

**Your ref: EN010092**

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Brighton  
BN3 3BE  
[REDACTED]

Date: 09 August 2021

National Infrastructure Directorate  
The Planning Inspectorate  
Temple Quay House  
Temple Quay  
BRISTOL  
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### Thurrock Flexible Generation Plant – Deadline 7 Letter

This letter accompanies documents submitted by Thurrock Power Ltd to the Planning Inspectorate at Deadline 7. The following information requested for Deadline 7 in the Rule 8 letter (09 June 2021) and Rule 17 letter (29 July 2021) has been submitted.

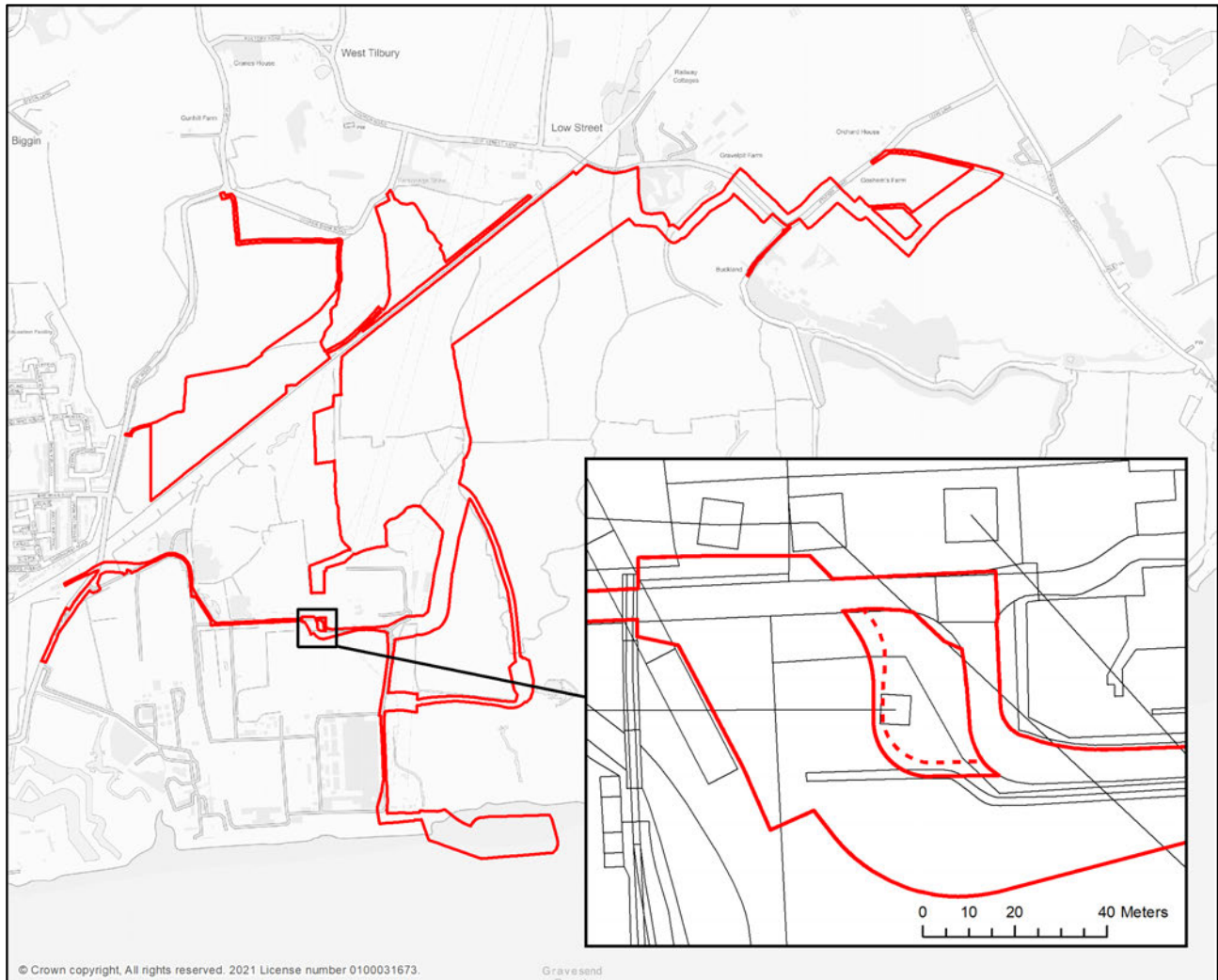
### Rule 8 Letter

Rule 8 Letter	Thurrock Power Ltd Submissions
Comments on responses submitted for Deadline 6	Relevant matters have largely been addressed through the hearings, commentary on the RIES and in SoCGs. A summary statement of the Applicant's position is enclosed.
Comments on the RIES (if required)	Enclosed.
Comments on the ExA's proposed schedule of changes to the dDCO (if required)	Enclosed, included within table of amends to the dDCO.
Written summaries of oral submissions made at any hearings held during the week commencing 26 July 2021	Enclosed.
Any post-hearing notes requested at the hearings	n/a
Responses to comments on additional photography (if any)	n/a
Comments on responses to the ExA's additional written questions (ExQ3)	The Applicant has no further comments to make. Relevant matters have been addressed through the hearings and in SoCGs.
Final SoCGs and Finalised Statement of Commonality	The finalised Statement of Commonality and SoCGs with the following parties (in addition to finalised SoCGs already submitted) are enclosed: <ul style="list-style-type: none"> <li>• Highways England</li> <li>• Thurrock Council</li> <li>• Natural England</li> </ul> Enclosed are joint statements with National Grid and Network Rail.

	<p>An unsigned, proposed final draft SoCG with the Marine Management Organisation (MMO) is enclosed as the Applicant has not received a response from the MMO.</p> <p>No SoCG with RWE or PoTLL is available. The parties have been focused on negotiations for the access agreement and agreeing, in so far as is possible, the wording of protective provisions.</p>
Final Compulsory Acquisition Schedule in clean and tracked versions	Enclosed.
Final Guide to the Application	Enclosed.
A final schedule of changes to the dDCO	Enclosed.
Final dDCO to be submitted by the Applicant in the Statutory Instrument (SI) template with the SI template validation report	<p>Enclosed.</p> <p>(The stationery office is experiencing technical issues which have delayed the issue of the validation report. The validation report will follow as soon as it is available.)</p>
Resubmission of final version of updated application documents	<p>The following final versions of updated documents are enclosed:</p> <ul style="list-style-type: none"> <li>• A2.1 Location and Order Limit Plans</li> <li>• A2.2 Land, Special Category Land and Crown Land Plans</li> <li>• A2.3 Works Plans</li> <li>• A2.4 Access, Rights of Way and Traffic Regulation Measures Plans</li> <li>• A2.5 Illustrative Highway Engineering Drawings</li> <li>• A2.6 Illustrative General Arrangement Plans</li> <li>• A2.7 Illustrative Landscape Plan</li> <li>• A2.11 Historic or Scheduled Monument Sites Plan</li> <li>• A2.12 Statutory and Non-Statutory Nature Conservation Sites</li> <li>• A2.13 Tree Preservation Order and Hedgerow Plan</li> <li>• A3.1 Draft Development Consent Order</li> <li>• A4.3 Book of Reference</li> <li>• A5.2 Habitats Regulations Assessment Report</li> <li>• A6.2.2 Chapter 2 – Project Description</li> <li>• A7.7 Other Consents and Licences Statement</li> <li>• A8.6 Code of Construction Practice</li> <li>• A8.7 Outline Ecological Management Plan</li> </ul> <p>Final versions of all other documents, submitted at previous deadlines, are as identified in the final Guide to the Application.</p> <p>A minor drawing error on the DCO plans has been corrected, where the Order Limits have been reduced by around 2m to avoid conflict with a pylon base near Tilbury Substation. The location of this correction is illustrated below.</p>
Final updated version of the Book of Reference	Enclosed.
Any final, duly executed, section 106 agreement(s)	n/a
Any other information requested by the ExA for submission at Deadline 7	<p>As requested by the ExA at the previous deadline, the Applicant submits into the DCO process a copy of further representations received by the Planning Inspectorate in relation to the consultation on the section 16 commons application. The Applicant intends also to provide a copy of its responses to these further submissions at Deadline 8.</p>

An updated Explanatory Memorandum and Statement of Reasons are also enclosed.

**Order Limits correction (previous: dotted red line; corrected: solid red line)**



## Rule 17 Letter

The Rule 17 letter of 29 July 2021 requested that the Applicant submits a schedule setting out proposed amendments to the application documents (and in particular the draft Development Consent Order (dDCO)) which the Applicant considers would be necessary to give effect to removal of the proposed causeway from the application.

These changes would comprise removal of the causeway (Work 10), sea wall crossing (Work 11) and the access road inland from it (Work 12(b) and part of Work 12(a)).

The Applicant previously requested a material change to provide for a new access route for abnormal indivisible load (AIL) vehicles and this change has been accepted. That change does not create a complete alternative solution and a commercial agreement to bring AILs through the Port of Tilbury and onto the public highway is necessary for this to form a viable route. When making the change request, the Applicant set out the criteria that would enable it to commit to using only the new AIL access and to withdraw the causeway as an AIL access option, in paragraph 2.6 of the change request letter (AS-012).

As discussed in the Compulsory Acquisition Hearing on 26 July 2021 and the written summary of the oral submissions, enclosed, in the absence of a legal agreement with the Port of Tilbury London Ltd (PoTLL) enabling delivery of AILs via the port, those criteria are not met.

However, as requested in the Rule 17 letter, amendments to the dDCO and other application documents that would be necessary to give effect to removal of the proposed causeway, should the Secretary of State be minded to do so against the Applicant's express wishes, are enclosed and set out as follows.

As discussed in the hearings on 26 July, this information is submitted without prejudice to the Applicant's continuing request that the causeway works be granted consent as applied for as part of the Application. Submission of this information by the Applicant does not constitute a request for or agreement to Work 10 (causeway) and Work 11 (alterations to flood defence wall), Work 12(b) and part of Work 12(a) (access) being excluded from any DCO granted.

The Applicant notes that Highways England and the Port of London Authority have expressed support in submissions to the examination for the use of water transport. For the avoidance of doubt, the Applicant confirms that AILs would still be delivered by sea and river to the Port of Tilbury and withdrawing the causeway does not remove the use of river transport.

The following elements of the proposed development would be removed if the causeway is not granted consent:

- The causeway and barge berthing pocket (entirety of Work 10);
- The access through the sea wall and removable barrier in the sea wall (entirety of Work 11);
- The new access road section running west from the sea wall inland on RWE's site (entirety of Work 12(b)); and
- Access over and improvements to the RWE site road running north from Work 12(b) as far as the turn eastwards towards the Ingrebourne Valley site (part of Work 12(a)).

No new proposed development elements would be added.

A number of application documents would no longer be relevant on the basis that they relate solely to the causeway design or effects associated with the causeway. These are listed below. Other key application documents including drawings, management plans, the register of mitigation commitments and the Environmental Statement conclusions, have been revised for consistency to create a complete package of relevant documents should the causeway be refused consent.

## **ENVIRONMENTAL EFFECTS**

If the causeway is not granted consent, effects on the marine and intertidal environment associated with construction, operation and decommissioning of the causeway would no longer occur. No works to or in the vicinity of the sea wall would be required and there would be no impact on the coast path and cycle route. No other new or greater environmental effects would occur as a result of the causeway withdrawal. Effects associated with the alternative AIL access were previously assessed in the April 2021 ES Addendum.

A number of ES documents and other application documents that relate solely to the causeway would no longer be relevant and would not need to be certified under the DCO, as listed below. However, the causeway was also referenced in sections of documents throughout the ES. The reduced or removed effects have been identified, and are shown through revised summary of effect chapters in the ES (Chapters 31-33) and a revised summary of mitigation, enhancement and monitoring commitments (Appendix 2.1). An alternative Project Description chapter is also submitted. Environmental management plans and mitigation commitment documents have been revised where that would be applicable.

The Water Framework Directive (WFD) assessment in Appendix 17.3 of the ES would no longer be applicable. Without the causeway, there is no direct impact of the development on any WFD waterbody. The only remaining relevant potential impact pathway from the WFD assessment scoping (as was described in Appendix A, Section 4: WFD Protected Areas of Appendix 17.3) is discharge of surface water via the local drainage network to the Middle Thames waterbody, potentially within 2km of the Thames Estuary and Marshes Special Protection Area (SPA). However, this would be discharge of clean surface water only, with no adverse effect.

The Habitats Regulations Assessment Report (HRAR) would also largely no longer be relevant, but there is a single relevant potential effect pathway still screened in and so an alternative HRAR is submitted.

### **LIST OF DOCUMENTS THAT ARE NO LONGER RELEVANT**

The following documents would no longer be relevant on the basis that they related solely to the causeway (references are to the latest versions as they stood in the examination):

- PDC-019 – Chapter 17 (Marine Environment)
- APP-079 – Chapter 30 (Marine Environment)
- PDC-033 – Appendix 9.4 – Foreshore Wintering Bird Surveys
- APP-118 – Appendix 16.3 – Team2100 Tilbury Ground Investigations
- APP-119 – Appendix 17.1 – Phase 1 Intertidal Survey Report and Benthic Ecology Desktop Review
- APP-120 – Appendix 17.2 – Hydrodynamic Modelling and Sediment Assessment
- PDC-027 – Appendix 17.3 – Water Framework Directive
- APP-130 – Concept Design of Causeway for Delivery of Abnormal Indivisible Loads
- PDC-012 – Assessment of Causeway Decommissioning
- PDC-052 – Preliminary Navigation Risk Assessment for the Thurrock FPG Plant Causeway
- AS-024 – Deemed Marine Licence Co-ordinate Plan
- REP4-018 – Outline Written Scheme of Investigation for Marine and Intertidal Archaeological Mitigation
- AS-048 – Additional Analysis of Bird Data

### **LIST OF REVISED APPLICATION DOCUMENTS**

The following changed and updated application documents are submitted:

- A2.1 – Location and Order Limit Plans
- A2.2 – Special Category Land and Crown Land Plans
- A2.3 – Works Plans
- A2.4 – Access, Rights of Way and Traffic Regulation Measures Plans
- A2.5 – Illustrative Highway Engineering Drawings
- A2.6 – Illustrative General Arrangement Plans
- A2.8 – Illustrative Cross Section Plans
- A2.9 – Illustrative Landscape Plan
- A2.11 – Historic or Scheduled Monument Sites Plan
- A2.12 – Statutory and Non-Statutory Nature Conservation Sites
- A2.13 – Tree Preservation Order and Hedgerow Plan
- A3.1 – Draft Development Consent Order showing the changes which would be required to the Order in track
- A3.2 – Explanatory Memorandum
- A4.2 – Statement of Reasons
- A4.3 – Book of Reference
- A5.2 – Habitats Regulations Assessment Report
- A6.2.2 – Chapter 2: Project Description
- A6.5.1 – Chapter 31: Summary of Inter-Related Effects
- A6.5.2 – Chapter 32: Summary of Cumulative Effects
- A6.5.3 – Chapter 33: Summary of Residual Effects
- A6.6.1 – Appendix 2.1: Mitigation, Enhancement and Monitoring Commitments
- A6.6.11 – Appendix 9.3: Biodiversity Net Gain\*
- A8.4 – Design Principles Statement
- A8.6 – Code of Construction Practice
- A8.7 – Outline Ecological Management Plan
- A8.8 – Construction Traffic Management Plan

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\*Natural England's Biodiversity Net Gain Calculator tool was updated to version 3.0 on 07 July 2021. In accordance with Natural England's guidance (shown below) and to maintain continuity with the existing calculations, version 2.0 of the calculator has continued to be used.

Natural England guidance published at <http://nepubprod.appspot.com/publication/6049804846366720> on 07 July 2021:

*"Users of the previous Biodiversity Metric 2.0 should continue to use that metric (unless requested to do otherwise by their client or consenting body) for the duration of the project it is being used for as they may find that the biodiversity unit values metric 2.0 generates will differ from those generated by Biodiversity Metric 3.0".*

**All revised documents relating to the Rule 17 request are enclosed in the 'Rule 17 response' subfolder in the submission file.**

Yours sincerely,  
for RPS

Tom Dearing