



BY EMAIL ONLY to: wsummerlin@stateraenergy.co.uk

Your ref:

William Summerlin
Statera Energy Limited
1st Floor, 145 Kensington Church Street
London
W8 7LP

27 September 2022

Dear Mr Summerlin,

Thurrock Flexible Generation Plant Development Consent Order 2022 – S.I. 2020/157 (“the 2022 Order”) – Proposed Non-Material Change Application

Regulation 7(3) of the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 - Written consent from the Secretary of State for not consulting a person or authority

1. Thank you for your email of 24 August 2022 on behalf of your client Thurrock Power Limited (“the Applicant”). The email of 24 August 2022 provided details of the proposed amendments to Work No.1B of the authorized development in Schedule 1 of the 2022 Order (“Work No.1B”) that are proposed to be applied for via a non-material change application (“the proposed Application”). The email included two attachments. The first attachment is a proposed consultee list, which provides a list of proposed consultees on the first page, with consultees that are not proposed for consultation provided on the second page. The second attachment was a copy of the 2022 Order. The Applicant sent a further email on 6 September 2022 to which an updated consultee list was attached. The updated consultee list provided further details as to which parties were notified under section 56 of the Planning Act 2008. The Applicant sent a further email on 27 September 2022 which amended the scope of the proposed non-material change, details of which set out below.
2. The email of 24 August advised that currently, Work No.1B allows for the battery element to have “a net rated electrical output of up to 150MW for four hours”. The email of 27 September 2022 advised that the Applicant would like to amend Work No.1B to include flexibility to allow for the battery element to deliver either:

- the consented output and duration (i.e., up to 150MW at four hours duration); or
 - up to 600 MW at one hour duration; or
 - any output between 150MW and 600MW at a duration that results in 600MWh of capacity (e.g., 200MW for three hours; 300MW at 2 hours; or 400MW for one and a half hours).
3. The email advised that the proposed Application would therefore be entirely limited to amending the wording of Work No.1B to cater for this “flexibility in battery output and duration” and that “there is no need for any other amendments to the [Order] because of this proposed [Application], including to the works plans or the parameters for built infrastructure”. The email further advised that there is no reason (as a result of noise or any other factor) as to why the Application requires an update to the Environmental Statement, Habitats Regulations Assessment, or Compulsory Acquisition Powers, and that there would be no changes in impacts on local businesses and residents either.
 4. The Applicant proposes to consult three parties who raised noise as a concern as part of their original consultation response: Thurrock Borough Council, Gravesham Borough Council, and the Condozers Scout Activity Centre. The Applicant also proposes to consult the UK Power Networks (the district network operator) and National Grid Electricity Transmission PLC (as transmission owner), given the change concerns electrical output and duration.
 5. The e-mail requests the Secretary of State’s consent for a limited consultation exercise for this Application. The Secretary of State has considered the request under regulation 7(3) of the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 (as amended) (“the 2011 Regulations”). The Secretary of State agrees that the six parties the Applicant has listed for consultation should be consulted.
 6. However, the Secretary of State considers that the following parties should be consulted, given their possible interest in the Application and because they were all consulted under section 42 of the Planning Act 2008 for the original development consent application:
 - Public Health England
 - The Health and Safety Executive
 - Natural England
 - Historic England
 - The Environment Agency
 - Essex County Fire and Rescue Service
 - Essex Police and Crime Commissioner
 - Kent Downs AONB
 - Network Rail Infrastructure Ltd
 7. The Secretary of State agrees that the other parties listed on the second page of the attachment of your email of 6 September 2022 need not be consulted as they are not directly affected, either because the changes proposed will not affect their interests or because their interests relate to a different part of the scheme.

8. Accordingly, the Secretary of State gives written consent for the consultation to proceed in accordance with the details set out above, under regulation 7(3) of the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011.
9. In taking this decision the Secretary of State notes that while those persons not proposed to be consulted on the non-material change application will not be consulted directly in relation to the change proposals, the Application will be publicised in line with the requirements in regulation 20 of the 2011 Regulations.
10. Finally, the Secretary of State's written consent in this matter should not be taken as indicating approval for any aspects of the proposed changes to the 2022 Order which fall to him for consideration and determination, or whether the proposed changes will ultimately be regarded as material or not.

Yours sincerely,

Kerry Crowhurst

Kerry Crowhurst
Planning Case Manager