

BY E-MAIL

Secretary of State for Business, Energy and
Industrial Strategy
Energy and Infrastructure Planning
Level 3, Orchard 2,
1 Victoria Street
London
SW1H 0ET

Our Ref 114616512.1\JL29\669000.07009

**For the Attention of:
Denise Libretto
Head of Planning**

29 May 2020

Dear Denise

**REGULATION 4 OF THE INFRASTRUCTURE PLANNING (CHANGES TO, AND
REVOCATION OF, DEVELOPMENT CONSENT ORDERS) REGULATIONS 2011**

**APPLICATION TO MAKE A NON-MATERIAL CHANGE TO THE PROGRESS POWER (GAS
FIRED POWER STATION) ORDER 2015 (S.I. 2015/1570)**

Progress Power Limited ("PPL") (company number 08421833) of registered address: Drax Power Station, Drax, Selby, YO8 8PH is the undertaker with the benefit of the Progress Power (Gas Fired Power Station) Order 2015, which was granted by the Secretary of State for the Department of Energy & Climate Change on 23 July 2015 (Statutory Instrument 2015 No. 1570) (the "Order") as corrected by the Progress Power (Gas Fired Power Station) (Correction) Order 2016) following an application made by PPL (Planning Inspectorate reference EN 010060).

Requirement 1 of the Order prohibits the commencement of the authorised development after the expiry of 5 years from the date the Order came into force. That period is due to expire on 13 August 2020. PPL is making every effort to commence the authorised development before the expiry of the deadline but has serious concerns that the exceptional and unprecedented circumstances arising from the ongoing COVID-19 pandemic, including the restrictions imposed by the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 (as amended), will frustrate its ability to commence the authorised development before the expiry of that deadline.

PPL therefore seeks to change the Order so as to extend the deadline for the commencement of the authorised development to 13 August 2021, an extension of 12 months and is applying to the Secretary of State pursuant to section 153 and paragraph 2 of Schedule 6 to the Planning Act 2008 to make changes to the Order that are not material. This application is subject to the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders)

Pinsent Masons LLP

30 Crown Place London EC2A 4ES United Kingdom

T +44 (0)20 7418 7000 F +44 (0)20 7418 7050 DX 157620 Broadgate

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Regulations 2011. As such, the following documents are included to support the application for a non-material amendment:

- Non-material change application;
- Environmental Report;
- Regulation 6 Notice;
- Draft amendment Order (Word and PDF version); and
- Email confirming successful validation of the draft amendment Order.

Please do contact the writer or my colleague Claire Brodrick (Claire.brodrick@pinsentmasons.com) should you have any further questions.

Yours sincerely

Pinsent Masons LLP