
STATUTORY INSTRUMENTS

2022 No. 157

INFRASTRUCTURE PLANNING

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

Made - - - - *16th February 2022*

Coming into force - - *10th March 2022*

An application has been made to the Secretary of State under section 37 of the Planning Act 2008(1) (“the 2008 Act”) in accordance with the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009(2) for an Order granting development consent.

The application was examined by a single appointed person (appointed by the Secretary of State) pursuant to Chapter 3 of Part 6 of the 2008 Act and carried out in accordance with Chapter 4 of Part 6 of the 2008 Act and the Infrastructure Planning (Examination Procedure) Rules 2010(3).

The single appointed person, having considered the representations made and not withdrawn and the application together with the accompanying documents, in accordance with section 83(1) of the 2008 Act, has submitted a report and recommendation to the Secretary of State.

The Secretary of State has considered the representations made and not withdrawn, and the recommendations and report of the single appointed person, and taken into account the environmental information in accordance with regulation 4 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017(4) and, as a national policy statement has effect in relation to the proposed development, has had regard to the documents and matters referred to in section 104(2)(5) of the 2008 Act.

The Secretary of State, having decided the application, has determined to make an Order granting development consent for the development described in the application with modifications which in the opinion of the Secretary of State do not make any substantial changes to the proposals comprised in the application.

The Secretary of State is satisfied that replacement land has been or will be given in exchange for the special category land specified in the land plans and special category land plans (as defined in article 2 of this Order) as “permanent freehold acquisition” land, and the replacement land (as defined in that article) has been or will be vested in the prospective seller and subject to the same rights, trusts

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- (1) [2008 c. 29](#). Section 37 was amended by section 137(5) of, and paragraph 5 of Schedule 13(1) to, the Localism Act 2011 ([c. 20](#)). Section 83(1) was amended by paragraph 35 of that Schedule. Section 114 was amended by paragraph 55 of that Schedule. Section 120 was amended by section 140 of, and paragraph 60 of Schedule 13(1) to, that Act.
- (2) [S.I. 2009/2264](#), as amended by the Localism Act 2011 (Infrastructure Planning) (Consequential Amendments) Regulations 2012 ([S.I. 2012/635](#)) and the Infrastructure Planning (Prescribed Consultees and Interested Parties etc.) (Amendment) Regulations 2013 ([S.I. 2013/522](#)). There are other amendments to the Regulations which are not relevant to this Order.
- (3) [S.I. 2010/103](#), amended by [S.I. 2012/635](#).
- (4) [S.I. 2017/572](#).
- (5) Section 104 was amended by section 58(5) of the Marine and Coastal Access Act 2009 ([c. 23](#)) and by section 128(2) and Schedule 13, paragraphs 1 and 49(1) to (6) of the Localism Act 2011 ([c. 20](#)).

and incidents as attach to the special category land, and that, accordingly, section 131(4) of the 2008 Act applies.

The Secretary of State is satisfied that the special category land specified in the land plans and special category land plans (as defined in article 2 of this Order) as “acquisition of permanent new rights” land, when burdened with any new rights authorised to be compulsorily acquired under this Order, will be no less advantageous than it was before to the persons in whom it is vested, other persons, if any, entitled to rights of common or other rights, and the public, and that, accordingly, section 132(3) of the 2008 Act applies.

The Secretary of State, in exercise of the powers conferred by sections 114, 115, 120 and schedule 5 to the 2008 Act, makes the following Order: