

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 6

The Planning Act 2008



Applicant: Eggborough Power Limited
Date: January 2018

DOCUMENT HISTORY

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THE EGGBOROUGH CCGT PROJECT

EXPLANATION OF CHANGES MADE TO THE DRAFT DEVELOPMENT CONSENT ORDER ('DCO') SUBMITTED AT DEADLINE 6

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	Explanation of amendment
Article 2(8)	<p>The provisions of the Neighbourhood Planning Act 2017 ("2017 Act") have not yet commenced and the regulations required to be made under them in respect of temporary possession have not been made. There is currently no known date for implementation.</p> <p>The Applicant considers it appropriate to apply the existing temporary possession regime which has been included in numerous DCOs including most recently the M20 Junction 10A Order 2017 – that was made following the passing of the 2017 Act and is therefore an exactly analogous position to the Applicant's application for a DCO. Accordingly, this provision makes clear that the 2017 Act does not apply, and avoids any uncertainty concerning the future coming-in-force of the 2017 Act.</p> <p>It is also noted that a provision equivalent to this has been included in the draft Silvertown Tunnel development consent order, as well as other applications for development consent orders currently in Examination, such as the A19 / A184 Testo's Junction Improvement project.</p>
Schedule 2, Requirement 6	<p>No change has been made to Requirement 6 for this Deadline.</p> <p>Comments were provided by Selby District Council/North Yorkshire County Council just prior to Deadline 5. The Applicant did not provide any comments to the Authorities for Deadline 5, however has subsequently done so.</p> <p>The amendments to Requirement 6 are not yet agreed, however the Parties are continuing to discuss this further, and the Applicant expects that it will be in a position to include an updated Requirement 6 for the next revision of the dDCO submitted for Deadline 8.</p>
Schedule 8	<p>Schedule 8 has been amended to reflect the changes made to the Land Plans. Plots within the cooling water and gas pipeline corridors in which EPL proposes to acquire new rights are now shown as "blue land". These have been changed from freehold acquisition being sought ("pink land"), except plot 125 which was previously a plot in which the Applicant sought the compulsory acquisition of all rights, restrictions and similar interests, and which has also been changed to "blue land" to ensure the Applicant is not seeking powers of compulsory acquisition over any plot where it was not previously sought in the</p>

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	<p>Application. These updates have been made following discussions at the Issue Specific Hearing on Compulsory Acquisition in November 2017.</p> <p>Schedule 8 has therefore been updated to include the relevant plots of land, and to specify the nature of the rights which the undertaker can acquire in each. These, as for the plots previously listed in Schedule 8, are the rights needed for the construction, operation and maintenance of the authorised development for the Work No 4 and Work No 6 infrastructure.</p> <p>All the newly added plots of land - save for plot 230 - fall within existing categories of rights already provided for within Schedule 8. Plot 230 falls within a new category of rights sought, as the undertaker requires the right to be able to abstract water from the River Aire in this location. Other than that particular right, those sought for plot 230 are the same as for the other Work No 4 infrastructure plots which are within the River (plots 240 and 245, where the undertaker has a right to discharge water).</p>
<p>Schedule 12, Part 3: Protective Provisions for the protection of the Canal and River Trust</p>	<p>The Applicant and CRT are continuing to discuss the terms of the Protective Provisions, notably the Indemnity and Expenses drafting. The Applicant provided comments and confirmation of its position on these issues to CRT on 25 January 2018.</p> <p>These provisions therefore remain unaltered since the version submitted for Deadline 5, save for the addition of sub-paragraphs 18(5) and 18(7) of Part 3 of this Schedule.</p> <p>These sub-paragraphs have been requested by CRT, and this has been agreed with the Applicant. The effect of this wording is that the undertaker is permitted to abstract water without the consent of the CRT, except where that abstraction “substantially deviates” (a deviation in angle greater than 20° compared to the existing position) or the rate of abstraction increases beyond the licensed levels for the existing coal-fired power station.</p>
<p>Schedule 12, Part 1, Protective Provisions For the protection of electricity, gas, water and sewerage undertakers</p>	<p>Paragraph (4) has been amended to correct a cross referencing error to ensure that the correct name of article 11 is cited.</p> <p>Minor consequential amendments have also been made to reflect an amendment sought by National Grid (see further below).</p>
<p>Schedule 12, Part 4: Protective Provisions for the protection of National Grid</p>	<p>The Applicant and National Grid have agreed the terms of the Protective Provisions in a confidential Asset Protection Agreement. The Agreement is currently being circulated for signature and the Applicant expects that these will be completed imminently. National Grid will be in a position to withdraw its representations on completion of the Asset Protection Agreement.</p> <p>The parties have agreed that there will be no protective provisions specifically</p>

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	<p>for the benefit of National Grid included in the dDCO. Instead, the parties' interests will be protected by virtue of the Asset Protection Agreement and the contents of the Protective Provisions included at Part 1 (subject to the minor amendment noted above).</p> <p>Part 4 of Schedule 12 has therefore been deleted in full.</p>
Schedule 13: Deemed Marine Licence	<p>The Applicant and the MMO are finalising discussions on the coordinates for Tables 12 and Table 13. The parties are in on-going discussions on this matter - which is administrative in nature and does not go to the substance of the DML - and expect to be in a position to update the ExA at Deadline 8.</p>
Schedule 14: Design Parameters	<p>In discussing the co-ordinates for the DML with the MMO, it has become apparent that there are different co-ordinate systems which may be used. In order to put beyond doubt which system applies in Column (2) of Tables 15 and 17, these have been amended to specify the system used to locate the combined cycle gas turbine stacks.</p>