

## **Meaford Energy Centre ExA's second round questions**

Please note that the ExA has read and is aware of all previous responses which touch on these matters and is seeking additional clarification/justification.

To avoid confusion, second round questions have been numbered consecutively from first round questions.

### Development Consent Order (DCO)

#### **DCO 18 – Applicant**

The ExA notes the Applicant's previous responses to first round question DCO 6, and further submissions in the oral response to matters raised at the DCO and CA hearings, in particular that the Secretary of State can be assured that indefinite suspension of rights is not Compulsory Acquisition.

Please provide detailed legal submissions with reference to relevant case law and legislation to support this assurance.

#### **DCO 19 - Applicant**

With regard to the suspension of rights, can the Applicant give a clear indication of the length of time during which the rights would be suspended? Is it for example the period of the lease (75 years) or indefinitely?

#### **DCO 20 - Applicant**

The ExA notes the helpful change to Article 26 (b) in the revised DCO submitted at Deadline 4, and the content of paragraphs 5.22 and 5.23 of the Applicants summary of oral case at the draft DCO hearing. However it is noted that Article 26 (a) would still permit the extinguishment of rights belonging to SUs shown on the land plan and described in the book of reference.

Please delete 'Extinguish or' from Article 26 (a) to ensure consistency with Article 23(2).

#### **DCO 21 - Applicant**

The ES gives a clear impression that the maximum physical dimensions of the MEC will be as set out in Table 4.1 of ES Chapter 4. These dimensions are carried forward into Tables 2 and 3 of Requirement 3(2).

The Environmental Impact Assessment has been carried out on the basis of 'worst case' assessment, including such matters as visual, landscape and heritage impacts.

The ExA is aware of the Progress Power DCO, and the limitation in the draft Requirement 19(2) in the MEC DCO to 'matters unlikely to give rise to any materially new or materially different environmental effects in comparison with the authorised development as approved (as identified in the environmental statement)'. Given that the applicant has adopted the 'Rochdale Envelope' approach in pursuing the DCO application, please provide a clear justification of why it is considered necessary, in the specific circumstances which apply to this proposal, to retain the flexibility sought in Requirements 3(2) and 19 in respect of the maximum parameters set out in Tables 2 & 3.