



# THURROCK FLEXIBLE GENERATION LIMITED

THE THURROCK FLEXIBLE GENERATION PLANT DEVELOPMENT CONSENT ORDER 2022 (as amended)

APPLICATION STATEMENT

FEBRUARY 2024



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# 1 APPLICATION CONTEXT

## 1.1 Introduction

- 1.1.1 This statement is submitted in support of an application to amend the Development Consent Order (“the DCO”) for the Thurrock Flexible Generation Plant project (reference 2022 No.157).
- 1.1.2 The DCO was made on 16 February 2022, and came into force on 10 March 2022, and consented the development of the Thurrock Flexible Generation Plant which includes the following:
- Gas fired electricity generation of up to 620MW of gross electrical output
  - Battery storage facility with a net rated electrical output of up to 150MW for four hours<sup>1</sup>
  - Electrical and gas connection infrastructure
  - Access roads, water supply, creation of common land, ecological mitigation and other infrastructure associated with the development.
- 1.1.3 The granting of the DCO in February 2022 followed a period of examination of the proposal and application documents, including the Environmental Statement, and associated technical reports and assessments.
- 1.1.4 Thurrock Power Limited (now renamed as Thurrock Flexible Generation Limited) were defined as the undertaker in the DCO having the benefit of the DCO.
- 1.1.5 The application for a further non-material change (“NMC”) is therefore submitted by Thurrock Flexible Generation Limited (“the Applicant”).
- 1.1.6 The submission of this NMC is to increase the number of gas reciprocating engines that can be installed at the site from 48 to 100 while not affecting the overall gross rated electrical output of the gas element of the project (being 620MW).

## 1.2 Statement of Consultation

- 1.2.1 The Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 (as amended) (“the 2011 Regulations”) sets out requirements for consultation on non-material change applications to DCOs. Regulation 7A requires that the Applicant provides the Secretary of State with a statement setting out details of the steps the Applicant has taken to comply with these consultation requirements.
- 1.2.2 Appendix 1 of this statement sets out how the Applicant has publicised and consulted on the proposed NMC in accordance with the 2011 Regulations.

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<sup>1</sup> A non-material change to the DCO was made on 7 March 2023 to secure changes to the generation output and duration of the battery storage element of the facility.

## 2 SITE LOCATION AND NEED FOR NON-MATERIAL CHANGE

### 2.1 Site location

- 2.1.1 The site for the flexible generation plant will be built on land in Thurrock immediately north of the Tilbury Substation and the decommissioned Tilbury Power Station, south of the London – Tilbury – Southend railway line.
- 2.1.2 The main development site is currently a construction site for the battery element of the DCO crossed by steel pylons, carrying three high voltage overhead power lines and is around 20 hectares (ha) in size. Ten hectares of the site in the south is the former Walton Common, for which the Planning Inspectorate granted consent for deregistration as common land on 9 June 2022.
- 2.1.3 In addition to the main development site for the flexible generation plant, further land is included within the consented DCO for additional infrastructure including: underground gas connections; access routes, habitat creation and replacement common land.

### 2.2 Need for Non-Material Change

#### Purpose

- 2.2.1 Currently, work no. 1A of the authorised development in Schedule 1 of the DCO allows for a “*Gas fired electricity generating station with a gross rated electrical output of up to 620MW consisting of*” a list of equipment. This list includes at paragraph (b), “*up to 48 gas reciprocating engines*”.
- 2.2.2 The current DCO therefore assumes that the 620MW gross rated electrical output (which translates to around 600MW of net rated electrical output) will be delivered by 48 engines of up to 12.5MW each or fewer engines of a higher output per engine.
- 2.2.3 This NMC is needed in order to provide the Applicant flexibility in procuring different engine sizes through the various phases of the gas element of this DCO development. In the same way as the total MW output of the gas element of the site could be delivered with fewer than 48 engines, it could also be delivered with a larger number of smaller engines, or a combination of large and small engines. To be clear, the gross rated output of 620MW would remain unaffected, as would the net rated output of circa 600MW.
- 2.2.4 The Applicant requires this flexibility in engine size procurement to best enable it reach financial investment decision on phases of the gas element of the DCO scheme and therefore deliver the required generation capacity to the market and National Grid<sup>2</sup>
- 2.2.5 The NMC would therefore be entirely limited to replacing the number “48” with the number “100” in the definition of work no. 1A(b) only. This change shown in track below:
- 2.2.6 “(b) up to ~~48~~ 100 gas reciprocating engines;”
- 2.2.7 No amendments are required elsewhere in the DCO, including to the works plans, land plans or the parameters for built infrastructure.

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<sup>2</sup> Including delivery of the capacity market contract the Applicant has secured for the first 270MW phase of the gas element of the project.

## **3 THE PROPOSED DCO AMENDMENT**

### **3.1 Existing Work no. 1A drafting**

Schedule 1 of the DCO comprises a description of the authorised development. Work no. 1A(b) is described as follows:

*“1A – Gas fired electricity generating station with a gross rated electrical output of up to 620 MW consisting of —*

*[...]*

*(b) up to 48 gas reciprocating engines;”*

### **3.2 Proposed Work no. 1A drafting**

The amended Work no. 1A(b) in Schedule 1 of the DCO would, following the grant of the NMC, read as follows:

*“1A – Gas fired electricity generating station with a gross rated electrical output of up to 620 MW consisting of —*

*[...]*

*(b) up to 100 gas reciprocating engines;”*

## **4 ASSESSMENT OF THE PROPOSED CHANGE AND MATERIALITY**

### **4.1 Assessment of proposed change**

4.1.1 The NMC is limited entirely to amending the wording of Work no. 1A(b) to cater for a flexibility in the size of gas reciprocating engines. No amendments are required to the works plans, land plans or parameters for built infrastructure.

4.1.2 An increase in the number of engines within the consented engine houses from up to 48 to up to 100 would not result in no impact to the external appearance or other parameters relating to the gas project element of the DCO. The gas project element of the DCO would remain subject to:

- The overall 620MW gross rated output limit;
- Requirements and other controls in the DCO

The environmental permit required for the plant to operate.

4.1.3 The proposed NMC changes do not prompt consideration of environmental topics assessed as part of the DCO application.

### **4.2 Materiality**

4.2.1 The 2015 UK government guidance on changes to a DCO and their materiality is entitled “Planning Act 2008: Guidance on Changes to Development Consent Orders”.

4.2.2 Paragraphs 9-16 outlines four factors to be considered when assessing whether a change is material or non-material:

- Environmental Statement – if an updated Environmental Statement is required to deal with new or materially different likely significant effects on the environment, a change is likely to be material.
- Habitats and Protected Species - if a Habitats Regulations Assessment were required for a change, it is likely to be material.
- Compulsory Acquisition – if a change requires the compulsory acquisition of land or rights not authorised by the existing DCO is required, it is likely to be material.
- Impacts on business and residents – in some cases a change may impact local people or businesses in a way that makes it material.

4.2.3 The change does not result in impacts that require an updated ES or HRA; impacts are adequately restricted by the existing DCO controls.

4.2.4 There are no changes to the CA powers and a change to enable additional engines to be sited within enclosed buildings would have no impacts on local people or businesses.

## APPENDIX 1 – Consultation on NMC

The 2011 Regulations set out the process for publicising and consulting on non-material change applications. This comprises notification of the Planning Inspectorate of its intention to submit an application and, at the time of submission, publicising the application and sending notices to relevant parties.

### **Publicising the Application (Regulation 6)**

The Planning Inspectorate was informed of the intention to submit the NMC on 22 December 2023. The Applicant has since liaised with the Department to agree the scope of the consultation for the NMC (see below).

The process of publicising the application will include notices placed in two local newspapers circulating in the locality (The Thurrock Gazette and The Gravesend Messenger), replicating the original DCO application and the previous non-material change application. The newspaper notice (a copy of which is provided below), consistent with Regulation 6, provides details of the Applicant; the nature of the NMC sought; information on where the application material can be viewed/purchased; and confirmation on how and when comments can be made on the proposals.

The press notice is being published to coincide with the submission of the application, with publication of a notice in each of the newspapers taking place on Thursday 15 February 2024 and then again on Thursday 22 February 2024, with the deadline for responses to be submitted to the Planning Inspectorate being 11:59pm on Friday 22 March 2024. An electronic copy of the notice has also been sent directly to the Planning Inspectorate to enable it to be placed on the National Infrastructure Planning project website, as required.

### **Duty to Consult (Regulation 7)**

The 2011 Regulations allow for a reduced schedule of consultees for a non-material change application from those consulted as part of the original DCO application.

The nature of the changes to the DCO are very limited but the applicant proposed to DESNZ in December 2023 to consult the same consultees as were consulted with for the previous non-material change application.

On 11 January 2024, DESNZ confirmed that it was satisfied with the approach proposed by the Applicant.

Therefore, the agreed list of consultees for this NMC are:

- Gravesham Borough Council
- Condovert Scout Activity Centre
- Essex County Fire and Rescue Service
- Essex Police and Crime Commissioner
- Gravesham Borough Council
- Historic England
- Kent Downs AONB
- National Grid Electricity Transmission Plc
- Natural England
- Network Rail Infrastructure Ltd
- Public Health England
- The Environment Agency
- The Health and Safety Executive
- Thurrock Borough Council
- UK Power Networks

## **THURROCK POWER – NMC APPLICATION STATEMENT**

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Notices of submission of the application are being sent by recorded post on Wednesday 14 February 2024. Where the Applicant is aware of an email address for the relevant consultee, the notice will also be sent to the email address.

### **Statement of Consultation (Regulation 7A)**

The above details of publicity and consultation have been provided to comply with the requirements of Regulation 7A of the 2011 Regulations and are intended as the applicant's statement on the consultation undertaken for the NMC.

## APPENDIX 2 – Copy of Regulation 6 Notice

### SECTION 153 OF THE PLANNING ACT 2008

#### REGULATION 6 OF THE INFRASTRUCTURE PLANNING (CHANGES TO, AND REVOCATION OF, DEVELOPMENT CONSENT ORDERS) REGULATIONS 2011

#### NOTICE OF APPLICATION TO MAKE A NON MATERIAL CHANGE TO THE FOLLOWING DEVELOPMENT CONSENT ORDER:

#### The Thurrock Flexible Generation Plant Development Consent Order 2022

#### S.I. 2022 No. 157

NOTICE IS HEREBY GIVEN THAT an application has been made by Thurrock Flexible Generation Limited, of 4<sup>th</sup> Floor, 80 Victoria Street, London, SW1E 5JL (“the Applicant”) to the Secretary of State for Energy Security and Net Zero (“the Secretary of State”) to make a non-material amendment to The Thurrock Flexible Generation Plant Development Consent Order 2022 (“DCO”) (“the Application”).

The Application seeks to make changes to the DCO which are not material. The proposed change is an amendment to Work no 1A in Schedule 1 of the DCO so as to increase the number of gas reciprocating engines that can be installed at the site from “up to 48” to “up to 100” while not affecting the overall gross rated electrical output of the gas reciprocating engine element of the development (being 620MW).

A copy of the Application is available to view free of charge on the Planning Inspectorate’s website: <https://infrastructure.planninginspectorate.gov.uk/projects/south-east/thurrock-flexible-generation-plant/?ipcsection=docs>. It is also available to view free of charge on the Applicant’s website: <https://thurrockflexgen.co.uk/plans-and-progress>

For any queries in relation to the Application documents please contact the Applicant by emailing [contact@thurrockpower.co.uk](mailto:contact@thurrockpower.co.uk) or calling 020 7186 0601.

A free digital copy of the Application documents can also be obtained from the Applicant using the contact details above. Alternatively, a paper copy can be obtained from the Applicant for a small charge of £25.00.

Please send any representations about the Application by email to [ThurrockFPG@planninginspectorate.gov.uk](mailto:ThurrockFPG@planninginspectorate.gov.uk) or in writing to: National Infrastructure Planning, The Planning Inspectorate, Temple Quay House, 2 The Square Temple Quay Bristol BS1 6PN. Please quote “Thurrock Flexible Generation Plant project - Non-Material Change EN010092” on any correspondence.

If you have difficulty in submitting a representation by email, please contact [ThurrockFPG@planninginspectorate.gov.uk](mailto:ThurrockFPG@planninginspectorate.gov.uk) or 0303 444 5000 and a member of the Planning Inspectorate’s case team will be able to assist.

Representations will be made public by being published on the Planning Inspectorate’s website at: <https://infrastructure.planninginspectorate.gov.uk/projects/south-east/thurrock-flexible-generation-plant/?ipcsection=docs>

**Please note that the deadline for the receipt of representations by the Planning Inspectorate is 11.59pm on Friday 22 March 2024..**

## **APPENDIX 3 – Copy of Consultee Letter**



**Thurrock Flexible  
Generation**

A STATERA COMPANY

**Thurrock Flexible Generation Limited**  
4<sup>th</sup> Floor  
80 Victoria Street  
London  
SW1E 5 JL

+44 (0)20 7186 0601  
contact@thurrockpower.co.uk  
Ref: EN010092  
14 February 2024

**Sent via e-mail and post where contact details held**

Dear Consultee

**The Thurrock Flexible Generation Plant Development Consent Order 2022 (“the DCO”) – Non-Material Change (“NMC”) Application**

The DCO was made on 16 February 2022 for the benefit of Thurrock Power Limited, now renamed as Thurrock Flexible Generation Limited (“TFGL”), consenting up to 620MW (gross rated electrical output) of gas fired reciprocating engines and 150MW (net rated electrical output) of battery storage for up to four hours duration.

Following changes secured via a separate NMC to the battery element of the scheme in March 2023, TFGL is seeking to amend the gas element of the project.

The currently consented DCO allows for an overall gross rated electrical output of gas reciprocating engines of up to 620MW, with this output being delivered by “up to 48” engines. The NMC would allow for an increase in the number of gas reciprocating engines that can be installed at the site from “up to 48” to “up to 100” while not affecting the overall output, which remains unchanged (i.e., 620MW). The change is being sought to enable flexibility in the size of engines procured in order to deliver the consented output limit.

The proposed changes comprise “non-material amendments” under the Planning Act 2008 and The Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 (as amended). Further information regarding the proposed changes is set out in the application statement that has been submitted with the NMC application.

TFGL has agreed a list of consultees for the NMC application, of which your organisation is one. Please find enclosed formal notice of the NMC application, which provides details about how to view the application documents and how to make a representation.

Yours faithfully

**Thurrock Flexible Generation Limited**