

Crowhurst, Kerry (Energy & Security - EDRD)

From: William Summerlin [REDACTED]
Sent: 24 August 2022 13:30
To: [REDACTED] (Energy & Security - EDRD); [REDACTED] (Energy & Security - EDRD)
Cc: [REDACTED]
Subject: Consultation for a non-material change to the Thurrock Flexible Generation Plant DCO (2022 No.157)
Attachments: Thurrock FGP - Proposed NMC Consultee List.ods; EN010092-001668-Thurrock FGP Development Consent Order.pdf

Dear Gareth/James

I hope you are well. Even since we met on 24 May to update you on the project, the prominence of BEIS' brief in the national conversation has only increased!

When we met in May, one of the items discussed was a proposed NMC to the DCO to allow for flexibility in delivery of the battery storage element of the project.

Currently, work no. 1B of the authorised development in Schedule 1 of the DCO (attached – page 29) allows for the battery element to have “a net rated electrical output of up to 150MW for four hours”.

We 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 300 MW at two hours duration; or
- any output between 150MW and 300MW at a duration that results in 600MWh of capacity (e.g., 200MW for three hours or 240MW for two and a half hours).

This NMC would therefore be entirely limited to amending the wording of work no. 1B to cater for this flexibility in battery output and duration. There is no need for any other amendments to the DCO because of this proposed NMC, including to the works plans or the parameters for built infrastructure.

The relevant regulations for DCO changes allow for a limited consultation exercise for an NMC. Paragraph 32 of the government's guidance on this is:

“The regulations also provide that an applicant need not consult a person or authority specified in the regulations if they have the written consent of the Secretary of State not to do so. Any such requests should be sent in writing to the Planning Inspectorate well in advance of consultation starting and should set out clearly who it is proposed not to consult and the reason for this. Requests will be considered on a case by case basis, but applicants should note that requests seeking a total exemption from the need to consult are unlikely to be accepted.”

An increase in the capacity of a battery site could notionally result in increased sound levels assuming “like for like” battery technology/equipment/supplier. However, given that:

- the existing DCO does not mandate a specific battery/technology/supplier;
- the noise levels will vary from supplier to supplier of battery equipment;
- the supplier for this project has not been selected;
- the existing DCO restricts operational noise - via requirement 16 - on a site wide basis (i.e. the entire battery/gas site combined);
- the applicant will need to ensure the site as a whole (with suitable measures for noise mitigation measures implemented if necessary) complies with requirement 16; and

- the gas plant – for which no amendments are proposed as part of this NMC application - is highly likely to be the dominant noise source at the site;

the proposed NMC to the battery element will not result in changes in the noise impacts of the authorised development on receptors.

There is therefore no reason (as a result of noise or any other factor) why the NMC requires updates to the environmental statement, habitats regulation assessment or compulsory acquisition powers. There would be no changes in impacts on local businesses and residents either.

Our view is the very limited nature of this change could feasibly warrant a total exemption from the need to consult. However, given the guidance discourages such an approach, and in the interests of proper planning, we propose to consult the three parties who raised noise as part of their original consultation responses, being Thurrock Borough Council, Gravesham Borough Council and the Condoverters Scout Activity Centre.

We also propose to consult the district network operator (UKPN) and National Grid Electricity Transmission PLC as transmission owner given the change concerns electrical output and duration. However, again this is “belt and braces” as connection to the grid is comprehensively dealt with under separate statutory processes and neither party made representations as part of the original application.

We do not propose to consult any other parties given that the changes are not relevant to them, or the representations (if any) made by those parties during the original application.

We attach a list of proposed consultees in tab 1 of the attached spreadsheet, with a list of consultees from the original DCO application we do not propose to consult at tab 2.

Please therefore accept this email as a formal request for Secretary of State’s consent for a limited consultation exercise for this NMC.

Kind Regards

Will

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