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03 September 2025

Dear Mr Blaxland,

**THE RIVENHALL GENERATING STATION EXTENSION ORDER 2024 – S.I. 1391 AND THE  
RIVENHALL GENERATING STATION EXTENSION (CORRECTION) ORDER 2025 – S.I. 533  
– PROPOSED NON-MATERIAL CHANGE APPLICATION**

**REGULATION 7(3) OF THE INFRASTRUCTURE PLANNING (CHANGES TO, AND  
REVOCATION OF, DEVELOPMENT CONSENT ORDERS) REGULATIONS 2011 - WRITTEN  
CONSENT FROM THE SECRETARY OF STATE FOR NOT CONSULTING A PERSON OR  
AUTHORITY**

1. Thank you for your email and letter of 12 August 2025 on behalf of Indaver Rivenhall Limited (“the Applicant”) regarding the proposed non-material change to the Order. This letter provided a description of the proposed changes, the reasons for the proposed changes, the proposed reduced consultee list, and a list of the parties consulted on the original application in respect to the Rivenhall Generating Station Extension Order 2024 and as corrected by The Rivenhall Generating Station Extension (Correction) Order 2025. The letter requested the Secretary of State’s consent under Regulation 7(3) of the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 (as amended) (“the 2011 Regulations”) to a reduced list of consultees.
2. The letter provides the following description of the changes sought:

*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).

3. The Applicant proposes to consult two parties: Essex County Council and Braintree District Council as it considers these are “the only parties that would in reality be affected by the changes.”
4. The Secretary of State is satisfied that the consultees proposed by the Applicant for consultation as listed at paragraph 3 should be consulted, noting the nature of the proposed changes as set out at paragraph 2 above.
5. Accordingly, the Secretary of State gives written consent for the consultation to proceed in accordance with the details set out above, under regulation 7(3) of the 2011 Regulations.
6. In taking this decision, the Secretary of State acknowledges that the Applicant will provide notice of the Application in line with the requirements in Regulation 6 of the 2011 Regulations.
7. The Secretary of State’s written consent in this matter should not be taken as indicating approval for any other aspects of the proposed changes to the Order, which fall to him for consideration and determination, or whether the proposed changes will ultimately be regarded as material or not.

Yours sincerely,

*James Dawkins*

Head of Planning

On behalf of the Secretary of State for Energy Security and Net Zero