REPORT

Boston Alternative Energy Facility

Final Schedule of Changes to the Draft Development **Consent Order**

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Planning Inspectorate EN010095

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Boston Alternative Energy Facility

Schedule of Changes to the draft Development Consent Order

The documents summarises the proposed amendments to the draft Development Consent Order (DCO) which was submitted at Deadline 9 (24 March 2022). These amendments are to the version of the dDCO submitted at Deadline 8 (document reference 2.1(4), REP8-004). For ease of reference, text shown in red identifies insertion of new text, while text shown with a strike through are proposed for deletion. Text shown in green indicates where a provision has been moved elsewhere in the document.

No.	Provision	Suggested amendment	Explanation for change
1.	Part 1 – Preliminary – Paragraph 2 – Definition of 'navigation management plan template'	"navigation management plan template" means	Туро
2.		New definition: "Roman Bank plan" means the plan titled "Roman Bank within the Order limits" certified by the Secretary of State as the Roman Bank plan for the purposes of this Order under article 47 (certification of documents, etc.);	As a result of the agreed amendments to the protective provisions with the Environment Agency
3.	Schedule 1 – Work No. 1A	(v) a dedicated steam turbine connected to each line; (vi) an integrated protection system and uninterruptable power supplies;	Corrections

		(vii) an air cooled condenser array	·;					
4.	Schedule 1 – Work No. 3B	(b) Work No. 3B — construction of a from the power generation facility (-	Clarification
5.	Schedule 1 – Work No. 5	[] (b) a process effluent storage tank (c) a demineralised water treatment [] (l) a heavy goods vehicle holding at [] (n) an external fuel container storage	nt plant; urea;					Corrections
6.	Schedule 2 – Paragraph 5	(1) Element of authorised development Main energy recovery facility buildings (3 No. units, dimensions per unit)	(2) Work No.	(3) Maximum length (metres)	(4) Maximum width (metres)	(5) Maximum height (metres) from ground level unless stated 44	(6) Minimum height (metres) from ground level unless stated	Corrections

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		Energy recovery stacks (3 No.)	1A(a)(iv)	_	_	80	80	
		Turbine building	1A(a)(v)	53	40	20	_	
		Air cooled condenser array	1A(a)(vii)	65	45	30	_	
		Ash processing building	1B	70	30	32	_	
		Carbon dioxide recovery building	1C	30	20	12	_	
		Lightweight aggregates main building	2	75	40	44	_	
		Lightweight aggregates storage silos	2(a), 2(e)	6	6	25	_	
		Lightweight aggregates stacks (2 No.)	2(d)		_	80	80	
		Electrical substation	3	95	35	-	_	
				1	,	•		
		Wharf structure	4(a)	400	_	I	7.2 (AOD)	
		Supporting buildings and facilities (control room, visitor centre, workshops)	5	40	20	15	_	
7.	Schedule 2 – Paragraph 6 – Landscape and ecological mitigation strategy	6.—(1) No part of the authorised d mitigation strategy for that part ha authority, following consultation by statutory nature conservation bod Protection of Birds.	s been subi	mitted to an aker with th	d approved ne Environm	by the relevent ent Agency,	ant planning the relevant	requirements

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8.	Schedule 2 – Paragraph 7 – Archaeology	7.—(1) No part of Work Nos. 1, 2, 3, 4, 5 and 6 may commence until for that part a written scheme of investigation, reflecting the relevant mitigation measures set out in the outline written scheme of investigation has been submitted to and approved by the relevant planning authority, following consultation by the undertaker with Historic England.	For consistency with other requirements
9.	Schedule 2 – Paragraph 8 – Highway Access	8.—(1) No part of Work No. 7 may commence until written details of the siting, design and layout of any new temporary means of access to a highway in that part, or any alteration to an existing means of access to a highway in that part has been submitted to and approved by the relevant planning authority, following consultation by the undertaker with the relevant highway authority.	For consistency with other requirements
10	Schedule 2 – Paragraph 9 – Surface and foul water drainage	9.—(1) No part of the authorised development may commence until for that part a surface and foul water drainage strategy has been submitted to and approved by the relevant planning authority, following consultation with the Environment Agency, lead local flood authority, Anglian Water Services Limited and relevant internal drainage board to the extent that it relates to en matters relevant to related to their functions.	For consistency with other requirements
11	Schedule 2 – Paragraph 11 – Code of construction practice	11.—(1) No part of the authorised development may commence until a code of construction practice for that part has been submitted to and approved by the relevant planning authority, following consultation with the Environment Agency and the relevant statutory nature conservation body to the extent that it relates to matters relevant to their functions.	Туро
12	Schedule 2 – Paragraph 13 – Construction	13.—(1) No part of the authorised development may commence until a construction traffic management plan for that part has been submitted to and approved by the relevant planning authority, following consultation by the undertaker with the relevant highway authority, Boston	For consistency with other requirements

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	traffic management plan	Borough Council and the relevant statutory nature conservation body in relation to any proposals under sub-paragraph (2)(d) only.	
		[]	
		(5) The construction traffic management plan and any updated construction traffic management plan submitted following any review under sub-paragraph (2)(h) must be implemented as approved by the relevant planning authority.	Clarification
13	Schedule 2 – Paragraph 14 – Flood risk emergency plan	14.—(1) No part of the authorised development may commence until a flood risk emergency plan has been submitted to and approved by the relevant planning authority, following consultation by the undertaker with the Environment Agency, Black Sluice Internal Drainage Board and the Lead Local Flood Authority.	For consistency with other requirements
14	Schedule 2 – Paragraph 17 – Operational vehicle movements	17.—(1) Except in the event of a wharf outage, the number of two-way heavy commercial vehicle movements must not exceed a maximum of 30 two-way vehicle movements per day except in circumstances where, following consultation by the undertaker with the relevant highway authority and Boston Borough Council, the relevant planning authority is satisfied that additional vehicle movements would not give rise to any materially new or materially different highway safety impacts or environmental effects in comparison with those reported in the environmental statement. (2) Waste must not be delivered by road to Work No. 1A except in the event of a wharf outage or in circumstances where, following consultation by the undertaker with the relevant highway authority and Boston Borough Council, the relevant planning authority is satisfied that such delivery of waste by road would not give rise to any materially new or materially different highway safety impacts or environmental effects in comparison with those reported in the environmental statement.	For consistency with other requirements

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15	Schedule 2 – Paragraph 21 – Combined heat and power	(3) Clay and sediment must not be delivered by road to Work No. 2 or lightweight aggregates exported by road from Work No. 2 except in the event of a wharf outage or in circumstances where, following consultation by the undertaker with the relevant highway authority and Boston Borough Council, the relevant planning authority is satisfied that such delivery or export by road would not give rise to any materially new or materially different highway safety impacts or environmental effects in comparison with those reported in the environmental statement. (4) Prior to the date of final commissioning, the undertaker must submit to the relevant planning authority for approval an operational traffic management plan for that part must be submitted to and approved by the relevant planning authority, following consultation by the undertaker with the relevant highway authority and Boston Borough Council. 21.—(1) On the date that is 12 months after the date of final commissioning for Work No. 1A, the undertaker must submit to the relevant planning authority for its approval, following consultation by the undertaker with Boston Borough Council, a report ("the CHP review") updating the combined heat and power assessment. [] (4) On each date during the operation of Work No. 1A that is five years after the date on which it last submitted the CHP review or a revised CHP review to the relevant planning authority, a revised CHP review must be submitted to and approved by the undertaker must submit to the relevant planning authority for its approval a revised CHP review, following consultation by the undertaker with Boston Borough Council.	For consistency with other requirements
16	Schedule 2 – Paragraph 23 –	23.—(1) With respect to the documents certified under article 47 (certification of documents, etc.), the parameters specified in the table in paragraph 4 of this Schedule and any other plans, details or schemes which require approval by the relevant planning authority pursuant to any requirement	Clarification

	Amendments to approved details	(together "Approved Documents, Plans, Parameters, Details or Schemes"), the undertaker may submit to the relevant planning authority for approval, following consultation by the undertaker with Lincolnshire County Council, any amendments to the Approved Documents, Plans, Parameters, Details or Schemes and following any such approval by the relevant planning authority the Approved Documents, Plans, Parameters, Details or Schemes are to be taken to include the amendments approved by the relevant planning authority in accordance with this paragraph.			
17	Schedule 2 – Paragraph 24 – Electricity generation cap	24.—(1) The authorised development must not generate more than 300 megawatts unless otherwise agreed by the relevant planning authority provided that the relevant planning authority is satisfied, following consultation with the relevant statutory nature conservation body to the extent that it relates to matters relevant to its functions, that any increase would not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement.	Amended comments England	to from	address Natural
18	Schedule 2 – Paragraph 25 – Tonnage caps	25.—(1) The total amount of— (a) waste derived fuel to—be received at Work No. 1A and Work No. 4 must not exceed 1,200,000 tonnes per calendar year; (b) bottom ash and boiler ash processed at Work No. 1B must not exceed 200,000 tonnes per calendar year; and (c) aggregate to be processed at Work No. 2 and received at Work No. 4 must not exceed 300,000 tonnes per calendar year, unless otherwise agreed by the relevant planning authority provided that the relevant planning authority is satisfied, following consultation with the relevant statutory nature conservation body to the extent that it relates to matters relevant to its functions, that any increase would not give	Clarification		

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		rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement.	
19	Schedule 8 – Paragraph 31 – definition of 'Roman Bank'	New definition: "Roman Bank" means the sea defence known as the Roman Bank as shown on the Roman Bank plan;	Amendments agreed with the Environment Agency
20	Schedule 8 – Paragraph 31 – definition of 'Roman Bank plan'	New definition: "Roman Bank plan" means the plan titled "Roman Bank within the Order limits" certified by the Secretary of State as the Roman Bank plan for the purposes of this Order under article 47 (certification of documents, etc.);	Amendments agreed with the Environment Agency
21	Schedule 8 – Paragraph 31 – definition of 'specified work'	New definition: (c) an activity that includes any dredging, raising or taking of any sand, silt, ballast, clay, gravel or other materials from or off the bed or banks of a drainage work (or causing such materials to be dredged, raised or taken), including hydrodynamic dredging or desilting; (e)(d) any quarrying or excavation within 16 metres of a drainage work which is likely to cause damage to or endanger the stability of the banks or structure of that drainage work; and	Amendments agreed with the Environment Agency
22	Schedule 8 – Paragraph 32	New sub-heading: Submission and approval of plans	Amendments agreed with the Environment Agency

23	Schedule 8 – Paragraph 33	New sub-heading: Construction of protective works	Amendments agreed with the Environment Agency
24	Schedule 8 – Paragraph 34	New sub-heading: Timing of works and service of notices	Amendments agreed with the Environment Agency
25	Schedule 8 – Paragraph 35	New sub-heading: Maintenance of drainage works	Amendments agreed with the Environment Agency
26	Schedule 8 – Paragraph 36	New sub-heading: Impairment of drainage works	Amendments agreed with the Environment Agency
27	Schedule 8 – Paragraph 37	New sub-heading: Agency access	Amendments agreed with the Environment Agency
28	Schedule 8 – Paragraph 38	New sub-heading: Free passage of fish	Amendments agreed with the Environment Agency
29	Schedule 8 – Paragraph 39	New sub-heading: Indemnity	Amendments agreed with the Environment Agency
30	Schedule 8 – Paragraph 40	40.—(1) The undertaker is responsible for and indemnifies the Agency for all costs and direct losses which may be reasonably incurred or suffered by the Agency by reason of—	Amendments agreed with the Environment Agency
		(a) the construction, operation or maintenance of any specified works comprised within the authorised works or the failure of such works comprised within them; or	

		 (b) any act or omission of the undertaker, its employees, contractors or agents or others whilst engaged upon the construction, operation or maintenance of the authorised works or dealing with any failure of the authorised works, [] (5) The Agency must give to the undertaker reasonable notice of any such claim or demand and no settlement or compromise shall be made without the agreement of the undertaker which agreement must not be unreasonably withheld or delayed. 	
31	Schedule 8 – Paragraph 41	New sub-heading: Disputes	Amendments agreed with the Environment Agency
32	Schedule 8 – Paragraph 42	New sub-heading: Roman Bank	Amendments agreed with the Environment Agency
33	Schedule 8 – Paragraph 42	New paragraph: 42.—(1) The undertaker must at its own cost engage the services of a suitably experienced chartered civil engineer to carry out an initial condition survey of the Roman Bank prior to carrying out the authorised development in, on, under, over or within 16 metres of the base of the Roman Bank. (2) The inspection must be undertaken on foot with information recorded on both sides of the bank as well as the crest.	Amendments agreed with the Environment Agency
34	Schedule 8 – Paragraph 43	New paragraph:	Amendments agreed with the Environment Agency

		43. The undertaker must at its own cost engage the services of a suitably qualified surveyor to carry out a topographical survey of the parts of the Roman Bank within the Order limits to establish the continuous height of the Roman Bank prior to carrying out any authorised development in, on, under, over or within 16 metres of the base of the Roman Bank.	
35	Schedule 8 – Paragraph 44	New paragraph: 44. The initial condition survey in accordance with paragraph 42 must report on— (a) the height of the Roman Bank (based on the topographical survey undertaken under paragraph 43); (b) the structural condition of the Roman Bank including taking measurements and recording the location of any existing defects, such as cracks, holes, slumping burrows, scour; and (c) a photographic record of the inspection of the Roman Bank identifying the above elements using geo-referenced photographs or marked on maps with grid references.	Amendments agreed with the Environment Agency
36	Schedule 8 – Paragraph 45	New paragraph: 45. The undertaker must provide to the Agency a copy of— (a) the initial condition survey; and (b) the topographical survey, as soon as reasonably practicable following the undertaker's receipt of those documents.	Amendments agreed with the Environment Agency

37	Schedule 8 – Paragraph 46	New paragraph: 46. The undertaker at its own costs will inspect, maintain and repair Roman Bank subject to the provisions in paragraph 47.	Amendments agreed with the Environment Agency
38	Schedule 8 – Paragraph 47	New paragraph: 47. In respect of the Roman Bank only, this Part of Schedule 8 applies subject to the following variations— (a) the definition of "specified work" in paragraph 31(b) is to be read as— "Prior to carrying out any works in, on, under, over or within 16 metres of the base of the Roman Bank which is likely to— (i) endanger the stability of, cause damage to or reduce the effectiveness of the Roman Bank (in light of the condition assessed in the initial condition survey subject to any changes of condition or impacts on the effectiveness of the Roman Ban approved by the Agency); or (ii) interfere with the Agency's access to or along that defence."; (b) paragraph 33 is subject to the following— "Provided that the undertaker is not required to take any step which results in the Roman Bank exceeding the standards, efficiency for flood defence purposes, or otherwise reducing the risk of flooding based on the condition of the Roman Bank as assessed in the initial condition survey subject to any changes to condition as a result of specified works approved by the Agency."; (c) paragraph 35(1) is subject to the following—	Amendments agreed with the Environment Agency

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		"Provided that the undertaker is not required to maintain or repair the Roman Bank or to keep it free from obstruction, to a standard greater than its condition as assessed in the initial condition survey subject to any changes to condition as a result of specified works approved by the Agency."; and (d) paragraph 36 is subject to the following— "Provided that the undertaker is not required to restore efficiency, damage or other impairments at the Roman Bank to a standard greater than its condition as assessed in the initial condition survey subject to any changes to condition as a result of specified works approved by the Agency.".	
39	Schedule 8 – Paragraph 50	44.50.—(1) Before commencing construction of a specified work, the undertaker must submit to the drainage authority plans of the specified work and such further particulars available to it as the drainage authority may within 14 days of the submission of the plans reasonably request. [] (3) A specified work must not be constructed except in accordance with such plans as may be approved in writing by the drainage authority or determined under paragraph 5852.	Renumbering as a result of earlier amendments
40	Schedule 8 – Paragraph 51	45.51. Without limiting paragraph 5044, the requirements which the drainage authority may make under that paragraph include conditions requiring the undertaker at its own expense to construct such protective works, whether temporary or permanent, during the construction of the specified work (including the provision of flood banks, walls or embankments or other new works and the strengthening, repair or renewal of existing banks, walls or embankments) as are reasonably necessary—	Renumbering as a result of earlier amendments

41	Schedule 8 – Paragraph 52	46.52.—(1) Subject to sub-paragraph (2), any specified work, and all protective works required by the drainage authority under paragraph 5044, must be constructed— [] (6) In the event of any dispute as to whether sub-paragraph (4) is properly applicable to any work in respect of which notice has been served under that sub-paragraph, or as to the reasonableness of any requirement of such a notice, the drainage authority must not except in an emergency exercise the powers conferred by sub-paragraph (5) until the dispute has been finally determined in accordance with paragraph 5852.	Renumbering as a result of earlier amendments
42	Schedule 8 – Paragraph 53	[] (3) Subject to sub-paragraph (4) and paragraphs 5549 and 5650 if, within a reasonable period being not less than 28 days beginning with the date on which a notice in respect of any drainage work is served under sub-paragraph (2) on the undertaker, the undertaker has failed to begin taking steps to comply with the reasonable requirements of the notice and has not subsequently made reasonably expeditious progress towards their implementation, the drainage authority may do what is reasonably necessary for such compliance and may recover any reasonable expenditure reasonably incurred by it in so doing from the undertaker. (4) In the event of any dispute as to the reasonableness of any requirement of a notice served under sub-paragraph (2), the drainage authority must not except in a case of emergency exercise the powers conferred by sub-paragraph (3) until the dispute has been finally determined in accordance with paragraph 5852.	Renumbering as a result of earlier amendments
43	Schedule 8 – Paragraph 54	48.54. Subject to paragraphs 5549 and 5650 and sub-paragraph 5347(5)(b), if, by reason of the construction of a specified work or of the failure of any such work the efficiency of any drainage	Renumbering as a result of earlier amendments

		work for flood defence purposes or land drainage is impaired, or that drainage work is otherwise damaged, such impairment or damage must be made good by the undertaker as soon as reasonably practicable to the reasonable satisfaction of the drainage authority and, if the undertaker fails to do so, the drainage authority may make good the impairment or damage and recover from the undertaker the expense reasonably incurred by it in doing so.	
44	Schedule 8 – Paragraph 67		
45	Schedule 9 – Part 1 – 'Definition of navigation management plan template'	"navigation management plan template" means the document of that description certified by the Secretary of State as the template navigation management plan for the purposes of this Order under article 47 (certification of documents. etc.);	Туро
46	Schedule 9 – Part 1 – Definition of 'outline air quality deposition monitoring plan'	"outline air quality deposition monitoring plan" means the document of that description certified by the Secretary of State as the o-Outline air quality deposition monitoring plan for the purposes of this Order under article 47 (certification of documents, etc.);	Туро

47	Schedule 9 – Part 1 – Definition of 'The Haven'	"The Haven" means the part of the River Witham, known as The Haven; and	Correction	
48	Schedule 9 – Paragraph 17	(2) The marine mammal mitigation protocol submitted for approval under sub-paragraph (1) must be substantially in accordance with the outline marine mammal mitigation protocol.	For consistency with other conditions	
49	Schedule 9 – Paragraph 21	(2) The containment required under sub-paragraph (12-)(c) must be appropriate to the material and include bunding of 110% of the total volume of all reservoirs and containers.	Туро	
50	Schedule 9 – Paragraph 26	(2) The undertaker must notify the MMO of the successful submission of Forward Look or Close Out data pursuant to sub-paragraph (1) above within 7 days of the submission.	Туро	
51	Schedule 9 – Part 6 – Changes to approved documents – Paragraph 34	PART 6 CHANGES TO APPROVED DOCUMENTS 34.—(1) With respect to the documents certified under article 47 (certification of documents, etc.) and any other plans, details, statements or protocols which require approval by the MMO in accordance with any condition (together "Approved Documents"), the undertaker may submit to the MMO for approval in writing any amendments to the Approved Documents and following any such approval by the MMO in writing the Approved Documents are to be taken to include the amendments approved by the MMO in accordance with this paragraph. (2) Approval under sub-paragraph (1) for the amendments to Approved Documents must not be given except where it has been demonstrated to the satisfaction of the MMO that the subject	Deleted to address comments by the MMO	

			matter of the approval sought is unlikely to give rise to environmental effects from those assessed in the env	-	terially different	
52	Schedule 1	10 –	(1) Document name	(2) Document reference	(3) Revision number	Corrections
			Access and rights of way plans	4.5	0.0	
			Book of reference	3.3	20 .0	
			Combined heat and power assessment	5.7	0.0	
			[Compensation measures document]	[9.30]	[2.0]	
			Design and access statement	5.3	0.0	
			Environmental statement	Volume 1, 6.2 Volume 2, 6.3 Volume 3, 6.4	1.0	
			Flood risk assessment	6.4.13	0.0	
			Indicative generating station plans	4.9	21 .0	
			Indicative wharf plans	4.11	0.0	
			Land plan and Crown land plan	4.2	0.0	
			Navigation Management Planning Process: Risk to Birds	9.70	0.0	
			Navigation management plan template	9.80	1.0	
			Navigation risk assessment	9.27	1.0	
			Outline air quality and dust management plan	9.39	0.0	
			Outline air quality deposition monitoring plan	9.51	1.0	
			Outline landscape and ecological mitigation strategy	7.4	1.0	
			Outline code of construction practice	7.1	0.0	
			[Outline ornithology compensation implementation and monitoring plan]	[9.81]	[1.0]	

		Outline construction traffic management plan	7.2	0.0	
		Outline landscape and ecological mitigation strategy	7.4	2.0	
		Outline lighting strategy	7.5	0.0	
		Outline marine mammal mitigation protocol	9.12	2.0	
		[Outline ornithology compensation implementation	[9.81]	[1.0]	
		and monitoring plan	0.4	1.0	
		Outline surface and foul water drainage strategy	9.4		
		Outline written scheme of investigation	7.3	2 1 .0	
		Register of environmental actions and commitments	7.6	24.0	
		Roman Bank plan	4.12	0.0	
		Works plans	4.3	1.0	
53	Schedule 11 -	(1)	(2)	93)	Corrections
	Part 2	Document name	Document reference	Revision number	Corrections
	rail 2	Addendum to Chapter 17 and Appendix 17.1 –	9.15	0.0	
		Benthic Ecology, Fish and Habitats			
		Addendum to Environmental Statement Chapter 17	9.14	10.0	
		and Appendix 17.1 – Marine Mammals			
		Appendix 14.4 – Analysis of SO2 and O3	9.8	0.0	
		Concentrations to Justify Adoption of the Less			
		Stringent Daily Mean NOx Critical Level for			
		Protection of Vegetation			
		Appendix 14.5 – Human Health Risk Assessment	9.9	0.0	
		Appendix 14.6 – Abnormal Emissions Assessment	9.10	0.0	
		Chapter 17 Marine and Coastal Ecology and	9.13	0.0	
		Appendix 17.1 – Habitats Regulations Assessment –			
		Ornithology Addendum			

		Chapter 17 Marine and Coastal Ecology and Appendix 17.1 Habitats Regulations Assessment Update	9.59	0.0	
		Habitats Regulations Assessment (HRA) Screening and Integrity Matrices	9.42	1.0	
		Indicative Construction Programme	9.18	0.0	
		Noise Modelling and Mapping Relating to Bird Disturbance at the Principal Application Site	9.50	0.0	
		Response to Environment Agency's queries on Estuarine Processes	9.44	1.0	
		Boston Alternative Energy Facility Examination Technical Note: Updated Piling Noise Assessment	9.16	0.0	
		Wharf Construction Outline Methodology	9.17	0.0	
54	Schedule 11 – Paragraph 5	5.The OCIMP must include measures to compensat as a result of the construction of Work No. 4 and] the and bathing waterbirds from The Wash SPA and Ramust be based on the criteria set out in paragraph 3.5 must contain the relevant matters set out in paragra document and must include in particular—	Correction		