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To the Applicant and Interested Parties

Your Ref:

Our Ref: EN010092

Date: 29 July 2021

Dear Sir/ Madam

Planning Act 2008 and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 17

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

Request for Further Information

I write further to the hearings (CAH2 and ISH4) held on Monday 26 July 2021. At those hearings the Applicant indicated that where suitable agreement could be reached, the alternative route for the delivery of Abnormal Indivisible Loads (via the Port of Tilbury) was now their preferred option and that discussions were continuing to secure the necessary agreements.

Furthermore, it was indicated that where such agreement could be reached, it remained the Applicant's intention to request the removal of the proposed causeway from the application, either before the close of the Examination or, where that was not possible, before any decision on the application was made by the Secretary of State (SoS).

As noted at the hearings, I consider it would be useful for a schedule setting out the Applicant's proposed amendments to the application documents (and in particular the draft Development Consent Order (dDCO)) which they consider would be necessary to give effect to what has been indicated to be their preferred outcome. This would allow Interested Parties (IPs) an opportunity to comment on those changes in advance of the close of the Examination. In addition, I also indicated that it would be useful in the event that, even if such an agreement was not reached, a decision was taken by the SoS to grant consent but without the causeway element [as requested by IPs].

I have noted the Applicant's concerns that such a schedule might be used to facilitate the removal of an element of the proposed development without its agreement.

However, as I explained at the hearing, the terms upon which to grant any Development Consent Order (DCO) is a matter for the SoS having considered all the evidence and representations received. In the event that the SoS is minded to proceed in that way, the schedule would provide a useful indication of the effect of such a decision on the application documents, including the dDCO. It would not, however, impact on the fundamental question of whether or not to include powers for the causeway in any Order.

As a result, I consider to the submission of such a schedule would be useful and would help ensure all parties to the Examination had a clear understanding of how the removal of the causeway might impact on the application documents. It would also provide IPs with an opportunity to make their views known.

The Applicant is therefore requested to submit a schedule of proposed amendments to the application documents (including the dDCO) at Deadline 7 in the examination timetable. Interested parties are invited to comment on those submissions by Deadline 8.

As the Examination timetable already provides for responses to be made to any requests made under Rule 17, I do not consider there is a need to alter the examination timetable further to accommodate these requests.

I look forward to receiving your responses in due course.

Yours faithfully

Rory Cridland

**Rory Cridland
Examining Authority**

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