

Case Manager
The Planning Inspectorate
National Infrastructure
Temple Quay House
Temple Quay
Bristol
BS1 6PN

21 March 2024

By email to ThurrockFPG@planninginspectorate.gov.uk

Our Ref: PoTLL/TFGP/NMC

Dear Sir/Madam

Planning Act 2008
Thurrock Flexible Generation Plant Development Consent Order (reference 2022 No.157)
Non-Material Change Application No. 2

1. This letter constitutes the Port of Tilbury London Limited's ('PoTLL') response to the Thurrock Flexible Generation Plant Development Consent Order (reference 2022 No.157) Non-Material Change Application No 2.
2. The Secretary of State will recall that PoTLL are the owner and operator of the Port of Tilbury and are a statutory undertaker in this regard. The Port's land adjoins the area of operational development proposed in the DCO.
3. We note that PoTLL was not consulted in advance of the submission of this NMC. As a direct neighbour to the Thurrock Flexible Generation Plant project, PoTLL respectfully requests that it should be added to the standard list of consultees for any future applications for NMC.
4. The proposed Non-Material Change involves an increase in gas engine number from 48 to 100, thereby more than doubling the number of gas engines to be installed.
5. Attached to this letter is a statement from our consulting ecologists, Bioscan UK Limited, which should be read as part of our representations.
6. Our consultants query the basis on which the Applicant claims that there is no need to review the Habitat Regulations Assessment (HRA). The Applicant has provided no technical or evidential basis for the claim that the overall quantity and nature of air pollutants generated will be unchanged, nor an updated HRA to assess any overall change in emissions.
7. PoTLL consider that the Applicant should either prepare (i) a statement specifically confirming that the overall quantity and nature of air pollutants generated will not change (and the basis on which this is the case), or otherwise (ii) prepare an updated HRA that incorporates an assessment of air quality impacts arising from the proposed increase in



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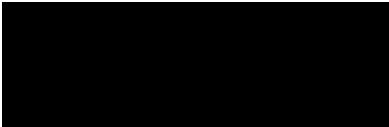


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gas engine number (assessed alone and on a cumulative basis). Indeed, if an updated HRA is necessary, this brings into question whether the change can be considered 'non-material.'

8. We would also wish the Applicant to provide confirmation of the impact of this NMC on traffic movements, including AILs that may need to route through Tilbury2, adjoining the site.
9. PoTLL consider that prior to approving the NMC, the SoS should be informed as to the above matters.

Yours sincerely,



PETER WARD
COMMERCIAL DIRECTOR
PORT OF TILBURY LONDON LIMITED



THURROCK FLEXIBLE GENERATION PLANT DEVELOPMENT CONSENT ORDER 2022 (as amended) APPLICATION STATEMENT FEBRUARY 2024

Review on behalf of Port of Tilbury London Ltd (PoTLL)

Prepared by Bioscan UK Ltd, 19 March 2024

1. An application for a Non-Material Change to the Thurrock Flexible Generation Plant Development Consent Order has been made by Thurrock Flexible Generation Limited.
2. The proposed Non-Material Change involves an increase in gas engine number from 48 to 100, thereby more than doubling the number of gas engines to be installed.

Extract from Thurrock Flexible Plant DCO Application Statement (Statera, February 2024):

- 2.2.5 The NMC would therefore be entirely limited to replacing the number "48" with the number "100" in the definition of work no. 1A(b) only. This change shown in track below:
- 2.2.6 "(b) up to ~~48~~ 100 gas reciprocating engines;"
- 2.2.7 No amendments are required elsewhere in the DCO, including to the works plans, land plans or the parameters for built infrastructure.

3. It is unclear from the information provided whether this would result in a change in the emissions generated by the project.
4. The Habitats Regulations Assessment (HRA) report prepared in August 2021 by RPS on behalf of Statera states:

"Operational emissions

5.1.43 The principal source of operational emissions will be gases exhausted from the stacks of gas reciprocating engine generator sets.

5.1.44 The methods for screening of potential likely significant effects with respect to operational emissions are described in Volume 3, Chapter 12: Air Quality of the ES while the data relating to designated sites is presented in Volume 6, Appendix 12.1: Air Quality Impacts on Ecological Receptors of the ES.

5.1.45 For all pollutants (NO_x, nutrient nitrogen deposition and acid deposition), either the Predicted Environmental Concentration (PEC) did not exceed the Environmental



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Quality Standard (EQS) or the Process Contribution (PC) was <1% of the EQS for almost all of the ecological interest features of designated sites in the study area.

5.1.46 The one exception is nutrient nitrogen deposition and acid deposition for Ringed Plover within the Thames Estuary & Marshes SPA/Ramsar where the maximum PC is >1% of the EQS and the PEC would exceed the relevant CL/CLF. The CL/CLF used in the assessment is taken from the Site-Relevant Critical Load tool on APIS and is for acidic coastal stable dune grassland. This habitat type does not occur within the Thames Estuary and Marshes SPA/Ramsar; indeed the main associations of this species within the SPA are the grazing marsh and inter-tidal mudflats, in particular at Mucking Flats near east Tilbury and further east at Allhallows-on-Sea (Frost et al. 2016). Such habitats are not susceptible to either acid or nutrient nitrogen deposition on the basis that they are both high-nutrient systems (as demonstrated by a high critical load of 20-30 kgN.ha⁻¹.yr⁻¹) and brackish (or salt water) and therefore more alkaline.

5.1.47 On this basis, it is considered that the data on APIS are not directly relevant to the population of Ringed Plover using the SPA where a higher critical load/CLF would be more appropriate, given the habitat associations of this species in this geographic location. Therefore, there is no potential for a likely significant effect on Ringed Plover using the Thames Estuary and Marshes SPA as a result of emissions to air from the proposed facility.

5.1.48 Therefore, given that no effect is predicted on either of the Annex 1 species for The Thames Estuary and Marshes SPA (Avocet or Hen Harrier) and no effect is predicted on the designated habitats or species within the SPA or the SAC, impacts occurring from operational air quality issues on all designated sites can be screened out, as no likely significant effects are anticipated.”

5. However, the current application for a Non-Material Change does not appear to provide specific confirmation that the overall quantity and nature of air pollutants generated will be unchanged, nor an updated HRA to assess any overall change in emissions.
6. The Port of Tilbury London Ltd considers that the Applicant should either prepare (i) a statement specifically confirming that the overall quantity and nature of air pollutants generated will not change, or otherwise (ii) prepare an updated HRA that incorporates an assessment of air quality impacts arising from the proposed increase in gas engine number (assessed alone and on a cumulative basis).