EN010092 NON-MATERIAL CHANGE REQUEST



National Infrastructure Directorate
The Planning Inspectorate
Temple Quay House
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14 January 2021

EN010092 - Thurrock Flexible Generation Plant - Non-Material Change Request

Introduction

The Applicant hereby submits a formal written request for a non-material change to the submitted application for the Thurrock Flexible Generation Plant Development Consent Order. The Applicant advised the Examining Authority of its intention to make this change prior to the Preliminary Meeting (Part 1).

The change sought is as follows.

- 1. Altering the Order Limits to remove 2.2 ha (being approximately half of plot 01/20, owned by RWE) where habitat enhancement had been proposed. An equivalent quantum of habitat creation is now proposed at an alternative location within the existing Order Limits; and
- 2. Removing the proposal to encourage saltmarsh establishment using material dredged during the causeway construction. Document APP-146 (A8.10 Outline Saltmarsh Enhancement and Maintenance Plan) is being withdrawn.

No new land is proposed to be subject to powers of compulsory acquisition.

On 14 December 2020, at Procedural Deadline C, the Applicant submitted updated documents to the Examining Authority for a consultation process that runs to Procedural Deadline D on 25 January 2021. Those documents incorporated the changes sought, together with other further information sought by the ExA and other information or document revisions made by the Applicant in response to consultee representations and discussions.

Some of that other further information is interrelated with the changes requested. For example, the assessments of marine environment impacts and biodiversity net gain calculations are effected by the changes requested and by the Applicant's decision that the causeway could, under certain circumstances, potentially be decommissioned before the end of the Flexible Generation Plant's operating lifetime; whereas other information consulted on, such as the additional onshore archaeological investigation or flood risk assessment updates, is unrelated.

A clarification of which documents relate to which purpose was provided on 08 January 2021 and the relevant documents for this non-material change request are listed again below and in the enclosed document register.

Change sought and reasons for request

1. Change to Order Limits and habitat enhancement

The Applicant has noted the objection made by RWE about the proposed acquisition and use of a plot of scrubland adjacent to the north-eastern corner of Tilbury Substation for habitat enhancement. This land forms part of Work 2 and was described as 'Zone F4' of the habitat creation and enhancement proposals in the Environmental Statement (ES). It comprises around half of plot 01/20 in the Land Plans.

Following further discussion with RWE and a review of other available land within the Order Limits, the Applicant has decided to remove the Zone F4 land from the Order Limits. Habitat creation is instead now proposed in the area of agricultural land between the main development site and the railway line (part of what is described as 'Zone C' in the ES), within plots 01/17 and 02/06.



This does not affect land acquisition as the entirety of plots 01/17 and 02/06 were already proposed for permanent freehold acquisition. The remainder of plot 01/20 remains in the Order Limits as it is required for the construction of an access route to the main development site.

The replacement habitat creation within Zone C provides an equivalent quantum of habitat and an increase in biodiversity net gain value compared to the previous proposals for Zone F4. The label 'Zone F4' is retained and applied to the new location of replacement habitat creation in updated ES documents, as discussed below.

2. Removal of saltmarsh creation proposal

The Applicant has noted the comments made by the Environment Agency, Marine Management Organisation, Natural England and the Port of London Authority concerning saltmarsh creation in their relevant representations. Following a joint meeting with these parties (excepting the PLA, who were unable to attend) on 05 October 2020 the Applicant accepts that on balance it is now considered environmentally preferable <u>not</u> to use dredged material from the causeway construction to promote the establishment of saltmarsh on the mudflat in its lee.

APP-146 (A8.10 Outline Saltmarsh Enhancement and Maintenance Plan) will therefore be withdrawn and the draft DCO requirements and table of mitigation commitments in the Environmental Statement have been updated accordingly.

The dredged material will primarily be dispersed by water injection dredging (WID), as had already been described in the application for the balance of material that was not proposed for use in saltmarsh creation. WID of up to 13,000 m³ (of the total 16,100 m³ material) was assessed in APP-120 (ES Appendix 17.2). The 3,100 m³ balance of material to be excavated would be disposed of onshore. The Applicant considers it likely that some or all of this material could be used for the necessary raise of the main development site ground level, but as a worst case road transport of this material to a licensed disposal site has also been considered, and this could be accommodated within the construction HGV numbers that were set out in the application.

APP-144 (A8.8 Construction Traffic Management Plan) has been updated to provide greater detail about management of the crossing of Footpath 146 (the coastal foot/cycle path, also known as Two Forts Way) by construction plant and HGVs for this activity.

Non-materiality of proposed change

As set out in Advice Note 16¹, the determination of whether the change requested is material is for the Examining Authority, not the Applicant. The Applicant has however set out its reasons for considering the change not to be material in this section.

The change sought does not affect the substance of the scheme.

The change does not add any new land to the Order Limits and reduces the land affected by the powers sought. The removal of 2.2 ha from Plot 1/20 has been proposed in direct response to a request from the affected landowner. The amendments made to the Book of Reference in relation to this change do not add any new interests.

The change proposed has been reviewed by the authors of the ES and it is concluded that it does not affect the conclusions of the ES. Although various minor updates to the text of the ES are required to reflect the change, none of the assessment outcomes are altered. The increase in biodiversity net gain created by the change to Zone F4 and withdrawal of saltmarsh creation is not material and does not change the conclusions of the assessment of the overall impacts of the project.

The Habitats Regulations Assessment Report [APP-040], has also been considered with regard to the proposed change. The change requested does not result in any change to the conclusions in that report. Other updates to the Habitats Regulations Assessment Report as part of discussion with stakeholders about the assessment of impacts from the scheme overall on wintering birds have recently been made and consulted on, but these are not related to the change request.

All other assessments submitted as part of the application are unaffected by the proposed change.

¹ Planning Inspectorate Advice Note 16: How to request a change which may be material. Version 2, March 2018.

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The changes proposed have arisen following consultation on the DCO application and having regard to the feedback from stakeholders. The Applicant therefore considers that consultation on the proposed change is unnecessary as the change requested is a direct result of the responses provided to previous consultation and subsequent engagement with interested parties. The opportunity to further consult interested parties, afforded by the Examining Authority's procedural decision to request other further information and to consult on this between 14 December 2020 and 25 January 2021, has nevertheless been taken. As the change request has been prompted by the representations of interested parties, and does not involve any increase in the Order Limits or introduce impacts affecting other parties, the Applicant considers that additional or wider consultation is not necessary.

List of changed application documents

The following changed and updated application documents are submitted:

- APP-006 A2.1 Location and Order Limits Plans
- APP-007 A2.2 Land, Special Category Land and Crown Land Plans
- APP-008 A2.3 Works Plans
- APP-009 A2.4 Access Rights of Way and Traffic Regulation Measures Plans
- APP-010 A2.5 Illustrative Highway Engineering Drawings
- APP-011 A2.6 Illustrative General Arrangement Plans
- APP-012 A2.7 Illustrative Site Layout Plans
- APP-014 A2.9 Illustrative Landscape Plan
- APP-015 A2.10 Concept Drainage Plan
- APP-016 A2.11 Historic or Scheduled Monument Sites Plan
- APP-017 A2.12 Statutory and Non–Statutory Nature Conservation Sites
- APP-018 A2.13 Tree Preservation Order and Hedgerow Plan
- APP-019 A2.14 Deemed Marine Licence Co-ordinate Plan
- APP-020 A3.1 Draft Development Consent Order
- APP-021 A3.2 Explanatory Memorandum
- APP-025 A4.3 Book of Reference
- APP-040 A5.2 Habitats Regulations Assessment Report
- APP-045 A6 Vol2 Chapter 2 Project Description
- APP-058 A6 Vol3 Chapter 9 Onshore Ecology
- APP-066 A6 Vol3 Chapter 17 Marine Environment
- APP-082 A6 Vol5 Chapter 33 Summary of Residual Effects
- APP-083 A6 Vol6 Appendix 2.1 Mitigation Enhancement and Monitoring Commitments
- APP-093 A6 Vol6 Appendix 9.3 Biodiversity Net Gain Assessment
- APP-121 A6 Vol6 Appendix 17.3 Water Framework Directive Assessment
- APP-143 A8.7 Outline Ecological Management Plan
- APP-144 A8.8 Construction Traffic Management Plan

The application plans have been revised to show the changed Order Limits and habitat creation area, and the draft DCO and Book of Reference have also been updated accordingly.

The ES Project Description (APP-045) chapter has been revised to be consistent with the change sought, including showing a new ES 'Zone Plan' (Figure 1.5 in Chapter 2), and the selected ES and Habitats Regulations Assessment documents listed above have likewise been revised where details of the assessments are affected by the change or required edits for consistency with it.

All other ES and application documents should be read in conjunction with this letter and any references within them to the saltmarsh creation plan (APP-146) or the 'Zone F4' habitat creation proposals understood accordingly. The ES Zone Plan where it appears in other ES documents should be regarded as superseded by the revised version in Chapter 2 and the Order Limits appearing on other ES figures should be regarded as superseded by the changes described here.

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No revision to the assessment conclusions of Chapter 9 Onshore Ecology has been necessary as equivalent habitat creation and biodiversity net gain continue to be provided and the assessment conclusions are not changed. No revision to Chapter 8 Land Use, Agriculture and Socio-Economics or Chapter 10 Traffic and Transport has been necessary as the impact of construction HGVs, including those crossing Footpath 146, had already been assessed.

List of withdrawn application documents

The following application documents are proposed to be withdrawn:

• APP-146 – A8.10 Outline Saltmarsh Enhancement and Maintenance Plan

Yours sincerely, for RPS



Tom Dearing

Enclosed:-

EN010092 Document Version Tracker A, showing the status of all updated and new documents submitted to the Examining Authority on 14 December 2020

EN010092 Document Version Tracker A, showing the status of documents related only to the change request

	RPS ref.	PINS ref	Rev. no.	Status	Sub. date
Document title					
Covering Letter	A1.1	APP-001		Latest	01/05/2020
Electronic index of all application documents	A1.2	n/a		Latest	01/05/2020
Draft s.55 check list	A1.3	APP-002	_	Latest	01/05/2020
Application Form (electronic)	A1.4	APP-003	_	Latest	01/05/2020
Application Form (signed)	A1.4	APP-004		Latest	01/05/2020
Copies of Newspaper Notices	A1.5	APP-005		Latest	01/05/2020
Location and Order Limit Plans	A2.1	APP-006	C	Superseded	01/05/2020
Location and Order Limit Plans	A2.1	APP-006	1	Latest	14/12/2020
Land, Special Category Land and Crown Land Plans	A2.2	APP-007	C	Superseded	01/05/2020
Land, Special Category Land and Crown Land Plans	A2.2	APP-007	1	Latest	14/12/2020
Works Plans	A2.3	APP-008	_	Superseded	01/05/2020
Works Plans	A2.3	APP-008		Superseded	14/07/2020
Works Plans	A2.3	APP-008		Latest	14/12/2020
Access, Rights of Way and Traffic Regulation Measures Plans	A2.4	APP-009	C	Superseded	01/05/2020
Access, Rights of Way and Traffic Regulation Measures Plans	A2.4	APP-009	1	Latest	14/12/2020
Illustrative Highway Engineering Drawings	A2.5	APP-010	C	Superseded	01/05/2020
Illustrative Highway Engineering Drawings	A2.5	APP-010	1	Latest	14/12/2020
Illustrative General Arrangement Plans	A2.6	APP-011	C	Superseded	01/05/2020
Illustrative General Arrangement Plans	A2.6	APP-011	1	Latest	14/12/2020
Illustrative Site Layout Plan	A2.7	APP-012	C	Superseded	01/05/2020
Illustrative Site Layout Plan	A2.7	APP-012		Latest	14/12/2020
Illustrative Cross Section Plans	A2.8	APP-013		Latest	01/05/2020
Illustrative Landscaping Plan	A2.9	APP-014		Superseded	01/05/2020
Illustrative Landscaping Plan	A2.9	APP-014	1	Latest	14/12/2020
Concept Drainage Plan	A2.10	APP-015		Superseded	01/05/2020
Concept Drainage Plan	A2.10	APP-015	1	Latest	14/12/2020
Historic or Scheduled Monument Sites Plan	A2.11	APP-015		Superseded	01/05/2020
Historic or Scheduled Monument Sites Plan	A2.11	APP-016	1	Latest	14/12/2020
Statutory and Non-Statutory Nature Conservation Sites Statutory and Non-Statutory Nature Conservation Sites	A2.12 A2.12	APP-017 APP-017		Superseded	01/05/2020
, ,				Latest	14/12/2020
Tree Preservation Order and Hedgerow Plan	A2.13	APP-018		Superseded	01/05/2020
Tree Preservation Order and Hedgerow Plan	A2.13	APP-018		Latest	14/12/2020
Deemed Marine License Co-ordinate Plan	A2.14	APP-019		Superseded	01/05/2020
Deemed Marine License Co-ordinate Plan	A2.14	APP-019	1	Latest	14/12/2020
Draft Development Consent Order (word doc)	A3.1	APP-020	1	Latest	01/05/2020
Draft Development Consent Order (pdf)	A3.1	APP-020	1	Superseded	01/05/2020
Draft Development Consent Order (pdf)	A3.1	APP-020		Superseded	14/07/2020
Draft Development Consent Order (pdf)	A3.2	APP-020	3	Latest	14/12/2020
Explanatory Memorandum	A3.2	APP-021	C	Latest	01/05/2020
Statutory Instrument Validation Report	A3.3	APP-022	C	Latest	01/05/2020
Funding Statement	A4.1	APP-023	C	Latest	01/05/2020
Statement of Reasons	A4.2	APP-024	C	Latest	01/05/2020
Book of Reference	A4.3	APP-025	2	Superseded	01/05/2020
Book of Reference	A4.3	APP-025		Latest	14/12/2020
Consultation Report	A5.1	APP-026		Latest	01/05/2020
Consultation Report Appendix 1 Early Non-Statutory Consultation	A5.1.1	APP-027		Latest	01/05/2020
Consultation Report Appendix 2 Statement of Community Consultation	A5.1.2	APP-028		Latest	01/05/2020
Consultation Report Appendix 3 Consultation Scoping	A5.1.3	APP-029		Latest	01/05/2020
Consultation Report Appendix 4 Section 42 Consultation 2018	A5.1.4	APP-030		Superseded	01/05/2020
Consultation Report Appendix 4 Section 42 Consultation 2018	A5.1.4	APP-030	1	Latest	14/07/2020
Consultation Report Appendix 5 Section 47 Consultation 2018	A5.1.5	APP-031	Ċ	Latest	01/05/2020
Consultation Report Appendix 6 Section 48 Consultation	A5.1.6	APP-032		Latest	01/05/2020
Consultation Report Appendix 7 Consultation on Project Changes 2019	A5.1.7	APP-033		Latest	01/05/2020
Consultation Report Appendix 8 Consultation Responses (Part 1)	A5.1.8	APP-034		Latest	01/05/2020
Consultation Report Appendix 8 Consultation Responses (Part 2)	A5.1.8	APP-035	+	Latest	01/05/2020
Consultation Report Appendix 8 Consultation Responses (Part 2)	A5.1.8	APP-036		Latest	01/05/2020
	A5.1.8	APP-037		Latest	01/05/2020
Consultation Report Appendix 8 Consultation Responses (Part 4)					
Consultation Report Appendix 8 Consultation Responses (Part 5)	A5.1.8	APP-038 APP-039		Latest	01/05/2020
Consultation Report Appendix 8 Consultation Responses (Part 6)	A5.1.8 A5.2			Latest	01/05/2020
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Habitats Regulations Assessment Report Contents of the Environmental Statement Glossary, acronyms, units used in the Environmental Statement and application	A5.2 A6.0.1 A6.0.2	APP-041 APP-042	0	Latest	01/05/2020
Habitats Regulations Assessment Report Contents of the Environmental Statement Glossary, acronyms, units used in the Environmental Statement and application Non-Technical Summary of the Environmental Statement	A5.2 A6.0.1 A6.0.2 A6.1.1	APP-041 APP-042 APP-043	C C C	Latest Latest	01/05/2020 01/05/2020
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Document title	RPS ref.	PINS ref	Rev. no.	Status	Sub. date
Statement of Case and Green Belt Statement (Part 3)	A8.3	APP-137		0 Latest	01/05/2020
Statement of Case and Green Belt Statement (Part 4)	A8.3	APP-138		0 Latest	01/05/2020
Statement of Case and Green Belt Statement (Part 5)	A8.3	APP-139		0 Latest	01/05/2020
Design Principles Statement	A8.4	APP-140		0 Latest	01/05/2020
Flood Evacuation Plan	A8.5	APP-141		0 Superseded	01/05/2020
Flood Evacuation Plan	A8.5	APP-141		1 Latest	14/12/2020
Code of Construction Practice	A8.6	APP-142		0 Latest	01/05/2020
Outline Ecological Management Plan	A8.7	APP-143		0 Superseded	01/05/2020
Outline Ecological Management Plan	A8.7	APP-143		1 Latest	14/12/2020
Construction Traffic Management Plan	A8.8	APP-144		0 Superseded	01/05/2020
Construction Traffic Management Plan	A8.8	APP-144		1 Latest	14/12/2020
Construction Worker Travel Plan	A8.9	APP-145		0 Latest	01/05/2020
Outline Saltmarsh Enhancement and Maintenance Plan	A8.10	APP-146		0 Latest	01/05/2020
Outline Written Scheme of Archaeological Investigation	A8.11	APP-147		0 Latest	01/05/2020
National Grid Statement of Common Ground	A8.12	APP-148		0 Latest	01/05/2020
Thurrock Power Ltd Procedural Deadline A Submission	n/a	PDA-006		0 Latest	06/10/2020
Cumulative Effects Assessment Addendum	n/a	AS-007		0 Latest	14/10/2020
Applicant's S56 notice of accepted application	n/a	OD-003		0 Latest	08/07/2020
Certificate of Compliance with Section 56 of the Planning Act 2008	n/a	OD-004		0 Latest	27/08/2020
Certificate of Compliance with Section 59 of the Planning Act 2008	n/a	OD-005		0 Latest	27/08/2020
Certificate of Compliance with Regulation 16 Notice	n/a	OD-006		0 Latest	27/08/2020
Thurrock FGP table of dDCO amends to version 3 December 2020	n/a	n/a		0 Latest	14/12/2020
Causeway Decommissioning ES Addendum	n/a	n/a		0 Latest	14/12/2020
Causeway Public Access Restrictions	n/a	n/a		0 Latest	14/12/2020
Further Heritage Settings Assessmen	n/a	n/a		0 Latest	14/12/2020
Navigation Risk Assessment	n/a	n/a	R03-0	0 Latest	14/12/2020
Updated Heritage Baseline Report	n/a	n/a		0 Latest	14/12/2020
Viewpoints Panoramas Wirelines and Photomontages	n/a	n/a		0 Latest	14/12/2020
Track change dDCO (version 2 July 2020 to version 3 December 2020)	n/a	n/a		0 Latest	14/12/2020
Track change Explanatory Memorandum (version 1 May 2020 to version 2 December 2020)	n/a	n/a		0 Latest	14/12/2020

Document title	RPS ref.	PINS ref	Rev. no.	Status	Sub. date
Location and Order Limit Plans	A2.1	APP-006		Superseded	01/05/2020
Location and Order Limit Plans	A2.1	APP-006		Latest	14/12/2020
Land, Special Category Land and Crown Land Plans	A2.2	APP-007	0	Superseded	01/05/2020
Land, Special Category Land and Crown Land Plans	A2.2	APP-007		Latest	14/12/2020
Works Plans	A2.3	APP-008	0	Superseded	01/05/2020
Works Plans	A2.3	APP-008		Superseded	14/07/2020
Works Plans	A2.3	APP-008		Latest	14/12/2020
Access, Rights of Way and Traffic Regulation Measures Plans	A2.4	APP-009	0	Superseded	01/05/2020
Access, Rights of Way and Traffic Regulation Measures Plans	A2.4	APP-009		Latest	14/12/2020
Illustrative Highway Engineering Drawings	A2.5	APP-010	0	Superseded	01/05/2020
Illustrative Highway Engineering Drawings	A2.5	APP-010		Latest	14/12/2020
Illustrative General Arrangement Plans	A2.6	APP-011	0	Superseded	01/05/2020
Illustrative General Arrangement Plans	A2.6	APP-011		Latest	14/12/2020
Illustrative Site Layout Plan	A2.7	APP-012	0	Superseded	01/05/2020
Illustrative Site Layout Plan	A2.7	APP-012	1	Latest	14/12/2020
Illustrative Landscaping Plan	A2.9	APP-014	0	Superseded	01/05/2020
Illustrative Landscaping Plan	A2.9	APP-014	1	Latest	14/12/2020
Concept Drainage Plan	A2.10	APP-015	PO4	Superseded	01/05/2020
Concept Drainage Plan	A2.10	APP-015	PO5	Latest	14/12/2020
Historic or Scheduled Monument Sites Plan	A2.11	APP-016	0	Superseded	01/05/2020
Historic or Scheduled Monument Sites Plan	A2.11	APP-016	1	Latest	14/12/2020
Statutory and Non-Statutory Nature Conservation Sites	A2.12	APP-017	0	Superseded	01/05/2020
Statutory and Non-Statutory Nature Conservation Sites	A2.12	APP-017		Latest	14/12/2020
Tree Preservation Order and Hedgerow Plan	A2.13	APP-018	0	Superseded	01/05/2020
Tree Preservation Order and Hedgerow Plan	A2.13	APP-018		Latest	14/12/2020
Deemed Marine License Co-ordinate Plan	A2.14	APP-019	0	Superseded	01/05/2020
Deemed Marine License Co-ordinate Plan	A2.14	APP-019		Latest	14/12/2020
Draft Development Consent Order (word doc)	A3.1	APP-020	1	Latest	01/05/2020
Draft Development Consent Order (pdf)	A3.1	APP-020	1	Superseded	01/05/2020
Draft Development Consent Order (pdf)	A3.1	APP-020	2	Superseded	14/07/2020
Draft Development Consent Order (pdf)	A3.1	APP-020	3	Latest	14/12/2020
Explanatory Memorandum	A3.2	APP-021	0	Latest	01/05/2020
Book of Reference	A4.3	APP-025	2	Superseded	01/05/2020
Book of Reference	A4.3	APP-025	3	Latest	14/12/2020
Habitats Regulations Assessment Report	A5.2	APP-040	0	Superseded	01/05/2020
Habitats Regulations Assessment Report	A5.2	APP-040	1	Latest	14/12/2020
Chapter 2 - Project Description	A6.2.2	APP-045	0	Superseded	01/05/2020
Chapter 2 - Project Description	A6.2.2	APP-045	1	Latest	14/12/2020
Chapter 9 - Onshore Ecology	A6.3.4	APP-058	0	Superseded	01/05/2020
Chapter 9 - Onshore Ecology	A6.3.4	APP-058	1	Latest	14/12/2020
Chapter 17 - Marine Environment	A6.3.12	APP-066	0	Superseded	01/05/2020
Chapter 17 - Marine Environment	A6.3.12	APP-066		Latest	14/12/2020
Chapter 33 - Summary of Residual Effects	A6.5.3	APP-082	0	Superseded	01/05/2020
Chapter 33 - Summary of Residual Effects	A6.5.3	APP-082	1	Latest	14/12/2020
Appendix 2.1 - Mitigation, Enhancement and Monitoring Commitments	A6.6.1	APP-083	0	Superseded	01/05/2020
Appendix 2.1 - Mitigation, Enhancement and Monitoring Commitments	A6.6.1	APP-083	1	Latest	14/12/2020
Appendix 9.3 - Biodiversity Net Gain	A6.6.11	APP-093	0	Superseded	01/05/2020
Appendix 9.3 - Biodiversity Net Gain	A6.6.11	APP-093	1	Latest	14/12/2020
Appendix 17.3 - Water Framework Directive Assessment	A6.6.37	APP-121	0	Superseded	01/05/2020
Appendix 17.3 - Water Framework Directive Assessment	A6.6.37	APP-121		Latest	14/12/2020
Outline Ecological Management Plan	A8.7	APP-143	0	Superseded	01/05/2020
Outline Ecological Management Plan	A8.7	APP-143		Latest	14/12/2020
Construction Traffic Management Plan	A8.8	APP-144	0	Superseded	01/05/2020
Construction Traffic Management Plan	A8.8	APP-144	1	Latest	14/12/2020