

The Eggborough CCGT Project

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The Eggborough CCGT (Generating Station) Order

Land at and in the vicinity of the Eggborough Power Station site,
near Selby, North Yorkshire DN14 0BS

Explanatory Note on Changes to Draft DCO - Deadline 2

The Planning Act 2008

The Infrastructure Planning (Applications: Prescribed Forms and Procedure)
Regulations 2009

APFP Reg. 5(2)(b)



Applicant: Eggborough Power Limited
Date: November 2017

DOCUMENT HISTORY

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THE EGGBOROUGH CCGT PROJECT

EXPLANATION OF CHANGES MADE TO THE DRAFT DEVELOPMENT CONSENT ORDER ('DCO') SUBMITTED AT DEADLINE 2

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.

References to 'FWQs' are to the First Written Questions issued by the Examining Authority ('ExA') on 4 October 2017, to which the Applicant has submitted its responses at Deadline 2.

Article / Requirement Number	Explanation of amendment
Various	The Applicant has amended typographical errors to ensure that references to "substation" are consistent throughout (as opposed to variants such as " <i>sub-station</i> "). Please refer to FWQ CA 1.11
Various	The Applicant has amended all references in the draft Development Consent Order to refer to "carbon capture readiness reserve space" (noting that previous references were also made to " <i>carbon capture readiness site</i> "). This is a typographical amendment to ensure consistency throughout the draft DCO as well as with the Works Plans. Please refer to FWQ DCO 1.21
Article 2(1)	Definition of "indicative landscaping and biodiversity strategy" This definition had previously been omitted and has now been included. This amendment is therefore for the purpose of clarity.
Article 2(1)	Definition of "indicative lighting strategy" This definition has been included as the document is referred to in both article 38 and Requirement 8 (see below).
Article 2(1)	Definition of "maintain" This definition has been amended for the purposes of clarification to put beyond doubt that any maintenance activities are only permitted to the extent that they do not give rise to any materially new or materially different environmental effects from those assessed in the Environmental Statement. Please refer to FWQ DCO 1.4.

Article / Requirement Number	Explanation of amendment
Article 2(1)	<p>Definition of "Order land"</p> <p>This definition has been amended so as to clarify that the land over which the Applicant is seeking powers of compulsory acquisition is as delineated on the Land Plans.</p> <p>Please refer to FWQ DCO 1.5.</p>
Article 2(1)	<p>Definition of "Plot"</p> <p>This definition has been added to put beyond doubt that any reference to a plot is as defined in the Book of Reference and as shown on the Land Plans.</p> <p>This is relevant in the context of Article 17.</p>
Article 11	<p>"Public rights of navigation"</p> <p>A new sub-paragraph (12) has been added to ensure that the power to suspend public rights of navigation is subject to the Protective Provisions for the benefit of the Canal and River Trust (those in Part 3 of Schedule 12).</p> <p>This has been amended following the Relevant Representation submitted by the Canal and River Trust and discussions between the parties.</p>
Article 17	<p>"Compulsory Acquisition of Land"</p> <p>Sub-paragraph (4) has been included to put beyond doubt that the powers of compulsory acquisition contained in the Order do not apply to certain plots (being those within the 'Order limits', but not within the 'Order land', and as shown on the Land Plans). Please refer to FWQ CA 1.2 for further explanation on this issue.</p> <p>Sub-paragraph (5) has been included to expressly exclude any right or apparatus to which section 138 of the Planning Act 2008 applies, or to which article 28 (statutory undertakers) applies. This amendment was requested by National Grid and is agreed by the Applicant.</p>
Article 20	<p>"Compulsory Acquisition of Rights"</p> <p>Sub-paragraph (8) has been included to expressly exclude any right or apparatus to which section 138 of the Planning Act 2008 applies, or to which article 28 (statutory undertakers) applies. This amendment was requested by National Grid and is agreed by the Applicant.</p>
Article 21	<p>"Private rights"</p> <p>Sub-paragraph (3) has been amended to limit this article by reference to land</p>

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	<p>owned by the Applicant which is within the "Order land". Please refer to FWQ DCO 1.13.</p> <p>Sub-paragraph (6) has been amended to include reference to “rights <u>or apparatus</u>” of statutory undertakers. This amendment was requested by National Grid and is agreed by the Applicant.</p>
Article 38	<p>“Certification of plans etc”</p> <p>This article has been amended to include the indicative lighting strategy as a document to be certified by the Secretary of State.</p>
Article 42	<p>“Crown rights”</p> <p>This article has been amended to reflect an update agreed with the Crown Estate.</p>
Schedule 1	<p>Reference to “tunnelling, boring and drilling works” has been included in the paragraph in Schedule 1 setting out the further authorised development.</p> <p>Please refer to FWQ FW 1.15.</p>
Requirement 5	<p>“Detailed design”</p> <ul style="list-style-type: none"> • Sub-paragraph (6) has been amended to include the Canal and River Trust as a consultee in respect of the approval of the detailed design of Work No. 4. This has been agreed with CRT and is recorded in the Statement of Common Ground between the parties. • Sub-paragraph (5)(c) has been amended to include details of the method and timing of the installation and removal of the cofferdams at the intake and outfall. Please refer to FWQ FW 1.11. • Sub-paragraph (8) has been amended to include the Environment Agency as a consultee for the approval of detailed design, as well as to incorporate wording relating to the footprint of any flood defences (as agreed in the Statement of Common Ground with the Environment Agency).
Requirement 8	<p>“External Lighting”</p> <p>Sub-paragraph (3) has been amended to make clear that any lighting schemes submitted pursuant to this requirement must be in accordance with the Indicative Lighting Strategy.</p> <p>Please refer to FWQ BE 1.2.</p>
Requirement 10	<p>“Means of enclosure”</p> <p>Sub-paragraph (1) has been amended to avoid any conflict with the</p>

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	<p>“permitted preliminary works”.</p> <p>Please refer to FWQ DCO 1.24.</p>
Requirement 15	<p>“Contaminated land and groundwater”</p> <p>The Environment Agency requested removal of the words "if necessary" in sub-paragraph (3). This has been done and it has been further amended to ensure that the risk assessment is supported by data from site investigations (which may already have completed).</p> <p>Please refer to FWQ DCO 1.28.</p>
Requirement 16	<p>“Archaeology”</p> <p>Sub-paragraph (1) has been amended in line with the ExA’s recommendation in FWQ DCO 1.29 to refer to a “<u>written</u> scheme of investigation”.</p>
Requirement 18(2)	<p>“Construction Environmental Management Plan”</p> <p>Sub-paragraph (2) has been amended to ensure that the submitted Construction Environmental Management Plan must be <u>in accordance with</u> (rather than "<i>in accordance with the principles of</i>") the Framework CEMP (at Appendix 5A of the Environmental Statement). This is in response to FWQ AQ 1.23</p>
Requirement 20	<p>“Construction traffic management plan”</p> <p>This requirement has been amended to:-</p> <ul style="list-style-type: none"> • re-name the requirement to align with the “construction traffic management plan” contained in appendix 14A of the Environmental Statement; • reflect the ExA’s recommendation that the plan should be “<u>in accordance with</u>” (rather than "<i>in accordance with the principles of</i>") Appendix 14 of the Environmental Statement (please refer to FWQ TT 1.5); • correct a typographical error in sub-paragraph (2) to ensure that the correct document is referenced; and • to add in a new sub-paragraph (3)(d), which provides for the undertaker to include information in the construction traffic management plan on the likely programme for demolition of the coal-fired power station, and provide details of measures (where necessary) of how to reduce and/ or mitigate significant effects arising from the combined traffic on local roads. Please refer to FWQ COD 1.8.
Requirement 21	<p>“Construction workers travel plan”</p>

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	<p>This requirement has amended to:-</p> <ul style="list-style-type: none"> re-name the requirement to align with the “construction workers travel plan” contained in appendix 14A of the Environmental Statement; correct a typographical error in sub-paragraph (2) to ensure that the correct document is referenced; and reflect the ExA’s recommendation that the plan should be “<u>in accordance with</u>” (rather than “<i>in accordance with the principles of</i>”) Appendix 14 of the Environmental Statement (please refer to FWQ TT 1.5).
Requirement 35 (new)	<p>“Ambient air modelling”</p> <p>This is a new requirement which secures that the undertaker must carry out ambient air modelling in the manner and locations agreed with the relevant planning authority, to be in the vicinity of the village of Hensall.</p> <p>This approach has been agreed with NYCC and SDC and is explained further in the Applicant's response to FWQ AQ 1.12.</p>
Requirement 36	<p>“Decommissioning”</p> <p>Sub-paragraph (3) has been amended to ensure that the decommissioning environmental management plan must include measures to address any significant noise and vibration effects. This has been included at the request of North Yorkshire County Council and Selby District Council and is agreed by the Applicant.</p>
Requirement 39	<p>“Amendments agreed by the relevant planning authority”</p> <p>This requirement has been amended to make it clear that any approval may only be given if the subject matter of the approval is non material and does not give rise to materially new or materially different environmental effects.</p> <p>Please refer to FWQ DCO 1.32.</p>
Schedule 11	<p>“Procedure for discharge of requirements”</p> <p>Paragraph 1(3) has been amended to ensure that it is clear that the deemed approval of an application for the discharge of any requirement cannot apply where the either the undertaker or relevant planning authority consider that the matters submitted for approval will give rise to new or different environmental effects. The process now set out means that that application will be deemed to be refused.</p> <p>Please refer to FWQ DCO 1.37.</p>

Article / Requirement Number	Explanation of amendment
Schedule 12, Part 3	<p>“Protective provisions for the protection of Canal and River Trust”</p> <p>A set of Protective Provisions have been included, following the Relevant Representation submitted by the Canal and River Trust and discussions between the parties.</p> <p>The Applicant and the Canal and River Trust are in negotiations as to the terms of the Protective Provisions and will continue to engage with a view to reaching agreement as soon as possible.</p> <p>Please refer to FWQ CA 1.4 for further information on the status of these negotiations and the specific points which are outstanding at this time.</p>
Schedule 12, Part 4	<p>“Protective provisions for the protection of National Grid”</p> <p>A set of Protective Provisions have been included following discussions between the Applicant and National Grid.</p> <p>The Applicant and National Grid are in negotiations as to the terms of the Protective Provisions and will continue to engage with a view to reaching agreement as soon as possible.</p> <p>Please refer to FWQ CA 1.4 for further information on the status of these negotiations and the specific points which are outstanding at this time.</p>
Schedule 13	<p>“Deemed Marine Licence”</p> <p>This has been updated to include the latest version of the DML.</p> <p>Please refer to FWQs DML 1.1 – 1.10.</p>
Schedule 14	<p>“Part 2 – Multi-shaft parameters” (Table 15)</p> <p>The dimensions for the heat recovery steam generator have been amended. Two of them are reduced, and one is increased. This is a typographical correction.</p> <p>The Applicant confirms that the environmental assessments presented in the Environmental Statement remain valid, as the correct building dimensions were used to inform those assessments, in particular in the model used to inform the landscape and visual assessments.</p>