

Able Marine Material Change 2 Application

Responses of C.GEN Killingholme Limited to Second Written Questions – **Submitted for Deadline 4 (1 February 2022)**

ExQ2:	Question To:	Question:	Response of C.GEN Killingholme Limited:
1. General & Cross-Topic Questions			
Q1.0.3	App, C.RO, C.GEN	Re: ExQ1: 1.0.9, C.GEN's and C.RO's WRs [REP1-029 and REP1-030], and the C.GEN and C.RO SoCGs [REP1-013 and REP1-007] - acknowledging that the Proposed Changes do not involve any land-based development, please update the ExB regarding progress towards agreement on whether contextual masterplans are to be provided.	<p>Having regard to the Applicant's submissions at Deadlines 1 and 3, as well as C.GEN's further submissions at Deadline 3, it is noted that this matter remains a point of difference between the Applicant and C.GEN.</p> <p>C.GEN recognises the spatial scope of the proposed material change application and also acknowledges that there is nothing to directly compel the Applicant to publish information related to existing or emerging masterplan proposals as part of the current Examination.</p> <p>However, C.GEN remains of the opinion that the changes comprised within the current application must be capable of being considered holistically within the broader context of the intended development and use by the Applicant of other land comprised within the existing Order Limits. As has been stated in previous submissions, there already appears to be a complex and overlapping set of extant planning permissions authorising the alternative use and development of certain parcels of land within the Order Limits. There would also appear to be a high probability that further 'standalone' planning permissions will be sought by the Applicant in the short and medium term, although the scope and nature of any such development remains publically unknown.</p> <p>C.GEN is therefore not clear on how it, or any other party, can properly understand the likely significance of any environmental effects capable of arising from the material change proposals, without the Applicant first providing details of its current and anticipated future proposals for the development and operation of land within its control, including that land within the Order Limits.</p> <p>C.GEN therefore wishes to reiterate its view that the publication of a series of updated masterplans would enable the Examining Body ("ExB") and all other interested parties to consider the material change proposals on a holistic basis, and to enable a full understanding of the likely significance of any environmental effects – or at least to confirm the conclusions of the existing assessment undertaken by the Applicant.</p>

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ExQ2:	Question To:	Question:	Response of C.GEN Killingholme Limited:
2. The Draft Amendment Order			
Q2.0.2	App, C.RO, C.GEN	ExQ1: 3.0.3, C.GEN's and C.RO's WRs [REP1-029 and REP1-030], and C.GEN's and C.RO's SoCGs [REP1-013 REP1-007], please update the ExB regarding progress towards agreement on any modifications to protective provisions.	<p>Notwithstanding the submissions made by the Applicant at Deadlines 1 and 3 with regard to the existing protective provisions originally included for Centrica PLC's benefit at Schedule 9, Part 10 to the DCO (the "Centrica Protective Provisions"), C.GEN wishes to reiterate its view that certain, yet arguably straightforward, amendments to the Centrica Protective Provisions are necessary in order to take account of the likely effects of the proposed material change and also for the avoidance of future doubt.</p> <p>The amendments which C.GEN requests are made to the Centrica Protective Provisions via the draft DCO Amendment Order are summarised at Paragraph 3.3.3 of its Written Representation (Ref: REP1-028) and also in C.GEN's response to ExQ1 Q2.0.4. However, for ease of reference, a marked up version of the relevant parts of the DCO, including the Centrica Protective Provisions, is appended to this response to ExQ2 Q2.0.2. C.GEN's requested amendments are shown in tracked changes.</p> <p>It remains C.GEN's opinion that the current Draft Amendment Order is a suitable mechanism through which to facilitate these necessary amendments.</p>

Appendix
C.GEN's Requested Modifications to the DCO

Article 2(1):

“Centrica” means ~~Centrica—Plc~~C.GEN Killingholme Limited, company number 0303365406422434, whose principal office is at ~~Millstream, Maidenhead Road, Windsor, Berkshire, SL4 5GD~~130 Shaftesbury Avenue, London, W1D 5EU, ~~and all of its subsidiaries, and Group companies, its successors in title, transferees, assignees, etc., including but not limited to Centrica KPS Ltd, Centrica Storage Limited and Centrica Energy;~~

Schedule 9, Part 10:

PART 10

FOR THE PROTECTION OF CENTRICA ~~PLC~~

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

94. In this Part of this Schedule, “the pipelines” means Centrica’s cooling water pipelines and condensate pipeline.

95. Before extinguishing any existing rights for Centrica to keep, inspect, renew and maintain its infrastructure on, over or in the Order land or to cross the Order land to access its infrastructure, the undertaker, with the agreement of Centrica, must create a new right to keep, inspect, renew and maintain the infrastructure in the same location or a new right of access that is reasonably convenient for Centrica, such agreement not to be unreasonably withheld or delayed, and to be subject to arbitration under article 57 (arbitration).

The pipelines

96.—(1) No stage of the authorised development is to commence until a construction method statement to protect the pipelines (offshore and onshore) and intake and outfall has been prepared by the undertaker and submitted to and agreed with Centrica.

(2) The construction method statement must include provisions in respect of—

- (a) the location and methods of reinforcement of crossing points over the pipelines and restrictions on building and altering the ground level over the pipelines elsewhere;
- (b) a mechanism for the enforcement of the undertaker’s use of designated crossing points over the pipelines and the agreed reinforcement methods; ~~and~~

(c) any further protective measures which Centrica reasonably requests are adopted by the undertaker in order to ensure the continued integrity of the intake and outfall; and

~~(e)~~(d) adoption of a prior notification and consent regime which would require the undertaker to—

- (i) seek Centrica’s consent to the carrying out of the proposed development within the vicinity of the pipelines and intake and outfall, such consent not to be unreasonably withheld; and
- (ii) notify Centrica of its intention to carry out any development within the vicinity of the pipelines and intake and outfall, such notification to be provided at least 48 hours prior to any such development occurring; and

the authorised development must be carried out, operated and maintained in accordance with the approved construction method statement.

97. Before extinguishing any existing rights for Centrica to pass along parcel 03009 (Station Road), the undertaker, with the agreement of Centrica, must create a new right of way for Centrica, such agreement not to be unreasonably withheld or delayed, and to be subject to arbitration under article 57 (arbitration).

Power station access road

98. The undertaker must not make use of the power station access road to access the Order land without the consent of Centrica and on such conditions as Centrica may apply.

General

99. Any dispute arising between the undertaker and Centrica under this Schedule must be determined by arbitration as provided in article 57 (arbitration).