



Department
of Energy &
Climate Change

Mr Matthew Trigg
Development Planning Manager
RWE Generation UK plc
Trigonos
Windmill Hill Business Park
Whitehill Way
Swindon
Wiltshire SN5 6PB

BY EMAIL ONLY

13 May 2016

Dear Mr Trigg

RE: THE WILLINGTON C GAS PIPELINE ORDER 2014 – TRANSFER FROM RWE GENERATION UK PLC TO CALON ENERGY LIMITED; AND THE WILLINGTON C POWER STATION SECTION 36 CONSENT – TRANSFER OF LAND TO MPF GENERATION LIMITED.

Thank you for your letter of 5 May 2016 (the “letter”), and attached associated documents, formally requesting the consent of the Secretary of State:

- (1) to the transfer of the benefit of the Willington C Gas Pipeline Order 2014 (the “Order”) by RWE Generation UK plc (the “transferor”) to Calon Energy Limited (the “transferee”); and
- (2) for the disposal of the transferor’s interest in land designated for carbon capture and storage in accordance with the requirement in condition 4 of the consent for the Willington C Power Station given under section 36 of the Electricity Act 1989 on 4 March 2011 (the “Willington C Power Station Section 36 Consent”) to MPF Generation Limited.

(1) The Willington C Gas Pipeline Order 2014

The request was made pursuant to article 9 of the Order which states:

9.—(1) *The undertaker may, with the consent of the Secretary of State,—*

(a) transfer to another person (the “transferee”) any or all of the benefit of the provisions of this Order and such related statutory rights as may be agreed in writing between the undertaker and the transferee; or

(b) grant to another person (the “lessee”) for a period agreed in writing between the undertaker and the lessee any or all of the benefit of the provisions of this Order and such related statutory rights as may be so agreed, except where paragraph (3) applies, in which case no such consent is required.

(2) The exercise by a person of any benefits or rights conferred in accordance with any transfer or grant under paragraph (1) is subject to the same restrictions, liabilities and obligations as would apply under this Order if those benefits or rights were exercised by RWE Generation UK plc.

(3) This paragraph applies to a transfer or grant to National Grid Gas of any part of the benefit of the provisions of this Order and any related statutory rights which relate to, or may be necessary or expedient

Department of Energy & Climate Change

3 Whitehall Place,
London SW1A 2AW

T: +44 (0)300 068 5770

E: giles.scott@decc.gsi.gov.uk

www.decc.gov.uk



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for, the construction, operation, maintenance and diversion of the NG works or any works carried out pursuant to Part 5 of Schedule 9.

Having considered the information contained within the letter, the draft Deed of Assignment of DCO ("draft Deed of Assignment"), and other associated documents and noting that:

- The draft Deed of Assignment would transfer the benefit of the Order in its entirety from the transferor to the transferee;
- the exercise of the benefits or rights conferred in accordance with the proposed transfer would be subject to the same restrictions, liabilities and obligations as would apply under the Order if those benefits or rights were exercised by the transferor; and
- the transferee has demonstrated that it is of sufficient standing to provide the funds required for the exercise of the powers of compulsory acquisition contained in the Order,

the Secretary of State hereby consents to the transfer in the terms set out in the draft Deed of Assignment.

(2) The Willington C Power Station Section 36 Consent

Condition 4 of the Willington C Power Station Section 36 Consent states:

(4) Until such time as the Development is decommissioned, the Company shall not, without the written consent of the Secretary of State:

(a) dispose of any interest in the designated site; or

(b) except for use as a laydown area during the construction of the Development and ending at the commissioning of the Development, do any other thing or allow any other thing to be done or to occur, which may reasonably be expected to diminish the Company's ability, within two years of such occurrence, to prepare the designated site for the installation and operation of the capture equipment.

Having considered the information contained within the letter and noting that the draft Form TP1 enclosed with the letter shows a plan confirming that the designated site, as defined in the Willington C Power Station Section 36 Consent, will be transferred as part of the power station site, the Secretary of State hereby consents to the disposal of the transferor's interest in the designated site to MPF Generation Limited in accordance with the draft TP1.

I would be grateful if you could notify me when both transfers have been completed. Please note that information about the transfers will be published on the Planning Inspectorate's and DECC's websites.

Yours sincerely

Giles Scott

Giles Scott
Head, National Infrastructure Consents and Coal Liabilities