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Date: 12th August 2025



Department for Energy Security and Net Zero
55 Whitehall
London
SW1A 2HP
United Kingdom

For the attention of Rt Hon Ed Miliband MP

Dear Secretary of State

The Rivenhall Generating Station Extension Order 2024 – Application for a non-material change

Request for written consent for a reduced consultee list under Regulation 7(3) of the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011

I write as the agent for Indaver Rivenhall Limited ('Indaver' or 'the Applicant') regarding The Rivenhall Generating Station Extension Order 2024 ('the Order') that was made on 19 December 2024, as corrected by The Rivenhall Generating Station Extension (Correction) Order 2025 made on 8 April 2025.

Indaver propose a non-material change to the Order, made under section 153 and paragraph 2 of Schedule 6 to the Planning Act 2008 (as amended) ('the 2008 Act').

Proposed changes

The proposed changes seek to make amends to Article 2(1) of the Order as follows:

- a. omission of the definition of "approved variation"; and
- b. amendment of the definition of "TPCA permission" to the following:

"TCPA permission" means—

- a. ***the planning permission granted by Essex County Council with reference ESS/39/23/BTE dated 26 January 2024; or***
- b. ***any planning permission granted by the relevant planning authority pursuant to planning application ESS/02/22/BTE,***





and any other ~~approved variation~~ variations thereto whether granted before or after the date of this Order (which shall include for the avoidance of doubt any variations pursuant to Section 73 of the 1990 Act and any non-material amendments under Section 96A of the 1990 Act).

Justification

The definition of "approved variation" which this Application is seeking to omit from the Order was introduced into the made Order at the decision stage by the Secretary of State without any discussion with the Applicant or any other party to the examination. It did not form part of the draft Order recommended by the Examining Authority. Similarly, the definition of "TCPA permission" that the Applicant requests in this Application be included in the Order formed part of the draft Order recommended by the Examining Authority.

The Applicant considers that amendments to the definitions in the Order are required to reflect the context of the authorised development and to prevent an unnecessary duplication of assessment and consenting.

As drafted in the made Order, the definition of "approved variation" would require the Applicant to obtain both the consent of the local planning authority (for example through a section 73 permission) and the consent of the Secretary of State (through a change to the Order) prior to making any changes at the wider site. This would be the case even where the changes made in the variation related to other elements of the development of the wider site and did not concern the NSIP (being the internal valve and the increase in generating capacity). This would lead to a duplication of control that is unnecessary.

The Covering Letter submitted with the non-material change application will contain full justification for the proposed changes and reasoning for their non-materiality.

Reduced consultee list

As can be seen from the above, the changes are purely procedural and do not affect the workings of the IWMF. There would be no changes to the environmental effects arising from the operation of the Consented Development. Given the narrow scope of the changes, **we request agreement that when submitting the application we may only formally consult Essex County Council and Braintree District Council** (these being the host authorities and the only parties that would in reality be affected by the changes). This matter has been discussed with ECC and BDC already who understand the context. No other parties would be prejudiced, as they would be consulted on the substance of any variations to the TCPA permission as proposed to ECC. The reduced consultee list would ensure that the Secretary of State only receives consultation responses that would be material to the consideration of the application.

The full list of consultees consulted as part of the original DCO application is contained in **Appendix 1** of this letter.



Summary

Indaver Rivenhall Limited are requesting the written consent of the Secretary of State to consult only Essex County Council and Braintree District Council about the proposed non-material change to the Order. These are the only parties that would be affected by the change, and for this reason the narrowed list of consultees is justified and reflects the nature and scope of the application.

I look forward to hearing from you as soon as possible. Should you have any questions or require further information, please let me know.

Yours sincerely



Gregory Blaxland
Associate Director

enc. Appendix 1 – List of parties consulted on the original application

Appendix 1 – List of parties consulted on the original application



| Description | PA2008 Section | Prescribed consultee |
|---|----------------|---|
| Local Authority | 42(1)(b) | Braintree District Council |
| Local Authority | 42(1)(b) | Essex County Council |
| Local Authority | 42(1)(b) | Colchester Borough Council |
| Local Authority | 42(1)(b) | Maldon District Council |
| Local Authority | 42(1)(b) | Chelmsford District Council |
| Local Authority | 42(1)(b) | Uttlesford District Council |
| Local Authority | 42(1)(b) | South Cambridgeshire District Council |
| Local Authority | 42(1)(b) | West Suffolk Council |
| Local Authority | 42(1)(b) | Babergh District Council |
| Local Authority | 42(1)(b) | Medway Council |
| Local Authority | 42(1)(b) | Kent County Council |
| Local Authority | 42(1)(b) | Suffolk County Council |
| Local Authority | 42(1)(b) | Cambridgeshire County Council |
| Local Authority | 42(1)(b) | Hertfordshire County Council |
| Local Authority | 42(1)(b) | Southend-on-Sea City Council |
| Local Authority | 42(1)(b) | Thurrock Council |
| Local Authority | 42(1)(b) | London Borough of Havering |
| Local Authority | 42(1)(b) | London Borough of Redbridge |
| Local Authority | 42(1)(b) | London Borough of Waltham Forest |
| Local Authority | 42(1)(b) | London Borough of Enfield |
| Local Authority | 42(1)(b) | Greater London Authority |
| The Health and Safety Executive | 42(1)(a) | The Health and Safety Executive |
| The relevant Strategic Health Authority | 42(1)(a) | The National Health Service Commissioning Board |
| Natural England | 42(1)(a) | Natural England |
| The Historic Buildings and Monuments Commission for England | 42(1)(a) | The Historic Buildings and Monuments Commission for England |
| The relevant fire and rescue authority | 42(1)(a) | Essex County Fires and Rescue Service |
| The relevant police authority | 42(1)(a) | Essex Police |
| The relevant parish council | 42(1)(a) | Kelvedon Parish Council |
| The relevant parish council | 42(1)(a) | Silver End Parish Council |
| The relevant parish council | 42(1)(a) | Rivenhall Parish Council |
| The relevant parish council | 42(1)(a) | Feering Parish Council |
| The relevant parish council | 42(1)(a) | Coggeshall Parish Council |
| The relevant parish council | 42(1)(a) | Bradwell with Pattiswick Parish Council |
| The relevant parish council | 42(1)(a) | Great Braxted Parish Council |
| The relevant parish council | 42(1)(a) | Messing-cum-Inworth Parish Council |
| The Environment Agency | 42(1)(a) | The Environment Agency |



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| The Equality and Human Rights Commission | 42(1)(a) | The Equality and Human Rights Commission |
| The Gas and Electricity Markets Authority | 42(1)(a) | Ofgem |
| The relevant waste regulation authority | 42(1)(a) | Essex County Council |
| The Health Protection Agency | 42(1)(a) | Public Health England, an executive agency of the Department of Health |
| The local resilience forum | 42(1)(a) | Essex Resilience Forum |
| Relevant statutory undertakers | 42(1)(a) | National Grid / National Grid Electricity Transmission Plc |
| Relevant statutory undertakers | 42(1)(a) | UK Power Networks |
| Relevant statutory undertakers | 42(1)(a) | Eclipse Power Network Limited |
| Relevant statutory undertakers | 42(1)(a) | Energetics Gas Limited |
| Relevant statutory undertakers | 42(1)(a) | Energy Assets Pipelines Ltd |
| Relevant statutory undertakers | 42(1)(a) | Energy Assets Networks Limited / Energy Assets Power Networks Ltd |
| Relevant statutory undertakers | 42(1)(a) | ESP Connections Ltd |
| Relevant statutory undertakers | 42(1)(a) | ESP Pipelines Limited |
| Relevant statutory undertakers | 42(1)(a) | ESP Networks Limited |
| Relevant statutory undertakers | 42(1)(a) | ESP Electricity Limited |
| Relevant statutory undertakers | 42(1)(a) | Fulcrum Pipelines Limited |
| Relevant statutory undertakers | 42(1)(a) | Fulcrum Electricity Assets Ltd |
| Relevant statutory undertakers | 42(1)(a) | Harlaxton Gas Networks Limited |
| Relevant statutory undertakers | 42(1)(a) | GTC Pipelines Limited |
| Relevant statutory undertakers | 42(1)(a) | Independent Pipelines Limited |
| Relevant statutory undertakers | 42(1)(a) | Indigo Pipelines Limited |
| Relevant statutory undertakers | 42(1)(a) | Murphy Gas Networks Limited |
| Relevant statutory undertakers | 42(1)(a) | National Grid Gas PLC |
| Relevant statutory undertakers | 42(1)(a) | Scotland Gas Networks PLC |
| Relevant statutory undertakers | 42(1)(a) | Southern Gas Networks (SGN) PLC |
| Relevant statutory undertakers | 42(1)(a) | Bradwell Power Generation Company Limited |
| Relevant statutory undertakers | 42(1)(a) | Eclipse Power Networks Limited |
| Relevant statutory undertakers | 42(1)(a) | Last Mile Gas Limited |
| Relevant statutory undertakers | 42(1)(a) | Last Mile Electricity Limited |
| Relevant statutory undertakers | 42(1)(a) | Energy Assets Networks Limited |
| Relevant statutory undertakers | 42(1)(a) | Fulcrum Electricity Assets Limited |
| Relevant statutory undertakers | 42(1)(a) | Harlaxton Energy Networks Limited |
| Relevant statutory undertakers | 42(1)(a) | Independent Power Networks Limited |
| Relevant statutory undertakers | 42(1)(a) | The Electricity Network Company Limited |
| Relevant statutory undertakers | 42(1)(a) | Quadrant Pipelines Limited |
| Relevant statutory undertakers | 42(1)(a) | Leep Electricity Networks Limited |
| Relevant statutory undertakers | 42(1)(a) | Murphy Power Distribution |



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| Relevant statutory undertakers | 42(1)(a) | Murphy Gas Networks Limited |
| Relevant statutory undertakers | 42(1)(a) | UK Power Distribution Limited |
| Relevant statutory undertakers | 42(1)(a) | Utility Assets Limited |
| Relevant statutory undertakers | 42(1)(a) | Vattenfall Networks Limited |
| Relevant statutory undertakers | 42(1)(a) | UK Power Networks Limited |
| Relevant statutory undertakers | 42(1)(a) | National Grid Electricity Transmission PLC |
| Relevant statutory undertakers | 42(1)(a) | Instalcom UK Limited |