

Letter sent my email to:
rivenhalliwmf@planninginspectorate.gov.uk

Our ref: MW – RivenhallIDCO
Your ref:
Date: 24 October 2025

To Rivenhall IWMF Consents Team.

**RE: Consented Development Consent Order for the Rivenhall Generating Station.
(EN010138) - Application for a Non-Material Change Consultation under Regulation 7
of the Infrastructure Planning (Changes to, and Revocation of, Development Consent
Orders) Regulations 2011**

On the 11 September 2025 Indaver, for and on behalf of Indaver Rivenhall Limited ('Indaver' or 'the Applicant'), wrote to Essex County Council (ECC) regarding The Rivenhall Generating Station Extension Order 2024 ('the Order'). This Order was made on 19 December 2024, as corrected by The Rivenhall Generating Station Extension (Correction) Order 2025 made on 8 April 2025.

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

The following changes are proposed to the definitions set out in Article 2(1) of the Order:

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

"TPCA 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 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).

No other changes are proposed to the Order. A full track changes copy of the Order is provided with the application. The intention of the proposed non-material change is to avoid a

duplication of planning control between the local planning authority (being Essex County Council) and the Secretary of State for Energy Security and Net Zero. Since submission ECC and Indaver have exchanged correspondence to clarify the as requested change

Indaver have asked for our comments on the as proposed change and asks that the same are made to the PINS Rivenhall Casework Team by close of play on the 24 October 2025. You are asked to note that this response meets this as requested deadline. We have also sent this response across to Indaver for completeness.

ECC's comments on the as proposed change is that we raise no objection to the change as is proposed to the Consented DCO.

ECC would also highlight to the PINS Casework Team that at Article 2 (1) b) that application reference ESS/02/22/BTE is quoted. However it is correct that the reliance on this is superfluous as this application has been withdrawn from consideration. This has been discussed between ECC and Indaver and it has been concluded that the continued reference to this withdrawn submission is somewhat superfluous, but we note any change would be: *"any other 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 nonmaterial amendments under Section 96A of the 1990 Act."*

ECC hopes that the above response is of assistance – if further information is required, please contact [REDACTED] whose details are as below.

Yours sincerely

[REDACTED]

[REDACTED]

Head of Planning and Sustainable Growth

Enquiries to: [REDACTED] (Technical and Operational Lead) - National Infrastructure Projects Team

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