries of oral submissions made at any Hearings held during the weeks commencing 26 April 2021 and 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; 	Monday 17 May 2021

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.	 An updated Compulsory Acquisition Schedule in clean and tracked versions; Progressed SoCG and updated Statement of Commonality of SOCG; Any other information requested by the ExA for submission at Deadline 4. Publication by the ExA of: Further Written Questions (ExQ2) (if required). 	Tuesday 1 June 2021
17.	Time reserved for issue by the Examining Authority (ExA) • Any notification of Hearings and ASI.	Monday 7 June 2021
18.	3	
	 Deadline 5 Deadline for receipt by the ExA of: Responses to ExQ2; Comments on responses submitted for Deadline 4; 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; Additional photography proposed by the applicant as alternative to ASI; Any other information requested by the ExA for submission at Deadline 5. 	Monday 14 June 2021
19.	Deadline 5A	Friday 2 July 2021
	Deadline for receipt by the ExA of:	
	 Notification by of wish to be heard at CAH; Notification of wish to be heard at OFH; Written Representations on accepted changes and proposed provisions; Comments on Relevant Representations received on the 	

	accepted changes and proposed provisions.	
20.	Publication by the ExA of:ExA's additional written questions (if required) (ExQ3).	Friday 9 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). 	Monday 19 July 2021
22.	 Deadline 6 Deadline for receipt by the ExA of: Comments on responses submitted for Deadline 5; Responses to ExA's additional written questions (ExQ3). Responses to Written Representations on accepted changes and proposed provisions. Comments on additional photography. Any other information requested by the ExA for submission at Deadline 6. 	Tuesday 20 July 2021
23.	Date reserved for Compulsory Acquisition Hearing 2 (if required) *Please note that if not required this hearing will be cancelled through a banner on the project page on the Planning Inspectorate's National Infrastructure website.	Monday 26 July 2021 (am)
24.	Date reserved for Issue Specific Hearing 4 on the draft DCO (if required) *Please note that if not required this hearing will be cancelled through a banner on the project page on the Planning Inspectorate's National Infrastructure website.	Monday 26 July 2021 (pm)
25.	Date reserved for Open Floor Hearing (if required) *Please note that if not required this hearing will be cancelled through a banner	Tuesday 27 July 2021 (am)

	on the project page on the Planning Inspectorate's National Infrastructure website.	
26.	Date reserved for Compulsory Acquisition Hearing 2 (if required for technical issues)	Wednesday 28 July 2021 (am)
	*Please note that if not required this hearing will be cancelled through a banner on the project page on the Planning Inspectorate's National Infrastructure website.	
27.	Date reserved for Issue Specific Hearing 4 on the draft DCO (if required for technical issues)	Wednesday 28 July 2021 (pm)
	*Please note that if not required this hearing will be cancelled through a banner on the project page on the Planning Inspectorate's National Infrastructure website.	
28.	Date reserved for Open Floor Hearing (if required for technical issues)	Thursday 29 July 2021 (am)
	*Please note that if not required this hearing will be cancelled through a banner on the project page on the Planning Inspectorate's National Infrastructure website.	
29.	Publication by the ExA of:	Monday 2 August
	The ExA's proposed schedule of changes to the dDCO (if required).	2021
30.	Deadline 7	Monday 9 August
	Deadline for receipt by the ExA of:	2021
	 Comments on responses submitted for Deadline 6; Comments on the RIES (if required); 	
	 Comments on the RIES (if required); Comments on the ExA's proposed schedule of changes to the dDCO (if required); 	
	 Written summaries of oral submissions made at any hearings held during the week commencing 26 July 2021 	
	 Any post-hearing notes requested at the hearings; 	

31.	 Responses to comments on additional photography (if any); Comments on responses to ExA's additional written questions (ExQ3). 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); Any other information requested by the ExA for submission at Deadline 7. Deadline 8 Deadline for receipt by the ExA of: Any further information requested by the ExA after Deadline 7 (if required), under Rule 17 of the Examination Rules. 	Friday 13 August 2021
32.	Close of Examination The ExA is under a duty to complete the Examination of the application by the end of the period of 6 months.	Monday 16 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 [REP2-022]). 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).

Notification of Hearings

As 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 July 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.

Please note that any hearings which are not required will be cancelled through a banner on the project page on the Planning Inspectorate's National Infrastructure website.

Hearing Dates

Date	Hearing	Starting Time	Venue
Monday 26 July 2021	Compulsory Acquisition Hearing	10.00am Arrangements conference starts	
	(2) (if required)	9.30am	
Monday 26 July 2021	Issue Specific Hearing (4) on the draft Development Consent Order (dDCO) (if required)	2.00pm Arrangements conference starts 1.30pm	By virtual means
Tuesday 27 July 2021	Open Floor Hearing (if	10.00am	
	required)	Arrangements conference starts 9.30am	

Reserved Hearing Dates

Date	Hearing	Starting Time	Venue
Wednesday 28 July 2021	Compulsory Acquisition Hearing (2) (if required)	10.00am Arrangements conference starts	
		9.30am	
Wednesday 28 May 2021	Issue Specific Hearing (4) on	2.00pm	
	the draft	Arrangements	By virtual means
	Development	conference starts at	
	Consent Order (dDCO) (if required)	1.30pm	
Thursday 29 July 2021	Open Floor Hearing (if	10.00am	
July 2021	required)	Arrangements	
		conference starts at 9.30am	

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 5A (Friday 2 July 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.

Annex B

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 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 6 (Tuesday 20 July 2021)**.

Annex C

Availability of 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/south-east/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 he	ours
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

Local authority	Library/ address	Opening ho	ours
Tilbury Hub	16 Civic Square, Tilbury, RM18 8ZZ	Monday Tuesday Wednesday Thursday Friday Saturday Sunday	10:00am-5:00pm 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
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

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