

THE VPI IMMINGHAM OCGT PROJECT

EXPLANATION OF CHANGES MADE TO THE DRAFT DEVELOPMENT CONSENT ORDER ('DCO') AT DEADLINE 2 (12 SEPTEMBER 2019)

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 15 August 2019, to which the Applicant has submitted its responses at Deadline 2.

Article / Requirement number in draft DCO	Explanation of Change
Article 2 (Interpretation)	The definitions of "the environmental statement" "flood risk assessment" "framework biodiversity enhancement and management plan" "framework construction environmental management plan" "framework construction traffic management plan" "framework construction worker travel plan" "framework written scheme of investigation" "indicative lighting strategy" "land plans" and "works plans" now refer to the description provided in Schedule 11, as the previous drafting for these was not necessary.
Article 7 (Benefit of Order)	This has been amended to require notice is given to National Grid of any application for consent to the Secretary of State (SoS) for the transfer of the undertaking under Art 7(1) and also that when notice is served on the SoS under Art 7(5) for transfers without the SoS consent that notice is also given to National Grid (NG) at the same time. This has been requested by NG and agreed by the Applicant.
Article 28(11) (Maintenance period)	The maintenance period has been amended from 5 years to 1 year beginning with the date of final commissioning of the authorised development. Please refer to FWQ 1.3.6.
Article 38(2) (Procedure in relation to	The words "and must not be unreasonably withheld or delayed" have been deleted. A

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certain approvals)	<p>separate requirement has been inserted which specifies that the consent, agreement and approval to be given pursuant to Article 38(1) must not be unreasonably withheld or delayed.</p> <p>Please refer to FWQ Q1.3.10.</p>
Article 42 (Arbitration)	<p>This has been amended to confirm that the arbitration provisions would not apply to the Secretary of State.</p> <p>Please refer to FWQ 1.3.12.</p>
Schedule 2, Requirement 3(2) (Notice of final commissioning)	<p>Reference to "completion of commissioning" has been replaced by reference to the "date of final commissioning".</p> <p>Please refer to FWQ 1.3.13.</p>
Schedule 2, Requirement 6(1) (Biodiversity enhancement and management plan)	<p>This has been amended to require that the approval of the BEMP by the relevant planning authority must be following consultation with Natural England (NE). This was requested by Natural England and agreed by the Applicant.</p>
Schedule 2, Requirement 9 (Means of enclosure)	<p>This has been amended to confirm that where a temporary means of enclosure is erected, and a period of three months expires without any construction works being carried out, a scheme for the retention and subsequent removal of the temporary means of enclosure must be submitted to the relevant planning authority within 28 days. The scheme must be implemented unless otherwise agreed with the relevant planning authority.</p> <p>Please refer to FWQ 1.3.15.</p>
Schedule 2, Requirement 10 (Surface water drainage) and new Requirement 25 (Foul	<p>This has been amended in order that surface water and foul water are addressed and the relevant requirements discharged separately.</p>

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water drainage)	<p>Requirement 10 has been amended so that it only refers to surface water drainage.</p> <p>The new Requirement 25 covers foul water drainage. It specifies that no part of the authorised development may commence, save for the permitted preliminary works, until full details of a scheme, for the connection, conveyance, treatment and disposal of mains foul water drainage on and off site has been submitted to, and after consultation with the Environment Agency and Anglian Water, approved by the relevant planning authority.</p> <p>If it is not practicable or reasonable to connect to a mains system, an alternative strategy for the provision and implementation of wastewater treatment shall be submitted to, and, after consultation with the Environment Agency and Anglian Water Services, approved by the relevant planning authority. Any non-mains drainage proposal must include a management and maintenance plan. The scheme approved must be implemented as approved and maintained throughout the operation of the authorised development unless otherwise agreed with the relevant planning authority.</p> <p>These changes have been discussed with the Environment Agency, and the principles adopted by the Applicant are agreed. The final wording proposed by the Applicant has not been agreed by the Environment Agency.</p>
Schedule 2, Requirement 11(6) (Flood risk mitigation)	This has been amended to remove the requirement to consult with the Environment Agency on the flood emergency response and contingency plan. This was requested by the Environment Agency and agreed by the Applicant.
Schedule 2, Requirement 12(2) (Contaminated land and groundwater)	<p>This has been amended to refer to ES Volume 1 Chapter 11.</p> <p>Please refer to FWQ 1.3.16.</p>
Schedule 2, Requirement 14(1) (Construction environmental management)	This has been amended to require that the approval of the CEMP by the relevant planning authority must be following consultation with Natural England (NE). This was requested by Natural England and agreed by the Applicant.

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plan)	An additional sub-paragraph has also been included dealing with the marking and protection of a heritage asset within the Temporary Construction and Laydown Site adjacent to Rosper Road. Please refer to the Statement of Common Ground with North Lincolnshire Council for more details.
Schedule 2, Requirement 23(2) and Requirement 28(1) (Unless otherwise agreed with the relevant planning authority)	Reference to "agreement by" the relevant planning authority has been amended to "agreement with" the relevant planning authority. Please refer to FWQ 1.3.20.
Schedule 3 (Streets subject to street works)	Schedule 3 has been updated to refer to Articles 8, 9 and 12. Please refer to FWQ 1.3.21.
Schedule 9, Part 8 (Centrica Storage Limited)	A new protective provision has been inserted which requires that, at the same time as providing the plans and sections to Centrica pursuant to paragraph 53, the undertaker must also provide a copy of the construction traffic management plan and the construction environmental management plan, in each case being the document approved by the relevant planning authority pursuant to the requirements or where no such approval has been given at that time, the draft of the relevant document. This was requested by Centrica Storage Limited and agreed by the Applicant.
Schedule 10, paragraph 2(4) (Consent, approval or agreement of requirement)	The words "then the application is to be taken to have been refused by the relevant planning authority at the end of that period" now apply to both paragraph 2(4)(a) and 2(4)(b). Please refer to FWQ 1.3.22.
Schedule 11 (Date of the book of reference)	The date of the book of reference has been amended to refer to the version dated 21 May 2019 and which was accepted by the Examining Authority.

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