

The Eggborough CCGT Project

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The Eggborough CCGT (Generating Station) Order

Land at and in the vicinity of the Eggborough Power Station site,
near Selby, North Yorkshire, DN14 0BS

Explanatory Note on Changes to Draft DCO - Deadline 5

The Planning Act 2008



Applicant: Eggborough Power Limited
Date: January 2018

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THE EGGBOROUGH CCGT PROJECT

**EXPLANATION OF CHANGES MADE TO THE DRAFT DEVELOPMENT CONSENT ORDER ('DCO')
 SUBMITTED AT DEADLINE 5**

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.

Article / Requirement Number	Explanation of amendment
Article 2(1) and Article 38(1)	<p>Definition of "application guide" and Article 38.</p> <p>Article 38 has been amended to include the application guide as a document which is submitted to the Secretary of State for certification. Please refer to the Applicant's response to the ExA's Written Question DCO2.6 for further explanation.</p> <p>A consequential amendment has also been made to Article 2(1) to define "application guide".</p>
Article 2(1)	<p>Definition of "commence"</p> <p>This has been amended by the Applicant, as explained in the response to the ExA's Written Question DCO2.1. The effect of this amendment is that, save as where expressly provided for in Schedule 2, the definition of "commence" which will apply throughout the dDCO will be as defined in article 2(1), i.e. without the carve-out for "permitted preliminary works".</p> <p>The Applicant considers that the effect of this amendment ensures that there is certainty as to the meaning of "commencement" in the context of the dDCO as a whole.</p> <p>As a consequence of this amendment, the definition of "permitted preliminary works" has been deleted from article 2(1), and inserted in to Schedule 2 as the defined term is not used in the dDCO save for in the requirements in Schedule 2. Please see below for further explanation on the amended definition of "permitted preliminary works" and consequential amendments to Schedule 2 in this regard.</p>
Article 2(1)	<p>Definition of "maintain"</p> <p>This has been amended pursuant to the ExA's Written Question DCO 2.4. The effect of this amendment is to express the scope of the maintenance activities which are permitted to those which have been assessed in the Environmental Statement.</p>

Article / Requirement Number	Explanation of amendment
Schedule 2, Requirement 1	<p>Definition of "permitted preliminary works"</p> <p>This has been amended pursuant to the ExA's Written Questions DCO 2.2 and 2.3. The effect of this amendment is to remove the ability to demolish buildings and remove plant and machinery from those activities which constitute "permitted preliminary works". The Applicant has also excluded "earthworks and excavations" which could potentially have been included under "the preparation of facilities for the use of contractors".</p> <p>The definition has been further amended so that the permitted preliminary works can only take place within the area of the existing coal-fired power station. This is achieved by linking the definition to certain numbered works listed in Schedule 1 to the dDCO, and by expressly referencing the existing coal-fired power station (already a defined term).</p>
Schedule 2 (General)	<p>Consequential amendments have been made to the requirements in Schedule 2 which include a trigger relating to commencement to carve out the permitted preliminary works.</p> <p>Minor amendments have been made to requirements 6 and 40 to ensure that the wording regarding commencement and permitted preliminary works is consistent.</p>
Requirement 16	<p>Sub-paragraph (5) has been amended to correct a typographical error to insert the word "identified". This has been agreed with North Yorkshire County Council and Selby District Council.</p>
Requirement 24	<p>This has been amended following further comments received by Selby District Council. Please see the Applicant's response to the ExA's Written Question NV2.1.</p>
Requirement 26	<p>This has been amended pursuant to the ExA's Written Question DCO 2.5. The effect of this amendment is that North Yorkshire County Council (in its capacity as waste planning authority) is to be consulted on the construction site waste management plan. This is agreed with North Yorkshire County Council.</p>
Requirement 35	<p>This has been amended following agreement with Selby District Council and North Yorkshire County Council as to the monitoring periods in sub-paragraphs (4) and (7).</p>
Schedule 8	<p>In the Applicant's Written Summary of Oral Case put at the Issue Specific Hearing on Compulsory Acquisition (Document Ref 9.6), the Applicant confirmed that it had undertaken a review of "pink" and "blue" land to ascertain whether a lesser right, i.e. the compulsory acquisition of rights as opposed to the freehold interest in land, would be sufficient (please refer to paragraphs 2.20 and 2.21 of that Written Summary).</p>

Article / Requirement Number	Explanation of amendment
	<p>No amendments have yet been made to this Schedule or the Land Plans, however the Applicant is in the process of amending Schedule 8 of the dDCO, as well as the Land Plans, and will be in a position to provide updated versions of these documents for Deadline 6.</p>
<p>Schedule 12, Part 3: Protective Provisions for the protection of the Canal and River Trust</p>	<p>The Applicant and CRT are continuing to discuss the terms of the Protective Provisions. As set out in the Applicant's response to the ExA's Written Question CA2.3, further comments were provided by the CRT on 4 January 2018, including further comments on the Indemnity and Expenses provisions. The Applicant is considering these further and expects to provide a further update to the ExA for Deadline 6. The version of Protective Provisions included at Part 3 of Schedule 12 therefore represents the Applicant's preferred version of the Protective Provisions at this time.</p> <p>In addition to the Expenses and Indemnity drafting, which is not yet agreed, the Applicant notes the following:-</p> <ul style="list-style-type: none"> • A new sub-paragraph (1)(e) has been added to paragraph 30 following agreement between the Applicant and CRT. • The Applicant and CRT are discussing the wording of paragraph 1(6) (as per the numbering in CRT's preferred form of Protective Provisions as submitted at Deadline 3 (30 November 2017)). • The Applicant and CRT are discussing the wording re: the "application fee" in paragraph 5(1) (as per the numbering in CRT's preferred form of Protective Provisions as submitted at Deadline 3 (30 November 2017)).
<p>Schedule 12, Part 4: Protective Provisions for the protection of National Grid</p>	<p>There are no updates to this part of Schedule 12 at this time. The terms agreed between the Applicant and National Grid have not changed since the submission of the draft DCO at Deadline 3 (Revision 3.0) and as reflected in the updated Statement of Common Ground submitted at Deadline 4 (Revision 2.0), however the Applicant and National Grid are still in discussions as to the wording of the Protective Provisions to be included in the draft DCO.</p> <p>The Applicant expects to be in a position to confirm this for Deadline 6 and that National Grid will be in a position to withdraw its representation at or prior to that deadline.</p>
<p>Schedule 14: Deemed Marine Licence</p>	<p>The following amendments, as referred to in the updated Statement of Common Ground submitted at Deadline 4 (Revision 2.0) have been made to the DML and have been agreed with the MMO. The ExA is also referred to the Applicant's response to Written Question DML2.1.</p> <p>The following amendments have been made:-</p> <ul style="list-style-type: none"> • The definition of "maintain" has been amended so that the reference

Article / Requirement Number	Explanation of amendment
	<p>to the environmental statement is consistent with the definition in article 2(1).</p> <ul style="list-style-type: none"> • A definition of "river" has been inserted. • The contact details in paragraph (2) have been updated. • Part 2, paragraph 3(4)(b) has been amended to the effect that works comprised within Work No 4 may take place within the area bounded by the co-ordinates in Table 12, <u>or</u> in the area bounded by the co-ordinates in Table 13 if there is a change in mean high water spring tide during the period of construction, maintenance or operation of Work No 4 at the time the licensed activities are carried out. A new condition (condition 6) has been added that requires that if the licensed activities are to take place within the area bounded by the co-ordinates in Table 13, then 10 weeks prior to commencing the licensed activities, an assessment must be undertaken and submitted to the MMO for approval. • Part 3 has been amended to split the conditions in to "Pre Construction", "During Construction, Operation and Maintenance", "Post Construction" and "General" for ease of interpretation. The conditions contained within these sections have also been ordered in accordance with the stage of the project that they relate to. • A new condition (condition 5) has been added which requires any fuel or oil spill to be reported to the Marine Pollution Response Team. <p>As set out in the Applicant's response to Written Question DML2.1, the Applicant and the MMO are discussing the coordinates to be added to Table 13 (which is currently blank), and are cross checking the coordinates included in Table 12. The Applicant expects to be in a position to confirm these for Deadline 6.</p>
Schedule 14	Consequential amendments have been made to the Table Numbers in this schedule to take account of the newly inserted Table 13 in Schedule 13.