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, National Infrastructure Consents Team  
Department of Energy & Climate Change  
4<sup>th</sup> Floor Area C  
3 Whitehall Place  
London  
SW1A 2AW

**BY E-MAIL**

Our Ref: 16/4040/ENQ

Date: 13<sup>th</sup> May 2016

Dear I ,

**RE: Gateway Energy Centre, The Manorway, Stanford-le-Hope, Essex  
Electricity Act 1989 Section 36 (as amended)  
Electricity Generating Station (Variations of Consents) (England and Wales)  
Regulations 2013**

I refer to your letter (sent via e-mail) dated 21<sup>st</sup> March 2016 regarding the recent application submitted to DECC on behalf of Gateway Energy Centre Limited (GECL) to vary the existing consent (dated 4<sup>th</sup> August 2011, and subsequently varied on 18<sup>th</sup> November 2014) under s.36 of the Electricity Act and the accompanying s.90 direction under the Town and Country Planning Act 1990. The application requests the Secretary of State to vary the existing s.36 consent (as amended) so as to permit GECL *"to construct and operate the generating station maintaining its output at up to 1250 MW whilst allowing two alternative technology options for the power generation units"*.

The applicant describes the development now proposed as:

*"(a) Either:*

- (i) Up to two Combined Cycle Gas Turbine ("CCGT") units (including for each CCGT unit: a gas turbine; a heat recovery steam generator; steam turbine plant; and, associated equipment); or,*
- (ii) (1) One CCGT unit (including: a gas turbine; a heat recovery steam generator; steam turbine plant; and associated equipment), and (2) one of more Open Cycle Gas Turbine ("OCGT") units with the OCGT units having a combined rated electrical*

*output of less than 300 MW (including for each OCGT unit; a gas turbine; and; associated equipment);*

- (b) air cooled condensers and auxiliary cooling;*
- (c) gas receiving facility;*
- (d) one or more electrical switchyards;*
- (e) ancillary plant and equipment; and,*
- (f) the necessary buildings (including administration offices) and civil engineering works.”*

GECL also seek an extension to the time limit for the commencement of the development to a date “five years from the date when the Secretary of State grants a variation of the section 36 consent pursuant to section 36C of the Electricity Act 1989”. Finally, an extension to the time limit for the commencement of the development of five years, pursuant to the deemed planning permission is also sought.

I can confirm that Dalton Warner Davis (DWD), on behalf of GECL, has liaised with Thurrock Council in the run-up to the formal submission of the application and has provided the Council with copies of the accompanying documentation.

#### Consultation

I note the list of formal consultees appended to your letter and the list of ‘Other Consultees’ provided by GECL in their submission.

I have seen the content of the replies received from the following consultees:

- Highways England;
- NATS Safeguarding;
- Historic England;
- Natural England;
- Met Office;
- Port of London Authority;
- Defence Infrastructure Organisation; and
- Environment Agency

and I note that there are no substantive comments or objections to the proposed variations. Although some of the consultation responses raise detailed points, the points raised are not considered specific to the variations.

I can confirm that a newspaper advertisement publicising the application appeared in the editions of the Thurrock Gazette dated 17<sup>th</sup> March and 24<sup>th</sup> March 2016.

#### Documentation

DWD has provided the Council with copies of the following documentation which supports the application to DECC:

- application covering letter;
- application site plan (63114-PBP-0025);
- site location plan;

- s.36 Consent and Deemed Planning Permission granted 4<sup>th</sup> August 2011 (ref: 01.08.10.04/462C);
- s.36 Consent and Deemed Planning Permission variation granted 18<sup>th</sup> November 2014 (ref: 01.08.10.04/462C);
- s.36 Consent and Deemed Planning Permission Variation – track change document;
- Gateway Energy Centre Environmental Statement Further Information Document (February 2016);
- Gateway Energy Centre Non-Technical Summary of the Updated Environmental Statement Further Information Document (February 2016);
- historic documents relating to the Gateway Energy Centre and associated development; and
- schedule of proposed consultees.

I have noted that the Gateway Energy Centre Environmental Statement Further Information Document (February 2016) and the Gateway Energy Centre Non-Technical Summary of the Updated Environmental Statement Further Information Document provide a robust analysis of the likely significant environmental impacts of the proposed variations, compared against the original Environmental Statement (February 2010), the Environmental Statement Further Information Document (December 2010) and the Environmental Statement Further Information Document (August 2014).

#### Conditions

I have read the “s.36 Consent and Deemed Planning Permission Variation – track change document” submitted with the application. With regard to the proposed changes to the deemed planning permission (as amended), I have the following comments:

1. Definitions – no objections;
3. Time Limits – no objections;
14. Vehicle Monitoring – no objections;
17. Use of Railway Network – no objections;
18. Use of Railway Network – no objections;
21. Hours of HGV Movements – no objections;
23. Transport Management Plan – no objections;
24. Traffic Routing – no objections;
29. Noise – no objections;
44. Archaeology – no objections;
60. Immaterial Changes – no objections; and
61. Environmental Statement – no objections.

#### s.106 Agreement

On 7<sup>th</sup> July 2011 GECL, the London Gateway freehold and leasehold interests, the former Thurrock Thames Gateway Development Corporation and Thurrock Council entered into a planning agreement pursuant to s.106 of the Town and Country Planning Act 1990. This agreement places a number of obligations on GEC in respect of:

- education and training;
- procurement;
- local communities;
- ecology

- CHP
- highways;
- public safety; and
- landscaping and environmental enhancement.

In commenting on the original variation to the s.36 consent in October 2014 I was referred to the Damhead Creek II decision (ref. 12.04.09.04/265C) where paragraph 1.6 confirmed that *"should the Applicant's request for a variation be granted there would be no new consent, merely a variation to an existing section 36 consent and section 90 direction"*. In these circumstances, I have assumed that the s.106 obligations are still in force and there is no need to amend the existing planning agreement. The Council's view remains that the agreed obligations:

- remain necessary to make the development acceptable in planning terms;
- are related to the development; and
- are fairly and reasonably related in scale and kind to the development.

#### Conclusion

On behalf of the Council, I have no objection to the proposed variations to the s.36 consent and s.90 direction. In addition, Thurrock Council have no objections to the proposed amendments to the conditions attached to the deemed planning permission. I trust that these comments are of assistance.

Yours sincerely,

#### **Principal Planner (Major Applications)**