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**From:** Paul Forshaw [Contact details removed]  
**Sent:** Monday, July 23, 2012 5:35 PM  
**To:** Able Marine Energy Park  
**Cc:** [Contact detail...]  
**Subject:** Centrica Plc - Summary of Oral Case Put Forward at 12 July 2012 DCO Hearing

Dear Sirs,

On behalf of Centrica Plc [Ref No. removed] please find attached a summary of the oral representations presented at the 12 July 2012 DCO Hearing, as well as requested amendments to the DCO.

We reserve the right to amend or withdraw these representations if necessary.

We would be grateful if you could kindly acknowledge receipt of this letter by return email.

Kind Regards

Paul Forshaw

**Paul Forshaw BA (Hons), Mplan, MRTPI**  
Planner - Consulting

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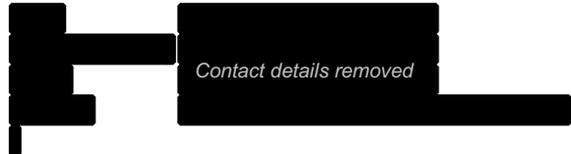
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The Planning Inspectorate  
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Temple Quay  
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**FAO Robert Upton**

BNP Paribas Real Estate  
1st Floor, Fountain Precinct  
Balm Green  
Sheffield S1 2JA



Your ref: TRA030001  
Our ref: 082541 ADW / PBF L120723

23 July 2012

Dear Robert

**APPLICATION FOR PROPOSED ABLE MARINE ENERGY PARK**

**CENTRICA PLC** *Ref No. removed* **KILLINGHOLME POWER  
STATION AND ASSOCIATED INFRASTRUCTURE, CHASE HILL ROAD, NORTH  
KILLINGHOLME AND CENTRICA STORAGE LIMITED, STATION ROAD, NORTH  
KILLINGHOLME**

**PROPOSED AMENDMENTS TO THE DRAFT DEVELOPMENT CONSENT ORDER  
FOLLOWING THE ISSUE SPECIFIC HEARING ON THE DRAFT DEVELOPMENT CONSENT  
ORDER**

We refer to our previous Written Representations on behalf of Centrica dated June 2012 and Alex Willis' attendance at the recent Hearing on 12 July 2012. Further to this, we have set out below Centrica's proposed amendments to the draft Development Consent Order (DCO) as part of a written summary of the oral submissions made at the hearing

**Background**

Centrica owns and operates a number of assets in the North Killingholme area which will be affected by the proposed Able Marine Energy Park (AMEP). These include:

- Killingholme Power Station on Chase Hill Road, North Killingholme;
- The Power Station's associated infrastructure, including its Cooling Inlet and Outfall in the River Humber, pumping station and other associated cables and pipelines which run across the AMEP site;
- The Centrica Storage Limited (CSL) site on Station Road, North Killingholme; and
- The Condensate Pipeline running north to south through the AMEP site between the CSL onshore gas processing terminal at Easington and the Port of Immingham.



All of these assets are essential to the continued future operation of either Centrica's Killingholme Power Station or the company's national gas storage business (CSL). These assets play a vital role in power generation, gas storage and distribution and job creation in the local area and across the wider region.

Centrica has operated from the North Killingholme since approximately 2004 and has major concerns regarding the likely impact of the proposed development on the continuation of these operations, based on the DCO as currently drafted. These concerns are set out in detail in Centrica's previous Written Representations and summarised below:

## ■ Water Temperature

Centrica is extremely concerned that the construction of a large quay close to its cooling inlet and outfall will have a detrimental impact on the efficient operation of these essential pieces of the power station infrastructure. In particular, Centrica is concerned that the proposed quay will result in increased water temperatures close to its inlet and outfall by reducing the speed by which warm water discharged from the outfall can disperse from the area.

The implications of this are that the temperature of the water extracted by the cooling inlet would be increased, thereby reducing the thermal efficiency of the power station. The increased concentrations of warmer water in the immediate surrounding area would have implications for Centrica under its existing discharge licence from the Environment Agency, and potentially result in shut downs of the power station.

## ■ Sediment / Silt Deposition

Centrica has major concerns that the proposed quay would interfere with hydrodynamic and sedimentary regime of the Humber Estuary and would result in increased levels of silt being deposited close to the cooling inlet and outfall.

Increases in sediment deposition could potentially result in a reduced ability to extract and discharge water, as well as the increased likelihood of sediment-laden water entering the cooling inlet. The inlet filtering systems and the existing silt removal plant are only designed to filter the current level of suspended sediment experienced during the natural ebb and flow of the river, and would not be able to cope with increased levels of sedimentation. Accordingly, if increased levels of sedimentation enter the power station's cooling water systems it would significantly reduce the efficiency of the power station, and potentially result in shut downs.

Changes to the sediment regime in the Humber Estuary, including increased levels of erosion could result in the potential exposure of the Condensate Pipeline buried under the river bed. If sediment shifts it could result in spanning, with a worst possible case being the consequential catastrophic failure of the pipeline.

## ■ Dredging

Centrica's concerns outlined above in respect of increased sediment-laden water as result of the proposed AMEP development, relate equally to the daily mitigation dredging proposed by Able. Dredging the river bed close to the cooling inlet will increase the level of sediment in the water column and will result in increased levels of sediment-laden water entering the power station's cooling water systems.

As stated above, the power station's existing filtration equipment is not capable of filtering levels of silt / sediment above what is experienced during the normal ebb and flow of the river. Accordingly, increased silt / sediment concentrations will significantly reduce the efficiency of the power station, and potentially result in shut downs and increased costs.



## ■ Existing Rights and Easements

As currently drafted, the DCO allows for the compulsory purchase of Centrica's existing rights and easements over the AMEP site and for these to be altered or extinguished without Centrica's consent or even prior consultation. These rights and easements include:

- 1 The access road to the CSL site on Station Road;
- 2 The access road to the pumping station;
- 3 Access to existing pipelines and associated services passing through the AMEP site, including the condensate pipeline and cooling water pipelines; and
- 4 The current right of free passage of services through conducting media across the AMEP site.

Access to the pipelines and associated services which cross the AMEP site, as well as the pumping station, is essential to Centrica for inspection, maintenance, service and renewal purposes. Any access restrictions to these pipelines and services, as well as the pumping station, would detrimentally impact Centrica's operations in the area. Similarly, any restrictions on access to the CSL site on Station Road would reduce Centrica's ability to deliver cargo to its offshore platform.

## ■ Highways / Traffic

Centrica is concerned that the increases in traffic that would result from the proposed development would create delays and queuing traffic on local roads, particularly as some roads in the area are already at capacity. This would potentially delay or restrict access to the power station and Centrica's other assets in the area, including delaying the delivery of cargo from the CSL site on Station Road.

Centrica requires unrestricted access to these assets at all times in case of emergency or the need for urgent repair / maintenance work, and the AMEP should not impact on this.

## ■ Killingholme Power Station Access Road

Centrica is also concerned that Able will utilise the access road to the power station to access the proposed development. This could potentially create delays and restrict Centrica's access to the power station. It could also damage services and pipelines running under the road, including the fibreglass pipeline to the E.ON power station.

The DCO for the AMEP should therefore not allow for the use of the power station access road.

## ■ Flooding

Centrica is concerned that the proposed development, and the proposed flood defences would increase the risk of inundation of the pumping station by flood waters in the event of a breach or overtopping of defences. There is also a risk that the proposed development will reduce the ability for water to drain away in the event of a flood event.

The DCO for the AMEP should therefore ensure flood risk resulting from the development is fully mitigated.



## ■ Future Expansion

Given the large area of land that Able UK proposes for development as part of the AMEP, there is the potential for this to restrict Centrica's ability to expand its operations in the area in the future. In particular, the AMEP site and the land proposed to be acquired by compulsory purchase completely surrounds the CSL site on Station Road, and includes land immediately adjacent to the power station's pumping station. The proposed development may therefore restrict Centrica's ability to expand these sites if necessary for operational purposes in future. The development therefore may limit the extent to which Centrica can increase cargo deliveries to its offshore platforms or the extent to which the power station can be extended or upgraded in the future.

In addition, the significant volume of traffic generated by the proposed development may prejudice future development in the area, including the expansion of Centrica's assets, as local roads may not have sufficient capacity to cope with any cumulative impacts of traffic from the proposed development and any future developments combined.

## **Able Response**

As part of Able's response to Centrica's Written Representations in June 2012, and as part of further meetings and discussions between Able, Centrica and Centrica's neighbouring power station operator E.ON, the following points have been noted in respect of Centrica's concerns.

## ■ Water Temperature, Sediment / Silt Deposition and Dredging

Able's latest assessment of the potential impacts of the proposed AMEP on the above is set out in the following documents:

- (i) HR Wallingford, Update to Longer Term Morphology Predictions in the Region of the Centrica and E.ON Intakes and Outfalls, dated March 2012
- (ii) HR Wallingford, Assessment of the effects of relocation of the E.ON and Centrica outfalls on Thermal Re-circulations, dated June 2012
- (iii) HR Wallingford, Assessment of Maintenance Dredging Requirements, dated June 2012

These documents propose to relocate the Centrica outfall to the front face of the AMEP quay in an attempt to address the impacts on the Power Station of the water temperature and sediment / silt deposition increases that will result from the AMEP development. Able's comments on the Relevant Representations in June 2012 also propose the future management of this risk by observation and intervention if necessary.

Centrica remain extremely concerned regarding the likely impacts of the proposed AMEP on their power station at Killingholme in terms of water temperature, sediment / silt deposition and dredging. These concerns relate to the following:

### (i) Accuracy of the modelling work

Centrica is extremely concerned about the conflicting reports and proposals produced to date by Able regarding the potential impacts of the proposed development in terms of water temperature, sediment / silt deposition, erosion and dredging. These illustrate the true uncertainty as to the future impact of the AMEP development on the power station, as this simply cannot be modelled accurately. This point is acknowledged by Able in their comments on Centrica's Relevant Representations as follows:

*"Hydrodynamic modelling is not an exact science, estuarine systems are complex and modelling of them is, necessarily, a simplification of the 'real'*



*world. Accurate computer modelling of sedimentation patterns is particularly challenging and the results have a degree of uncertainty, both in terms of the area likely to be affected and also with regard to the quantum and rate of any change”.*

(ii) Potential significant impacts on the power station

As set out in more detail above and in Centrica's Written Representations dated June 2012, the potential impacts of the proposed AMEP development on Centrica's power station in terms of water temperature, sediment / silt deposition, erosion and dredging are significant. More specifically, these could ultimately result in the need for shut downs of the power station and / or significant and expensive upgrades / replacement of the existing power station infrastructure.

(iii) Potential impacts on the condensate pipeline

Centrica is concerned that the altered sedimentary regime in the Humber Estuary as a result of the proposed quay and dredging operations may expose the pipeline and subject it to spanning. At the worst case scenario this could result in a catastrophic failure of the pipeline.

Centrica's lease of the river bed for the Condensate Pipeline is governed by the port authority and any exposure of the pipeline could also create a danger to shipping.

(iv) Proposed relocation of inlet / outfall

There will be significant costs associated with any proposed relocation of the power station inlet or outfall from their existing position in the River Humber and this is also likely to result in the need for the approval of major changes to Centrica's existing IPPC permit and / or abstraction licence. If Centrica's inlet is relocated, Centrica's existing abstraction licence will need to be modified. If the outfall is relocated Centrica will need to obtain a new IPPC Permit. There would be costs, risks and potentially additional requirements associated with obtaining a new IPPC permit. In particular, a time limit could be placed on any permit granted and / or Centrica could be required to comply with additional legislation required by the Environment Agency, such as the Fish and Eel Regulations, which would have additional costs. Accordingly, relocation is only an option if the necessary changes to the IPPC permit and abstraction license and any other requirements can be successfully obtained, and Able mitigates Centrica against the costs, losses and risks associated with this, as well as ensuring the power station's inlet and outfall remain fully functional at all times.

(v) Proposed relocation of Anglian Water outfall

As part of recent discussions, Able has advised Centrica that an Anglian Water pipe will have to be moved and has suggested that this outlet will be moved so it discharges between Centrica and E.ON's inlet / outlet culverts in the River Humber. It is understood that the pipe will discharge sludge / brine from Elsham Water Treatment works.

Centrica has major concerns regarding the proposed positioning of this pipe on water quality as the contents will be entrained by the power station cooling water inlet and cause deposition on the cooling towers, significantly increasing the legionella risk.

The potential for significant and unacceptable impacts to the power station and the condensate pipeline resulting from the proposed AMEP development, as well as the uncertainty of the



effectiveness of any mitigation solutions must be noted. Accordingly, there is a need to find an acceptable and long term solution.

The DCO as currently drafted does not require this and it is therefore vital that specific Protective Provisions for Centrica are set out at Schedule 9 of the DCO to ensure this, including further detailed investigation, a mitigation solution(s) and commitment to long term monitoring and further remedial measures to address future impacts (see below for more detail).

## ■ Existing Rights and Easements

As part of Able's comments on the Relevant Representations in June 2012, the following was confirmed:

- 1 "Centrica's rights of access to maintain their pumping station, pipelines and other services currently passing through the site will not be removed".
- 2 "Centrica's rights to pass services through the application site and surrounding land will not be removed".

Pursuant to this, further discussions have been held between Able, Centrica and E.ON regarding the existing rights and easements, including the easement requirements for the underground pipes and services crossing the AMEP site. E.ON has used a third party (Capita Symonds) to develop an easement assessment requirement. This identifies that 12.5m easement corridor proposed by Able is insufficient for any future intrusive works on the deeper large bore pipelines and a need for an easement width of 32.5 metres to meet future requirements, including Health and Safety.

Centrica would also require a similar easement to allow the Company to use, maintain, repair, replace and add to its cooling pipelines

Notwithstanding this and as set out above, the DCO as currently drafted would allow for Centrica's existing rights and easements to be altered or extinguish without Centrica's consent or even prior consultation. This is contrary to the current position and could result in a significant detrimental impact on the future operation of the Power Station and the CSL site on Station Road as set out in more detail above. Potentially this could result in shut downs of the CSL site, with knock on consequences for its ability to safely and reliably operate its offshore gas storage facility, and shut downs of the power station, resulting in a significant loss of revenue for Centrica.

In light of this and the fact that Able does not need to extinguish Centrica's current rights and easements across the AMEP site, it is requested that these are safeguarded against alteration and extinguishment by specific Protective Provisions for Centrica at Schedule 9 of the DCO (see below for more detail).

In addition, the proposed layout of the AMEP incorporates a number of crossings of the underground pipes and services belonging to Centrica and E.ON. It is vital that that any crossings should be kept to an absolute minimum to allow access to the pipes and services, as well as avoiding damage to their integrity.

Where crossings are unavoidable Able must be required to ensure the integrity of the pipes and services is maintained, as well as access for inspection, maintenance, service and renewal purposes, to avoid significant and unacceptable impacts on the power station resulting. The DCO as currently drafted does not require the safeguarding of Centrica underground pipes. Accordingly, it is requested that these are safeguarded by specific Protective Provisions for Centrica at Schedule 9 of the DCO (see below for more detail).



## ■ Highways / Traffic and Killingholme Power Station Access Road

Notwithstanding Able's comments on Centrica's Relevant Representations in June 2012 in respect of highways / access, Centrica remains concerned as to the likely impacts of the proposed AMEP development on the surrounding highway network. More specifically, Centrica requires unrestricted vehicular access to their assets in the North Killingholme at all times in case of emergency or the need for urgent repair / maintenance work, and the AMEP should not impact on this.

In light of this, it is requested that should the DCO be granted, Centrica is consulted as part of the approval of the proposed Requirements set out at Schedule 11 in relation to the Design of Roads, Construction Traffic and the Travel Plan (see below for more detail).

In addition, as part of Able's comments on the Relevant Representations in June 2012, it was confirmed that "The application does not include any use of Centrica's private access road".

In light of this and Centrica's concerns set out above, it is requested that this is confirmed in specific Protective Provision for Centrica at Schedule 9 of the DCO (see below for more detail).

## ■ Flooding

Despite Able's comments on Centrica's Relevant Representations in June 2012 in respect of flooding, the Environment Agency's concerns raised at the Hearing regarding flood risk associated with the proposed AMEP development are noted.

Centrica remain concerned that the proposed development will increase the risk of flooding of Centrica's pumping station, both from flood waters in the event of a breach or overtopping of defences and from surface water run off. Any flooding of the pumping station would have a detrimental impact on Centrica's power station operations.

Accordingly, it is requested that the DCO is only granted where satisfactory flood defences and surface water drainage are provided. This is vital to ensure the risk of flooding of the pumping station is not increased as a result of the proposed AMEP development.

In light of this, it is requested that should the DCO be granted, Centrica is consulted as part of the approval of the proposed Requirements set out at Schedule 11 in relation to Surface Water Drainage, the Flood Warning and Evacuation Plan and Flood and Sea Defences (see below for more detail).

## **Proposed Amendments to the DCO**

The proposed amendments to the draft DCO have been discussed above and relate to the addition of specific Protective Provisions for Centrica at Schedule 9 and amendments to the proposed Requirements set out at Schedule 11. These are set out in more detail below.

### **Protective Provisions**

It is requested that the following is added to Schedule 9.

#### FOR THE PROTECTION OF CENTRICA PLC

1. For the protection of Centrica plc the following provisions shall, unless otherwise agreed in writing between the undertaker and Centrica plc, have effect.



2. The development shall not be commenced until a separate legal agreement has been entered into between the undertaker and Centrica plc to:
  - (i) Deliver remedial works, as well as a scheme for regular long term monitoring and further remedial works to address future impacts, to ensure the current operation of Centrica's power station's inlet and outfall in the River Humber is secured, including maintaining existing water quality, temperature and silt levels, with all costs to be met by the undertaker. Or, if remedial works are not possible, relocate Centrica's inlet and / or outfall to a more suitable location, with the undertaker covering all costs associated with relocation of infrastructure, modifications to licenses and / or permits, compliance with regulatory requirements, and compensation for loss of revenue as a result of relocation.
  - (ii) Deliver remedial works, as well as a scheme for regular long term monitoring and further remedial work to address future impacts, to protect the Condensate Pipeline buried in the river bed, including preventing exposure of the pipeline or any spanning of the pipeline.
  - (iii) Secure and prevent alteration (without Centrica's prior approval) or extinguishment of Centrica's existing rights and easements across the site.
  - (iv) Prevent the build over of Centrica's cooling pipes, alter the ground level above them, or otherwise interfere with rights granted
3. The development shall not use the existing access road between Chase Hill Road Centrica's Killingholme power station

Further amendments may be required to the DCO to facilitate the mitigation works required as part of the protective provision requested above, particularly in relation to the inlet and outfall and the condensate pipeline. For example these may need to be specified in the description of authorised development at Schedule 1 e.g. "mitigation works in relation to the Centrica inlet and outfall", plus amendments to the Deemed Marine Licence at Schedule 8. It is therefore requested that these are incorporated within the revised draft DCO.

## Requirements

It is requested that the following amendments are made to Schedule 11 (see bold typeface).

**"neighbouring landowners" means the owners of the land surrounding the development including, for the avoidance of doubt Centrica plc"**

### *Highway access*

8.—(1) No stage of the authorised development shall commence until for that stage, written details of the siting, design and layout of any new permanent or temporary means of access to a public highway to be used by vehicular traffic, or any alteration to an existing means of access to a public highway used by vehicular traffic, has, after consultation with the relevant highway authority **and neighbouring landowners**, been submitted to and approved by the relevant planning authority.

(2) The public highway accesses must be constructed, or, as the case may be, altered, in accordance with the approved details.

(3) No stage of the authorised development shall commence until for that stage, a written scheme (the "Access Management Scheme") has, after consultation with the relevant highway authority **and neighbouring landowners**, been submitted to and approved by the relevant planning authority.



(4) The Access Management Scheme must be carried out in accordance with the approved details.

*Surface water drainage*

11.—(1) No stage of the authorised development shall commence until, for that stage, written details of the surface and foul water drainage system (including means of pollution control and funding arrangements) have, after consultation with the sewerage and drainage authority **and neighbouring landowners**, been submitted to and approved by the relevant planning authority.

(2) The surface and foul water drainage system must be constructed in accordance with the approved details.

*Design of roads*

16.—(1) No stage of the authorised development consisting of the construction or alteration of a street which is a trunk road, including any traffic management and control measures, shall commence until written details of the design of the street have been submitted to and approved by the Highways Agency, after consultation with the **neighbouring landowners**.

(2) The authorised development construction or alteration of the street or the taking of traffic management and control measures shall be carried out in accordance with the approved design.

*Construction traffic*

18.—(1) No stage of the authorised development shall commence until written details of the preferred route for that stage to be used by construction traffic on public highways, after consultation with the highway authority **and neighbouring landowners**, is submitted to and approved by the relevant planning authority.

(2) Notices shall be erected and maintained throughout the period of construction at every construction site exit to a public highway, indicating to drivers the route agreed by the relevant planning authority for traffic entering and leaving the site.

*Travel plan*

21.—(1) No stage of the of the authorised development shall commence until, for that stage, after consultation with the highway authority **and neighbouring landowners**, a travel plan, which must include details of the expected means of travel to and from the authorised development and any parking to be provided, has been submitted to and approved by the relevant planning authority.

(2) No part of the authorised development shall be brought into use until, after consultation with the highway authority **and neighbouring landowners**, a travel plan, which must include details of the expected means of travel to and from the authorised development and any parking to be provided, has been submitted to and approved by the relevant planning authority.

(3) The plan approved under paragraph (1) must be implemented during the construction of the authorised development and the plan approved under paragraph (2) must be implemented within one month of the authorised development being brought into use and shall continue to be implemented for as long as the authorised development is used.

*Flood warning and evacuation plan*

26. No building of the authorised development shall be occupied until, after consultation with the relevant planning authority **and neighbouring landowners**, written details of a flood warning and evacuation plan, which must include details of expected means of evacuation or safe refuge during a tidal flood event, has been submitted to and approved by the relevant planning authority.



*Flood and sea defences*

**29.** No stage of the authorised development shall commence until a written scheme applicable to that stage, to deal with the design and construction of tidal defences, has been submitted to and approved by the relevant planning authority after consultation with the Environment Agency **and neighbouring landowners**.

**Conclusion**

Centrica has operated from the North Killingholme since approximately 2004 and has major concerns regarding the likely impact of the proposed development on the continuation of these operations, based on the DCO as currently drafted. These concerns are set out in detail in Centrica's previous Written Representations and summarised above, and relate to the likely impacts of the proposed development on their power station and gas storage operations, particularly in relation to the cooling water inlet and outfall, existing rights and easements, highways, access, flooding and future expansion.

Accordingly, amendments to the draft DCO are requested relating to the addition of specific Protective Provisions for Centrica at Schedule 9 and amendments to the proposed Requirements set out at Schedule 11 (see above). It is requested that Able and the Examining Panel incorporate these amendments and the necessary mitigation measures in the DCO, as without these it is likely that the proposed development would severely impact on Centrica's assets and operations in the area. Should the requested amendments and mitigation measures not be agreed, it is requested that the Examining Panel considers not granting the DCO.

If the DCO is granted and results in a detrimental impact on Centrica's assets and operations in the area, Centrica would seek compensation from Able UK for any resulting loss of business. In respect of the power station not being able to operate as a result of the proposed development, Centrica would seek in the region of £100,000 to £200,000 per day that the power station remains un-operational. If damage occurs to the Condensate Pipeline, or the pipeline is put out of action, the implications could be that CSL would be required to move condensate by road tankers. This would reduce the value of the Condensate, and CSL's losses as a result could be as much as £1 million per month. If the worst case scenario occurs and Condensate production at York and Rough is required to cease, Centrica's losses could be as much as £3 million per day. In addition, if CSL is prevented from moving equipment from the Station Road site it would prevent CSL from undertaking offshore repairs and could amount to losses as much as £500,000 per day.

In addition to the above, Centrica also requests that the Examining Panel takes into consideration the potential highways and flood risk impacts of the proposed development, as well as potential restrictions that the development may pose on Centrica's ability to expand its operations in the area in the future. It is therefore requested that the Examining Panel considers not granting a DCO unless these issues can satisfactorily be overcome and Centrica is involved in approval of the relevant Requirements should the DCO be granted.

*Cont.....*



# BNP PARIBAS REAL ESTATE

Finally, we trust the above is clear and satisfactory; however, if you have any queries or would like to discuss the above please do not hesitate to contact either Paul Forshaw or Alex Willis at the above office.

Yours faithfully

*Signature removed*

**BNP Paribas Real Estate**

Enclosures

Copy to: Mr R Cram and Mr I Whitfield, Able