

## THE VPI IMMINGHAM OCGT PROJECT

### EXPLANATION OF CHANGES MADE TO THE DRAFT DEVELOPMENT CONSENT ORDER ('DCO') AT DEADLINE 7 (6 FEBRUARY 2020)

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
Drafting changes (various)	<p>The DCO has been the subject of a full review in order to ensure compliance with Office of the Parliamentary Counsel drafting guidance. As a consequence, various minor updates have been made to the drafting including:</p> <ul style="list-style-type: none"> <li>• Changes to include the description of statutory provisions referenced in the Order (e.g. "section 54 of the 1991 Act" is amended to "section 54 (notice of certain works) of the 1991 Act");</li> <li>• Changes to remove references to "shall" where other positive wording is more appropriate (e.g. "will" or "must");</li> <li>• Changes to remove extraneous wording ("is to be entitled" amended to "is entitled");</li> <li>• Changes to ensure correct use of numerical terms (e.g. "5 years" amended to "five years");</li> <li>• Changes to address other typographical errors ("400 kilovolt" amended to "400 kilovolts").</li> </ul> <p>Where substantive changes have been made to the DCO, these are reported on separately below.</p>
Overview	<p>Square brackets have been deleted and amendments have been made in order to clarify that the application has been considered by a single appointed person and determined by the Secretary of State in accordance with the relevant statutory requirements.</p>

Article / Requirement number in draft DCO	Explanation of Change
Article 2 (Interpretation)	<p>The definitions of “shut down period” and “start-up period” have been moved from article 2 to a new paragraph 18(6) in Schedule 2. The definitions only apply in respect of the construction hours requirement and therefore sit more appropriately within it.</p> <p>The definition of “permitted preliminary works” has been moved to paragraph 1 (Interpretation) of Schedule 2. The definition is applicable to various requirements in Schedule 2.</p>
Schedule 4 (Access)	<p>The title of Part 1 has been amended to specify that Table 2 includes those parts of the accesses to be maintained “by the highway authority” rather than “at the public expense”. Table 2 only describes a single point of access at Rosper Road which will be maintainable at the expense of the highway authority.</p>
Schedule 9, Part 3 (National Grid Protective Provisions)	<p>The protective provisions have been agreed with both National Grid Electricity Transmission plc and National Grid Gas plc who have now withdrawn their objection.</p>
Schedule 9, Part 4 (Phillips 66 Limited Protective Provisions)	<p>The protective provisions have been updated to align with those proposed by P66 in Appendix 3 of its Deadline 6a submission. P66 is understood to have agreed the terms of the "old" protective provisions.</p> <p>The “new” protective provisions are to a large extent agreed – the Applicant's comments on P66's latest changes (at Deadline 6a) and on the Applicant's final proposed wording are set out in Table 2.1 of the Applicant's Deadline 7 Response (Document Ref 7.31).</p>
Schedule 9, Part 8 (Able Humber Ports Limited Protective Provisions)	<p>A definition of “Able” has been inserted. Paragraph 132(2) has been amended to specify that the undertaker must not exercise powers under article 12 (access to works) of the Order. This change should have been made in the dDCO submitted at Deadline 5 and reflects what was agreed with Able pursuant to the withdrawal of its objection.</p>
Schedule 9, Part 10 (Network Rail)	<p>These protective provisions are agreed between the parties – see the Compulsory Acquisition Schedule (Document Ref. 7.32) and Table 2.1 of the Applicant's Deadline 7</p>

Article / Requirement number in draft DCO	Explanation of Change
Infrastructure Limited Protective Provisions)	Response (Document Ref 7.31).
Schedule 9, Part 11 (Cadent Gas Limited Protective Provisions)	These protective provisions are not agreed between the parties – see the Compulsory Acquisition Schedule (Document Ref. 7.32) and Table 2.1 of the Applicant's Deadline 7 Response (Document Ref 7.31).
Schedule 9, Part 13 (Northern Powergrid (Yorkshire) PLC Protective Provisions)	These protective provisions are close to but not yet agreed between the parties. Northern Powergrid has not submitted a representation. See the Applicant's previous submissions at Deadline 6 and 6a.
Schedule 9, Part 14 (Hornsea 1 Limited Protective Provisions)	These protective provisions are understood to be agreed between the parties – see the Compulsory Acquisition Schedule (Document Ref. 7.32) and Table 2.1 of the Applicant's Deadline 7 Response (Document Ref 7.31).
Schedule 9, Part 15 (Hornsea 2 Companies Protective Provisions)	These protective provisions are understood to be agreed between the parties – see the Compulsory Acquisition Schedule (Document Ref. 7.32) and Table 2.1 of the Applicant's Deadline 7 Response (Document Ref 7.31).
Schedule 10 (Procedure for Discharge of Requirements)	A new definition of “start date” has been inserted under paragraph 1 in order to define the period within which the relevant planning authority and the requirement consultee (if applicable) must submit written representations to the appointed person in respect of an appeal. The definition of “start date” was previously included at the end of paragraph 5(2)(b) and has now been deleted.
Schedule 13 (Modifications to the Able Marine Energy Park Development Consent Order 2014)	Paragraph 125 of the new Part 16 of the Able DCO has been amended (to correct an error) to specify that undertaker must co-operate with <u>VPI</u> , rather than Able.