

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

**The Examining Authority's Additional Written Questions and Requests for Information (ExQ3)**

**Issued on 9 July 2021**

The following table sets out the Examining Authority's (ExA's) Additional Written Questions in relation to the proposed Thurrock Flexible Generation Plant project. Responses are required by **Deadline 6** in the Examination Timetable, **Tuesday 20 July 2021**. Please note that if this deadline is missed the ExA is not obliged to take account of your response.

Column 2 of the table indicates which Interested Parties (IPs) and Other Persons each question is directed to. This does not prevent an answer being provided to a question by a person to whom it is not directed.

The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. If the answer to a question is set out in, for example, a Statement of Common Ground then a cross reference to where the issue is addressed is acceptable.

Each question has a unique reference number which starts with 3 (indicating that it is from ExQ3) and then has an issue number and a question number. For example, the first question is identified as Q3.1.1. When you are answering a question, please start your answer by quoting the unique reference number.

In some areas there may be a degree of overlap between the answers to questions and it is acceptable to provide a single answer which responds to multiple questions or answer questions individually and provide cross references between multiple answers where appropriate. If you do so, please use all number references and ensure all elements are addressed.

References to the draft development consent order (dDCO) are to Version 6 of the dDCO [REP5-003].

If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact [ThurrockFPG@planninginspectorate.gov.uk](mailto:ThurrockFPG@planninginspectorate.gov.uk)

Responses are due by **Deadline 6 [Tuesday 20 July 2021]**

### **Abbreviations used**

<b>CA</b>	<i>Compulsory Acquisition</i>
<b>DCO</b>	<i>Development Consent Order</i>
<b>dDCO</b>	<i>Draft Development Consent Order</i>
<b>ExA</b>	<i>Examining Authority</i>
<b>IPs</b>	<i>Interested Parties</i>
<b>NE</b>	<i>Natural England</i>
<b>PoTLL</b>	<i>Port of Tilbury London Limited</i>

### **The Examination Library**

References in these questions set out in square brackets (eg [APP-010]) are to documents catalogued in the Examination Library. The Examination Library can be obtained from the following link:

[Examination Library - Thurrock FGP](#)

It will continue to be updated as the Examination progresses.

### **Citation of Questions**

Questions in this table should be cited as follows:

Question reference: issue reference: question number, eg ExQ3.1.1 – refers to question 1 in this table.



ExQ.	Respondent:	Question:
<b>1.</b>	<b>Compulsory Acquisition</b>	
3.1.1	Applicant	Does the Applicant intend to limit the exercise of CA powers in relation to Work Nos 10, 11 and 15 to ensure only one AIL access is brought into use? If so, please signpost where/how this is secured in the dDCO? If not, please explain.
<b>2</b>	<b>Cultural Heritage</b>	
3.2.1	Applicant	Please respond to the MMOs comments in its Deadline 5 response [REP5-025] in relation to the WSI for Marine and Intertidal Archaeological mitigation.
<b>3</b>	<b>Draft Development Consent Order</b>	
3.3.1	Applicant	<b>Article 10(4)</b> - Please respond to the alternative wording proposed by PoTLL in its Deadline 5a submission [REP5a-008].
3.3.2	Applicant	<b>Articles 28 and 29</b> - The ExA notes the Applicant's changes to Articles 19 and 21 in version 6 of the dDCO [REP5-003] which are intended to limit the use of CA powers in respect of Work No. 12. Please respond to PoTLL's suggestion that similar wording should be included in Articles 28 and 29.
3.3.3	Applicant	<b>Requirement 18</b> - In light of the inclusion of Work No 15 (Alternative AIL access), and noting the concerns expressed by IPs in relation to the potential impact on plans for the Thames Freeport, please provide further justification for the 5 year review period included in Requirement 18.  Please also explain why the review date is linked to the commencement of operation of Work No 1.
3.3.4	Applicant	<b>Requirement 18</b> - The ExA understands that the Applicant has structured the dDCO to facilitate the removal of the causeway (and relevant part of the access) when a suitable alternative is available.  Requirement 18 defines a suitable alternative as one which is 'environmentally acceptable, permanent, feasible and economic'.

ExQ.	Respondent:	Question:
		Please explain why the Applicant considers the alternative AIL access does not currently meet the criteria for a suitable alternative as defined in Requirement 18.
3.3.5	Applicant	<b>Requirement 18</b> - The ExA notes the concerns raised by PoTLL [REP5a-008] in relation to the wording of Requirement 18(6)(a). Please comment on the proposed amendments to R18(6)(a) suggested by PoTLL [REP5a-008 and REP2-096].
3.3.6	PoTLL	<b>Requirement 18</b> - The ExA notes PoTLL's proposed amendments to Requirement 18(2). Please provide further justification for the report of the review of AIL access to be prepared in consultation with the Port.
3.3.7	Applicant	<b>Requirement 18</b> - please comment on the other amendments to Requirement 18 proposed by PoTLL in its Deadline 5a submission [REP5a-008].
3.3.8	MMO/Thurrock Council/Applicant	<b>Requirement 19</b> - Please comment on the request by the MMO to have Requirement 19 (Causeway Decommissioning Plan) moved to Schedule 8 (Deemed Marine Licence) [REP5-025] (paragraph 2.6).
3.3.9	Applicant	Please state whether the Applicant considers the dDCO contains all of the powers necessary for the creation of the alternative AIL access. If not, please explain.
3.3.10	Applicant	<b>Article 33(2)</b> - the ExA understands the purpose of the Article is to act as a restriction on the CA powers contained elsewhere in the Order. Please explain the purpose of the words 'vest in the undertaker' in this subsection? Do they duplicate the CA provisions elsewhere in the dDCO?
3.3.11	Applicant/Thurrock Council	<b>Requirement 20</b> - Please provide further justification for the inclusion of new Requirement 20.
3.3.12	Applicant	Please provide a fully consolidated version of the CTMP and Code of Construction Practice.
3.3.13	Applicant	<b>Requirement 29</b> - The ExA notes the 3 working days provided for in Requirement 29(3) for the discharging authority to notify the undertaker of any further information requested by the consultee is short. A longer notification (e.g. 5 days or more) would accord with other recently made DCOs. Please update the dDCO or provide further justification for the 3 working days proposed.



<b>ExQ.</b>	<b>Respondent:</b>	<b>Question:</b>
<b>4</b>	<b>Habitats and Onshore Ecology</b>	
3.4.1	Applicant/NE	Please provide an update on the discussions between the Applicant and NE in relation to HRA matters and water vole translocation.
3.4.2	Applicant	Please respond to the concerns raised by NE in relation to the replacement common land as set out in [REP5-027].
<b>5</b>		
3.5.1	NE	Please provide details of any comments in respect of noise impact thresholds by Deadline 6 to ensure that there is sufficient time for the Applicant and other IPs to comment before the close of the Examination.
3.5.2	Thurrock Council	Does the council consider there is a credible risk that anti-social or criminal activity could occur at the proposed footbridge and path, or the Exchange Common Land, as a result of the proposed permissive access from Fort Road?

**END**