

FAO Tracey Williams
Ref EN010092
National Infrastructure Planning
The Planning Inspectorate
National Quay House
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2 The Square
Bristol BS1 6PN
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Your Ref: EN010092

E-Mail: [REDACTED]

Date: 9 August 2021

Dear Ms Williams,

Planning Act 2008

Ref: EN010092

Proposal: Flexible Generation Plant comprising gas reciprocating engines with electrical output totalling 600 MW; batteries with electrical output of 150 MW; gas and electricity connections; the creation of access roads and a causeway; and creation of habitat and exchange Common Land

Location: Thurrock Flexible Generation Plant Fort Road Tilbury

Deadline 7

Further to the above I write to you to provide a response to the points listed in the final examination timetable attached as Annex A from the Inspector's letter dated 9 June 2021 for Deadline 7.

- *Comments on responses submitted for Deadline 6;*

Following a review of the submissions made to Deadline 6 Thurrock Council has no comments to make to these representations other than that stated below:

In response to the MMO's consultation response and in particular the following paragraph:

3.5 With regard to Schedule 2 Requirement 19 – 'Causeway decommissioning plan'. As noted in the MMO's Deadline 5 response (REP5-025) the MMO do not consider it suitable to have this wording within the requirements and needs to be conditioned within the DML. We would like to reiterate our previous offer to discuss this with the Council on the matter to resolve before Deadline 7.

Thurrock Council as the Local Planning Authority would have the enforcement powers to enforce the causeway decommissioning plan if the Requirement 19 were to be amended for the information to be provided to Thurrock Council as it falls within Thurrock's administrative boundary. The Council has contacted the MMO about this and will be discussing this with the MMO this week with a decision being made before Deadline 8.

- *Comments on the RIES (if required);*

Following a review of the RIES Thurrock Council has no comments to make to these representations.

- *Comments on the ExA's proposed schedule of changes to the dDCO (if required);*

Schedule 2 - Requirement 12 – regarding the sediment issues Parts 3 to 7 for contaminated land it was identified that this was repeated in the DML and since ISH4 the Council has further considered the content of this Requirement. Works 10 (the causeway) is within the administrative boundary of Thurrock which includes land within the tidal range area. However, any matters regarding sediment sampling and contamination of the river bed in this location can fall within the remit of MMO or the PLA. Therefore the Council would have no objections if these sections of the Requirement were to be moved to the DML. It has also been noted that the ExA's proposed schedule of changes to the dDCO considers the same.

- *Written summaries of oral submissions made at any hearings held during the week commencing 26 July 2021*

ISH4 – draft Development Consent Order

Summary from Chris Purvis, Major Applications Manager at Thurrock Council:

Agenda items:

Schedule 2 - Requirement 12 – regarding the sediment issues Parts 3 to 7 for contaminated land it was identified that this was repeated in the DML. For Thurrock Council it would be preferable if this remained as a Requirement but it was agreed that this would be further discussed with the applicant and the MMO.

Schedule 9 Part 11 – Protective Provisions – The Inspector was advised that the Protective Provision text appears to follow information provided by Thurrock Council Highway's team but this was currently being reviewed by the Thurrock Council's Highways team and Thurrock Council will be liaising with the applicant on this and keeping the Inspector updated of any issues that may arise.

Summary from Tim Hallam, Deputy Head of Legal Services at Thurrock Council:

Agenda items:

Article 12(3) – Thurrock Council (the Council) raised a point, not on the agenda for ISH4, in relation to draft proposed article 12(3). The Council said its position on this matter had been summarised in an email dated 23 July 2021 sent by Chris Purvis of the LPA to the applicant

but which had not been seen by other interested parties nor the ExA.

In summary, the Council did not consider it was necessary or justified to dis-apply these provisions of the New Roads and Street Works Act 1991. The Council noted that only one precedent had been cited by the applicant for this in the EM, the Thurrock 2 DCO, and there had been considerable difficulties in how that had worked in practice.

Schedule 9 Part 11 – Protective Provisions - The Council said that, whilst the wording currently included in this part had not yet been reviewed by local highway authority officers, there have been extensive prior discussions between them and the applicant and this wording appeared to broadly reflect those discussions. It was therefore hoped that these provisions could be agreed between the Council and the applicant before the close of the examination.

The Council said that, whilst local highway authority officers were unable to attend this hearing and there had only been limited opportunity to discuss these matters with them beforehand, the Council would be discussing both these matters further internally and with the applicant with a view to reaching mutually acceptable wording prior to the close of the examination. The Council would keep the ExA apprised of progress.

- *Any post-hearing notes requested at the hearings;*

No requests for Thurrock Council have been received.

- *Responses to comments on additional photography (if any);*

There doesn't appear to be any further comments to the additional photography for Thurrock Council to comment on.

- *Comments on responses to ExA's additional written questions (ExQ3).*

Following a review of the submissions made to Deadline 6 Thurrock Council has no comments to make to these representations.

- *Final SoCG and finalised Statement of Commonality;*

The final agreed SOCG between the Council and the applicant is attached/enclosed.

- *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;*

For the above I understand this a requirement for the applicant.

- *Any final, duly executed, section 106 agreement(s);*

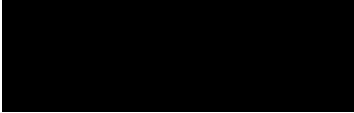
Thurrock Council advises that there will not be a need for a s106 agreement for this DCO application as all mitigation matters can be dealt with through draft DCO as currently shown.

- *Any other information requested by the ExA for submission at Deadline 7.*

As an update to the ExA following ISH4 Thurrock Council have now agreed Protective Provisions within Schedule 9 Part 11 of the dDCO with the applicant and following further review of Article 12(3) Thurrock Council are no longer seeking changes to this Article.

I trust that this information is of assistance and should wish to contact me regarding the content of this letter then please use the email address provided.

Yours sincerely



Chris Purvis
Major Applications Manager