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STATUTORY INSTRUMENTS

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**2022 No. 157**

The Thurrock Flexible Generation Plant  
Development Consent Order 2022

PART 1

PRELIMINARY

**Citation and commencement**

1. This Order may be cited as the Thurrock Flexible Generation Plant Development Consent Order 2022 and comes into force on 10th March 2022.

**Interpretation**

2.—(1) In this Order except where provided otherwise—

“1961 Act” means the Land Compensation Act 1961(1);

“1965 Act” means the Compulsory Purchase Act 1965(2);

“1980 Act” means the Highways Act 1980(3);

“1981 Act” means the Compulsory Purchase (Vesting Declarations) Act 1981(4);

“1984 Act” means the Road Traffic Regulation Act 1984(5);

“1990 Act” means the Town and Country Planning Act 1990(6);

“1991 Act” means the New Roads and Street Works Act 1991(7);

“2008 Act” means the Planning Act 2008(8);

“address” includes any number or address used for the purposes of electronic transmission;

“the access, rights of way and traffic management plans” means the plans certified as such by the Secretary of State for the purposes of this Order under article 38;

“apparatus” has the same meaning as in section 105(1) of the 1991 Act;

“authorised development” means the development and associated development described in Schedule 1 (authorised development), which is development within the meaning of section 32 of the 2008 Act;

“book of reference” means the document approved in accordance with requirement 30 and certified by the Secretary of State as the book of reference for the purposes of the Order;

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(1) 1961 c. 33.  
(2) 1956 c. 65.  
(3) 1980 c. 66.  
(4) 1981 c. 66.  
(5) 1984 c. 27.  
(6) 1990 c. 8.  
(7) 1991 c. 22.  
(8) 2008 c. 29.

“building” includes any structure or erection or any part of a building, structure or erection;

“carriageway” has the same meaning as in the 1980 Act;

“commence” means carry out a material operation, as defined in section 155 of the 2008 Act (which explains when development begins), comprised in or for the purposes of the authorised development other than the permitted preliminary works and “commencement”, “commenced” and cognate expressions are to be construed accordingly;

“completion” means the date on which the authorised development commences operation by generating power on a commercial basis, but excluding the generation of power during commissioning, and “complete” and “completed” and cognate expressions are to be construed accordingly;

“conceptual drainage strategy” means the document certified as such by the Secretary of State for the purposes of this Order;

“design principles statement” means the document certified by the Secretary of State as the design principles statement for the purposes of this Order;

“electronic transmission” means a communication transmitted—

- (a) by means of an electronic communications network; or
- (b) by other means but while in electronic form;

“environmental statement” means the documents certified by the Secretary of State as the environmental statement for the purposes of this Order;

“highway authority” means Thurrock Borough Council;

“Highways England” means Highways England Company Limited (company number 09346363), whose registered office is at Bridge House, Walnut Tree Close, Guildford, GU1 4LZ;

“the illustrative cross section plans” means the document certified as the illustrative cross section plans by the Secretary of State for the purposes of the Order;

“the illustrative landscape plan” means the document certified as the illustrative landscape plan by the Secretary of State for the purposes of the Order;

“the land plans and special category land plans” means the document approved under requirement 30 and certified as the land plans and special category land plans by the Secretary of State for the purposes of this Order;

“maintain” includes inspect, repair, adjust or alter the authorised development, and remove, reconstruct or replace any part, provided that such works do not give rise to any materially new or materially different environmental effects to those identified in the environmental statement; and any derivative of “maintain” is to be construed accordingly;

“NGET” means National Grid Electricity Transmission Plc (company number 02366977), whose registered office is at 1 to 3 Strand, London, WC2N 5EH;

“NGG” means National Grid Gas Plc (company number 02006000), whose registered offices is at 1 to 3 Strand, London, WC2N 5EH;

“Order land” means the land which is required for the authorised development shown on the land plans and described in the book of reference;

“Order limits” means the limits shown on the works plans within which the authorised development may be carried out;

“outline code of construction practice” means the document certified as the outline code of construction practice by the Secretary of State for the purposes of the Order;

“outline construction traffic management plan” means the document certified as the outline construction traffic management plan by the Secretary of State for the purposes of the Order;

“outline construction worker travel plan” means the document certified as the outline construction worker travel plan by the Secretary of State for the purposes of the Order;

“outline ecological management plan” means the document certified as the outline ecological management plan by the Secretary of State for the purposes of the Order;

“outline employment and skills strategy” means the document certified as the outline local employment and skills strategy by the Secretary of State for the purposes of the Order;

“outline written scheme of archaeological investigation” means the document certified as the outline written scheme of archaeological investigation by the Secretary of State for the purposes of the Order;

“owner” in relation to land, has the same meaning as in section 7 of the Acquisition of Land Act 1981(9);

“permitted preliminary works” means all or any of—

- (a) environmental surveys, geotechnical surveys, intrusive archaeological surveys and other investigations;
- (b) above ground site preparation for temporary facilities for the use of contractors;
- (c) the provision of temporary means of enclosure and site security for construction;
- (d) the temporary display of site notices or advertisements;
- (e) protected species relocation in accordance with a relevant licence;
- (f) infilling of ditches and creation of new ditches; and
- (g) site clearance (including vegetation removal, vegetation management to create or enhance habitat);

“plot” means the plots listed in the book of reference and shown on the land plans;

“the port” means

- (a) any land (including land covered by water) within the Port of Tilbury which is owned or used by Port of Tilbury London Limited for the purposes of its statutory undertaking; as at the date of the Order;
- (b) the Work no. 15 land; and
- (c) any land within the limits of deviation of Work nos. 12(a), 12(c), 12(d) and 12(e), and any land comprised in plots 01/09, 01/10 and 01/15 shown on the land plans and special category land plans, in which Port of Tilbury London Limited holds an interest,

together with any quays, jetties, docks, river walls and other land (including land covered by water) or works held in connection with that undertaking;

“Port of Tilbury London Limited” means the statutory harbour authority for and operator of the Port of Tilbury, London;

“relevant planning authority” means Thurrock Borough Council;

“replacement land” means the land forming plot 01/07 listed in the book of reference and shown on the special category land plan of the land plans as replacement common land;

“requirement” means those matters set out in Schedule 2 (requirements) and a reference to a numbered requirement is a reference to the requirement set out in the paragraph of that Schedule with the same number;

“RWE” means RWE Generation UK Plc, company number 03892782, whose registered office is at Windmill Hill Business Park, Whitehill Way, Swindon, Wiltshire SN5 6PB;

“special category land” means the land registered as common land under the Commons Registration Act 1965 and shown on the special category land plan of the land plans;

“statutory undertaker” has the same meaning as set out in section 127(8) of the 2008 Act and a public communications provider as defined in section 151 of the Communications Act 2003<sup>(10)</sup>;

“street” means a street within the meaning of section 48 of the 1991 Act, together with land on the verge of a street or between two carriageways, and includes any footpath and any part of a street;

“street authority” in relation to street, has the same meaning as in part 3 of the 1991 Act;

“the tribunal” means the Lands Chamber of the Upper Tribunal;

“the undertaker” means Thurrock Power Limited, company number 10917470, whose registered office is at 1st Floor, 145 Kensington Church Street, London, W8 7LP;

“watercourse” includes all rivers, streams, ditches, drains, canals, cuts, culverts, dykes, sluices, sewers and passages through which water flows except a public sewer or drain;

“work” means a work set out in Schedule 1; and a reference to a work designated by a number, or by a combination of letters and numbers, is a reference to the work so designated in that Schedule;

“working day” means any day other than a Saturday, Sunday, or English bank or public holiday;

“Work no.15 land” means the land within the limits of deviation of Work no. 15 owned by Port of Tilbury London Limited; and

“works plans” means the plans certified by the Secretary of State as the works plans for the purposes of this Order.

(2) Reference in this Order to rights over land include references to rights to do or to place and maintain anything in, on, or under land, or in the airspace above its surface, and to any trusts or incidents (including restrictive covenants) to which the land is subject, and references in this Order to the creation or acquisition of new rights include the imposition of restrictive covenants which interfere with the interests or rights of another and are for the benefit of the land which is acquired under this Order or is otherwise comprised in the Order.

(3) All distances, directions and lengths referred to in this Order are approximate and distances between points on a work are taken to be measured along that work.

(4) In this Order “includes” must be construed without limitation.

(5) References in this Order to any statutory body include that body’s successor bodies as from time to time have jurisdiction in relation to the authorised development.

(6) All areas described in square metres in the book of reference are approximate.