

INOVYN CHLORVINYLS LIMITED – PROPOSED CHANGES TO DRAFT DEVELOPMENT CONSENT ORDER (EN010153/DR/3.1) [REP4-004] (“dDCO”)

Option 1

Provision of dDCO	Proposed Change
Article 19 (Authority to survey and investigate the land)	<p>Amend Article 19 by the insertion of a new sub-paragraph (7):</p> <p><i>The power to enter, survey and investigate land conferred under paragraph (1) does not apply in respect of land plots 5-3 and 5-4.</i></p>
Article 21 (Compulsory acquisition of land)	<p>Amend Article 21 by the insertion of a new sub-paragraph (3):</p> <p><i>The undertaker’s power of compulsory acquisition which is conferred under paragraph (1) does not apply in respect of land plots 5-3 and 5-4.</i></p> <p>Corresponding amendment required to the Land and Crown Land Plans P04 (EN010153/DR/2.2) [REP4-002]: on Sheet 5, remove plot 5-3 and plot 5-4 from the land shaded pink.</p>
Article 24 (Private rights)	<p>Amend Article 24 by the insertion of a new sub-paragraph (5A):</p> <p><i>Furthermore, this article does not apply in relation to any right or to the benefit of any restrictive covenant subject to compulsory acquisition under this Order which is vested in or belonging to INOVYN Chlorvinyls Limited or INEOS Fluor Limited, and this provision is to have effect for the benefit of any person deriving title from or under INOVYN Chlorvinyls Limited or INEOS Fluor Limited.</i></p>
Article 27 (Power to override easements and other rights)	<p>Amend Article 27 by the insertion of a new sub-paragraph (7):</p> <p><i>The authorisation conferred under paragraph (1) in respect of any authorised activity which takes place on land within the Order limits shall not apply to any interest, right or restriction which is vested in or belonging to INOVYN Chlorvinyls Limited or INEOS Fluor Limited (and any person deriving title therefrom). Accordingly, paragraph (1) shall not operate to override any such interest, right or restriction.</i></p>
Article 30 (Temporary use of land for constructing the authorised development)	Amend Article 30 by the insertion of a new sub-paragraph (13):

	<i>The power to temporarily possess land conferred under paragraph (1) does not apply in respect of land plots 5-3 and 5-4.</i>
Article 31 (Temporary use of land for maintaining the authorised development)	Amend Article 31 by the insertion of a new sub-paragraph (12): <i>The power to temporarily possess land conferred under paragraph (1) does not apply in respect of land plots 5-3 and 5-4.</i>

Option 2

Provision of dDCO	Proposed Change
Article 19 (Authority to survey and investigate the land)	Amend Article 19 by the insertion of a new sub-paragraph (7): <i>The power to enter land conferred under paragraph (1) shall apply in respect of land plots 5-3 and 5-4 but the undertaker, in the exercise of the authority conferred by this article, may not make trial holes, bore holes or trenches on the said land, nor place or leave on the land apparatus for use in connection with the same.</i>
Article 23 (Compulsory acquisition of rights) and Schedule 7 (Land in which only new rights etc. may be acquired)	With regard to plots 5-3 and 5-4, the undertaker’s powers of compulsory acquisition are to be limited (as per Article 23(2)) to the acquisition of existing rights and the benefit of restrictive covenants over the land and the creation and acquisition of such new rights and the imposition of restrictive covenants for the purpose specified in relation to that land in column 2 of Schedule 7. Amend paragraph 1 (Interpretation) of Schedule 7 by the insertion of an additional ‘rights package’, the details of which are as follows: <i>“SPEN connection (above ground) cable rights” means rights over land to, for the purposes of the authorised development and in connection with the authorised development:</i> <i>(a) install, use, support, protect, inspect, alter, remove, replace, retain, renew, improve and maintain above ground electrical cables, together with telephone signalling and fibre optic cables, conducting lines and cables and ancillary equipment associated works and other conducting media, provided that the above ground electrical cables and associated infrastructure must</i>

	<p><i>be installed and retained at all times at a minimum height of [6 (six)] metres;</i></p> <p><i>(b) remain, pass and repass on foot, with or without vehicles, plant and machinery in connection with the exercise of the rights referred to in (a); and</i></p> <p><i>(c) restrict and remove the planting of trees, coppice wood and other vegetation which may obstruct, interrupt or interfere with the exercise of the rights or the working of or damage to the above ground electrical cables and associated infrastructure referred to in (a).</i></p> <p>Amend the Table in Schedule 7 by the insertion of an additional row:</p> <ul style="list-style-type: none"> • Column (1) Plot reference number shown on the Land and Crown Land Plans: 5-3, 5-4 • Column (2) Purposes for which rights over land may be required and restrictive covenants imposed: <i>SPEN connection (above ground) cable rights.</i> <p>Corresponding amendment required to the Land and Crown Land Plans P04 (EN010153/DR/2.2) [REP4-002]: on Sheet 5, amend the shading of plots 5-3 and 5-4 from pink to blue.</p>
<p>Article 24 (Private rights)</p>	<p>Amend Article 24 by the insertion of a new sub-paragraph (5A):</p> <p><i>Furthermore, this article does not apply in relation to any right or to the benefit of any restrictive covenant subject to compulsory acquisition under this Order which is vested in or belonging to INOVYN Chlorvinyls Limited or INEOS Fluor Limited, and this provision is to have effect for the benefit of any person deriving title from or under INOVYN Chlorvinyls Limited or INEOS Fluor Limited.</i></p>
<p>Article 27 (Power to override easements and other rights)</p>	<p>Amend Article 27 by the insertion of a new sub-paragraph (7):</p> <p><i>The authorisation conferred under paragraph (1) in respect of any authorised activity which takes place on land within the Order limits shall not apply to any interest, right or restriction which is vested in or belonging to INOVYN Chlorvinyls Limited or INEOS Fluor Limited (and any person</i></p>

	<p><i>deriving title therefrom). Accordingly, paragraph (1) shall not operate to override any such interest, right or restriction.</i></p>
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