

THE ABERGELLI POWER PROJECT

EXPLANATION OF CHANGES MADE TO THE DRAFT DEVELOPMENT CONSENT ORDER ('DCO')

SUBMITTED AT DEADLINE 1

Due to the insertion of new paragraphs/requirements in the updated draft DCO, the numbering and internal cross referencing (including the contents) within the draft DCO have been updated accordingly. These changes, along with minor typographical amendments for clarity and consistency are not set out below. The numbering referred to below is to that in the updated draft DCO.

References to 'FWQs' are to the First Written Questions issued by the Examining Authority ('ExA') on 17 October 2018, to which the Applicant has submitted its responses at Deadline 1.

Article / Requirement number	Explanation of amendment
Article 2 (Interpretation)	Definitions of "outline construction environmental management plan", "outline drainage strategy" and "outline landscape and ecology mitigation strategy" have been amended to refer to the updated versions of these documents submitted at Deadline 1.
Article 2 (Interpretation)	Definitions of "shut down period" and "start-up period" have been added. These have been inserted to define the activities that can be carried out during the periods set out in Requirement 23 of the draft DCO.
Article 2 (Interpretation)	Definition of "undertaker". This definition now removes "any other person" in line with recent drafting practice. Please refer to FWQ 1.7.4.

Article / Requirement number	Explanation of amendment
Article 6 (Benefit of the Order)	<p>This article has been amended to specifically state the DCO is solely for the benefit of Abergelli Power Limited. This has been amended to align with recent practice in other DCOs.</p> <p>Please refer to FWQ 1.7.4.</p>
Article 7 (Consent to transfer benefit of the Order)	<p>This has been amended to align with recent practice in other DCOs.</p> <p>Please refer to FWQ 1.7.4.</p>
Article 17 (Authority to survey and investigate the land)	<p>The minimum period required for notice of access to the land has been increased from 14 to 28 days.</p> <p>This change was requested during the first issue specific hearing on 10 October 2018 by the solicitor representing various landowners and is agreed by the Applicant.</p>
Article 40 (Certification of plans etc.)	<p>This article now sets out the relevant plans and assessments as appendices to the environmental statement. This article has been amended for the purpose of clarity.</p> <p>Please refer to FWQ 1.7.7.</p>
Article 42 (Procedure in relation to certain approvals)	<p>Paragraph (6) has been amended to require the Applicant to specify the article under which consent is being sought, as requested by the City and County of Swansea during the first issue specific hearing on 10 October 2018.</p>
Schedule 1 (Authorised Development)	<p>This was amended from “unlikely to give rise to” to “will not give rise to” for consistency with the ExA’s recommendation in FWQ 1.7.13 in relation to Requirement 28.</p>
Schedule 2, Requirement 3 (Provision and maintenance of landscaping)	<p>A new sub-paragraph (5) has been added to ensure that the landscaping plan is reviewed and submitted to the Local Planning Authority every five years.</p> <p>Please refer to FWQ 1.9.1 and 1.9.2.</p>

Article / Requirement number	Explanation of amendment
Schedule 2, Requirement 6 (Surface and foul water drainage)	This has been amended to insert reference to numbered work 5, as drainage will need to be considered before the earthworks comprised in work number 5 begin. This was requested by the City and County of Swansea and is agreed by the Applicant.
Schedule 2, Requirement 8 (Pre-construction ecological constraints survey)	This has been amended to refer to numbered works 3, 4 and 5, since once those works have taken place there is no need for further surveys prior to undertaking numbered works 1 or 2. This was requested by the City and County of Swansea and is agreed by the Applicant.
Schedule 2, Requirement 8 (Pre-construction ecological constraints survey)	Sub-paragraph (5) was inserted to make clear that surveys would have to be repeated if the relevant works are not commenced within two years. This was requested by the City and County of Swansea and is agreed by the Applicant.
Schedule 2, Requirement 10 (Invasive species survey and remediation)	This has been amended to refer to numbered works 3, 4 and 5, since once those works have taken place there is no need for further surveys prior to undertaking numbered works 1 or 2. This was requested by the City and County of Swansea and agreed by the Applicant.
Schedule 2, Requirement 11 (Bat Method Statement)	This has been amended to refer to numbered works 3, 4 and 5, since once those works have taken place there is no need for further surveys prior to undertaking numbered works 1 or 2. This was requested by the City and County of Swansea and agreed by the Applicant.
Schedule 2, Requirement 11 (Bat Method Statement)	Sub-paragraph (4) has been inserted to clarify the timing for pre-construction checks to be commenced prior to pre-construction checks having to be repeated.
Schedule 2, Requirement 12 (Reptile Method Statement)	This has been amended to refer to numbered works 3, 4 and 5, since once those works have taken place there is no need for further surveys prior to undertaking numbered works 1 or 2. This was requested by the City and County of Swansea and agreed by the Applicant.
Schedule 2, Requirement 13 (Archaeology)	This has been amended to refer to numbered works 3 and 5, since once those works have taken place there is no need for further archaeological mitigation prior to undertaking numbered works 1, 2 or 4. This was requested by the City and County of Swansea and agreed by the Applicant.
Schedule 2, Requirement 14 (Site	This has been amended to refer to numbered works 3 and 5, since once those works have taken

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investigation)	place there is no need for further site investigation surveys or works prior to undertaking numbered works 1, 2 or 4. This was requested by the City and County of Swansea and agreed by the Applicant.
Schedule 2, Requirement 15 (Mineral Resources Survey)	This has been amended to refer to numbered works 3 and 5, since once those works have taken place there is no need for further mineral resources surveys prior to undertaking numbered works 1, 2 or 4. This was requested by the City and County of Swansea and agreed by the Applicant.
Schedule 2, Requirement 16 (Peat Management Plan)	This has been amended to only refer to numbered work 5, since once that work has taken place there is no need for further peat management plan prior to undertaking numbered works 1, 2, 3 or 4. This was requested by the City and County of Swansea and agreed by the Applicant.
Schedule 2, Requirement 17 (Construction environment management plan)	This has been amended to relate only to numbered works 1, 2, 3 and 4, and therefore to separate out the earthworks (numbered work 5) from the construction environment management plan. This now reflects the Applicant's original intention for this requirement. Related changes have been made to requirements 18-20, as noted below, and which secure the measures required before the earthworks take place.
Schedule 2, Requirement 18 (Dust management plan)	This has been amended to refer only to numbered work 5. The Applicant has provided the earthworks as a separate work to ensure that they can be progressed in advance of detailed design of the generation station building being finalised.
Schedule 2, Requirement 19 (Pollution prevention management plan)	This has been amended to refer only to numbered work 5. The Applicant has provided the earthworks as a separate work to ensure that they can be progressed in advance of detailed design of the generation station building being finalised.
Schedule 2, Requirement 20 (Waste and material management plan)	This has been amended to refer only to numbered work 5. The Applicant has provided the earthworks as a separate work to ensure that they can be progressed in advance of detailed design of the generation station building being finalised.
Schedule 2, Requirement 27	Sub-paragraph 1 has been amended to include an additional trigger. This has been amended to

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(Decommissioning strategy)	ensure no circumvention of the requirement via the definition of “maintain” in article 2 of the draft DCO, following this concern being raised by the City and County of Swansea.
Schedule 2, Requirement 27 (Decommissioning strategy)	Sub-paragraph 2 has been amended to list the matters which must be addressed in the decommissioning strategy. This was requested by the City and County of Swansea and agreed by the Applicant.
Schedule 2, Requirement 28 (Amendments to approved details)	This was amended from “unlikely to give rise to” to “will not give rise to” in line with the ExA’s recommendation in FWQ 1.7.13.
Schedule 12, paragraph 2(2) (Further information)	The period for specifying the further information required has been extended from 14 days to 28 days. This was requested by the City and County of Swansea and agreed by the Applicant.
Schedule 12, paragraph 2(3) (Further information)	The period for further information requested by the requirement consultee has been extended from 21 days to 28 days in accordance with the amendment in Schedule 12, paragraph 2(2).
Schedule 12, paragraph 3 (Fees)	<p>A paragraph has been inserted for the payment of fees to the Local Planning Authority on submission of an application for the discharge of requirements under the draft DCO. This is agreed with the City and County of Swansea.</p> <p>Please refer to FWQ 1.0.6.</p>
Updates to the DCO, including articles 22, 23, 25, 26, 27 and Schedule 8	This was amended to reflect the changes introduced in the Housing and Planning Act 2016 and reflects drafting included in recent DCOs including Silvertown Tunnel Order 2018.
Updates to the DCO including Requirement 3, 4, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 22 and 26	Minor amendments have been made to the drafting to reflect the Planning Inspectorate’s Advice Note Fifteen: Drafting Development Consent Orders (July 2018) (version 2) which was published after the submission of the Application and therefore not accounted for in the submission draft.