



Department for
Business, Energy
& Industrial Strategy

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To:
Crown Estate Commissioners
Eggborough Power Limited

Your Ref:

Our Ref: EN010081
Date: 9 July 2018

Cc:
Northern Gas Networks

Dear Sir/Madam,

Planning Act 2008 and The Infrastructure Planning (Examination Procedure) Rules 2010

Application by Eggborough Power Limited (“the Applicant”) for an Order granting Development Consent for the proposed Eggborough Combined Cycle Gas Turbine (“CCGT”) Power Station

REQUEST FOR COMMENTS FROM THE APPLICANT AND OTHER ADDRESSEES ON THE APPLICATION FOR THE PROPOSED EGGBOROUGH CCGT POWER STATION

Following the completion of the examination on 27 March 2018, the Examining Authority submitted a Report and Recommendation in respect of its findings and conclusions on the above application to the Secretary of State on 27 June 2018. In accordance with section 107 of the Planning Act 2008, the Secretary of State has three months to determine the application.

There are issues relating to the compulsory acquisition and temporary possession powers sought by the Applicant on which the Secretary of State would be grateful if parties identified in bold could provide further clarification and information:

Crown Land

The Secretary of State notes that the Applicant is seeking powers to compulsorily acquire new rights over land that falls within the Crown interest (Plots 245, 255 and 690). The Secretary of State also notes that the Applicant stated in its submission at Deadline 9 [REP9-

008] that it had an agreement with The Crown Estate. However, it is understood that no further confirmation was received from The Crown Estate during the Examination to confirm this or to state it had authorised Crown land to be used.

The Secretary of State requests confirmation from **the Crown Estate Commissioners** of the Crown authority's consent to acquisition for the purposes of section 135(1) of the Planning Act 2008.

Northern Gas Networks - Protective Provisions

Schedule 12 Part 1 of the draft Development Consent Order considered during the Examination sets out the Protective Provisions for electricity, gas, water and sewerage undertakers. The Secretary of State notes that Northern Gas Networks did not participate in the Examination at any stage to raise any concerns with the draft Protective Provisions. Further, it is understood that a private Asset Protection Agreement to protect Northern Gas Networks interests was agreed but not signed by the close of the Examination.

The Secretary of State requests confirmation from **the Applicant** that the private Asset Protection Agreement has been signed.

The deadline for responses is Monday 23 July 2018.

Response should be submitted by email to: EggboroughCCGT@pins.gsi.gov.uk

Please also send any hard copy response to the Eggborough CCGT Power Station Project Team, Secretary of State for Business, Energy and Industrial Strategy, c/o the Planning Inspectorate, 3D Eagle Wing, Temple Quay House, Temple Quay, Bristol, BS1 6PN. If you will have difficulty in submitting a response by the consultation deadline, please inform the Project Team as soon as possible.

Responses will be published on the Eggborough CCGT Power Station project page of the National Infrastructure Planning website:

<https://infrastructure.planninginspectorate.gov.uk/projects/yorkshire-and-the-humber/eggborough-ccgt/> as soon as possible after 23 July 2018.

This letter is without prejudice to the Secretary of State's decision whether or not to grant development consent for the Eggborough CCGT Power Station project, and nothing in this letter is to be taken to imply what that decision might be.

Yours faithfully

Gareth Leigh
Head of Energy Infrastructure Planning