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NORTH LONDON WASTE AUTHORITY  
**NORTH LONDON HEAT AND POWER  
PROJECT**

EN10071

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**TABLE OF REVISIONS TO THE  
DRAFT DCO**

The Planning Act 2008 The Infrastructure  
Planning (Applications: Prescribed  
Forms and Procedure) Regulations 2009  
Regulation 5 (2)

AD07 . **03**

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April 2016

**NORTH LONDON HEAT AND POWER PROJECT**

**APPLICATION REFERENCE EN010071**

**TABLE OF REVISIONS TO THE DRAFT DEVELOPMENT CONSENT ORDER  
(APPLICATION DOCUMENT REFERENCE AD03.01)**

**SUBMITTED BY THE APPLICANT ON 6 APRIL 2016**

**(TO MEET DEADLINE 3 OF THE EXAMINATION TIMETABLE)**

General Note: the table below refers to the original article, requirement, paragraph or schedule number in the draft DCO (document number AD03.01). Any new numbering in the revised draft DCO as at deadline 3 is indicated in the "Amendment" column in the table below, where relevant.

	<b>Provision in the draft DCO (as at submission, document number AD03.01)</b>	<b>Amendment and, where relevant, numbering of new provision in revised draft DCO</b>	<b>Reason for amendment</b>
<b>General</b>			
1	Generally	Amended to incorporate the use of modern language, as per the Statutory Guidance published by the Planning Inspectorate "Advice Note 15: Drafting Development Consent Orders". As a result we have updated the word "shall" and replaced it with more specific language. We have also simplified the use of the words "pursuant to" by amending it to "under".	<p>Requested by ExA in Item 2 of Agenda for Hearing on 18 March 2016 on the draft DCO (DCO Hearing).</p> <p>The Applicant has also used the East Midlands Gateway Rail Freight Interchange and Highway Order 2016 as an example of 'modern' DCO drafting.</p> <p>We have been unable to locate any additional guidance from the SI Template User Manual issued by the TSO regarding the use of modern language in development consent orders. If there are further advice notes the Applicant should consider,</p>

	<b>Provision in the draft DCO (as at submission, document number AD03.01)</b>	<b>Amendment and, where relevant, numbering of new provision in revised draft DCO</b>	<b>Reason for amendment</b>
			it is happy to.
2	Preamble	Updated to refer to the 'single appointed person' and the appropriate parts of the Planning Act 2008.	Requested by ExA in Item 2 of Agenda for the DCO Hearing.
<b>Article 2 (Interpretation)</b>			
3	Definition of "apparatus"  (this was not in the submission version)	This is a new definition and is based on how "apparatus" was defined in Article 5(2) (a) (though instead of "mains", reference is made to pipes, conduits and wires") and how it is defined in Article 10(4) (which refers to Part 3 of the New Roads and Street Works Act 1991). The wording in Article 5(2) (a) (i) and (ii) has consequently been removed.	The definition was requested in relation to Article 5 by ExA in Item 2 of Agenda for the DCO Hearing.
4	Definition of "approval consultee"	Inserted.	This is a term used in paragraph 2(3) of Schedule 3 (approvals, consents and appeals).
5	Definition of "Ardra Road"	Full post code inserted.	In response to Item 2 of Agenda for the DCO Hearing.
6	Definition of "authorised development"	Deleted word "not".	Requested by ExA in Item 2 of Agenda for the DCO Hearing.
7	Definition of "book of reference"	Amended to "means the document certified by the Secretary of State as the book of reference for the purposes of this Order	Requested by ExA in Item 2 of Agenda for the DCO Hearing.

	<b>Provision in the draft DCO (as at submission, document number AD03.01)</b>	<b>Amendment and, where relevant, numbering of new provision in revised draft DCO</b>	<b>Reason for amendment</b>
		under Article 33 (Certification of documents and plans)".	
8	Definition of "Code of Construction Practice"	Amended to reflect the definition of "book of reference".	Requested by ExA in Item 2 of Agenda for the DCO Hearing.  TfL requested this definition not be amended. The Applicant agrees with the ExA's point that the Code of Construction Practice (CoCP) will be a certified document and that it is therefore not necessary to set out its scope, either in the definition or in Requirement 15.
9	Definition of "commence"	Replaced "site clearance" with "enabling works" and inserted wording so that the works carved out of this definition should not give rise to any significantly adverse environmental effects not assessed in the environmental statement.	The inclusion of the term "site clearance" was questioned at the DCO hearing. Enabling works has been inserted in its place for clarification purposes, and "enabling works" is now defined in Article 2.  Reference to no new significant environmental effects has been inserted to limit the works to those assessed in the environmental statement.
10	Definition of "commissioning"	Deleted.	Raised by the ExA in Item 2 of Agenda for the DCO Hearing. The only place this term is used is in Requirement 8 (Notices). Requirement 8 has been amended and it no longer refers to the term "commissioning".
11	Definition of "DCO schedule 6-8 explanatory diagrams"	Definition inserted.	This term is referred to in Schedules 6 to 8 and also in Article 33.

	<b>Provision in the draft DCO (as at submission, document number AD03.01)</b>	<b>Amendment and, where relevant, numbering of new provision in revised draft DCO</b>	<b>Reason for amendment</b>
12	Definition of “decommissioning”  (this was not in the submission version)	Definition added.	This term appears in the definition of “maintain”, Requirements 19, 20 and 21, the description of Works No. 4 para (i) (h) and Works No. 7 in Schedule 1, and in Schedule 13.
13	Definition of “design code principles”	Amended so that it is described as “the principles relating to the design of the authorised development” otherwise the definition would be circular.  Deleted words after “which”. Amended to reflect definition of “book of reference”.	To address the comments of the ExA in Item 2 of Agenda for the DCO Hearing.
14	Definition of “discharging authority”	Amended so that it:  (i) means the relevant authority under the provisions of the Order (rather than just the relevant authority under the requirements); and  (ii) refers to consenting (in addition to approving and discharging) matters.	The term “discharging authority” is used in Schedule 3 (Procedure for approvals and appeals) and in relation to Schedule 2 (Requirements). The Applicant has amended Article 38 (which is now Article 37), so that that it, and Schedule 3, now applies to all applications and requests for provisions of the Order that require approval or consent.  The word “consenting” has been inserted because: (i) Article 38 (which is now Article 37) has been amended so that it also applies to consents required under the provisions of this Order.
15	Definition of	Definition added.	Requested by ExA in Item 2 of

	<b>Provision in the draft DCO (as at submission, document number AD03.01)</b>	<b>Amendment and, where relevant, numbering of new provision in revised draft DCO</b>	<b>Reason for amendment</b>
	“electricity and heat generating station”  (this was not in the submission version)		Agenda for the DCO Hearing.
16	Definition of “enabling works”  (this was not in the submission version)	Definition of “enabling works” from Schedule 2 moved to Article 2. Definition also amended to state that such works should not give rise to significantly adverse environmental effects not assessed in the environmental statement.	The relocation of this definition was requested by ExA in Item 2 of Agenda for the DCO Hearing.  The reference to environmental effects was inserted to ensure the works remain within the parameters of the environmental statement.
17	Definition of “energy from waste facility”	Replaced “a” with “the” in the second line.	Requested by ExA in Item 2 of Agenda for the DCO Hearing.
18	Definition of “environmental statement”	Amended to reflect definition of “book of reference”.  The location of this definition has been moved so that it appears below the definition of “environmental commitments and mitigation schedule”.	Requested by ExA in Item 2 of Agenda for the DCO Hearing.  The location of this definition has been moved so that it appears in alphabetical order in Article 2.
19	Definition of “environmental commitments and mitigation schedule”	Amended to reflect definition of “book of reference”.	Requested by ExA in Item 2 of Agenda for the DCO Hearing.
20	Definition of “full operation”  (this was not in the submission version)	Inserted.	This term is used in Requirements 7 (Notices), 14 (Ecology) and 16 (Control of noise during operational stage).

	<b>Provision in the draft DCO (as at submission, document number AD03.01)</b>	<b>Amendment and, where relevant, numbering of new provision in revised draft DCO</b>	<b>Reason for amendment</b>
21	Definition of “land plans”	Amended to reflect definition of “book of reference”.	Requested by ExA in Item 2 of Agenda for the DCO Hearing.
22	Definition of “maintain”	<p>Amended to remove circularity so that the word “maintain” is replaced with the words “has the ordinary meaning and includes to keep up, preserve, conserve...”.</p> <p>References to “landscaping”, “planting” and “replanting” have been replaced with “landscape”, “plant” and “replant”, to make grammatical sense.</p> <p>Words “decommissioning” and “demolition” deleted.</p> <p>Words added “but not so as to vary the authorised development as described in Schedule 1”.</p>	<p>To address the ExA’s question about this definition in Item 2 of Agenda for the DCO Hearing.</p> <p>The words “decommissioning” and “demolish” have been removed as this is covered in Requirement 21 (Decommissioning of proposed electricity and heat generating station) and in so far as parts of the authorised development would need to be demolished for maintenance purposes this is covered by the inclusion of the words “remove”, “replace” and “reconstruct”.</p> <p>The words “but not so as to vary the authorised development as described in Schedule 1” have been added to limit the words falling within the definition of “maintain” to be within the scope of the DCO.</p>
23	Definition of “Meridian Way”	Amended to include full postcode.	Requested by ExA in Item 2 of Agenda for the DCO Hearing.
24	Definition of “operational site”	Location of this definition has been moved so that it appears before the definition of “Order land”.	The location of this definition has been moved so that it appears in alphabetical order in Article 2.
25	Definition of “order land”	Amended so that it is “Order land”. Consequential amendments also made	Requested by ExA in Item 2 of Agenda for the DCO Hearing.

	<b>Provision in the draft DCO (as at submission, document number AD03.01)</b>	<b>Amendment and, where relevant, numbering of new provision in revised draft DCO</b>	<b>Reason for amendment</b>
		throughout the draft.	
26	Definition of “order limits”	Amended so that it is “Order limits”. Consequential amendments also made throughout the draft.	Requested by ExA in Item 2 of Agenda for the DCO Hearing.
27	Definition of “relevant planning authority”	Words after “Enfield” deleted.	Requested by ExA in Item 2 of Agenda for the DCO Hearing.
28	Definition of “stage”	The words “(as they are defined in Schedule 2)” have been deleted.	<p>The deleted words referred back to enabling works. “enabling works” is no longer defined in Schedule 2; the definition of “enabling works” has been moved to Article 2.</p> <p>The ExA queried in Item 2 of the Agenda for the DCO Hearing what, in relation to this definition, power is provided to authorise the enabling works. The power to authorise the enabling works is in paragraph 1(3) of Schedule 1 (authorised development).</p>
29	Definition of “temporary laydown area”	Plots 17 and 21 added to the definition.	<p>Plot 17 has been added as that is covered by Works Plan number C_0009 Rev, which shows the extent of the temporary laydown area.</p> <p>Plot 21 has been added to address the query by ExA in Item 2 of Agenda for the DCO Hearing, as the temporary laydown area will cover part of plot 21.</p>
30	Definition of “transitional period”	Inserted.	This term is used in the definition of “full operation” and in requirement 19 (transitional

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			period).
31	Definition of “the works plans”	Amended to reflect the definition of “book of reference”.	Requested by ExA in Item 2 of Agenda for the DCO Hearing.
<b>Article 4 (Limits of deviation)</b>			
32	Article 4(2)(b)(i)	Amended to make it subject to Requirement 5.	Requested by ExA in Item 2 of Agenda for the DCO Hearing.
<b>Article 5 (Maintenance of authorised development)</b>			
33	Article 5(1)	<p>Words “Subject to paragraph (3) and the other terms of the Order” replaced with “Subject to Articles 3 (development consent granted by this Order), 4 (limits of deviation), 16 (discharge of water), 28 (temporary use of land for maintaining authorised development)”.</p> <p>The words “except as far as this Order or an agreement made under this Order” in line 3 have been replaced with “except as far as an agreement made under this Order”.</p>	<p>To address ExA’s question in Item 2 of Agenda for the DCO Hearing as to what other terms of the Order are envisaged here.</p> <p>Article 5(1) has been made subject to the Articles 3, 4, 16 and 28 because:  Article 3 limits the power to maintain the authorised development to within the Order limits;  Article 4 makes the power to maintain subject to limits of deviation;  Article 16 contains limitations on the power to use watercourses, public sewers or drains in connection with carrying out the maintenance of the authorised development;  and  Article 28 contains limitations on the power to temporarily use land in connection with the maintenance of the authorised development.</p>

	<b>Provision in the draft DCO (as at submission, document number AD03.01)</b>	<b>Amendment and, where relevant, numbering of new provision in revised draft DCO</b>	<b>Reason for amendment</b>
34	Article 5(2)	Words relating to paragraph (3) deleted.	This cross reference is not needed as Article 5(3) has been deleted.
35	Article 5(2)(a)(i) and (ii)	Deleted as a definition of “apparatus” has been inserted into Article 2.	To address ExA’s question relating to Article 5 in Item 2 of Agenda for the DCO Hearing.
36	Article 5(3)	Deleted.	To address ExA’s query in Item 2 of Agenda for the DCO Hearing.  The Applicant has, on further consideration, a need for the temporary laydown area and Ardra Road to be included in the power to maintain the authorised development.
<b>Article 6 (Operation of authorised development)</b>			
37	Article 6(1)	Amended to apply to the authorised development as a whole.	To address ExA’s queries in Item 2 of Agenda for the DCO Hearing.  The intention behind this article is to authorise the operation of the authorised development, not just the electricity and heat generating station. In light of this, the words “and managing the remainder of the authorised development” are not necessary.
38	Article 6(2)	Retained.	The necessity of Article 6(2) was queried by the ExA in Item 2 of the Agenda for the DCO Hearing. It is a necessary provision as other consents will still be required (for example the environmental permit). This is reflected in many other DCOs (for example, the

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			Rookery South Order 2011, Knottingley Power Plant Order 2015, Port Talbot Steelworks Order 2013, Ferrybridge Multifuel 2 Order 2015 and the North Blyth Biomass Station Order 2013).
<b>Article 8 (Consent to transfer benefit of Order)</b>			
39	Article 8(4)	Amended to clarify that LondonWaste Limited, provided North London Waste Authority is the sole shareholder, is proposed to be the one entity to which the undertaker can transfer the benefit of the Order, without needing to obtain the Secretary of State's consent.	To address the ExA's query in Item 2 of Agenda for the DCO Hearing.  Limiting the ability to transfer without consent to just LondonWaste Limited (LWL) whilst it is wholly owned by North London Waste Authority, will address any anxiety that: (a) the scope of the ability as originally drafted to transfer to any company owned by the undertaker; and (b) as to changes of ownership of LWL. It is appropriate to be able to transfer the benefit to LWL including the compulsory acquisition powers without consent as LWL and its financial position formed a full part of the Funding Statement (application document AD04.02).
<b>Article 10 (Street works)</b>			
40	Articles 10(1)(e) and (f)	Deleted.	To address the ExA's query about Article 10(1)(f) in Item 2 of Agenda for the DCO Hearing.  Article 10(1)(f) related to hard and soft landscaping, which

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			<p>does not fall within the ordinary meaning of a streetwork or the definition of streetwork in the New Roads and Street Works Act 1991. As landscaping works fall within the definition of authorised development (they are part of Works No. 4 in Schedule 1), it can be deleted from Article 10(1).</p> <p>Article 10(1)(e) relates to resurfacing of Ardra Road. This has been deleted because of the amendment to Article 5 (Maintenance of the authorised development) which will now give the undertaker the power to maintain Ardra Road.</p>
<b>Article 11 (Alteration of street layout)</b>			
41	Article 11 (Alteration of street layout)	Amended to refer to correct column number 3 of Schedule 5. Please also see consequential amendments to Schedule 5 and to paragraph 2(d) of Schedule 1.	<p>Column 3 of Schedule 5 sets out the way in which the streets specified in column 2 in Schedule 5 are to be affected.</p> <p>The ExA requested, in Item 2 of the Agenda for the DCO Hearing, specification of which works numbers Article 11 and Schedule 5 (Streets subject to alteration of layout) relate to. The relevant works numbers have been inserted into a new column in Schedule 5. The Applicant does not consider it necessary to amend Article 11 to reflect this. As a consequence of this exercise, the Applicant has amended the definition of Works No. 4 in Schedule 1 to ensure all the</p>

	<b>Provision in the draft DCO (as at submission, document number AD03.01)</b>	<b>Amendment and, where relevant, numbering of new provision in revised draft DCO</b>	<b>Reason for amendment</b>
			works listed in Schedule 5 are covered by paragraph 2(d) of Schedule 1.
<b>Article 12 (Public rights of way)</b>			
42	Article 12(1)	Word “temporarily” inserted before “suspend”.	To meet request of the ExA in Item 2 of Agenda for the DCO Hearing.
43	Article 12(3)	Amended to refer to alternative rights of way.	To address the ExA’s query in Item 2 of Agenda for the DCO Hearing.  Article 12(2) refers to alternative rights of way to be provided before the temporary suspension of public rights of way. Article 12(3) is intended to say that the alternative rights of way must be provided for the duration of the construction of the authorised development (and not refer to temporary footpaths and cycleways, which are not referred to in Article 12(2)).
<b>Article 13 (Temporary stopping up of streets)</b>			
44	Article 13(1)	Words “within the Order limits” inserted in line 2.	To meet request of the ExA in Item 2 of Agenda for the DCO Hearing.
45	Article 13(4)(a) and (b)	Amended to make consultation of, and the obtaining of approvals from, street authorities subject to the provisions of Schedule 3 (Procedure for approvals and appeals).	This amendment has been made to address the representations during the DCO Hearing that it was unclear when the procedures in Schedule 3 would apply (i.e. only in relation to requirements or to any approval required under the Order).

	<b>Provision in the draft DCO (as at submission, document number AD03.01)</b>	<b>Amendment and, where relevant, numbering of new provision in revised draft DCO</b>	<b>Reason for amendment</b>
			This amendment has been made for consistency.
46	Article 13(6)	Amended to refer to 56 days, instead of 28 days.	TfL and London Borough of Enfield requested during the DCO Hearing that the 28 day decision making period start from the time any further information they request is received. This is now addressed as Schedule 3 has been amended so that the decision making period is extended from 28 to 56 days. The timeframes for requesting further information under Schedule 3 remains unchanged in this regard and therefore consultees and the discharging authority will have a longer period of time to make their decisions from the time they request further information.
<b>Article 14 (Access to works)</b>			
47	Article 14 (Access to works)	Not amended, but see amendments to paragraph 2(d) of Schedule 1 and to Schedule 9.  "order" amended to "Order".	The ExA requested, in Item 2 of Agenda for the DCO Hearing, that the Applicant specify which Works Numbers this article and Schedule 9 are intended to cover.  The Applicant has inserted the relevant works numbers into a new column in Schedule 9. No amendment to the wording of Article 14 is deemed necessary. The Applicant has also amended paragraph 2(d)

	<b>Provision in the draft DCO (as at submission, document number AD03.01)</b>	<b>Amendment and, where relevant, numbering of new provision in revised draft DCO</b>	<b>Reason for amendment</b>
			of Schedule 1 to ensure that all the works covered by Schedule 9 are in paragraph 2(d).
<b>Article 15 (Agreements with street authorities)</b>			
48	Article 15(2)	“subsection” amended to “paragraph”.	Amended for correctness.
<b>Article 16 (Discharge of water)</b>			
49	Article 16(2)	Moved to after paragraph (5). What used to be Article 16(2) is now the new Article 16(5).	As requested by the ExA in Item 2 of Agenda for the DCO Hearing.
50	Article 16(5)	Deleted.	The ExA queried in Item 2 of the Agenda to the DCO hearing whether Article 16(8) was needed in light of Article 16(5).  Article 16(8) is wider than and will encompass the provisions of 16(5). The Applicant has therefore deleted Article 16(5) instead.
51	Article 16(7)(a)	Deleted “urban development corporation”.	This term is not required, and to address the ExA’s query in Item 2 of Agenda for the DCO Hearing.
52	Article 16(8)	Retained. Now Article 16(7).	The ExA queried in Item 2 of the Agenda to the DCO Hearing whether Article 16(8) was needed in light of Article 16(5).  Article 16(8) is wider than Article 16(5) and encompasses the provisions of 16(5). The Applicant has therefore deleted

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			Article 16(5).
<b>Article 17 (protective work to buildings)</b>			
53	Article 17	No amendment	<p>The ExA queried in Item 2 of the Agenda to the DCO Hearing which buildings are envisaged to which this article would apply.</p> <p>The Applicant responded that these will be the buildings within plots 2 and 4 of the Application Site.</p>
<b>Article 18 (Authority to survey and investigate)</b>			
54	Article 18(1)	Reference to land which may be affected by the authorised development amended to: "land up to 250 metres away from the Order limits which may be affected by the authorised development, and, with the prior approval of the relevant planning authority, onto land which is more than 250 metres from the Order limits."	<p>The explanation will, as agreed with the ExA in the DCO Hearing, be set out fully in the revised Explanatory Memorandum.</p> <p>In summary, if a land owner claims that there has been an impact from the carrying out of works or the operation of the authorised development (for example the discovery of contaminants), the undertaker will need the ability to look into such a claim.</p> <p>To address any concern that there is no limit on where such a landowner could be, the Applicant has inserted wording that only allows it to survey and investigate land that is up to 250 metres away from the Order limits, and where it is necessary to go onto land which is more than 250 metres from the Order limits, the</p>

	<b>Provision in the draft DCO (as at submission, document number AD03.01)</b>	<b>Amendment and, where relevant, numbering of new provision in revised draft DCO</b>	<b>Reason for amendment</b>
			undertaker is now required to obtain the prior approval of the relevant planning authority.
<b>Article 19 (Compulsory acquisition of land)</b>			
55	Article 19(1)	Reference to Schedule 10 (Land to be compulsorily acquired) inserted.	As requested by the ExA in Item 2 of Agenda for the DCO Hearing.
56	Article 19(2)	Reference added to existing leases and licences.	For clarification purposes, to ensure that the power to compulsorily acquire land will cover all lesser interests.
57	Article 19(4)	Deleted.	For the reasons identified by the ExA in Item 2 of Agenda for the DCO Hearing, and also because Articles 23 and 27 are not relevant to the power contained in Article 19.
<b>Article 20 (Time limit for exercise of authority to acquire land compulsorily or use land temporarily)</b>			
58	Article 20(2)	Reference to Articles 27(3) and 27(5) inserted.	To address the ExA's query in Item 2 of Agenda for the DCO Hearing about a longstop date for temporary use.  Article 27(3) is subject to Article 27(4) and places a limit on temporary use of 1 year beginning with the date of completion of the part of the authorised development specified in relation to that land. Article 27(4) provides that in the case of the temporary laydown area, the limit on temporary use is two years from the completion of

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			the authorised development.
<b>Article 21 (Power to override easements and other rights)</b>			
59	Article 21(1)	Amended so that it is subject to Schedule 16 (protective provisions).	As requested by the ExA in Item 2 of Agenda for the DCO Hearing.
60	Article 21(1) (a)	Word “temporary/temporarily” inserted before “suspension/suspended”.  “undertaken” replaced with “carried out”.	As requested by the ExA in Item 2 of Agenda for the DCO Hearing and also for clearer drafting purposes.
61	Article 21(2)(a)	Deletion of the word “erection”.	To address the ExA’s query in Item 2 of Agenda for the DCO Hearing about whether there is a distinction with the word “construction”.
62	Article 21(2)(c)	Words “authorised by this Order” inserted.	As requested by the ExA in Item 2 of Agenda for the DCO Hearing.
63	Article 21(3)	Paragraph amended so that it is split into two sentences.	To make the paragraph read better.
<b>Article 23 (Compulsory acquisition of rights)</b>			
64	Article 23(1)	“order” amended to “Order”.	The ExA raised a question in Item 2 of the Agenda for the DCO Hearing on how Articles 23(1) and 23(2)(b) sit with Article 21(1)(b).  There is a distinction between what Articles 21(1)(b) and 23(1) achieve. Article 21(1)(b) provides the power to extinguish existing rights, as

	Provision in the draft DCO (as at submission, document number AD03.01)	Amendment and, where relevant, numbering of new provision in revised draft DCO	Reason for amendment
			<p>set out in Schedule 12.</p> <p>Article 23(1) provides the power to compulsorily acquire existing rights (or create new rights). The land over which the undertaker may exercise this power is set out in Schedule 13.</p> <p>The ExA queried during the hearing how Article 23(1) and 23(2)(b) are different from Article 21(1)(b).</p> <p>Article 23(2)(b) does not relate to Article 23(1) in so far as the latter grants the power to acquire existing rights. It is limited to the acquisition of new rights.</p> <p>Therefore: the power under Article 21 relates to land identified in Schedule 12 and allows a third party right to be overridden if necessary.</p> <p>Article 23 gives the undertaker the power to effectively take over an existing right.</p> <p>In answer to the ExA's separate point raised during the hearing, namely, whether Schedules 12 and 13 cover the same plots, the Applicant can confirm that is not the case. Schedule 13 covers plots 13, 14 and 19 but Schedule 12 does not. Schedule 12 covers plot 33, but Schedule 13 does not.</p>

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<b>Article 24 (Private rights of way)</b>			
65	Article 24 (Private rights of way)	Deleted.	<p>To address the ExA's query in Item 2 of the Agenda for the DCO Hearing. In terms of whether Articles 19 and 21 cover the provisions of Article 24, yes they do.</p> <p>In terms of what plots does Article 24 refer to, the plots covered by Articles 19 and 21 were not the same as those plots covered by Article 24. Article 24 covered all the plot numbers whereas Articles 19 and 21 (collectively) do not cover plots 11, 12, 13, 14, and 19. In light of this, the Applicant has amended Schedule 12 (Land in which rights may be extinguished) to include plots 11, 12, 13, 14 and 19 so that Article 24 can be deleted.</p> <p>As this article has now been deleted, the ExA's query about Article 24(5) in Item 2 of the Agenda for the DCO Hearing is no longer relevant.</p>
<b>Article 25 (Rights under or over streets)</b>			
66	Article 25(1)	Reference to air space over any building deleted.	To address the ExA's query in Item 2 of Agenda for the DCO Hearing and because this is not a street work.
67	Article 25(2)	The words "Subject to paragraph (3)" have been deleted.	This wording is not necessary as paragraph 3 of Article 25 has been deleted.

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68	Article 25(3)	Deleted.	The Applicant is not aware of any such features within the Application Site.
<b>Article 26 (Rights over buildings)</b>			
69	Article 26 (Rights over buildings)	New article inserted.	The Applicant will require a power to oversail buildings within the Order limits and any buildings within a certain area of land outside the Order limits to the north of the Edmonton EcoPark (this area will be shown on a drawing, which will be provided at a later date during Examination). The reason why the Applicant needs to oversail certain buildings outside the Order limits is because of the estimated height of the cranes that will be required to be used and the proximity of buildings to those cranes. The drafting mirrors that of Article 25 (Rights under or over streets) as the Applicant could not identify any useful precedent wording in other development consent orders.
<b>Article 27 (Temporary use of land for carrying out the authorised development)</b>			
70	Articles 27(3) and 27(4)	Article 27(3) amended to refer to 1 year.  Article 27(4) is a new article and was not in the submission version.	To address the ExA's question in Item 2 of the Agenda for the DCO Hearing about what the relationship is between Article 27(3) and Article 20(2). Please see the entry about in relation to Article 20(2).  The Applicant has also revisited the length of time it

	<b>Provision in the draft DCO (as at submission, document number AD03.01)</b>	<b>Amendment and, where relevant, numbering of new provision in revised draft DCO</b>	<b>Reason for amendment</b>
			<p>requires to remain in possession of the relevant plots and, with the exception of the temporary laydown area, one year beginning with the date of completion of the part of the authorised development specified in relation to that land is acceptable and also reflects standard drafting practice.</p> <p>With regard to the temporary laydown area, the Applicant will need a power to remain on this part of the Application Site for up to two years after the authorised development has been completed in order to carry out restoration works (Works No. 5). For this reason, Article 27(4) has been inserted.</p>
71	Article 27(5)	Deleted.	The wording of this article has been deleted as it repeated the words at the end of what was Article 27(4) (and is now the new Article 27(5)).
<b>Article 28 (Temporary use of land for maintaining authorised development)</b>			
72	Article 28(2)	Deleted.	There are no circumstances envisaged where the Applicant would need to take possession of the structures covered by this article.
73	Articles 28(4) and 28(13)	<p>Article 28(4) amended so that it is combined with the provisions of Article 28(13).</p> <p>Article 28(4) (which is now Article 28(3)) has been amended so that it</p>	As requested by the ExA in Item 2 of the Agenda for the DCO Hearing.

	<b>Provision in the draft DCO (as at submission, document number AD03.01)</b>	<b>Amendment and, where relevant, numbering of new provision in revised draft DCO</b>	<b>Reason for amendment</b>
		is combined with the provisions of Article 28(13) (which has been deleted).	
74	Articles 28(11) and 28(12)	Amendments not considered necessary.	<p>The ExA raised a question in Item 2 of the Agenda for the DCO Hearing about what plots are covered by Article 28(11) and Article 28(12) (which are now Articles 28(10) and 28(11) in the revised draft DCO).</p> <p>No amendments are considered necessary to Articles 28(10) and 28(11). A full explanation will be provided in the revised version of the Explanatory Memorandum. However, in summary, Article 28(10) defines “maintenance period” as 5 years from the date the authorised development is first opened and this article covers plots 7, 8, 11, 12, 13, 16, 18, 19 and 20. Article 28(11) defines “maintenance period” as the lifetime of the authorised development from the date those parts are first opened for use, and covers plots 1, 2, 3, 4, 5, 6, 9, 10, 14, 15, 17, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 33, 34, and the land shown on drawing C_0018. The longer maintenance period is required for the plots covered by Article 28(11) because they either cover the operational site, or areas to be landscaped to the east of the Edmonton EcoPark, or land to the</p>

	<b>Provision in the draft DCO (as at submission, document number AD03.01)</b>	<b>Amendment and, where relevant, numbering of new provision in revised draft DCO</b>	<b>Reason for amendment</b>
			immediate east of Deephams Farm Road which will need to be maintained to ensure that Deephams Farm Road is not overgrown by vegetation.
<b>Article 32 (Felling or lopping of trees)</b>			
75	Article 32(3)	Deleted.	There are no hedgerows within the Order limits that will need to be removed.
<b>Article 33 (certification of documents and plans)</b>			
76	Article 33(1)	Reference to DCO schedule 6-8 explanatory diagrams inserted.	The DCO schedule 6-8 explanatory diagrams have been created and are being submitted to illustrate the sections of rights of way and streets affected by schedules 6 to 8 (To address the ExA's query in Item 2 of the Agenda for the DCO Hearing).
<b>Article 37 (Decommissioning and transitional arrangements)</b>			
77	Article 37	Deleted.	To address the ExA's query in Item 2 of the Agenda for the DCO Hearing as to whether this article was necessary. The Applicant agreed that this article is not necessary given that there are specific requirements relating to decommissioning and transitional arrangements in Schedule 2.
<b>Article 38 (Approvals, consents and appeals)</b>			
78	Article 38	This is now Article 37.	Consequential amendment made to numbering.
79	Article 38(1)	This is now Article 37(1).	As originally drafted, Article

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		<p>This has been amended so that it also covers all consents, agreements, approvals or notices granted, refused or withheld in relation to any article or requirement of the Order.</p>	<p>38(1) (now Article 37(1)) only covered consents, agreements, approvals or notices granted, refused or withheld in relation to requirements or documents referred to in requirements.</p> <p>There are, however, articles in the draft DCO that also require the Applicant to obtain an approval or consent from a third party. These articles are:</p> <p>(i) Article 13(4) – the undertaker is required to consult the street authority before temporarily stopping up, altering or diverting any street in Schedule 8, and must obtain the prior consent of a street authority in relation to temporarily stopping up, altering or diverting any other street;</p> <p>Article 14(1) - the undertaker is required to obtain the approval of the relevant planning authority after consultation with the highway authority, in order to form and lay out such other means of access or improve existing means of access, at such locations within the Order limits as the undertaker reasonably requires for the purposes of the authorised development;</p> <p>(iii) Article 16(2) - the undertaker must not discharge any water into any watercourse, public sewer or</p>

	Provision in the draft DCO (as at submission, document number AD03.01)	Amendment and, where relevant, numbering of new provision in revised draft DCO	Reason for amendment
			<p>drain except with the consent of the person to whom it belongs;</p> <p>(iv) Article 16(3) – the undertaker must not make any opening into any public sewer or drain accept in accordance with plans approved by the person to whom the sewer or drain belongs;</p> <p>(v) Article 18(1) - The undertaker may with the prior approval of the relevant planning authority, enter onto land which is more than 250 metres from the Order limits to survey and investigate it; and</p> <p>(vi) Article 18(4) – the undertaker must not make any trial holes in land located within the highway boundary without the consent of the highways authority, or in a private street without the consent of the street authority.</p> <p>Due to the above and in order to address representations at the DCO Hearing that it was not entirely clear which approvals or consents Schedule 3 (Procedure for approvals and appeals) applied to, the Applicant has amended what is now Article 37(1) so that it covers consents, agreements, approvals or notices granted, refused or withheld under any article or requirement of the Order, and</p>

	<b>Provision in the draft DCO (as at submission, document number AD03.01)</b>	<b>Amendment and, where relevant, numbering of new provision in revised draft DCO</b>	<b>Reason for amendment</b>
			not just under the requirements.
80	Article 38(2)	<p>This is now Article 37(2).</p> <p>This has been amended so that it also covers all consents, agreements, approvals or notices granted, refused or withheld in relation to any article or requirement of the Order.</p> <p>Words “in relation to applications” replaced with “all applications and requests for consents, agreements and approvals made under any article or requirement of this Order”.</p> <p>Words “pursuant to the requirements set out in Schedule 2 (Requirements)” deleted and replaced with “under any article or requirement of this Order”.</p>	<p>This article used to apply Schedule 3 (Procedure for approvals and appeals) to just applications made in relation to the discharge of requirements. This article has been amended so that Schedule 3 applies to all applications and requests for consents, agreements and approvals made under any article or requirement of the Order. In this way, it will cover applications and requests made for approvals and consents under Articles 13(4), 14(1), 16(2), 16(3), 18(1) and 18(4).</p>
81	Article 38(3)	<p>This is now Article 37(3).</p> <p>“accepted” has been replaced with “approved”.</p> <p>“28 days” replaced with “56 days”.</p>	<p>As requested by the ExA in Item 2 of the Agenda for the DCO Hearing.</p> <p>The period of time before there is deemed approval has been increased from 28 days to 56 days to account for the deletion of paragraph 1(1) of Schedule 3 which had allowed a 28 day period of time within which the discharging authority could</p>

	<b>Provision in the draft DCO (as at submission, document number AD03.01)</b>	<b>Amendment and, where relevant, numbering of new provision in revised draft DCO</b>	<b>Reason for amendment</b>
			consider a draft application to discharge a requirement. Now that draft application stage has been removed, the 28 day period for considering a draft has been added to the period of time granted to consider an application (which was also 28 days).
82	Article 37(5)  (this was not in the submission version)	Article 37(5) has been inserted. It contains the same wording as paragraph 1(1) of Schedule 2, but has been amended so that it also refers to “any article or requirement”.  Paragraph 1(1) of Schedule 2 has consequently been deleted.	The Applicant has moved paragraph 1(1) of Schedule 2 to this article in order to address the ExA’s query in Item 2 of the Agenda for the DCO hearing as to whether those provisions need to be combined.  The words “any article or requirement” have been inserted so that it does not just relate to requirements, given that the purpose of the new Article 37 is to apply Schedule 3 to the relevant articles of the Order.
83	Article 37(6)  (this was not in the submission version)	Article 37(6) has been inserted. It states that where an approval or consent is required, the discharging authority must consult all relevant and appropriate statutory consultees in accordance with Schedule 3.	This has been inserted to ensure that the discharging authority consults all relevant and appropriate statutory consultees and that this be carried out in accordance with Schedule 3 (Procedure for approvals and appeals), when approval is required by the Order.  This amendment has been made in response to representations by TfL and the

	Provision in the draft DCO (as at submission, document number AD03.01)	Amendment and, where relevant, numbering of new provision in revised draft DCO	Reason for amendment
			EA during the DCO Hearing.
<b>Schedule 1 (Authorised development)</b>			
84	Paragraph 1(1)	<p>Amended so that the description of Works No. 1a now refers to: “fuelled by up to 700,000 tonnes of residual waste and with a minimum capacity of 50 mega watts of electricity (MWe) (gross)”.</p> <p>References to “as shown on Works Plan...” have been amended to “located within the limits of deviation indicated on works plan...”. This amendment has been made to subsequent paragraphs in Schedule 1.</p> <p>The numbering of the works that comprise Works No. 1a has been corrected.</p>	<p>The ExA requested in Item 2 of the Agenda for the DCO Hearing that the description of Works No. 1a in paragraph 1(1) should state a maximum output of mega watts of electricity. Please see the Applicant’s response to first written question 1.6 for an explanation of why we have amended the description of Works No. 1a so that it refers to: “fuelled by up to 700,000 tonnes of residual waste and with a minimum capacity of 50 mega watts of electricity (MWe) (gross)”.</p> <p>Amended to address the ExA’s comment in Item 2 of the Agenda for the DCO Hearing that the works as described are not actually shown on the works plans and that it would be more accurate to say that the works would take place within the limits of deviation for those works.</p> <p>The numbering of the elements of Works No. 1a has been corrected to address the ExA’s comment in Item 2 of the Agenda for the DCO Hearing that the list of works comprising Works No. 1a is inconsistent with Works Plan C_0002 Rev 00, the list in Requirement 4(1) and drawing D_0001.</p>
85	Paragraph 2(d)	Amended to include	Please see the explanations

	Provision in the draft DCO (as at submission, document number AD03.01)	Amendment and, where relevant, numbering of new provision in revised draft DCO	Reason for amendment
		works referred to in Schedule 5 (Streets subject to alteration of layout) and Schedule 9 (Access to works).	<p>above in relation to Articles 11 and 14 as to why paragraph 2(d) of Schedule 1 has been amended to include the works referred to in Schedule 5 and Schedule 9.</p> <p>In light of the amendment to the numbering of the works that comprise Works No. 1a, no further amendments are required to paragraph 2(d) to address the ExA's comments in Item 2 of the Agenda for the DCO Hearing that the list of works comprising Works No. 1a is not consistent with drawing D_0005. There are however labelling issues with drawings D_0005 Rev 00, D_0010 Rev 00 and D_0011 Rev 00 which will be corrected. The amended drawings D_0005 Rev 00, D_0010 Rev 00 and D_0011 will be submitted before the close of Examination.</p>
86	Paragraph 3	<p>Reference to "enabling works" inserted.</p> <p>"materially different" environmental effects amended to "new significant adverse" environmental effects.</p> <p>No amendment to address who enforces compliance with this paragraph.</p>	<p>"enabling works" have been inserted to address the ExA's question relating to the definition of "stage" in Article 2 and what power is provided by the draft DCO to authorise the enabling works.</p> <p>"significantly adverse" environmental effects is more suitable in this context as a significant effect can be positive as well as negative, and the intention is to exclude</p>

	<b>Provision in the draft DCO (as at submission, document number AD03.01)</b>	<b>Amendment and, where relevant, numbering of new provision in revised draft DCO</b>	<b>Reason for amendment</b>
			<p>works that have an adverse effect.</p> <p>The ExA queried in Item 2 of the Agenda for the DCO Hearing as to the mechanism for judging whether such works would give rise to new environmental effects and who would make this judgement. There will be two judges: in the first place, the undertaker, and thereafter the enforcing authority under Part 8 of the Planning Act 2008 if the undertaker causes significant adverse environmental effects not assessed in the environmental statement. There will therefore be regulatory control.</p>
<b>Schedule 2 (Requirements)</b>			
87	Paragraph 1(1)	Deleted and combined with Article 37.	As requested by the ExA in Item 2 of the Agenda for the DCO Hearing.
88	Paragraph 1(2)	<p>This is now paragraph 1(1).</p> <p>Tailpiece amendments retained.</p> <p>“materially new or materially different environmental effects from those assessed in the environmental statement” in penultimate line replaced with “new significant adverse</p>	<p>The ExA’s comment in in Item 2 of the Agenda for the DCO Hearing stated that “justification needed for tailpiece amendments”. Paragraph 1(2), (now paragraph 1(1)), does not contain any tailpiece wording; it contains a limitation on the terms of approval where a requirement ends with “unless otherwise approved” or “unless otherwise agreed”.</p> <p>The words “materially new or</p>

	<b>Provision in the draft DCO (as at submission, document number AD03.01)</b>	<b>Amendment and, where relevant, numbering of new provision in revised draft DCO</b>	<b>Reason for amendment</b>
		environmental effects when compared to those assessed in the environmental statement” .	materially different environmental effects from those assessed in the environmental statement” have been replaced because a materially new or different effect can be both positive and negative. The intention is to just cover new significant negative effects that have not been assessed.
89	Paragraph 1(4)	Definitions of “electricity and heat generating station” and “enabling works” moved to Article 2.	As requested by the ExA in Item 2 of the Agenda for the DCO Hearing.
90	Requirement 3 (Detailed design approval)	This is now Requirement 4 and has been amended to incorporate the provisions of Requirement 10(1)(e) and Requirement 10(1)(f).  No amendment made to tailpiece.	As requested by the ExA in Item 2 of the Agenda for the DCO Hearing.  This was queried by the ExA in Item 2 of the Agenda for the DCO Hearing. The tailpiece wording relates to detailed design and falls only within the parameters of the details to be approved by the relevant planning authority in any event. The tailpiece wording does not offend the mischief of Advice Note 15 of circumventing the statutory consenting regime as in this case, it is operating within it.
91	Requirement 4 (Parameters)	This is now Requirement 5. Heading of column 5 amended to “Height (m AOD)”.	To address the ExA’s query in Item 2 of the Agenda for the DCO Hearing that the maximum levels of vertical

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		<p>No amendment necessary to the list of works in column 1 of the table in this requirement.</p> <p>Additional column added to the tables in this requirement to describe the works that each row of the tables in Requirement 5 relate to.</p>	<p>deviation appear to be the same as the maximum heights expressed in column 4 of the table in this requirement, plus existing ground level AOD, this is simply a labelling issue. The maximum vertical levels of deviation are the same as the maximum height, but expressed as m AOD. This was included to allow for variations in ground level to give the actual height limit. The reference to 'limit of deviation' was included to link back to Article 4, which refers to the ability to extend upwards within the limits of deviation shown on the works plans.</p> <p>The ExA also comments in Item 2 of the Agenda for the DCO Hearing that the list of works in column 1 of the table in this requirement does not appear to relate precisely to Schedule 1. The Applicant has amended the numbering of the list of works that comprise Works No. 1a (see entry in relation to paragraph 1(1) of Schedule 1), which has resolved the inconsistency.</p> <p>The additional column describing the works in each row of the tables has been added for clarity.</p>
92	Requirement 5 (Mitigation measures in the environmental	Now Requirement 6. Amended so that it applies to the whole of	The amendment to refer to the authorised development has been made as the environmental commitments

	<b>Provision in the draft DCO (as at submission, document number AD03.01)</b>	<b>Amendment and, where relevant, numbering of new provision in revised draft DCO</b>	<b>Reason for amendment</b>
	statement)	the authorised development (not just to stages, which excludes enabling works).	and mitigation schedule contains measures that apply to enabling works as well.  A representation was made by London Borough of Enfield during the DCO hearing to link this requirement to Requirement 10 (Landscaping) and Requirement 15 (Ecology). The Applicant does not consider such a link to be necessary as the intention of this requirement is for it to be as wide as possible. If an express reference is made to Requirement 15 (Ecology), it will water down Requirement 6. The environmental commitments and mitigation schedule contains measures relating to operation of the authorised development and a requirement to submit details relating to monitoring and managing landscaping and bird and bat boxes.
93	Requirement 6 (Types of waste to be managed)	Now Requirement 7.  Amended to remove references to “and / or” and to clarify that this requirement relates to waste to be managed (as opposed to be treated).  Amended to specify maximum tonnage of waste.	To address the ExA’s query in Item 2 of the Agenda for the DCO Hearing.  The maximum tonnage specified is based on what has been assessed.
94	Requirement 7	This is now Requirement	The definition of

	<b>Provision in the draft DCO (as at submission, document number AD03.01)</b>	<b>Amendment and, where relevant, numbering of new provision in revised draft DCO</b>	<b>Reason for amendment</b>
	(Notices)	8.  Requirement 8(2) amended to refer to the issue of a completion of construction certificate (rather than to commissioning).	“commissioning” has been deleted. A certificate of practical completion is a more appropriate trigger point.
95	Requirement 8 of (Stages authorised development)	This is now Requirement 3.	As requested by the ExA in Item 2 of the Agenda for the DCO Hearing.
96	Requirement 9 (BREEAM Rating)	This requirement has not been amended.	Representations were made at the DCO Hearing by London Borough of Enfield that this requirement should be amended to refer to obtaining BREEAM certification.  Whilst the Applicant intends to meet the standards already referred in Requirement 9, the timing of obtaining certification will be outside of the Applicant’s control and could delay the construction programme when there is no regulatory requirement for certification. For these reasons, no amendment has been made to Requirement 9.
97	Requirement 10(1) and 10(2) of (Provision of landscaping)	Amended so that: (i) the tailpiece “unless otherwise approved by the relevant planning authority” has been deleted; (ii) the landscaping scheme is in accordance with the environmental commitments and	Amended to address a comment by the ExA in Item 2 of the Agenda for the DCO Hearing, and to respond to a representation by London Borough of Enfield at the DCO Hearing that this amendment be made.  The Applicant does not

	<b>Provision in the draft DCO (as at submission, document number AD03.01)</b>	<b>Amendment and, where relevant, numbering of new provision in revised draft DCO</b>	<b>Reason for amendment</b>
		mitigation schedule; and (iii) when the approved landscaping scheme is carried out, it is done so in a manner that is in accordance with the environmental commitments and mitigation schedule.	consider it necessary to insert a cross-reference to the requirement relating to ecology (as requested by the London Borough of Enfield during the DCO Hearing), for the same reasons that it does not think the same cross reference is required in relation to Requirement 6.
98	Requirements 10(1)(e) and 10(1)(f) (Provision of landscaping)	Moved to Requirement 4.	Requested by the ExA in Item 2 of the Agenda for the DCO Hearing on the basis that these are design details rather than matters relating to landscaping. Requirement 10(1)(e) related to vehicular and pedestrian access, parking and circulation areas and hard surfacing materials. Requirement 10(1)(f) related to wayfinding signage outside the operational site, external operational lighting and cctv on the boundary of the operational site.
99	Requirement 12 (Access and roads)	Amended to delete references to consultation of TfL and to an access management scheme.	The reference to consultation with TfL has been removed to reflect the ExA's comments on this subject during the DCO Hearing. In any event, the new Article 37(6) requires the relevant planning authority to consult all relevant and appropriate statutory consultees when it is asked to grant an approval or consent.  The reference to an access management scheme has been deleted to address the ExA's

	<b>Provision in the draft DCO (as at submission, document number AD03.01)</b>	<b>Amendment and, where relevant, numbering of new provision in revised draft DCO</b>	<b>Reason for amendment</b>
			query in Item 2 of the Agenda for the DCO Hearing. There will be no such bespoke plan but instead Article 12(1) has been amended so that the written details to be approved must cover the management of access.
100	Requirement 15 (Ecology)	<p>Amended to clarify that the approach to monitoring and managing landscaping and bat and bird boxes will be consistent with the environmental commitments and mitigation schedule.</p> <p>Reference to “ecological commitments” deleted from Requirement 15(2).</p> <p>Reference to “and/or” replaced with “and”.</p>	<p>The amendment referring to the environmental commitments and mitigation schedule is made to address a representation by London Borough of Enfield at the DCO Hearing that such an amendment is necessary.</p> <p>“Ecological commitments” has been deleted as there will be no ecological management plan as such; the environmental assessment and environmental statement concluded that one was not necessary but that there needed to be monitoring and managing of bird and bat boxes.</p>
101	Requirement 16 of (Code of Construction Practice)	<p>Amended to clarify that enabling works are included and that this requirement applies to all works.</p> <p>A mechanism for reviewing the CoCP and submission of revised version to the relevant planning authority for approval has also been added.</p>	<p>To address the comments made by the ExA in Item 2 of the Agenda for the DCO Hearing and during the DCO Hearing.</p> <p>It was accepted during the DCO Hearing that regular updates to a CoCP are not uncommon and that a mechanism to deal with such updates and approvals of the updates was needed (given</p>

	<b>Provision in the draft DCO (as at submission, document number AD03.01)</b>	<b>Amendment and, where relevant, numbering of new provision in revised draft DCO</b>	<b>Reason for amendment</b>
			that the CoCP will be a certified document). A mechanism for reviewing the CoCP has been inserted which reflects paragraph 1.3.1 of the CoCP. Paragraph 1.3.1 of the CoCP requires it to be reviewed and updated to reflect any changes in guidance. Wording has also been inserted into Requirement 16 to require the undertaker to submit any updated version of the CoCP to the relevant planning authority for approval, before commencing each stage of the authorised development and the enabling works (in this way, all works are caught). The authorised development (which includes all of the works) must be carried out in accordance with the CoCP.
102	Requirement 18 (Requirement for written approval)	Deleted.	To address the ExA's comment in Item 2 of the Agenda for the DCO Hearing that this requirement is not needed as its provisions are repeated in Article 37(4).
103	Requirement 19 (Combined heat and power)	This is now Requirement 18.  Wording amended to:  (i) clarify that the subject of this requirement is Works No. 1a. Therefore, the words "The authorised development must be provided and maintained within Works No 1a to enable...." have been replaced with the words "Works No. 1a	The use of the reference to an economically viable commercial agreement was questioned during the DCO Hearing. The Applicant accepts that this is not a matter for control under the DCO and that the reference can be deleted.  The ExA commented in Item 2 of the Agenda for the DCO Hearing that this requirement needs to specify the actual pipe runs by reference to the

	Provision in the draft DCO (as at submission, document number AD03.01)	Amendment and, where relevant, numbering of new provision in revised draft DCO	Reason for amendment
		<p>must be carried out to enable...”; and</p> <p>(ii) to remove the reference to an economically viable commercial agreement.</p>	<p>submitted plans, and also the relationship with the section 106 agreement. The Applicant considers that no such amendments are necessary because:</p> <p>(i) it will be difficult for practical reasons. There are a lot of utilities within the Edmonton EcoPark and space is very tight in the utilities corridors;</p> <p>(ii) the actual pipe runs will be a matter for detailed design and the Applicant does not wish to place limitations on detail and tie the hands of the designers;</p> <p>(iii) the precise location of the district heat and energy centre is not known to an inch, even if the location is specified; and</p> <p>(iv) should the scheme with the Lee Valley Heat Network not go ahead but another scheme does, the reservation of space for pipes would be better for all rather than specifying a precise location for the pipes.</p> <p>The requirement as drafted ensures that the authorised development is CHP ready.</p> <p>The Overarching National Policy Statement for Energy EN-1 (EN-1) states that “the IPC (as it was then) may wish to impose requirements to ensure that the generating station is CHP-ready...”.</p> <p>As stated in the Combined Heat and Power (CHP) Development Strategy</p>

	Provision in the draft DCO (as at submission, document number AD03.01)	Amendment and, where relevant, numbering of new provision in revised draft DCO	Reason for amendment
			<p>(Application Document Number AD05.06)(CHP Strategy) the Project includes a CHP enabled ERF that could supply up to 160MWth of heat. The CHP Strategy also sets out the work the Applicant has undertaken in investigating and consulting with possible heat customers including the Lee Valley Heat Network. As stated above EN-1 does not require the Project to be CHP connected and in fact only goes so far as to state that imposing a requirement that the Project is CHP ready is something that the ExA may wish to impose.</p> <p>The Applicant has demonstrated through its CHP Strategy that there is a realistic prospect that the Project's CHP potential will be taken up, that it would represent an important source of heat and that that would increase the contribution it makes to climate change and renewable energy policies.</p> <p>The relationship with the section 106 agreement has not been referred to in the requirement given that obligations under the s106 agreement will carry a different status to obligations under the DCO.</p>
104	Requirement 20 (Decommissioning of the energy from	The sub-heading for the requirement has been amended to also refer to	The word "demolition" has been inserted into the sub-heading because the definition

	Provision in the draft DCO (as at submission, document number AD03.01)	Amendment and, where relevant, numbering of new provision in revised draft DCO	Reason for amendment
	waste facility)	<p>demolition.</p> <p>Reference in Requirement 20(2)(a) to “the expected length of time during which the energy from waste facility and the electricity and heat generating station will be operating at the same time” has been deleted.</p> <p>Words at requirement 20(b)(b) “removal of the existing bunker” deleted”. Consequently, a reference to “removal” has been added the description of what details the written scheme must cover, so that requirement 20(2) now reads “... the methods and timing for the decommissioning, demolition <b>and removal</b> of the energy from waste facility”.</p>	<p>of “decommissioning” does not include demolition.</p> <p>Reference in Requirement 20(2)(a) to “the expected length of time during which the energy from waste facility and the electricity and heat generating station will be operating at the same time” has been deleted because Requirement 19 already states that this cannot be longer than 12 months.</p> <p>The words “removal of the existing bunker” have been deleted because it is not an additional action to the removal of the existing energy from waste facility; it will be carried out as part of the removal of the existing energy from waste facility.</p>
105	Requirement 21 (Decommissioning of proposed electricity and heat generating station)	<p>Words “subject to obtaining the necessary consents and approvals” moved from Requirement 21(1) to 21(2).</p> <p>Reference to “demolition” added.</p>	<p>To address the ExA’s comment in Item 2 of the Agenda for the DCO Hearing that this wording is not appropriate for Requirement 21(1) as that relates to the submission of a plan for the decommissioning and demolition of the proposed electricity and heat generating station. Requirement 21(2) is a more appropriate place for this wording as it relates to the</p>

	Provision in the draft DCO (as at submission, document number AD03.01)	Amendment and, where relevant, numbering of new provision in revised draft DCO	Reason for amendment
			<p>implementation of the decommissioning and demolition plan.</p> <p>The reference to “demolition” has been inserted because the definition of “decommissioning” does not include demolition.</p>
106	Requirement 22 (Transitional period)	<p>This is now Requirement 19.</p> <p>Its location has been moved so that it now appears before the requirement relating to the decommissioning of the energy from waste facility.</p> <p>The wording of Requirement 22(1) (now Requirement 19(1)) has been amended:</p> <p>(i) to clarify that the energy from waste facility and the electricity and heat generating station are not to be operated side by side for more than 12 months, and that following such 12 month period, the energy from waste facility is to be decommissioned and demolished in accordance with a scheme approved under (what is now) Requirement 20 (Decommissioning and demolition of the energy from waste facility);</p>	<p>Its location has been moved because the transitional period will occur before the decommissioning of the energy from waste facility.</p> <p>Previously, the wording of this requirement stated that the period between decommissioning the energy from waste facility (EfW) and the full operation of the electricity and heat generating station (ERF) must be no longer than 12 months. That wording did not reflect what would actually happen, which is that there would first of all be a transitional period of 12 months during which the operation of the EfW would gradually be reduced and the operation of the ERF would gradually be increased. When the ERF is fully operational, that is the point at which the EfW would no longer be operational. From this point in time, the decommissioning and demolition of the EfW would commence. The wording of</p>

	Provision in the draft DCO (as at submission, document number AD03.01)	Amendment and, where relevant, numbering of new provision in revised draft DCO	Reason for amendment
		<p>(ii) the words “no more than” in Requirement 22(2) (now Requirement 19(2)) have been deleted, as the opening words of this requirement already refer to “the maximum amount of waste”; and</p> <p>(iii) for (what is now) requirement 19(1) to act as a definition of the term “transitional period”.</p> <p>Reference in Requirement 22(2) (now Requirement 19(2)) to “managed and / or treated” has been replaced with “managed”.</p>	<p>Requirement 22(1) (now Requirement 19(1)) has been amended to reflect this sequence of events.</p> <p>Reference in Requirement 22(2) (now Requirement 19(2)) to “managed and / or treated” has been replaced with “managed” in order to address the ExA’s earlier comment about the use of “and / or” in drafting. The amendment is to clarify which of the two terms is intended (and it was “managed”, not “treated”).</p> <p>Requirement 19(1) effectively defines what the “transitional period” will be.</p>
<b>Schedule 3 (Procedure for approvals and appeals)</b>			
107	Paragraphs 1(1), (2) and (3)	<p>The draft application stage contained in paragraph 1(1) (which involves a 28 day period within which the discharging authority and relevant consultees appraise the draft) has been deleted.</p> <p>The decision making period for the application has been extended from 28 to 56 days.</p> <p>Paragraph 1(3) has been</p>	<p>To address representations made by TfL, London Borough of Enfield and the Environment Agency during the DCO Hearing that the 28 day decision making period in Schedule 3 was too short in light of the time that would remain after further information was requested (i.e. the latest day that further information can be requested is on day 14 of the 28 day decision making period). The amendments have been made to address this.</p>

	<b>Provision in the draft DCO (as at submission, document number AD03.01)</b>	<b>Amendment and, where relevant, numbering of new provision in revised draft DCO</b>	<b>Reason for amendment</b>
		<p>added so that the discharging authority must notify the undertaker if the discharging authority intends to refuse the application.</p>	<p>The timeframes for requesting further information under Schedule 3 remain unchanged.</p> <p>In this way consultees and the discharging authority will be left with a longer period of time to make their decisions from the time they request further information.</p> <p>Wording has been added so that the discharging authority must notify the undertaker if the discharging authority intends to refuse the application. This has been inserted: (i) to capture situations where it is clear to the discharging authority relatively early on in the 56 day decision making period that it will be minded to refuse the application; and (ii) to avoid situations where the undertaker only learns of a refusal on day 56 where it has been fairly clear to the discharging authority earlier on in the process that it will refuse the application.</p>
108	Paragraph 2(1)	<p>Amended so that it applies to approvals, agreements and consents in general, and not just approvals required under the requirements.</p>	<p>To address representations made during the DCO Hearing that clarification was needed on which provisions of the DCO Schedule 3 applied to.</p>
109	Paragraph 2(2)	<p>Deletion of the words “and the requirement does not specify that</p>	<p>The new Article 37(6) states that, in addition to any named consultee in the relevant</p>

	Provision in the draft DCO (as at submission, document number AD03.01)	Amendment and, where relevant, numbering of new provision in revised draft DCO	Reason for amendment
		<p>consultation with a relevant and appropriate statutory consultee is required”.</p> <p>The words “by the discharging authority” have been added to the words “(2) In the event that further information is sought”</p>	<p>provision of the Order, the discharging authority must also consult all other relevant and appropriate statutory consultees in accordance with Schedule 3. As a result, there (in theory) may always be some form consultation by the discharging authority in relation to the grant of an approval or consent. It is therefore not necessary for paragraph 2 of Schedule 3 to distinguish between where a provision names a consultee and where it does not.</p> <p>The words “by the discharging authority” have been added to distinguish requests for further information by the discharging authority under paragraph (2) and requests for further information by consultees under paragraph (3).</p>
110	Paragraph 2(3)	<p>Amended so that it applies to articles and requirements of the Order, and not just requirements.</p> <p>Amended to refer to “approval consultees” or any other relevant or appropriate statutory consultees.</p> <p>A definition of an “approval consultee” has been added to Article 2,</p>	<p>To address representations made during the DCO Hearing that clarification was needed on which provisions of the DCO Schedule 3 applied to.</p> <p>The reference to approval consultees or any other relevant or appropriate statutory consultees is because there are some articles and requirements that specify who should be consulted (hence the addition of the definition of an “approval consultee”) and other articles and requirements</p>

	<b>Provision in the draft DCO (as at submission, document number AD03.01)</b>	<b>Amendment and, where relevant, numbering of new provision in revised draft DCO</b>	<b>Reason for amendment</b>
		and it means a consultee specifically named in a provision of the Order.	<p>which do not (in which case the obligation in Article 37(6) to consult the 'relevant or appropriate statutory consultee' wording would apply).</p> <p>The effect of these amendments mean that both named consultees and relevant and appropriate consultees are covered by the terms of paragraph 2(3) of Schedule 3.</p>
<b>Schedule 5 (Streets subject to alteration of layout)</b>			
111	Schedule 5 (Streets subject to alteration of layout)	<p>The relevant works numbers have been inserted.</p> <p>Reference to the modification of plot 34 has been deleted.</p>	<p>Please see the entry above in relation to Article 11 for an explanation.</p> <p>Reference to the modification of plot 34 has been deleted because on further reflection, this will not need to be carried out.</p>
<b>Schedule 6 (Public rights of way to be temporarily suspended)</b>			
112	Schedule 6 (Public rights of way to be temporarily suspended)	<p>"Temporarily" inserted before "suspended" in the heading.</p> <p>References to the relevant diagrams in the DCO schedule 6-8 explanatory diagrams have been added throughout.</p> <p>An amendment has also been made to the measurement of the extent of the substitute temporary footpath to be</p>	To address the ExA's request in Item 2 of the Agenda for the DCO Hearing.

	<b>Provision in the draft DCO (as at submission, document number AD03.01)</b>	<b>Amendment and, where relevant, numbering of new provision in revised draft DCO</b>	<b>Reason for amendment</b>
		provided in relation to the second entry in this schedule (in order to correct a typo).	
<b>Schedule 7 (Public rights of way to be extinguished)</b>			
113	Schedule 7 (Public rights of way to be extinguished)	References to the relevant diagrams in the DCO schedule 6-8 explanatory diagrams have been added.	To address the ExA's request in Item 2 of the Agenda for the DCO Hearing.
<b>Schedule 8 (streets to be temporarily stopped up)</b>			
114	Schedule 8 (streets to be temporarily stopped up)	References to the relevant diagrams in the DCO schedule 6-8 explanatory diagrams have been added.  Minor amendments have also been made to the measurement of the extent of stopping up (in order to correct typos) in the 6 <sup>th</sup> , 9 <sup>th</sup> , and 10 <sup>th</sup> rows of this schedule.	To address the ExA's request in Item 2 of the Agenda for the DCO Hearing.
<b>Schedule 9 (Access to works)</b>			
115	Schedule 9 (Access to works)	"EcoPark" inserted after "Edmonton".  The relevant works numbers have been inserted.	To address the ExA's comments in Item 2 of the Agenda for the DCO Hearing.
<b>Schedule 10 (Land to be compulsorily acquired)</b>			
116	Schedule 10 (Land to be compulsorily	Reference to plot 34 added.	Plot 34 is shown in the land plans as being land to be

	<b>Provision in the draft DCO (as at submission, document number AD03.01)</b>	<b>Amendment and, where relevant, numbering of new provision in revised draft DCO</b>	<b>Reason for amendment</b>
	acquired)		compulsorily acquired.
<b>Schedule 11 (Land in which rights may be temporarily suspended)</b>			
117	Schedule 11 (Land in which rights may be temporarily suspended)	“Temporarily” inserted before “suspended” in the heading.  Plot 34 removed.	To mirror the amendment made to Schedule 6.  Plot 34 is covered by Schedule 10.
<b>Schedule 12 (Land in which rights may be extinguished)</b>			
118	Schedule 12 (Land in which rights may be extinguished)	Amended to include plot numbers covered by the old Article 24 (Power to extinguish rights of way). Plot numbers 11, 12, 13, 14 and 19.	Please see the explanation given in relation to Article 24 (that article has now been deleted).

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