



Department
of Energy &
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Your ref: 32601
Our ref:

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Dear Mr Bullock

**RE: THE FERRYBRIDGE MULTIFUEL 2 POWER STATION ORDER 2015 (2015 NO. 1832)
ARTICLE 8 'TRANSFER OF THE BENEFIT OF THIS ORDER' - TRANSFER FROM
MULTIFUEL ENERGY LIMITED' TO 'FERRYBRIDGE MFE 2 LIMITED'**

Thank you for your letter of 26 April 2016 (the "letter") and attached copy of the draft Transfer Agreement (the "draft Transfer Agreement") formally requesting the consent of the Secretary of State to transfer the benefit of the The Ferrybridge Multifuel 2 Power Station Order 2015 (the "Order") by Multifuel Energy Limited (the "transferor") to Ferrybridge MFE 2 Limited (the "transferee").

The request was made pursuant to Article 8 of the Order which states:

- 8.—(1) Except where paragraph (4) applies, the undertaker may, with the consent of the Secretary of State,—*
- (a) transfer to another person (the "transferee") all or any part of the benefit of the provisions of this Order and such related statutory rights as may be agreed between the undertaker and the transferee; or*
 - (b) grant to another person (the "lessee"), for a period agreed between the undertaker and the lessee, all or any part of the benefit of the provisions of this Order and such related statutory rights as may be agreed between the undertaker and the lessee.*
- (2) Where an agreement has been made in accordance with paragraph (1)(a) or (b), references in this Order to the undertaker, except in paragraph (3), include references to the transferee or the lessee.*
- (3) The exercise by a person of any benefits or rights conferred in accordance with any transfer or grant under paragraph (1) is subject to the same restrictions, liabilities and obligations as would apply under this Order if those benefits or rights were exercised by the undertaker.*
- (4) This paragraph applies where—*
- (a) the transferee or lessee holds a licence under section 6 of the 1989 Act; or*

(b) the time limits for all claims for compensation in respect of the acquisition of land or effects upon land under this Order have elapsed and—

(i) no such claims have been made;

(ii) any such claims that have been made have all been compromised or withdrawn;

(iii) compensation has been paid in final settlement of any claims made;

(iv) payment of compensation into court in lieu of settlement of all such claims has taken place; or

(v) it has been determined by a tribunal or court of competent jurisdiction in respect of all claims that no compensation is payable.

(5) Where paragraph (4) applies the undertaker must notify the Secretary of State in writing before transferring or granting all or any part of the benefit of the provisions of this Order and such related statutory rights referred to in paragraph (1).

Having considered the information contained within the letter and the draft Transfer Agreement and noting that:

- the draft Transfer Agreement would transfer the benefit of the Order in its entirety from the transferor to the transferee;
- the exercise of the benefits or rights conferred in accordance with the proposed transfer would be subject to the same restrictions, liabilities and obligations as would apply under the Order if those benefits or rights were exercised by the transferor; and
- the Order does not include any compulsory purchase provisions,

the Secretary of State is satisfied that there is no reason why she should not allow a transfer of the benefit of the Order to the transferee and hereby consents to the transfer in the terms set out in the draft Transfer Agreement.

I would be grateful if you could notify me when the transfer has been completed. Please note that information about the transfer will be published on the Planning Inspectorate's and DECC's websites.

Yours sincerely



Giles Scott
Head, National Infrastructure Consents and Coal Liabilities