

Theddlethorpe Flexible Generation Project

Section 51 Advice Log Version: 29 July 2026

This document comprises a record of the s51 advice that has been given by the Planning Inspectorate to the applicant (Statera Energy) during the pre-application stage. It will be updated by the Planning Inspectorate after every interaction with the applicant within which s51 advice has been given.

The applicant will always be given the opportunity to comment on the Planning Inspectorate's draft record of the s51 advice given before it is published on the relevant project page on the [Find a National Infrastructure Project website](#).

The role of the advice log at the acceptance stage

Section 55(4) of the PA2008 requires the Planning Inspectorate to consider, amongst other things, the extent to which the applicant has had regard to the s51 advice given by the Planning Inspectorate in connection with the application when deciding if the application can be accepted for examination. Section 51 advice includes:

- advice given about applying for an order granting development consent
- advice given about making representations about an application for an order granting development consent

The applicant will use this advice log as the tool for demonstrating:

- regard to the s51 advice given to the applicant by the Planning Inspectorate
- regard to any s51 advice given to others by the Planning Inspectorate

The applicant will submit a final version of this advice log which demonstrates regard to all s51 given by the Planning Inspectorate at the pre-application stage as part of the application.

Theddlethorpe Flexible Generation Project – Applicant meeting index	
Date of meeting	Meeting overview
25 July 2024	Inception Meeting
31 October 2024	Review of programme document
19 June 2026	Project Update Meeting
16 July 2026	Email advice regarding Planning and Infrastructure Act 2025

Theddlethorpe Flexible Generation Project – Log of s51 given to the applicant

Meeting date: 25 July 2024

Topic	s51 advice given	Applicant regard to s51 advice given
The Proposed Development	The Inspectorate highlighted the guidance in National Policy Statements regarding good design appropriate to the area and also signposted to the National Infrastructure Commission Design Principles. The Applicant confirmed it was considering options for cable routing into bays to minimise visual impacts and that good design will be a key consideration throughout. The Inspectorate questioned the amount of carbon that will be captured for the project. The Applicant was unable to confirm that information at the meeting but advised that this would be a topic in early engineering discussions.	
Programme	The Inspectorate advised that the Applicant should consider the potential for follow up targeted consultation in its programme. It also advised that applicants could request EIA screening and scoping at the same time but highlighted the difference in process. The Inspectorate also advised that the Applicant should consider the timing of any scoping request and that it would be best to either time the request so that the 42-day period for issuing the scoping opinion ends before Christmas or begins in the new year. Statutory consultee bodies and local authorities are likely to have limited capacity to comment on any scoping request over the Christmas period.	

Email advice: 31 October 2024

Topic	s51 advice given	Applicant regard to s51 advice given
Feedback provided on the Programme Document	The Applicant supplied the Inspectorate with its initial Programme Document as specified in the 2024 Pre-application Prospectus. Having reviewed the document, the Inspectorate considers that the Applicant only covers some the expected content as set out in the government's pre-application guidance at paragraph 10, namely: • the date the Applicant intends to submit their application • a comprehensive timetable of the Applicant's pre-application process, the main events with dates and milestones demonstrating how the pre-application process will be completed (using the maximum target of 2 years as a benchmark) In the next iteration, the Applicant should include the following which are outlined in the Pre-application Prospectus: • the Applicant's view on the main issues for resolution and activities they will undertake to address those • the Applicant's proposals for engaging with statutory consultees and local authorities during the pre-application period and any intended financial support agreements, such as Planning Performance Agreements (PPAs) • the Applicant's identification of risks to achievement of the pre-application stage and the process by which these risks are tracked and managed	

	- cross references to the SoCC required by section 47 of the Planning Act It would also be helpful if the Applicant in the next iteration: - the timescale for the Adequacy of Consultation Milestone in the next iteration of its document. - the timescales for when the Applicant considers project update meetings with the Inspectorate to be helpful. The Applicant should consider whether the programme contains sufficient time to include a targeted consultation, should this be required. This is of particular importance considering there is no non-statutory consultation in the current programme. The Inspectorate understands that the programme for submission of scoping is now Q1 2025 – the programme document should reflect this.	
Meeting date: 19 June 2026		
Topic	s51 advice given	Applicant regard to s51 advice given
Changes to the project	Changes to programme The applicant confirmed that the project would be re-scoping, anticipated in November 2026. Application submission was expected in September 2027. The Inspectorate advised that the applicant should ensure when reviewing its programme, clear timescales are set for key milestones, including dates for re-scoping and application submission. Whilst the Inspectorate acknowledges delays can be	

	unforeseen, it is helpful to have realistic achievable timescales for resourcing purposes, rather than iterative delays. The Inspectorate advised the applicant to consider including all post submission stages, including the decision stage, in any formal agreements (such as a Planning Performance Agreement) with statutory bodies to minimise risk to the overall programme. This would be of particular use considering the volume of projects in the area and the similar trajectory of the Grimsby to Walpole programme. Interrelationships with other NSIPs Where overlap or interrelationships with other NSIPs are identified, the Inspectorate encourages early engagement with the other NSIP team, with a view to presenting prospective Examining Authorities with as clear an update as possible on the status of the relevant projects and areas of potential overlap during examination. An example of a guide document is a report on interrelationships: <u>EN010163-000468-8.7 Report on the Interrelationships with other National Infrastructure Projects</u>. Individual applicants cumulative effects assessments will be key examination documents. These can provide helpful insight into how the projects intend to manage impacts such as traffic and transport during construction. Relevant projects should also consider drafting statements of common ground as early in the process as possible, which could encourage good collaboration and also provide better opportunity for finalising agreed protective provisions earlier in the process.	
--	---	--

Project programme update	Planning and Infrastructure Act On 16 June 2026 commencement regulations were laid which, amongst other things, bring into force the amendments to the PA2008 process introduced by the PIA on 24 July 2026. The regulations also set out transitional provisions in relation to the amendments to s46. <u>The Planning and Infrastructure Act 2025 (Commencement No. 4 and Transitional Provisions) Regulations 2026</u>. In accordance with the implementation plan, we expect for government to publish new and updated guidance to support the changes introduced to the PA2008 process before those changes come into effect on 24 July 2026. The applicant is strongly encouraged to familiarise themselves with the implementation plan and carefully consider how it may affect their developing applications. It should inform the Inspectorate of any changes to its plans for consultation following this review. Post meeting note: On 16 June 2026 commencement regulations were laid which, amongst other things, bring into force the amendments to the PA2008 process introduced by the PIA on 24 July 2026. The regulations also set out transitional provisions in relation to the amendments to s46. <u>The Planning and Infrastructure Act 2025 (Commencement No. 4 and Transitional Provisions) Regulations 2026</u>. In accordance with the implementation plan, government has published new and updated guidance to support the changes	
---------------------------------	---	--

	introduced to the PA2008 process. The new guidance has been published to give advance notice of the changes before those changes come into effect on 24 July 2026. Existing guidance remains in force between now and 24 July 2026 All applicants at the pre-application stage of the PA2008 process are strongly encouraged to familiarise themselves with the implementation plan and carefully consider how it may affect their developing applications. Programme for scoping The Inspectorate requested advance notice of the specific submission date for the scoping request and to keep the Inspectorate informed of any delays. Programme document The Inspectorate advised that the issues section of the Programme Document should correlate with the Issues Tracker to ensure the full extent of the issues are captured, this should be addressed in the next iteration of the document. The Inspectorate requested the applicant to confirm when the updated programme document was available on its website and to provide the Inspectorate with track changed versions of any new iterations.	
Update on stakeholder engagement	The Inspectorate encouraged early engagement with statutory parties. This is helpful in providing opportunities to resolve issues at an earlier stage, and also to ensure engagement should there be any	

	issues with statutory parties' ability to engage with the examination in a timely manner. Issues tracker The Inspectorate would welcome an updated issues tracker with additional detail in due course. The Inspectorate advised that the next iteration of the Issues Tracker should include additional detail about the issues and who they may affect, particularly where they are in respect to the site. Currently the topics are restricted to headings only and therefore provide no information as to the particular concerns, planning constraints or protected assets that may require bespoke surveys, assessments or mitigation. The 'Interaction Log' and 'Likelihood of resolution' would also benefit from further detail on the extent to which any assessment methodologies have been agreed with statutory consultees on a topic-by-topic basis, and the scope of surveys and assessments needed, the stage of completion of the assessments, and what, if any, outstanding areas are causing any 'amber' ratings. The issues tracker should, where relevant, reflect current examination practice and the standards in made Development Consent Orders for similar applications, when addressing the principle main issues or in undertaking satisfactory assessments. As the project gets closer to DCO application submission the issues tracker should be indicating mostly 'green' status for most of the main issues, as the applicant should have reached agreement with relevant statutory parties on the approaches / baseline information, even if the assessment outputs may be subject to discussion at examination. The applicant is advised to reach agreement with relevant statutory parties on the extent of data and survey work	
--	---	--

	needed before submitting the application, or provide robust reasons for taking a different approach, to facilitate an efficient examination and meet regulatory requirements. Clearer and more comprehensive information on these matters should be included. The Issues Tracker should also allow affected statutory bodies and local authorities to review on an equivalent basis and the issues tracking in the document should record their input. The degree of risk associated with each issue identified in the tracker should be regularly reviewed. Land and Rights Negotiations Tracker The Inspectorate requested an updated land rights tracker before the next project update meeting and confirmed it would provide signposting to an example of a completed version in the public domain: EN0110001-000132-KNGPS 4.4 Pre-application Land and Rights Negotiations Tracker Rev 0.pdf	
Further advice	New or updated guidance on environmental matters: The Inspectorate highlighted new or updated guidance for consideration: • Supplementary guidance from the Institute of Sustainability and Environmental professionals (ISEP) on greenhouse gas emissions - https://www.isepglobal.org/resources/blogs/2026/april/defining-significance-in-a-net-zero-era-the-next-step-for-greenhouse-gas-emissions-assessment-in-environmental-impact-assessment/ ; and	

	Advice on Biodiversity Net Gain (BNG) from the Department for Environment, Food and Rural Affairs (Defra) - https://www.gov.uk/government/collections/biodiversity-net-gain-nationally-significant-infrastructure-projects	
Email Advice: 16 July 2026		
Topic	s51 advice given	Applicant regard to s51 advice given
Planning and Infrastructure Act 2025 updates	In light of the amended legal framework which will be introduced from 24 July 2026 by the Planning and Infrastructure Act 2025, the Planning Inspectorate issued written advice to the applicant on 16 July 2026 requesting for: - evidence within the submitted application in relation to duties under s46 and s48 of the PA2008 to be provided as an appendix to any engagement summary document that the applicant may choose to submit or, where the applicant chooses not to submit such a document, as a discrete document titled 'Section 46 and section 48 information' - evidence within the submitted application in relation to new s55(4)(e) of the PA2008 to be provided in a submission version of this expanded advice log template	

[Project name] – Log of s51 advice given to others		
Person s51 advice given to	s51 advice given	Applicant regard to s51 advice given
Name and/or organisation	Summary of s51 advice given and link to advice register	Applicant to complete