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Rob Gully
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Your Ref:

Our Ref: EN010093

Date: 14 December 2018

By Email only

Dear Mr Gully,

Planning Act 2008 – Section 51

Application by Cory Riverside Energy for an Order Granting Development Consent for the Riverside Energy Park

Advice following issue of decision to accept the application for examination

On 14 December 2018 the Secretary of State decided that the application for the above project satisfied the acceptance tests under section 55 of the Planning Act 2008 (PA2008). The Planning Inspectorate's section 55 Acceptance of Applications Checklist (the Checklist) has been published and made available on the project page of the National Infrastructure Planning website.

In undertaking checks at the Acceptance stage the Planning Inspectorate made some observations in relation to the application. This letter comprises advice to the Applicant, provided under section 51 of the PA2008, in respect of those observations. The Applicant should pay attention to its content and consider the appropriate action to be taken.

s55(3)(a) and s55(3)(c) Is it an application for an order granting development consent

Box 4 of the Application Form (Doc 1.4) concludes that the application is for an NSIP. Paragraph 2.7 of the Explanatory Memorandum (Doc 3.2) and information within the Environmental Statement (Doc 6.1) confirms that this onshore electricity generating station would have a generating capacity of more than 50MW.

However, the Works as described in Schedule 1 of the draft DCO (Doc 3.1) do not distinguish between those comprising the proposed NSIP and the associated development. The Schedule does not clearly set out the generating capacity of the proposed elements of the scheme. The Applicant is advised to consider this in advance of the examination as it is likely to be a matter reviewed by the Examining Authority (ExA).

Section 42(1)(a) persons

As detailed in the published Checklist (Box 6), there are a number of potentially relevant bodies which, on the basis of the information provided by the Applicant, do not appear to have been consulted at the Pre-Application stage. These are:

- Murphy Gas Networks limited
- Barking Power Limited
- Eclipse Power Network Limited
- Murphy Power Distribution Limited
- Vattenfall Networks Limited
- Western Power Distribution (West Midlands) plc.
- Peel Electricity Networks Limited (PENL)

Unless there is a good reason in each case why the Applicant considers that these bodies are not relevant to the Proposed Development, the Applicant is advised to include these bodies in the notification process for the accepted application. This should highlight the opportunities to become involved in the examination of the application. In particular notification should explain the process by which they may make Relevant Representations during the advertised period.

Section 42(1)(b), local authorities within s43

As detailed in the published Checklist (Box 8), there are five local authorities who were not consulted during the pre-application stage. These are:

- Epping Forest District Council
- Brentwood Borough Council
- London Borough of Redbridge
- London Borough of Newham
- Tower Hamlets Council

The Applicant should ensure these authorities are included amongst those on whom they serve notice of the accepted application under section 56 (2)(a) of PA2008 and should highlight the opportunities to become involved in the examination of the application.

Additionally, London Borough of Barking and Dagenham and London Borough of Havering should be treated as host authorities.

Regulation 5(2)(a) (Environmental Statement, Doc 6.1)

Chapter 11 of the Environmental Statement: Terrestrial Ecology identifies that due to the Proposed Development there would be a significant effect resulting from the direct loss of open mosaic habitat within the site. The Outline Biodiversity and Landscape Management Strategy (OBLMS) (Doc 7.6) states that the loss of open mosaic habitat will (in part) be compensated through creation of the same habitat type on the flood bank between the ERF building and the River Thames. The OBLMS also states that the Applicant will additionally provide off-site compensation. In both the on-site and off-

site instances the OBLMS fails to depict the location and extent of proposed compensation.

The Applicant should provide further details explaining how and where open mosaic habitat will be created on-site and include details relevant to the amount of land which will be required. Delivery of the on-site compensation measures necessary to offset the harm caused by direct loss of open mosaic habitat should be clearly secured within the DCO or other legally binding agreement. The Applicant should provide information to explain their approach to the identification and delivery of off-site compensation having regard to its biodiversity characteristics to meet the loss of open mosaic habitat. The explanation should also address the timescales associated with the delivery and the proposed mechanism that will secure its implementation.

Regulation 5(2)(h) (Funding statement, Doc 4.2)

The Applicant is advised that when appointed the ExA is likely to request to see the costs for compensation set out unambiguously and separated from the project costs.

Regulation 5(2)(j) (Works Plans, Doc 2.2)

The application contains two alternative routes for the cable connection, which makes for a wide range of proposed Compulsory Acquisition rights. As noted in paragraph 3.2.10 in Chapter 3 of the Environmental Statement a decision will be made with the UK Power Networks. The ExA when appointed is likely to request the Applicant to reach a conclusion regarding the choice of route as early as possible.

Submission of updated documents

The appointed ExA may formally request updated versions of the documents referred to above at the Pre-examination stage. The Applicant is therefore advised to start its review and update of those documents with a view to updated versions being ready to be made available to the ExA at the appropriate time.

We trust you find this advice helpful, however if you have any queries about the matters raised please do not hesitate to contact our office using the contact details at the head of this letter.

Yours sincerely,

Dee Allen

**Dee Allen
Case Manager**

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