

GATEWAY ENERGY CENTRE
CONSTRUCTION AND OPERATION OF A GAS-FIRED ELECTRICITY GENERATING STATION
(INCORPORATING A BATTERY ENERGY STORAGE SYSTEM) OF UP TO 1250 MW
AT THE MANORWAY, STANFORD-LE-HOPE, ESSEX

DRAFT EXPLANATORY MEMORANDUM RELATING TO
THE VARIATION OF THE CONSENT UNDER SECTION 36C OF THE ELECTRICITY ACT 1989
AS PREVIOUSLY VARIED BY THE SECRETARY OF STATE ON 18 NOVEMBER 2014 AND 3 AUGUST 2016

Note: This Explanatory Memorandum explains the proposed variations to the consent under Section 36C of the Electricity Act 1989 for the Gateway Energy Centre.

Paragraph / Condition	Proposed 2019 Variation	Justification / Explanation
Consent under Section 36 of the Electricity Act 1989		
1	Addition of a reference to the incorporation of a Battery Energy Storage System (BESS).	To reflect the proposed incorporation of a BESS.
2 (a)(i) and (a)(ii)	Insertion of the terms "Development Option (i)" and "Development Option (ii)" respectively.	To ensure clarity in subsequent references to the Development Options.
2 (a)(ii)(1)	Addition of a rated electrical output of the CCGT unit.	To reflect the maximum rated electrical output of the CCGT unit TO, amongst other aspects, relate a maximum rated electrical output to the CCS site for Development Option (ii).
2 (a)(ii)(3)	Addition of a BESS, alongside a rated electrical output of the BESS.	To reflect the proposed incorporation of a BESS, and the associated maximum rated electrical output.
2	Correction of the references for the remaining Development components (b) to (f).	As a correction.

Paragraph / Condition	Proposed 2019 Variation	Justification / Explanation
3	Requiring only the CCGT unit(s) to be designed so as to have the capability for extracting steam from the electricity generating cycle.	To ensure that the associated requirements apply only to the CCGT unit(s), and not the OCGT unit(s) or the BESS (as these have no associated steam cycle).
4(1)	Addition of a reference to the 2019 Variation Application.	To reflect the 2019 Variation Application.
4(1A)	Terminology amendment to refer to "Development Option" (rather than "gas turbine technology option") and "technology" (rather than "gas turbine technology").	To supplement the proposed variation of Condition 2(a)(i) and 2(a)(ii).
4(2)	Provide that the commencement of the Development shall take place not later than 31 December 2023.	To reflect the proposed commencement deadline.
4(3)	Clarify that the definitions apply to the CCGT unit(s) only.	To ensure that the associated requirements apply only to the CCGT unit(s), and not the OCGT unit(s) or the BESS.
4(3)(a)	Clarify that "capture equipment" applies to carbon dioxide emitted by the CCGT units(s) only.	To ensure that the associated requirements apply only to the CCGT unit(s), and not the OCGT unit(s) or the BESS.
4(3)(b)	Clarify that "CCS proposal" applies to the capture, transport and storage of carbon dioxide emitted by the CCGT unit(s) only.	To ensure that the associated requirements apply only to the CCGT unit(s), and not the OCGT unit(s) or the BESS.
4(3)(d)	Provide that each Development Option in paragraph (2)(a) is associated with a specific CCS site and to provide that following notification of the Development Option, only one CCS site is to be retained as the "designated site".	To ensure that only one CCS site is retained following notification of the Development Option.
4(3)(e)	Addition of a reference to the 2019 Updated CCR Feasibility Study (dated June 2019) accompanying the 2019 Variation Application.	To reflect the latest available information.
4(3)(f)	Clarify that the carbon dioxide emissions subject of the 'CCS proposal' are the carbon dioxide emissions emitted by the CCGT unit(s) only.	To ensure that the associated requirements apply only to the CCGT unit(s), and not the OCGT unit(s) or the BESS.
4(4)	Clarify that the "designated site" requirements apply to the CCGT unit(s) only.	To ensure that the associated requirements apply only to the CCGT unit(s), and not the OCGT unit(s) or the BESS.
4(5)(a)	Clarify that the reporting requirement is triggered by commissioning of the CCGT unit(s) only.	To ensure that the associated requirements apply only to the CCGT unit(s), and not the OCGT unit(s) or the BESS.

Paragraph / Condition	Proposed 2019 Variation	Justification / Explanation
4(11)(b)	Clarify that conditions (3) to (10) shall cease to have effect on decommissioning of the CCGT unit(s) only and not decommissioning of any other element of the Development.	To ensure that the associated requirements apply only to the CCGT unit(s), and not the OCGT unit(s) or the BESS.

Paragraph / Condition	Proposed Variation	Justification / Explanation
Direction to Deem Planning Permission to be granted under Section 90 of the Town and Country Planning Act 1990		
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(1)	Amendment of the definition of "BS 4142".	To reflect the most recent date of issue and title of the document BS 4142.
	Addition of a definition of "the commencement of each phase of the Development" to allow for a phasing of the Development.	To allow for a phasing of the Development.
	Addition of a definition of "the commissioning of each phase of the Development" to allow for a phasing of the Development.	To allow for a phasing of the Development.
	Definition of "the Development" to reflect the Development Options in paragraph 2(a).	To reflect the updated definition of the Development.
	Addition of a definition of the "Environmental Statement" to mean the documents titled 'Gateway Energy Centre Environmental Statement' dated February 2010, 'Gateway Energy Centre Environmental Statement Further Information Document' dated December 2010, 'Gateway Energy Centre Environmental Statement Further Information Document' dated August 2014, 'Gateway Energy Centre Environmental Statement Further Information Document' dated February 2016 and the 2019 Environmental Statement Further Information Document (dated June 2019) accompanying the 2019 Variation Application.	To ensure that Environmental Statement is a defined term.
	Amendment of the definition of "the LPA" to mean only Thurrock Borough Council and their successors.	To reflect that Thurrock Thames Gateway Development Corporation is no longer a relevant LPA.

	Removal of the definition of "the main Development".	It is no longer relevant.
(3)	Provide that the commencement of the Development shall take place not later than 31 December 2023.	To reflect the proposed commencement deadline.
(3A)	Addition of a Condition relating to the phasing of the Development.	To better allow for a phasing of the Development, and to replace former Conditions (8)(vii) and (12) relating to phasing of the Development.
(4), (5), (7)	On the suppression of dust and dirt, addition of references to the specified phase of the Development and amendment to the wording regarding agreement in writing with the LPA.	To allow for a phasing of the Development, and to reflect the wording in Condition (60).
(8), (9), (10)	On layout and design, addition of references to the specified phase of the Development and removal of Condition (8)(vii).	To allow for a phasing of the Development, and to reflect the addition of Condition (3A) which replaces Condition (8)(vii).
(11)	On layout and design, amendment of the date of issue of the document "Guidance Notes for the Reduction of Obtrusive Light".	To reflect the most recent date of issue of the document "Guidance Notes for the Reduction of Obtrusive Light".
(12)	On layout and design, removal of Condition (12).	To reflect the addition of Condition (3A) which replaces Condition (12).
(13)	On travel plan, addition of references to the specified phase of the Development and amendment to the wording regarding agreement in writing with the LPA.	To allow for a phasing of the Development, and to reflect the wording in Condition (60).
(14)	On monitoring of traffic movements, addition of references to the specified phase of the Development, addition of a reference to the 2019 Transport Report Addendum (dated June 2019) and amendment to the wording regarding agreement in writing with the LPA.	To allow for a phasing of the Development, to reflect the latest available information and to reflect the wording in Condition (60).
(15), (16)	On use of water for the delivery of materials and plant, addition of references to the specified phase of the Development and amendment to the wording regarding agreement in writing with the LPA.	To allow for a phasing of the Development, and to reflect the wording in Condition (60).
(17), (18)	On use of rail for the delivery of materials and plant, addition of references to the specified phase of the Development and amendment to the wording regarding agreement in writing with the LPA.	To allow for a phasing of the Development, and to reflect the wording in Condition (60).

(23), (24)	On construction and outage heavy commercial vehicle traffic, addition of references to the specified phase of the Development, addition of a reference to the 2019 Transport Report Addendum (dated June 2019) and amendment to the wording regarding agreement in writing with the LPA.	To allow for a phasing of the Development, to reflect the latest available information and to reflect the wording in Condition (60).
(24A)	Addition of "environmental", relating to materially new of materially different effects, and addition of a reference to the Environmental Statement.	To reflect the wording in Condition (60).
(25)	On construction and construction noise, addition of references to the specified phase of the Development.	To allow for a phasing of the Development.
(29A)	Addition of "environmental", relating to materially new of materially different effects, and addition of a reference to the Environmental Statement.	To reflect the wording in Condition (60).
(30)	On operational noise, addition of references to the specified phase of the Development.	To allow for a phasing of the Development.
(34)	On SuDS, addition of references to the specified phase of the Development, deletion of the reference to the Environment Agency and replacement with a reference to the Lead Local Flood Authority, and addition of a reference to the Gateway Energy Centre 2019 Updated Flood Risk Assessment (dated June 2019).	To allow for a phasing of the Development, to reflect the replacement of the Environment Agency with the Lead Local Flood Authority on these matters, and to reflect the latest available information.
(35), (36)	On prevention of contamination to watercourses, addition of references to the specified phase of the Development.	To allow for a phasing of the Development.
(41)	On flood risk, addition of a reference to the Gateway Energy Centre 2019 Updated Flood Risk Assessment (June 2019).	To reflect the latest available information.
(41A)	Also on flood risk, addition of a Condition relating to the provision of details of the flood resilience measures and flood evacuation measures for the specified phase of the Development.	To reflect that there will be differing requirements for the Development Options, such that – for the Development Option selected – it can be ensured the Development (or the specified phase of the Development) remains operational and that any Site staff and visitors can be evacuated in times of residual flood.
(42), (43), (44)	On archaeology, addition of references to the specified phase of the Development and amendment to the wording regarding agreement in writing with the LPA.	To allow for a phasing of the Development, and to reflect the wording in Condition (60).

(45), (46), (47), (48)	On contamination, addition of references to the specified phase of the Development and amendment to the wording regarding agreement in writing with the LPA.	To allow for a phasing of the Development, and to reflect the wording in Condition (60).
(50), (51), (52), (53)	On landscaping, addition of references to the specified phase of the Development and amendment to the wording regarding agreement in writing with the LPA.	To allow for a phasing of the Development, and to reflect the wording in Condition (60).
(54)	On biodiversity enhancement measures, addition of references to the specified phase of the Development and amendment to the wording regarding agreement in writing with the LPA.	To allow for a phasing of the Development, and to reflect the wording in Condition (60).
(55)	On air pollution monitoring, addition of references to the specified phase of the Development.	To allow for a phasing of the Development.
(56), (57)	On decommissioning management plan for the site, addition of references to the specified phase of the Development.	To allow for a phasing of the Development.
(58), (59)	On use of waste heat, clarify that the requirements apply to the CCGT unit(s) only.	To ensure that the associated requirements apply only to the CCGT unit(s), and not the OCGT unit(s) or the BESS.
(61)	Addition of a reference to the 2019 Variation Application.	To reflect the 2019 Variation Application.
(62)	Addition of a Condition relating to the notification regarding Development Option.	To ensure that the Company notifies the Secretary of State and Thurrock Borough Council which one of the Development Options has been selected.