



Department for
Business, Energy
& Industrial Strategy

1 Victoria Street
London
SW1H 0ET

Email:

Web: www.gov.uk/beis

To:

The Applicant
Port of Tilbury London Limited
RWE Generation (UK) plc
Thurrock Flexible Generation Plant Interested Parties

Our Ref: EN010092

Date: 21 December 2021

Dear Sir or Madam

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

Application by Thurrock Power Limited (“the Applicant”) for an Order granting Development Consent for the proposed Thurrock Flexible Generation Plant (“the Thurrock Plant”)

1. Following the completion of the Examination of the above application on 16 August 2021, the Examining Authority submitted a Report and Recommendation to the Secretary of State on 16 November 2021 in respect of its findings and conclusions. In accordance with section 107 of the Planning Act 2008, the Secretary of State has three months to determine the application from the date of the receipt of the Report and Recommendation.
2. There are issues on which the Secretary of State for Business, Energy and Industrial Strategy (“the Secretary of State”) would be grateful if the Applicant, Port of Tilbury London Limited (“POTLL”), RWE Generation (UK) PLC (“RWE”) and other Interested Parties could provide updates or information as appropriate.
3. The Secretary of State notes that, at the close of the Examination, there was no agreement between the Applicant, POTLL and RWE about the possible agreement necessary to secure the ‘Alternative AIL Access Route’. The Secretary of State requests that the **Applicant, POTLL and RWE** provide an update on the status of any discussions between them in relation to securing an agreement on the Alternative AIL Access Route. The Secretary of State also requests that if no agreement has been reached within the timescale set for responses to this letter, then the parties should provide an indication

of when discussions between them might be concluded. The Secretary of State also invites other **Interested Parties** to comment on this issue if they wish to do so.

4. In the event that an agreement is concluded, the Secretary of State requests that the **Applicant** should provide: a revised Development Consent Order to reflect the terms of the agreement; a revised Book of Reference, a revised Statement of Reasons; and, revised versions of any other relevant documents (including plans) that would require certification by the Secretary of State.
5. The Secretary of State notes that Pinsent Masons for POTLL made a Deadline 8 Submission – ‘Appendix 3: Mark up of Applicant’s DCO Version 8’. This included a request that wording should be inserted in proposed Requirement 18(4) in the draft development consent order to require the causeway to be removed ‘*no later than 1 month following the approval of a causeway decommissioning plan under requirement 19(4)*’ (to ensure that the causeway is removed expeditiously). While acknowledging POTLL’s concern that, in the event the causeway needs to be removed it should be done as quickly as possible, the Secretary of State takes the view that the proposed one month timetable might prove challenging for the Applicant and considers that it would be more appropriate to require that the causeway should be removed within 3 months of the causeway decommissioning plan being approved by the Marine Management Organisation. The Secretary of State requests comments from the **Applicant** and from **POTLL** on his proposed addition to Requirement 18(4). The Secretary of State also invites other **Interested Parties** to comment on this issue if they wish to do so.
6. The Secretary of State would also be grateful if the **Applicant** would confirm that it is content that “decommissioning”, as referred to at Requirements 18(4) and 19, does not require further definition because this will be determined as part of the approval process for the causeway decommissioning plan pursuant to Requirement 19(1). The Secretary of State also invites other **Interested Parties** to comment on this issue if they wish to do so.
7. **Comments should be submitted by email only to:**
ThurrockFPG@planninginspectorate.gov.uk by **23.59 on the 12 January 2022**.
8. Responses will be published on the Thurrock Flexible Generation Plant page of the National Infrastructure Planning website:
<https://infrastructure.planninginspectorate.gov.uk/projects/south-east/thurrock-flexible-generation-plant/> as soon as practicable after the **12 January 2022**.
9. Once the Secretary of State has considered the submissions that have been made to him, he will decide whether any further consultation is to take place. Interested Parties should not assume that further rounds of consultation will be required.
10. This letter is without prejudice to the Secretary of State’s consideration of whether to grant or withhold development consent for the Thurrock Plant. Nothing in this letter is to be taken to imply what the eventual decision might be or what final conclusions

the Secretary of State may reach on any particular issue which is relevant to the determination of the application.

Yours faithfully

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Gareth Leigh
Head of Energy Infrastructure Planning