

# South Humber Bank Energy Centre Project

Planning Inspectorate Reference: EN010107

South Marsh Road, Stallingborough, DN41 8BZ

The South Humber Bank Energy Centre Order

Document Reference: 8.7 Schedule of Changes to the Draft DCO – Deadline 4



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Applicant: EP Waste Management Ltd  
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**DOCUMENT HISTORY**

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**THE SOUTH HUMBER BANK ENERGY CENTRE**

**EXPLANATION OF CHANGES MADE TO THE DRAFT DEVELOPMENT CONSENT ORDER ('DCO') AT DEADLINE 4 (19 FEBRUARY 2021)**

Article / Requirement number in draft DCO	Explanation of Change
General	<p>Various changes have been made to the dDCO following discussions at the issue specific hearing on 9 February 2021 – these are referred to in the Applicant's Written Summary of Oral Case at the Issue Specific Hearing on the Draft DCO, which is also submitted at Deadline 4. These points are not repeated below.</p>
General	<p>The approach to statutory referencing has been updated throughout the dDCO in line with what is understood to be the preferred approach. Where previously the title of the part/section referred to followed immediately after the part/section number, it has now been moved to follow the name of the Act. For example in the article 2 definition of "owner" the wording which was "section 7 (interpretation) of the Acquisition of Land Act 1981" is now "section 7 of the Acquisition of Land Act 1981 (interpretation)".</p> <p>Where the wording "carry out/ carrying out/ carried out" was previously used, this has been updated with "construct/ construction/ constructed" which is considered to be the more appropriate terminology.</p> <p>Where the wording "pursuant to" was previously used, this has been changed to "under" or "in accordance with" (as appropriate) as these are the preferred form of wording for DCO drafting.</p> <p>Where appropriate, the term "and/or" has been updated to "or", and the term "shall" has been replaced with "are" or "must".</p>
Article 2 (Interpretation)	<p>The definition of "combined heat and power assessment" has been deleted as it is not used in the dDCO.</p>

Article / Requirement number in draft DCO	Explanation of Change
	<p>The definition of flood risk assessment has been updated to clarify that it is included in the environmental statement.</p> <p>A new definition of “indicative landscape strategy” has been added as this is referred to in the definition of "arboricultural survey report" and is a certified document.</p> <p>The definition of “key watercourses and flow direction plan” has been deleted as it is not used in the dDCO.</p> <p>Quotation marks have been added around the terms "numbered works" and "Work No" in article 2(4) to make clear that these are the expressions being referred to.</p>
Article 5 (Effect of the Order on the SHBEC planning permission)	<p>The wording of article 5(1) has been updated to be made clearer. As a consequence of those updates it was possible to make article 5(2) more concise, so that provision has also been revised.</p> <p>Article 5(2)(b)(ii) has been updated to include the word "taken".</p> <p>There is no change to the effect of article 5.</p>
Article 15 (Discharge of water)	<p>Quotation marks have been added around the terms "public sewer or drain" and "watercourse" in article 15(8) to make clear these are the expressions being referred to.</p>
Article 16 (Authority to survey and investigate land)	<p>The words "entering the land" have been deleted from article 16(3)(a) as they were unnecessary repetition of the wording in 16(3).</p>
Article 25 (Certification of plans, etc.)	<p>The reference to “combined heat and power assessment” has been deleted as it is not used in the dDCO.</p> <p>The reference to "flood risk assessment" has been deleted as the flood risk assessment is in the environmental statement which is a certified document.</p>

Article / Requirement number in draft DCO	Explanation of Change
	The reference to the “key watercourses and flow direction plan” has been deleted as it is not used in the dDCO.
Schedule 2, Requirement 1 (Interpretation)	<p>The definition of “arboricultural survey report” has been corrected to remove the reference to the indicative landscape strategy being within the environmental statement, as it is not.</p> <p>In the definition of "coming into operation"/ "come into operation" the wording has been corrected to "mean" (rather than "means").</p>
Schedule 2, Requirement 8 (Means of enclosure and hard landscaping)	Additional drafting has been added to secure the implementation and maintenance of the details approved under this requirement.
Schedule 2, Requirement 9 (Lighting scheme)	Additional drafting has been added to secure the implementation and maintenance of the scheme approved under this requirement.
Schedule 2, Requirement 16 (Construction traffic management and travel planning)	Additional drafting has been added to secure the implementation of the plan approved under this requirement.
Schedule 2, Requirement 22 (Flood risk mitigation)	<p>The wording of 22(2) has been updated to reflect that the definition of "flood risk assessment" has been updated.</p> <p>Additional drafting has been added to 22(4) to secure implementation of the scheme approved under this requirement.</p>
Schedule 2, Requirement 26 (Visibility splays)	Additional drafting has been added to secure the timing of implementation of the details approved under this requirement.
Schedule 2, Requirement 27	The reference to the “proposed culvert for site access plan” has been deleted from requirement 27(2)

Article / Requirement number in draft DCO	Explanation of Change
(New highway access)	<p>as it is unnecessary – see the explanation in the Applicant’s Written Summary of Oral Case at the Issue Specific Hearing on the DCO, also submitted at Deadline 4.</p> <p>Additional drafting has been added to secure the trigger for implementation of the details approved under this requirement.</p>
Schedule 2, Requirement 28 (Parking)	Additional drafting has been added to secure the trigger for implementation of the details approved under this requirement.
Schedule 3 (Deemed approval of matters referred to in requirements)	<p>The rows relating to the following conditions/requirements have been deleted on the basis the deemed approval mechanism will not apply to them:-</p> <ul style="list-style-type: none"> <li>• Condition 1 – Development to be commenced within 5 years of the date of planning permission / no corresponding requirement</li> <li>• Condition 2 – Development to be carried out in accordance with specified plans / no corresponding requirement</li> <li>• Condition 3 – Interpretation / no corresponding requirement</li> <li>• Condition 8 – So far as relating to biodiversity mitigation and enhancement / requirement 12 – Biodiversity mitigation and enhancement</li> <li>• Condition 10 – So far as relating to construction environmental management plan / requirement 15 – Construction environmental management plan</li> <li>• Condition 16 – Development to be carried out in accordance with FRA / requirement 22 – Flood risk mitigation</li> </ul> <p>In respect of conditions 1, 2 and 3 there are no corresponding requirements for the deemed discharge provisions to apply to, so these have been deleted as listing them in Schedule 3 is superfluous.</p>

Article / Requirement number in draft DCO	Explanation of Change
	<p>In respect of condition 8 / requirement 12, condition 10 / requirement 15 and condition 16 / requirement 22, the Applicant considers that the deemed discharge mechanism should not apply to these provisions and accordingly they have been removed from the table (see further the Applicant's Written Summary of Oral Case at the Issue Specific Hearing on the Draft DCO).</p>
Schedule 6 (Access)	<p>The words "Construction of" in the third column of the table in Part 1 have been deleted, as the column header makes clear the description should be of the relevant part of the access, not the works.</p> <p>The words "Construction of" and "Works to existing" in the third column of the table in Part 2 have been deleted for the same reason.</p>