

Your ref: EN010068

Our ref: 40335

31st July 2018

By email only to:

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Dear Tracey

Millbrook Power Limited: Proposed gas fired power plant at Rookery South Pit, Nr. Millbrook, Bedfordshire

Please find below Millbrook Power Limited's (MPL) response to the question for the Applicant raised by the Examining Authority in its Rule 17 letter published on 16 July 2018.

Examining Authority's Question: Please will the Applicant explain why it is seeking powers of compulsory acquisition over the whole of revised plot 4_PGP which appears to be larger than is required to provide the proposed access route?

As explained by the note on Sheet 1 of the Land Plans (revision 1) submitted at Deadline 5 (REP5-007) (the note is within the white area south of Plot 5_PGP), within Plot 4_PGP MPL is seeking (1) a right of access of no more than 15m in width during construction and (2) the right to construct, use and maintain a permanent access road of no more than 10m width. Within this plot the new access road will be connected into the existing access road which has been constructed by the undertaker pursuant to work number 5A of the Rookery South (Resource Recovery Facility) Order 2011 (the Rookery South Order). The Examining Authority has recognised that Plot 4_PGP is wider than the up to 10m wide access road which is to be constructed within it, leading to the question above.

Plot 4_PGP remains wider than is required to provide the right of access and to construct the access road because the limits of deviation relating to work numbers 1 and 2 of the Rookery South Order allow those works, which are not yet under construction, to be built up to the eastern margin of the limits of deviation, which includes Plot 4_PGP. Similarly, work number 5A, being the access road, of the Rookery South Order, can be built up to the limits of deviation. Until the final situation of work numbers 1 and 2 has been confirmed, which in turn dictates whether any additional elements of work number 5A needs to be added to the already constructed access road, together with any request from the undertaker of the Rookery South Order for a certain distance to be kept between the edge of work numbers 1 and 2 and MPL's access road, MPL needs to retain flexibility within Plot 4_PGP. Should the Rookery South Resource Recovery Facility be constructed in accordance with the road layout as currently approved, then the size of Plot 4_PGP will allow the most direct access road to be constructed between the terminus of the existing access road and the power generation plant site without sterilising any land unnecessarily. This scenario is shown by the indicative layout of the short access road within the Indicative Layout Plans (Revision 1) submitted by Millbrook Power Limited at Deadline 5 (REP5-006).

Covanta Rookery South Limited (CRSL) has confirmed that it has no objection to the amendments made by MPL to the dDCO (revision 3) submitted at Deadline 5 (without prejudice to Covanta's



position in respect of amending the Rookery South Order). CRSL agrees that the amendments made to numbered works 2A and 2B of Schedule 1 accurately reflect the fact that the access road has now been built pursuant to numbered work 5A of the of the Rookery South Order. CRSL is also content with the changes made by MPL to the plans submitted at Deadline 5, being the revised:

- (a) Land Plans;
- (b) Works Plans;
- (c) Rights of Way, Streets and Access Plans;
- (d) Site Location Plan;
- (e) Existing Site Layout Plans; and
- (f) Indicative Site Layout Plans.

Discussions are ongoing with Network Rail's solicitors and the Applicant understands that Network Rail will be submitting its comments on the protective provisions for the benefit of Network Rail in the draft DCO at Deadline 6.

We look forward to hearing further from you in due course and please do not hesitate to get in touch with any queries.

Yours sincerely



Dermot Scanlon

For and on behalf of Peter Brett Associates LLP

