

Application by Millbrook Power Limited for an Order granting Development Consent for the Proposed Millbrook Power Project

The Examining Authority's Second Written Questions and Request for Information

Issued on 31 May 2018

The following table sets out the Examining Authority's (ExA's) Second Written Questions (SWQ) and Request for Information. If necessary, the Examination timetable enables the ExA to issue a further round of written questions in due course. If this is done, the further round of questions will be referred to as ExA Third Written Questions (TWQ).

Column 2 of the table indicates to which Interested Parties (IPs) and Other Persons (OPs) each question is directed. The ExA would be grateful if all persons named could answer all questions directed to them, either providing a substantive response or indicating why the question is not relevant to them. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique reference number which starts with 2 (indicating that it is from ExA SWQ) and then has an issue number and a question number. For example, the first question is identified as ExA SWQ 2.0.1. When you are answering a question, please start your answer by quoting the unique reference number.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the Project case team: please contact MillbrookPower@pins.gsi.gov.uk.

Responses are due by **Deadline 4, Thursday 14 June 2018**.

The Examination Library

References in these questions set out in square brackets (eg [APP-010]) are to documents catalogued in the Examination Library. The Examination Library can be accessed via the following link:

[https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010068/EN010068-000603-MILL%20-%20Examination%20Library%20\(Internal\).pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010068/EN010068-000603-MILL%20-%20Examination%20Library%20(Internal).pdf)

It will be updated as the Examination progresses.

ExQ2 Question to:		Question:
2.0	Environmental Issues	
2.0.1	Applicant	Please will the Applicant provide an update on discussions with the highways authorities about the routing of construction traffic solely via the Marsh Lane interchange rather than together with the Beancroft Road roundabout. Please also indicate where in the Environmental Statement (ES) (Doc 6.1) and/or the Transport Assessment [APP-046] the use of the Marsh Lane interchange solely has been assessed.
2.0.2	Applicant	The Statement of Common Ground (SoCG) with Historic England [REP3-009] indicates that particular wording in the draft Development Consent Order (dDCO) is still under discussion. Please will the Applicant provide an update on these discussions and indicate any issues on which agreement has not been reached.
2.0.3	Applicant	The SoCG with the Environment Agency (EA) [REP2-041] indicates at Section 6 that some issues are still under discussion but does not provide any details. Please will the Applicant indicate which issues are still under discussion.
2.1	Compulsory Acquisition (CA)	
2.1.1	Applicant	Please will the Applicant provide an update on the possible amendment to the extent of CA powers sought for Plot 4-PGP in the Land Plans [APP-009] following completion of the Covanta access road. Please indicate which documents will need to be amended if this change is brought forward.
2.2	Development Consent Order	
2.2.1	Applicant	The Applicant has proposed the deletion of Requirement 17 on the grounds that the operating hours

ExQ2		Question to:	Question:
			for the generating plant will be set in the Environmental Permit (EP) [REP3-011]. That does not rule out the possibility that the EP could, in future, authorise a higher level of operating hours than have been assessed in the Environmental Statement (ES). At present it is not clear that there is a specific provision in the dDCO which ties the operating hours of the plant to the ES as a certified document. Please will the Applicant consider amending Article 5(1) of the dDCO to read "5.—(1) The undertaker is authorised to use and operate the generating station comprised in the authorised development <i>to the extent assessed in the environmental statement.</i> " (additional wording in italics). This would provide a specific link to the ES.
2.2.2	Applicant		At the Issue Specific Hearing (ISH) on the dDCO the Applicant noted that discussions were ongoing with CLH concerning protection for its oil pipeline. CLH's preference was for an asset protection agreement but failing agreement on that, protective provisions would be inserted into the dDCO. Please will the Applicant provide an update on the timetable for finalising an asset protection agreement or the drafting of protective provisions.
2.2.3	Covanta		At the ISH on the dDCO the provisions of Part 6 of Schedule 10 and Schedule 11 were discussed. Can Covanta please confirm, as reported in the Applicant's Explanation of Amendments to the dDCO [REP3-011], that without prejudice to its position that it considers an interface agreement is more appropriate, it agrees with these provisions.
2.2.4	Applicant		The SoCG with Central Bedfordshire Council (CBC) [REP2-039] indicates that procedures and payment details for considering schemes required arising from Requirements and a s106 agreement are yet to be agreed. Please will the Applicant provide an update on the discussions on these points.
2.2.5	Applicant		Please will the Applicant ensure that the version of the dDCO to be submitted by Deadline 5 is in the Statutory Instrument (SI) Template with the SI Template Validation Report.