

Table of Amendments to the draft Development Consent Order

Deadlines 2 and 3

DEADLINE 2 SUBMISSION

Article/Requirement/Schedule number	Change	Reason
Contents Page	Numbering sequence updated	In response to the ExA's question 4.1 amendments were made as the Article number sequence was incorrect from 10 onwards.
Pages 1 - 33	Page numbers inserted.	Page numbers have been inserted to support the contents page. (Note these do not appear on the DCO comparison document).
Page 2 (footnotes)	Legislation references have been updated to remove reference to Statutory Instrument titles.	Amendments were made to align with parliamentary guidance on Statutory Instrument drafting. Only Statutory Instrument reference numbers should be referred to.
Article 2 (1)	The DCO has been amended to refer to "framework construction traffic management plan".	In response to ExA's question 4.2(f) the definition was updated to replicate the title of the document submitted (Document 7.2 Rev 0).
Article 2 (1)	Definition of Highways England inserted.	In response to the ExA's question 4.5(i) the definition was added due to Highways England being referred to in R17.

Table of Amendments to the draft Development Consent Order Deadlines 2 and 3

Article 2 (1)	Definition of Historic England inserted.	In response to the ExA's question 4.2(e) the definition of was added due to Historic England being referred to in R13.
Art 2 (1)	Definition of "OCGT" as "open cycle gas turbine" inserted'.	In response to the ExA's question 4.4(a) which suggested that the definition of OCGT be moved to Art 2(1) from Schedule 1.
Art 2 (1) (footnote (a))	Definition of "the plans" deleted.	The ExA's question 4.3(c) highlighted that reference to "the plans" is only used in Schedule 1, and that the definition ("the plans" means together the land plans, Order limit plans and work plans) is therefore not required.
Art 2 (1)	Definition of "relevant archaeological body" deleted.	This definition is not considered necessary based on the current wording of R13.
Page 4	Reference to S.I. 2010/675 has been updated.	Amendments were made as there have been statutory updates since the first submission of the DCO.
Art 2 (1)	Definition of "undertaker" shortened to read 'means, subject to article 7(3), EDF Energy (Thermal Generation) Limited (company number 4267569)'	The definition was amended in response to the ExA's question 9(d).

Table of Amendments to the draft Development Consent Order Deadlines 2 and 3

Art 2 (3)	Reference to “work” has been changed to “scheduled work”.	In response to the ExA’s question 9(g), the wording has been aligned with the definition of “scheduled works”.
Art 5 (1)	The DCO has been amended to refer to the “generating station comprised in the authorised development”.	In response to the ExA’s question 4.3(h), and to ensure consistency with other recently granted gas-fired generating station DCOs, the wording has been amended so that it only refers to the “operation” of the generating station comprised in the authorised development.
Art 6	The word “work” has been deleted.	In response to the ExA’s question 4.3(i), which identified that the previous wording was not clear.
Page 6 (footnote (d))	The statutory reference has been updated to confirm that there are other amendments to the relevant Act, but which are not relevant to the DCO.	The amendment was made to ensure clarity and consistency in statutory references.
Art 9 (4)	The word “of” has been inserted.	The amendment was made to correct typographical error.
Page 8 (footnote (a))	Reference to the Section 106 of the New Roads and Street Works Act (1991) has been updated.	The amendment was made to ensure clarity and consistency in statutory references.

Table of Amendments to the draft Development Consent Order Deadlines 2 and 3

Art 14	The wording within brackets has been amended to “(cases in which land is to be treated as not being operational land)”.	In response to the ExA’s question 4.3(k) the wording has been updated to align with the wording of the statutory provision.
Art 16	Reference to Schedule 5 has been corrected to refer to the correct Schedule 4.	In response to the ExA’s question 4.3(n), the reference has been corrected.
Art 17(1)(d)	The word “transport” has been corrected to “traffic”.	In response to the ExA’s question 4.4(f) the definition was updated to replicate the title of the document submitted.
Schedule 1	Under Work No. 1, “open cycle gas turbine” has been abbreviated to “OCGT”.	In response to the ExA’s question 4.4(a) which suggested that the definition of OCGT should be moved to Art 2(1) from Schedule 1.
Schedule 1	Under Work No. 10, the defined term ‘plans’ has been replaced with ‘land plans order limit plans, and works plans’	The ExA’s question 4.3(c) highlighted that reference to “the plans” is only used in Schedule 1, and that the definition (“the plans” means together the land plans, Order limit plans and work plans) is therefore not required. The full wording has been inserted in Schedule 1.
Schedule 2, R3	Numerical wording added to word form of number.	References to both the numerical and word form of a number have been inserted throughout the document to ensure consistency.

Table of Amendments to the draft Development Consent Order Deadlines 2 and 3

Schedule 2, R5(1)	Work No 5 has been added to the list of works that require detailed design approval by the relevant planning authority	Amendment to ensure surface water management details in Work No 5 are approved as part of the detailed design.
Schedule 2, R5(2)	Work No 5 has been added to the list of works.	Amendment to reflect change to requirement 5(1) and the addition of reference to Work no 5
Schedule 2, R5(4)	“Open cycle gas turbine” has been amended to refer to the definition.	In response to the ExA’s question 4.4(a) which suggested that the definition of OCGT should be moved to Art 2(1) from Schedule 1.
Schedule 2, R6(3)	The submitted document reference number has been inserted including clarification that the plan being referred to is the plan submitted with this application.	In response to the ExA’s question 4.5(b) Amendment made to ensure clarity as to what plan is being referred to.
Schedule 2, R6(3)	Numerical wording added to word form of number.	References to both the numerical and word form of a number have been inserted throughout the document to ensure consistency.
Schedule 2, R9	The requirement has been changed to: Surface water drainage 9.—(1) In relation to Work No. 1, Work No. 2, Work No. 4 and Work No 5, no development must	Amendments have been made to accommodate the new foul water requirement (see the entry below). References to foul water drainage have been removed from R9.

Table of Amendments to the draft Development Consent Order Deadlines 2 and 3

	<p>commence until, where relevant for that Work, details of temporary surface water drainage system, including means of pollution control, have been submitted to and, after consultation with the Environment Agency, Lead Local Flood Authority, and relevant internal drainage board, approved in writing by the relevant planning authority.</p> <p>(2) Details of the permanent surface water drainage system, including a programme for its implementation and maintenance, must be submitted to and, after consultation with the Lead Local Flood Authority, Environment Agency and relevant internal drainage board, approved by the relevant planning authority prior to the start of construction of any part of that system.</p> <p>(3) The details submitted and approved pursuant to paragraphs (1) and (2) of this requirement must be in accordance with the outline drainage strategy.</p> <p>(4) The schemes must be implemented as approved and maintained throughout the construction and</p>	<p>In response to the ExA's question 4.5(c), the requirement has also been updated to ensure that a programme for maintenance is included in the scheme to be submitted to the relevant planning authority.</p>
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Table of Amendments to the draft Development Consent Order Deadlines 2 and 3

	operation of the authorised development unless otherwise agreed with the relevant planning authority.	
New requirement: Schedule 2, R10	<p>New requirement:</p> <p>Foul water drainage</p> <p>10. – (1) In relation to Work No. 4, no development must commence until, where details for that work, details of a written scheme for the connection, conveyance, treatment and disposal of foul water drainage on and off the West Burton Power Station Site has been submitted to and, after consultation with the Environment Agency and Severn Trent Water, approved by the relevant planning authority.</p> <p>(2) If the written scheme submitted and approved pursuant to paragraph (1) of this requirement identifies that it is not practicable or reasonable to connect to a mains foul water system, an alternative strategy for the provision and implementation of wastewater treatment must be submitted to and, after consultation with the Environment Agency and</p>	<p>In response to the Environment Agency's Additional Submission (AS-003) on Foul Discharge a new requirement has been added for foul discharge.</p> <p>The requirement allows for further investigations to be undertaken into the possibility of discharging to the public sewerage system. It has been agreed with the EA that this new requirement in the DCO provides an appropriate mechanism to secure the necessary mitigation measures in relation to foul sewerage.</p>

Table of Amendments to the draft Development Consent Order Deadlines 2 and 3

	<p>Severn Trent Water, approved by the relevant planning authority.</p> <p>(3) Any alternative strategy submitted and approved pursuant to paragraph (2) of this requirement must include a management and maintenance plan to ensure that it will not cause pollution to the water environment.</p> <p>(4) The schemes approved pursuant to paragraph (1) and, where relevant, paragraph (2) of this requirement must be implemented and maintained throughout the operation of the authorised development unless otherwise agreed with the relevant planning authority.</p>	
Schedule 2, R11(1), 12(1), 13(1), 14(1), 15(1), 16(1), 17(1), 18(1), 19(1), 20(1), 21(1), 22(1), 23(1), 24(1), 25(1), 26(1) and 27(1)	Requirement number updated.	Requirement numbers amended due to addition of new requirement 10 (referred to above).
Schedule 2, R11(1)	Reference to 'harm' has been replaced with 'effects'.	In response to the ExA's question 4.5(d), as significant harm has not been defined.

Table of Amendments to the draft Development Consent Order Deadlines 2 and 3

Schedule 2, R11(2)	Cross reference to requirement 15 updated to requirement 16.	Reference updated due to addition of new requirement 10 (referred to above).
Schedule 2, R12(1)	Cross reference to requirement 11 updated to requirement 12.	Reference updated due to addition of new requirement 10 (referred to above).
Schedule 2, R13 (3)	“and/or design mitigation” deleted.	Partially in response to the ExA’s question 4.5(f), the requirement for “design mitigation” has been removed altogether. The Applicant’s position is that this should properly be considered as part of the detailed design.
Schedule 2, R17	Reference to “routing” deleted from heading.	In response to the ExA’s question 4.5(h) the heading was updated as the title of the document submitted (Document 7.6 Rev 0) does not refer to “routing”.
Schedule 2, R17(1)	The DCO has been amended to refer to the “construction traffic management plan”.	In response to the ExA’s question 4.5(h), the reference was updated as the title of the document submitted (Document 7.6 Rev 0) is different to that referred to.
Schedule 2, R17 (2)	Reference to “transport” replaced with “traffic”.	In response to the ExA’s question 4.5(h), the reference was updated as the title of the document submitted (Document 7.6 Rev 0) does not refer to “traffic”.

Table of Amendments to the draft Development Consent Order Deadlines 2 and 3

Schedule 2, R18 (1)	Reference to “written travel plan for construction staff” replaced with “construction worker’s travel plan”.	In response to the ExA’s question 4.5(j) the reference was updated to the title of the document submitted (Document 7.7 Rev 0) for consistency.
Schedule 2, R18 (4)	Numerical wording added to word form of number.	References to both the numerical and word form of a number have been inserted throughout the document to ensure consistency.
Schedule 2, R19 (4)	The DCO has been amended so that Sundays are now specified to be excluded from normal construction hours.	In response to the ExA’s question 4.5(k) clarification was added.
Schedule 2, R23 (2)	Numerical wording added to word form of number.	References to both the numerical and word form of a number have been inserted throughout the document to ensure consistency.
Schedule 2, R26	The requirement now reads “The undertaker must submit to the relevant planning authority for its approval a decommissioning environmental management plan within 12 (twelve) months of the date that the authorised development is to be decommissioned”.	In response to the ExA’s question 4.5(m) the requirement has been re-worded to ensure clarity and remove the word “decides”.

Table of Amendments to the draft Development Consent Order Deadlines 2 and 3

<p>New requirement - Schedule 2, R28</p>	<p>A new requirement has been added:</p> <p>Consultation on requirements</p> <p>28.— (1) Where any requirement specifies that consultation must be undertaken with a named consultee in relation to a plan, document or details being submitted to the relevant planning authority for approval—</p> <p>(a) such consultation must be carried out in advance of the plan, document or details being provided to the relevant planning authority for approval; and</p> <p>(b) unless otherwise agreed in advance with the undertaker, if a named consultee has not provided its comments in relation to the plan, document or details within (21) twenty-one of receipt of a request to do so, the consultee is deemed to have no comments in relation to the plan, document or details.</p>	<p>The new requirement has been added to ensure that there is no unnecessary delay caused by consultation when the undertaker is seeking input on approvals etc. pursuant to the requirement. The new requirement means that, unless a longer period has been agreed in advance with the undertaker, should a named consultee not respond to consultation within 21 days, the consultee is deemed to make no comments.</p>
<p>Page 25 (footnote (a))</p>	<p>Reference to S.O. 2012/2920 has been updated.</p>	<p>There has been legislative updates since the first submission of the DCO.</p>
<p>Schedule 3, paragraph 4</p>	<p>The unnumbered paragraphs are now numbered ((3) and (4)) and the remaining numbers adjusted to follow</p>	<p>Formatting issues rectified to ensure correct referencing.</p>

Table of Amendments to the draft Development Consent Order Deadlines 2 and 3

	suit. Reference to sub-paragraph in sub-paragraph (3) amended from 0 to (4).	
Schedule 3	“Planning Practice Guidance” has been defined.	Amendment made in response to the ExA’s question 4.6
Page 27 (footnote (a))	Reference to the Gas Act has been updated.	The amendment was made to ensure clarity and consistency in statutory references.
Schedule 4, Part 1, paragraph 1(e)	Reference to “Section 6” has been replaced by reference to “Part 1”	References have been amended to ensure consistency with the rest of the Schedule.
Schedule 4, Part 1, paragraph 3	The word “Street” within brackets has been capitalised.	Word capitalised to reflect the title to the statutory provision.
Schedule 4, Part 1, paragraph 5(4)	Reference to article 22 updated to article 19.	Updated as the arbitration article is article 19.
Schedule 4, Part 1, paragraph 5(5)	Reference to article 22 updated to article 19.	Updated as the arbitration article is article 19.
Schedule 4, Part 1, paragraph 6(1)	Reference to article 22 updated to article 19.	Updated as the arbitration article is article 19.
Schedule 4, Part 1, paragraph 8(3)(b)	Reference to article 22 updated to article 19.	Updated as the arbitration article is article 19.

Table of Amendments to the draft Development Consent Order Deadlines 2 and 3

Schedule 4, Part 1, paragraph 8(5)	Numerical wording added to word form of number.	References to both the numerical and word form of a number have been inserted throughout the document to ensure consistency.
Schedule 4, Part 2, paragraph 14(3)	Reference to article 36 updated to article 19.	Updated as the arbitration article is article 19.
Schedule 4, Part 2, paragraph 15(a)	The word 'Street' within brackets has been capitalised.	Word capitalised to reflect the title to the statutory provision.
Explanatory Note	The DCO has been amended to include Bassetlaw District Council's address as the public viewing location for confirmed Order and certified documents.	In response to the ExA's question 4.7 the document inspection location has been inserted.

DEADLINE 3 SUBMISSION

Article/Requirement/Schedule number	Change	Reason
Contents Page	Numbering sequence updated	In response to the ExA's request for further information under Rule 17 regarding references to acquiring or purchasing land or interests in land, removal of apparatus or extinguishment of rights under powers in the DCO, these references have been removed. This has resulted in the deletion of Schedule 4, Part 1 and consequential changes to the contents page.

Table of Amendments to the draft Development Consent Order Deadlines 2 and 3

Article 2 (1)	Definition of “sewerage undertaker” inserted.	Definition inserted due to reference within the DCO to sewerage undertakers. The definition was inserted to correct a historic error in the drafting. The definition is based on the definition of “sewerage undertaker” that was used in the (now deleted) Part 1 of Schedule 4.
Schedule 4, Part 1	Deleted.	<p>In response to the ExA’s request for further information under Rule 17, references to acquiring or purchasing land or interests in land, removal of apparatus or extinguishment of rights under powers in the DCO, Part 1 of Schedule 4 has been removed. The DCO does not grant such powers and protective provisions for affected undertakers are therefore not required.</p> <p>This has resulted in the deletion of the whole of Schedule 4, Part 1 and reciprocal changes to the numbering of what was Part 2 of Schedule 4.</p>