

THE VPI IMMINGHAM OCGT PROJECT

EXPLANATION OF CHANGES MADE TO THE DRAFT DEVELOPMENT CONSENT ORDER ('DCO') AT DEADLINE 3 (10 OCTOBER 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.

Article / Requirement number in draft DCO	Explanation of Change
Article 2 (Interpretation)	A definition for the "Statement to inform appropriate assessment" has been inserted, as this document is now referred to in requirement 14.
Article 33 (Protective works to buildings)	<p>The period during which inadequate protective works may trigger compensation has been amended to five years beginning with the date of final commissioning. This replaces five years beginning with the day such part of the authorised development is first brought into commercial use.</p> <p>The latter term is not defined in the draft DCO, and could therefore lead to uncertainty if left in place. The use of "the date of final commissioning" in its place does not change the substance of the timing of relevant triggers and obligations, since that definition relates in part to commercial use.</p>
Schedule 2, Requirement 4 (Notice of commencement of commercial use)	The requirement to give notice of commencement of commercial use has been deleted. Requirement 3(2) already specifies that the undertaker must give notice of the intended date of final commissioning, where practicable, prior to such date, and in any event with seven days of the date of final commissioning. The wording in Requirement 3(2) has been moved so that it now appears as Requirement 4.
Schedule 2, Requirement 6 (Biodiversity enhancement and management plan)	The plan must now be submitted to and approved by the relevant planning authority prior to the date of final commissioning. This replaces the requirement for a plan for part(s) of the authorised development to be submitted and approved prior to such part(s) of the authorised

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	development being brought into commercial use.
Schedule 2, Requirement 8 (Highways access)	<p>Temporary highway access must be reinstated prior to the date of final commissioning instead of prior to the development bring brought into commercial use.</p> <p>Details of any new or modified means of access to a highway to be used by vehicular traffic must be submitted to and approved by the relevant planning authority prior to the date of final commissioning. This replaces the requirement for details for part(s) of any new or modified highway to be approved prior to part(s) of the authorised development being brought into commercial use.</p>
Schedule 2, Requirement 9 (Means of enclosure)	<p>Any temporary fencing must now be removed by the end of three months beginning with the date of completion of construction of the authorised development (or such other period as the relevant planning authority may approve). This change seeks to address comments from the ExA at Issue Specific Hearing 1 (on the draft DCO) that the drafting of Requirement 9 could potentially be aligned with the arrangements under Schedule 2, Requirement 5 of The Abergelli Power Gas Fired Generating Station Order 2019.</p> <p>The details of any proposed permanent means of enclosure must be submitted to and approved by the relevant planning authority, and thereafter completed, prior to the date of final commissioning. This replaces the requirement for details for part(s) of any permanent means of enclosures to be submitted and approved by the relevant planning authority, and thereafter completed, prior to part(s) of the authorised development being brought into commercial use.</p>
Schedule 2, Requirement 10 (Surface water drainage)	The Environment Agency has been removed as a consultee on the surface water drainage plans under sub-paragraph (1). This change should have been included in the draft DCO submitted at Deadline 2 in order to address that the EA is no longer a consultee on surface water systems (see paragraph 3.5 of the EA's Relevant Representation dated 20 June 2019).

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Schedule 2, Requirement 12 (contaminated land and groundwater)	If remediation is required, a verification report must now be submitted to and approved by the relevant planning authority prior to the date of final commissioning. This replaces the requirement for a verification report to be submitted and approved prior to the commercial use of any part of the authorised development.
Schedule 2, Requirement 14 (Construction environmental management plan)	<p>The requirement has been amended in order to specify that the CEMP must include:</p> <ul style="list-style-type: none"> • detail relating to the fencing and protection of asset A6 must in accordance with the strategy set out in section 14 of the Framework WSI; • information on the proposed piling methods, their approximate duration and timing, the likely sound power levels, and any necessary management measures or mitigation to ensure, taking into account the information in the Statement to Inform Appropriate Assessment, that there will be no adverse impact on any qualifying species of the Humber Estuary Special Protection Area and Ramsar Site. Reference should be made to the updated Statement of Common Ground with Natural England (Document 8.4) for more information on this.
Schedule 2, Requirement 19 (control of noise - operation)	<p>A scheme for the management and monitoring of operational noise must now be submitted to and approved by the relevant planning authority prior to the date of final commissioning. This replaces the requirement for a scheme to be submitted and approved prior to any part of the authorised development being brought into commercial use.</p> <p>The scheme must now include a report setting out the extent to which the undertaker is able to achieve a noise level which is 2dB lower than the +5dB limit set out in sub-paragraph (3). This change seeks to address comments from North Lincolnshire Council at the Issue Specific Hearing 3 (environmental matters).</p>
Schedule 2, Requirement 22 (restoration of	A restoration scheme for any land used temporarily for construction must now be submitted to and approved by the relevant planning authority prior to the date of final commissioning.

Article / Requirement number in draft DCO	Explanation of Change
land used for temporary construction)	<p>This replaces the requirement for the restoration scheme to be submitted and approved prior to the authorised development being brought into commercial use.</p> <p>The land must now be restored in accordance with the restoration scheme within three years of the date of final commissioning instead of within three years of the authorised development being brought into commercial use.</p>
Schedule 2, Requirement 25 (foul water drainage)	Sub-paragraph (3) has been amended in order to specify that both the schemes under sub-paragraph (1) and (2) must be implemented and maintained throughout the operation of the authorised development. This aligns the wording in Requirement 25 with the wording agreed in the EA SoCG (Document 8.3), as mentioned by the EA at Issue Specific Hearing 1 (draft DCO).
Schedule 9, Part 4 (Phillips 66 Limited)	The protective provisions have been updated to align with the Applicant's mark-up of the protective provisions in Schedule 5 of the P66 Written Representation dated 11 September 2019.
Schedule 9, Part 6 (CLH Pipeline System (CLH-PS) Ltd)	A new paragraph has been inserted for clarity, which confirms that the protective provisions in Part 6 are for the protection of CLH Pipeline System (CLH-PS) Ltd and will have effect unless otherwise agreed between the undertaker and CLH Pipeline System (CLH-PS) Ltd.
Schedule 9, Part 7 (Centrica Storage Limited)	A new paragraph has been inserted for clarity, which confirms that the protective provisions in Part 7 are for the protection of Centrica Storage Limited and will have effect unless otherwise agreed between the undertaker and Centrica Storage Limited.
Schedule 9, Part 8 (Able Humber Ports Limited)	The company number of Able Humber Ports Limited has been deleted, this is already included in the interpretation paragraph below.
Schedule 9, Part 9 (Total Lindsey Oil	The protective provisions have been updated to align with the Applicant's proposed protective provisions that were previously sent to TLOR.

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Refinery Limited)	
Schedule 10 (Consent, approval or agreement of requirement)	Sub-paragraph 3(3) has been amended to specify that the undertaker and relevant planning authority may agree a period other than "within 21 days of receipt of the application" for the relevant planning authority to notify the undertaker of a request for further information from a requirement consultee. This change seeks to address comments from North Lincolnshire Council at Issue Specific Hearing 1 (draft DCO).
Schedule 11 (Documents and plans to be certified)	<p>The version number of the book of reference has been changed to version 4. The date of the book of reference has been changed to "10 October 2019". This aligns the document referencing in the draft DCO with the updated document submitted at Deadline 3.</p> <p>A new document has been inserted into the Table – "Statement to Inform Appropriate Assessment".</p>