



Date: 25 February 2016
Our Ref: 2746D

Secretary of State for Energy and Climate Change
c/o Mr R Pridham
Department for Energy and Climate Change
3 Whitehall Place
London
SW1A 2AW

Delivered by hand and sent via email: Robert.Pridham@decc.gsi.gov.uk

Dear Mr Pridham

**THE ELECTRICITY ACT 1989
TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) (“THE 1990 ACT”)
THE ELECTRICITY GENERATING STATIONS (VARIATION OF CONSENTS) (ENGLAND AND WALES)
REGULATIONS 2013 (“THE 2013 REGULATIONS”)
GATEWAY ENERGY CENTRE (GEC), THE MANORWAY, STANFORD-LE-HOPE, ESSEX SS17 9PD**

By this letter and accompanying documents, Gateway Energy Centre Limited (GECL), being the person for the time being entitled to the benefit of a section 36 consent (DECC ref: 01.08.10.04/462C, granted on 4 August 2011 and varied on 18 November 2014 under Section 36C of the Electricity Act 1989 to construct and operate a 1250 megawatt (MW) combined cycle gas turbine (CCGT) generating station, known as Gateway Energy Centre (GEC) at The Manorway, Stanford-Le-Hope, Essex (the Original Consent)) applies to the Secretary of State for Energy and Climate Change (the Secretary of State) pursuant to section 36C of the Electricity Act 1989 for the consent to be varied and also requests that pursuant to her powers under section 90(2) and (2ZA) of the 1990 Act the Secretary of State either gives a direction for planning permission to be deemed to be granted, or gives a direction for the existing planning permission to be deemed to be granted by virtue of the direction under section 90(2) made on 18 November 2014 to be varied.

By this application GECL requests that the Secretary of State exercises the power conferred on her by Section 36C of the Electricity Act 1989 to vary the existing section 36 consent granted on 18th November 2014 so as to permit it to construct and operate the generating station maintaining its output at up to 1250 MW while allowing for two alternative technology options for the power generation units. The Secretary of State is also requested to issue a direction under section 90 (2ZA) of the 1990 Act that the conditions in the deemed planning permission be varied or to issue a direction under section 90 (2) of the 1990 Act that planning permission be deemed to be granted. The description of the development proposed is:

Partners

A M Davis FRICS IRRV
N P Draper FRICS IRRV
N M Fennell BSc MRICS

R J Greeves BSc (Hons) MRICS
A R Holden BSc (Hons) FRICS
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A Vickery BSc MRICS IRRV
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S Miles BSc (Hons) MRICS
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- (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 or more Open Cycle Gas Turbine (“OCGT”) units with the OCGT units having a combined rated electrical output of less than 300 MW¹ (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.

The proposed two scenarios are considered to provide greater flexibility.

The development for which consent under the Electricity Act 1989 and deemed planning permission is sought is referred to as “the Proposed Development”.

The variation application also requests that the time limit for the commencement of the Proposed Development shall be 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. Similarly, it is requested that the time limit for the commencement of the Proposed Development pursuant to the deemed planning permission shall be five years from the date of the Secretary of State making a direction that planning permission be deemed to be granted under section 90 of the Town and Country Planning Act 1990 (whether by varying the existing deemed planning permission or directing that a new planning permission be deemed to be granted).

The requested time limit extension is to replace the present time limit in the section 36 consent at paragraph 4 (2) and in the deemed planning permission at paragraph 5 (3) which impose a time limit of 5 years from the date of the consent/permission given by the Secretary of State on 4 August 2011. The time limit extension is to allow GECL sufficient time to implement the consent and deemed planning permission and to construct and operate the generating station. If the time limit is not extended the section 36 consent will lapse. The proposed development (and in particular its funding) relies on securing a capacity market award from the UK Government to proceed to construction. The capacity market award is secured at auction and therefore there is considerable uncertainty as to whether GECL will be successful. A five year extension affords the opportunity for GECL to re-bid should it not be successful at a capacity market auction in which it participates. GECL has expended significant time and

¹ 300MW refers to the OCGT(s) not the CCGT and the OCGT(s)

costs in promoting the Proposed Development. The Proposed Development together with the matters secured by the section 106 agreement that it has entered into with Thurrock Council, offers a major benefit to the UK Economy by providing significant generating capacity, and is also designed to realise opportunities for electricity supply, heat and cooling within London Gateway. Those arrangements are consistent with both planning and energy policy. If the time period for commencement were not extended, all those benefits would be put in jeopardy, and it is most unlikely that they would be realised.

The documents accompanying this letter along with the Gateway Energy Centre Environmental Statement Further Information Document February 2016 (ES FID) include the information required to be provided in a variation application by regulation 3 of the 2013 Regulations (see Appendix A). The ES FID at section 2 describes the rationale for proposing that the Consent should be varied and at section 8 provides a summary of the pre-application consultation undertaken by GECL. The rationale for the two scenarios is explained in the ES FID.

The following documents are enclosed in support of the application:

1. Application Covering Letter (this letter) (2 hard copies)
2. A) Application Site Plan (63114-PBP-0025) (2 hard copies) B) Site Location Plan: 2746_DWD_001
3. Section 36 consent and the deemed planning permission granted 4 August 2011 (ref: 01.08.10.04/462C) (2 hard copies)
4. Section 36 Consent and Deemed Planning Permission Variation – Granted 18 November 2014 (ref: 01.08.10.04/462C) (2 hard copies)
5. Section 36 Consent and Deemed Planning Permission Variation – Track Change Document (2 hard copies)
6. Gateway Energy Centre Environmental Statement Further Information Document (February 2016) (2 hard copies)
7. Gateway Energy Centre Non-Technical Summary of the Updated Environmental Statement Further Information Document (February 2016) (2 hard copies)
8. Historic documents relating to the Gateway Energy Centre and associated development (1 CD containing all documents) (see Page 4)
9. Schedule of Proposed Consultees

APPLICATION	HISTORIC DOCUMENTS
Gateway Energy Centre	<ul style="list-style-type: none"> • Updated Environmental Statement Further Information Document (August 2014) • Non-Technical summary of the Environmental Statement Further Information Document (August 2014) • Updated CCR Feasibility Study (August 2014) • Assessment of CCR Compliance with Proposed Gateway Energy Centre (August 2014)
High Voltage Electrical Connection (Not subject to any variation request)	<ul style="list-style-type: none"> • Environmental Report (November 2012) • Environmental Report Ecological Surveys Volume (November 2012) • Planning Permission Ref:12/01085/FUL granted 27 February 2013 by Thurrock Borough Council
Underground Gas Pipeline and Associated Above Ground Installation (Not subject to any variation request)	<ul style="list-style-type: none"> • Environmental Statement (March 2011) • Environmental Statement Further Information Document (July 2011) • Planning Permission Ref:11/50286/TTGFUL granted 8 March 2012 by Thurrock Thames Gateway Development Corporation
Gateway Energy Centre	<p>Environmental Statement (February 2010)</p> <ul style="list-style-type: none"> a) Non-Technical Summary b) Volume I: Main Text c) Volume II: Appendices d) Volume III: Figures e) Combined Heat and Power Assessment f) Carbon Capture Readiness Feasibility Study Environmental Statement Further Information Document (December 2010) <p>Environmental Statement Further Information Document (December 2010)</p> <ul style="list-style-type: none"> a) Non-Technical Summary b) Main Text c) Figures d) Supplementary Combined Heat and Power Assessment

In addition, two CDs containing electronic versions of all application documents are enclosed.

In accordance with the July 2013 Guidance Note on varying consents granted under section 36 for generating stations in England and Wales, no fee is payable for an application to vary a section 36 consent.

Should the Secretary of State consider the variation application suitable for publication, we shall write to the consultees on the attached Proposed Schedule of Consultees and place one notice of the application in the London Gazette, and notices for two consecutive weeks in both the Thurrock Gazette and the Thurrock Enquirer.

Please will you kindly confirm receipt of this application. Should you have any queries regarding the enclosed please contact Rob Booth (rb@dwdllp.com), Tel: 020 7489 4830.

Yours sincerely

Dalton Warner Davis LLP

Dalton Warner Davis LLP

Enc.

Appendix A - Compliance with Regulation 3 of the 2013 Variation Regulations

Reg.	Regulation Requirement	Application's Compliance with Regulation
(1)	A variation application must—	The variation application on behalf of Gateway Energy Centre Ltd (GECL) is made in writing in a letter together with the Appendix A (Document 1) and accompanying documents.
(a)	be made in writing;	Two hard copies and two CDs containing the application have been submitted to the Secretary of State.
(b)	describe the location of the proposed development by reference to a map;	The Covering Letter describes the location as <i>"the Gateway Energy Centre (GEC) at The Manorway, Stanford-le-Hope, Essex (shown outlined red on FIGURE 63114-PBP-0025)"</i> and the Gateway Energy Centre – Site Location Plan 2746D_DWD_001.
(c)	state – (i) why it is proposed that the relevant section 36 consent should be varied; (ii) what account has been taken of views expressed by persons who have been consulted by the applicant about the proposed variation;	(i) The Gateway Energy Centre Environmental Statement Further Information Document February 2016 (ESFID). Section 2 'Rationale for Development' of states why it is proposed that the section 36 Consent should be varied (ii) Section 8 'Stakeholder Consultations and Additional Studies' of the Updated Environmental Statement Further Information Document (February 2016) details what account has been taken of views expressed by stakeholders.
(d)	include – (i) a draft of the variations which the applicant proposes should be made to the relevant section 36 consent; and (ii) copies of any maps or plans not referred to in the relevant section 36 consent but which the applicant proposes that the relevant section 36 consent should refer to after it is varied; and	(i) The draft of the proposed variation to the Section 36 Consent is contained within the Section 36 Consent and Deemed Planning Permission Variation – Tracked Changes document which accompanies this application. (ii) It is considered that the drawings 63114-PBP-0025 and 2746D_DWD_001 (Document 2) are adequate and that no further maps or plans are required.
(e)	if the application relates to an offshore generating station, identify which of the bodies referred to in paragraph (b) of the definition of "relevant planning authority" in regulation 2(1) are, in the applicant's opinion, likely to have an interest in the variation application.	Not applicable to this application.

Reg.	Regulation Requirement	Application's Compliance with Regulation
(2)	A variation application must include particulars of—	
(a)	the relevant section 36 consent, and, if that consent was not granted to the applicant, how the applicant has the benefit of that consent;	The Covering Letter states: <i>"Gateway Energy Centre Limited (GECL) is the person for the time being entitled to the benefit of a Section 36 Consent (DECC ref. 01.08.10.04 / 462c) granted on 4 August 2011 and varied on 18 November 2014. ..."</i> A copy of the relevant section 36 consent (Ref: 01.08.10.04/462C) accompanies this application. (Document 3) The relevant section 36 consent was granted to the applicant, GECL.
(b)	where the appropriate authority is the Secretary of State, any section 90 direction given on granting the relevant section 36 consent;	A copy of the relevant section 90 direction (Ref: 01.08.10.04/462C) accompanies this application. (Document 3)
(c)	any permit, licence, consent or other authorisation (other than the relevant section 36 consent) given in connection with the construction or operation of the proposed development (a "relevant authorisation"), including any variation or replacement of a relevant authorisation; and	This application is accompanied by: - the planning permission for the underground gas pipeline to the Gateway Energy Centre and associated above ground installation granted 8 March 2012 by Thurrock Borough Council (ref:11/50286/TTGFUL) and; - the planning permission for the high voltage electrical connection to the Gateway Energy Centre granted 27 February 2013 (ref:12/01085/FUL) by Thurrock Borough Council.
(d)	any application that has been made for a relevant authorisation or variation of a relevant authorisation.	An application for an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2010 has been made to the Environment Agency. This application is currently being processed.
(3)	Where the appropriate authority is the Secretary of State and the applicant requests the Secretary of State to make a section 90 direction on varying the relevant section 36 consent, the application must—	
(a)	identify the section 90 development in respect of which that request is made and describe its location by reference to a map;	<i>"Gateway Energy Centre Limited (GECL) is applying to the Secretary of State for Energy and Climate Change (the Secretary of State) to both vary the consent (Ref: 01.08.10.04/462C) granted on 4 August 2011 and varied on 18 November 2014 under Section 36C of the Electricity Act 1989 and under section 90(2ZA) of</i>

Reg.	Regulation Requirement	Application's Compliance with Regulation
		<i>the Town and Country Planning Act 1990; the section 90 development relates to the Proposed Development of a CCGT of up to 1250MW known as the Gateway Energy Centre (GEC) at The Manorway, Stanford-le-Hope, Essex (shown outlined red on FIGURE 63114-PBP-0025)."</i>
(b)	state – (i) why it is proposed that the direction should be made; and (ii) what account has been taken of views expressed by persons who have been consulted by the applicant about the proposed direction; and	(i) Section 2 'Rationale for Development' of the Updated Environmental Statement Further Information Document (February 2016) states why it is proposed that the direction should be varied. (ii) Section 8 'Stakeholder Consultations and Additional Studies' of the Updated Environmental Statement Further Information Document (February 2016) details what account has been taken of views expressed by stakeholders.
(c)	include – (i) a draft of the proposed direction; and (ii) copies of any maps or plans to which it is proposed that the section 90 direction should refer which are not— (aa) referred to in the relevant section 36 consent or any section 90 direction given on granting the relevant section 36 consent; or (bb) included in the application in accordance with paragraph (1)(d)(ii).	(i) the draft of the proposed variation to the Section 90 Direction is contained within the Section 36 Consent and Deemed Planning Permission Variation – Tracked Changes document which is contained with this application (Document 5)
(4)	If, under the EIA Regulations as modified by regulation 7, an environmental statement has been prepared, or is required to be prepared, in relation to the proposed development, the environmental statement must accompany the application.	The Gateway Energy Centre Environmental Statement accompanies this application, comprising the following documents: <ul style="list-style-type: none"> • Gateway Energy Centre Environmental Statement Further Information Document (February 2016) • Updated Environmental Statement Further Information Document (August 2014) • Environmental Statement (February 2010) <ul style="list-style-type: none"> ○ Non-Technical Summary ○ Volume I: Main Text ○ Volume II: Appendices ○ Volume III: Figures

Reg.	Regulation Requirement	Application's Compliance with Regulation
		<ul style="list-style-type: none"> • Environmental Statement Further Information Document (December 2010) <ul style="list-style-type: none"> ○ Non-Technical Summary ○ Main Text ○ Figures <p>Note: For additional documents not comprising the Environmental Statement refer to Page 4 of the Application Letter.</p>