



Planning Act 2008
Infrastructure Planning
(Applications: Prescribed
Forms and Procedure)
Regulations 2009

North Lincolnshire Green Energy Park

9.12 Draft Development Consent
Order: Schedule of Drafting Changes

PINS reference: EN010116

December 2022

Revision number: 0



1 INTRODUCTION

- 1.1.1 The Development Consent Order (**DCO**) application for North Lincolnshire Great Energy Park scheme was submitted on 31 May 2022 and accepted for examination on 27 June 2022.
- 1.1.2 The purpose of Table 1.1 in this document is to set out the changes made to the draft Development Consent Order (**dDCO**) from that submitted on 31 May 2022 (Version 0) (**APP-007**).
- 1.1.3 These changes were made principally to reflect the Planning Inspectorate's comments on 23 June 2022, under section 55 of the Planning Act 2008 following acceptance of the application.
- 1.1.4 The purpose of Table 1.2 in this document is to set out the changes made to the dDCO from that submitted on 28 September 2022 (Version 1) (**AS-006**).
- 1.1.5 These changes were made principally to reflect the Examining Authority's first set of written questions (**PD-007**), to reflect the points explored by the Examiner and other interested parties at Issue Specific Hearing 1: Draft Development Consent Order, which took place virtually on 17 November 2022.
- 1.1.6 It is submitted together with:
- Revised issue of the dDCO (Version 2), and
 - a comparison version of the dDCO showing all changes between the new Version 1 and Version 2.

Table 1.1: Summary of changes made to the dDCO (Version 1) from the dDCO submitted in the application for development consent (Version 0)

Article/Schedule	Change	Reason for change	Precedent used	Consequential changes
Schedule 1, 'Authorised Development'	The word 'East' has been deleted from "In the Borough of North East Lincolnshire" throughout	To reflect the correct name of the borough.	N/A	The word "East" has been deleted in Schedule 3 and Schedule 6, Part 2
Schedule 1, 'Authorised Development', Part 1 'Numbered Works' 'Work No. 2'	The numbering has been updated.	This was a formatting error.	N/A	N/A
Schedule 1, 'Authorised Development', Part 2, 'Other Associated Development'	The numbering has been updated.	This was a formatting error.	N/A	N/A
Schedule 10, 'Land in which only new rights etc may be acquired', Part 1, 'Option A'	The numbering has been updated.	This was a formatting error.	N/A	N/A
Schedule 10, 'Land in which only new rights etc may be acquired', Part 2, 'Option B'	The numbering has been updated.	This was a formatting error.	N/A	N/A

Table 1.2: Summary of changes made to the dDCO (Version 2) from the dDCO submitted at deadline 1 (Version 1)

Article/Schedule	Change	Reason for change	Precedent used	Consequential changes
Part 1, 'Preliminary', Article 2, 'Interpretation' 'Authorised Development'	The definition has been amended to delete "and" and add reference to "and other associated development"	This has been inserted in response to Examiner's Written Question 7.1.3 (PD-007).	N/A	N/A
Part 1, 'Preliminary', Article 2, 'Interpretation' 'maintain'	The definition has been amended to separate it into two parts and which applies to the whole of the development and to part of the development. The words "provided those works do not give rise to materially new or materially difference environmental effects" has been inserted.	This has been inserted in response to Examiner's Written Question 7.1.4 (PD-007).	South Humber Bank Energy Centre Order 2021	N/A
Part 1, 'Preliminary', Article 2, 'Interpretation' 'the Order Land'	A new definition of "the Order Land" has been added.	This has been inserted in response to Examiner's Written Question 7.1.5 (PD-007).		N/A
Part 1, 'Preliminary', Article 2, 'Interpretation' 'undertaker'	The definition has been amended to insert the undertaker's registered office address.	This has been inserted in response to Examiner's Written Question 7.1.7 (PD-007).	N/A	N/A
Part 2, 'Principal Powers',	The word "between" has been inserted and the word "from" deleted.	This has been amended in response to Examiner's	N/A	N/A

Article/Schedule	Change	Reason for change	Precedent used	Consequential changes
Article 5 (2) , 'Limits of Deviation'		Written Question 7.1.11 (PD-007).		
Part 2, 'Principal Powers', Article 7(2) , 'Operation of Authorised Development'	The words "a generating station" have been deleted and replaced with "the authorised development."	This has been amended in response to Examiner's Written Question 7.1.16 (PD-007).	N/A	N/A
Part 3, 'Streets', Article 11 (1) (i), 'Street works'	The letter "m" has been replaced with "n" in the word "re-lining".	This was a typographical error.	N/A	N/A
Part 3, 'Streets', Article 11 (3), 'Street works'	Additional wording has been added to clarify that the consent of the street authority cannot be unreasonably withheld if the application is accompanied by all relevant information and to provide for deemed consent if the street authority fails to notify the undertaker of its decision before the end of 28 days beginning with the date on which the application is submitted with all relevant information.	This has been added in response to North Lincolnshire Council's comments at paragraph 16.4 of the Local Impact Report (REP1-019).	N/A	N/A
Part 3, 'Streets', Article 11 (4), 'Street works'	A new sub-paragraph has been inserted which requires the undertaker to restore any street that has been temporarily altered under this article to the reasonable satisfaction of the street authority.	This additional wording has been requested by North Lincolnshire Council at paragraph 16.3 of the Local Impact Report (REP1-019).	N/A	The numbering of the remaining paragraphs in Article 11 have been updated.
Part 3, 'Streets',	The word "street" has been singularised.	This was a typographical error.	N/A	N/A

Article/Schedule	Change	Reason for change	Precedent used	Consequential changes
Article 12 (1), 'Power to alter layout, etc., of streets'				
Part 3, 'Streets', Article 13 (4) 'Permanent stopping up of streets'	The words "from the undertaker" has been inserted.	This has been inserted following a request from North Lincolnshire Council at para 16.6 of the Local Impact Report (REP1-019) to make it clear who is responsible for paying the compensation.	N/A	N/A
Part 3, 'Streets', Article 14 (4) 'Temporary stopping up of streets'	The words "from the undertaker" has been inserted.	This has been inserted following a request from North Lincolnshire Council at para 16.6 of the Local Impact Report (REP1-019) to make it clear who is responsible for paying the compensation.	N/A	N/A
Part 3, 'Streets', Article 15 (1) 'Public rights of way – creation and temporary stopping up"	The words "for any reasonable time" has been inserted.	This has been inserted in response to the Examiner's Written Question 7.1.19 (PD-007) which requested specifying a time period for any temporary diversions.	N/A	N/A
Part 4, 'Compulsory Acquisition Powers', Article 22 (4) "Funding"	The time limit of "10" has been replaced with "15".	This has been inserted in response to the Examiner's Written Question 7.1.21 (PD-007)	N/A	N/A
Part 5, 'Supplemental Powers',	The words "subject to paragraphs (3) and (4)" have been inserted.	This has been inserted in response to Examiner's Written Question 7.1.27 (PD-	N/A	N/A

Article/Schedule	Change	Reason for change	Precedent used	Consequential changes
Article 36 (1) 'Discharge of water'		007) to clarify that the power is conditional.		
Part 5, 'Supplemental Powers', Article 36 (1) 'Discharge of water'	The words "construction" and "operation" have been inserted and the words "carrying out" have been deleted.	This has been inserted in response to Examiner's Written Question 7.1.27 (PD-007).	N/A	N/A
Part 7, 'Miscellaneous and General' Article 43 (1), 'Defence to proceedings in respect of statutory nuisance'	The words "paragraphs (b), (c), (d), (fb) and (g) of" have been inserted to refer to the specific nuisances in section 79 of the Environment Protection Act 1990.	These words have been inserted in response to the Examiner's Written Question 7.1.66 (PD-007).	N/A	N/A
Part 7, 'Miscellaneous and General' Article 43 (1)(a)(i), 'Defence to proceedings in respect of statutory nuisance'	The words "or 65 (noise exceeding registered level)" have been deleted.	This has been deleted because section 65 of the Control of Pollution Act 1974 has been repealed.	N/A	N/A
Part 7, 'Miscellaneous and General' Article 43 (1)(a)(ii), 'Defence to proceedings	The words "or operation" have been inserted.	These words have been inserted at the request of the Examiner's Written Question 7.1.84(4) (PD-007).	N/A	N/A

Article/Schedule	Change	Reason for change	Precedent used	Consequential changes
in respect of statutory nuisance'				
Part 7, 'Miscellaneous and General' Article 44 (1) (o), 'Certification of plans'	The word "LBMPP" has been corrected to "LBMMP."	This was a typographical error.	N/A	N/A
Schedule 1, 'Authorised Development', Part 1, 'Numbered Works' 'Work No.1'	The words "with a capacity to process up to 760,000 tonnes of refuse derived fuels per annum," have been added.	This has been inserted to limit the annual throughput of waste which fuels the electricity generating station in response to the Examiner's query in Written Question 7.1.28 (PD-007). A limit of 760,000 tonnes has also been suggested by North Lincolnshire Council at paragraph 16.17 of the Local Impact Report (PD-007).	N/A	N/A
Schedule 1, 'Authorised Development', Part 1, 'Numbered Works' 'Work No.1'	The words "air-cooled condenser" have been deleted	This has been deleted in response to the Examiner's Written Question 7.1.29 (PD-007) as it is a duplication of Work No. 1D.	N/A	The numbering has been amended.
Schedule 1, 'Authorised Development',	Reference has been included to Work No. 2 and Work No. 6 in relation to the elevated walkway.	This has been amended in response to the Examiner's Written Question 7.1.30 (PD-	N/A	N/A

Article/Schedule	Change	Reason for change	Precedent used	Consequential changes
Part 1, 'Numbered Works' 'Work No.1 (r)'		007) to reference all of the Works that include the elevated walkway.		
Schedule 1, 'Authorised Development', Part 1, 'Numbered Works' 'Work No. 1C'	Reference has been included to Work No. 2 and Work No. 6 in relation to the elevated walkway.	This has been amended in response to the Examiner's Written Question 7.1.30 (PD-007) to reference all of the Works that include the elevated walkway.		
Schedule 1, 'Authorised Development', Part 1, 'Numbered Works' 'Work No.2 (c)'	The words "and elevated walkway connected to Work Nos. 1, 1C and 6" have been inserted.	This has been amended in response to the Examiner's Written Question 7.1.30 (PD-007) to reference all of the Works that include the elevated walkway.	N/A	N/A
Schedule 1, 'Authorised Development', Part 1, 'Numbered Works' 'Work No.3'	The words "and two footbridges across the railway line and three user worked crossings." have been inserted.	These words have been inserted at the request of the Examiner in Written Question 7.1.32 (PD-007) .	N/A	N/A
Schedule 1, 'Authorised Development',	The word ", and" has been deleted after "Bellwin Drive" and the words "and section of elevated walkway that connects to Work Nos. 1, 1C, 2 and 6." have been inserted.	This has been amended in response to the Examiner's Written Question 7.1.30 (PD-007) to reference all of the	N/A	N/A

Article/Schedule	Change	Reason for change	Precedent used	Consequential changes
Part 1, 'Numbered Works' 'Work No.5'		Works that include the elevated walkway.		
Schedule 1, 'Authorised Development', Part 1, 'Numbered Works' 'Work No.6'	The words "and section of elevated walkway connected to Work Nos. 1, 1C and 2." have been inserted.	This has been amended in response to the Examiner's Written Question 7.1.30 (PD-007) to reference all of the Works that include the elevated walkway.	N/A	N/A
Schedule 1, 'Authorised Development', Part 1, 'Numbered Works' 'Work No.7'	The words "and" and "national" have been deleted.	This has been amended in response to Examiner's Written Question 7.1.39 (PD-007).	N/A	N/A
Schedule 1, 'Authorised Development', Part 1, 'Numbered Works' 'Work No.8'	The word "a" has been deleted and the words "equipment required to inject hydrogen into the" have been inserted. The words "injection" and "above ground installation" have been deleted.	This has been amended in response to Examiner's Written Question 7.1.39 (PD-007).	N/A	N/A
Schedule 1, 'Authorised Development',	The word "Order" has been capitalised.	This is a defined term and was a typographical error in the drafting.	N/A	N/A

Article/Schedule	Change	Reason for change	Precedent used	Consequential changes
Part 1, 'Numbered Works' 'Work No.10'				
Schedule 1, 'Authorised Development', Part 1, 'Numbered Works' 'Work No.11'	The word "Order" has been capitalised.	This is a defined term and was a typographical error in the drafting.	N/A	N/A
Schedule 1, 'Authorised Development', Part 1, 'Numbered Works' 'Work No.14'	The words "new cables," have been inserted.	This had been omitted in error.	N/A	N/A
Schedule 1, 'Authorised Development', Part 2, 'Other Authorised Development'	The introductory text has been amended to delete the words "the following further works in connection with the construction, operation and maintenance of the authorised" and replace with "other associated" and "including". The list of works has been amended to make clear that "(a) lighting" is temporary; to delete reference to "including retaining walls" in (f); to delete the text at "(i) temporary construction laydown areas..."	This has been amended in response to the Examiner's Written Question 7.1.70 and 7.1.71 (PD-007) .	The amendments to the introductory text are broadly the same as Riverside Energy Park Order 2020	The numbering of Part 2 has been updated accordingly.

Article/Schedule	Change	Reason for change	Precedent used	Consequential changes
	and to clarify that the text at the end is not a separate category, but text that relates to the works listed above.			
Schedule 1, 'Authorised Development', Part 3, 'Parameters Table'	The word "from" has been deleted from the title of Column 4.	This has been amended at the request of the Examiner at Written Question 7.1.84 (5) (PD-007) .	N/A	N/A
Schedule 2, 'Requirements' Part 1, 'Requirements' Paragraph 1, 'Interpretation'	A new definition of "coming into operation" or "come into operation" has been inserted.	These definition has been inserted in response to the Examiner's Written Question 7.1.52(i) (PD-007) .	N/A	Schedule 2, 'Requirements' Part 1, 'Requirements' Paragraph 1, 'Interpretation' The words "from the date on which the commissioning of that phase is completed" have been deleted to reflect the new definition of "coming into operation" from the definition of

Article/Schedule	Change	Reason for change	Precedent used	Consequential changes
				"operation" and the words "or operational" have been inserted.
Schedule 2, 'Requirements' Part 1, 'Requirements' 'Requirement 2'	The words "and phasing" has been inserted into the Requirement.	This has been inserted at the request of the North Lincolnshire Council in paragraph 16.20 of the Local Impact Report (REP1-019) .	N/A	N/A
Schedule 2, 'Requirements' Part 1, 'Requirements' 'Requirement 3 (1) (a)'	The words "following commissioning" has been deleted	This has been amended at the request of the Examiner at Written Question 7.1.84 (6) (PD-007) .	N/A	N/A
Schedule 2, 'Requirements' Part 1, 'Requirements' 'Requirement 3 (2)'	The words "and flood risk assessment", including ongoing archaeological investigations" have been inserted.	This has been inserted at the request of the Examiner in Written Question 7.1.84 (7) (PD-007) .	N/A	N/A
Schedule 2, 'Requirements' Part 1, 'Requirements' 'Requirement 3 (3)'	The space before the full stop at the end of the sentence has been deleted.	This has been amended in response to the Examiner's Written Question 7.1.84 (8) (PD-007) .	N/A	N/A

Article/Schedule	Change	Reason for change	Precedent used	Consequential changes
Schedule 2, 'Requirements' Part 1, 'Requirements' 'Requirement 4 (1)'	The words "and the preliminary works must be carried out in accordance with the approved PPDW CEMP unless otherwise agreed in writing by the relevant planning authority" has been inserted.	This has been inserted to clarify that the undertaker must comply with the approved PPDW CEMP.	N/A	N/A
Schedule 2, 'Requirements' Part 1, 'Requirements' 'Requirement 4 (3)'	"noise management plan;" "construction ornithological monitoring plan; and" and, "foundation and piling plan" has been inserted.	This has been inserted in response to Examiner's Written Question 7.1.46, 7.1.80 and 7.1.83 (PD-007) .	N/A	N/A
Schedule 2, 'Requirements' Part 1, 'Requirements' 'Requirement 4 (4)'	The word "environmental" has been inserted.	This has been amended in response to the Examiner's Written Question 7.1.48 (PD-007) so that it is clear that this requirement refers to a Construction Management Environmental Plan (CEMP).	N/A	N/A
Schedule 2, 'Requirements' Part 1, 'Requirements' 'Requirement 4'	The words "or railway reinstatement works" have been inserted and the words "be commissioned" have been deleted and replaced with "come into operation". The words "to the extent that such a plan is necessary to supplement the environmental management system required under the environmental permit." have been inserted in sub-paragraph (5).	This has been amended at the request of the Examiner at Written Question 7.1.48 (PD-007) . This has been inserted so that the requirement to submit and comply with the OEMP applies to the rail reinstatement works as well.	N/A	The numbering of the later sub-paragraph has been amended to reflect this.

Article/Schedule	Change	Reason for change	Precedent used	Consequential changes
	Requirement 4(6) has been split across sub-paragraph (7) to distinguish between the energy park works and railway reinstatement works.			
Schedule 2, 'Requirements' Part 1, 'Requirements' 'Requirement 5 (1)'	The words "to be installed" have been deleted.	The amendment has been proposed in the Applicant's Written Summaries of oral submissions made at Issue Specific Hearing 2 (REP1-016).	N/A	N/A
Schedule 2, 'Requirements' Part 1, 'Requirements' 'Requirement 6 (2)'	The words "be based on" have been deleted and replaced with "in accordance with."	This has been amended in response to Examiner's Written Question 7.1.51 (PD-007).	N/A	N/A
Schedule 2, 'Requirements' Part 1, 'Requirements' 'Requirement 7 (1)'	The words "become operational" have been deleted and replaced with "come into operation" to reflect the new definition.	This has been amended in response to the Examiner's Written Question 7.1.53 (PD-007).	N/A	N/A
Schedule 2, 'Requirements' Part 1, 'Requirements' 'Requirement 7 (3)'	A new sub-paragraph "The plan approved under sub-paragraph (1) must be implemented and delivered as approved and in accordance with the approved timetable" has been inserted.	This has been amended in response to the Examiner's Written Question 7.1.54 and 7.1.84 (10) (PD-007).	N/A	N/A

Article/Schedule	Change	Reason for change	Precedent used	Consequential changes
Schedule 2, 'Requirements' Part 1, 'Requirements' 'Requirement 8 (1)'	The words "following consultation by the undertaker with the lead local flood authority, Scunthorpe and Gainsborough Water Management Board and the Environment Agency on matters related to their function" have been inserted.	This has been amended in response to the Examiner's Written Question 7.1.55 (PD-007).	N/A	N/A
Schedule 2, 'Requirements' Part 1, 'Requirements' 'Requirement 10 (2)'	The words "construction traffic management" have been inserted.	This has been amended in response to the Examiner's Written Question 7.1.58 (PD-007).	N/A	N/A
Schedule 2, 'Requirements' Part 1, 'Requirements' 'Requirement 10 (3)'	Requirement 10 (3) "The plan submitted and approved under sub-paragraph (1) for Work No. 1 must include a construction worker travel plan." has been deleted.	This has been amended in response to the Examiner's Written Question 7.1.58 (PD-007).	N/A	Requirement 10(4) has been re-numbered to Requirement 10(3)
Schedule 2, 'Requirements' Part 1, 'Requirements' 'Requirement 10 (3)'	The words "and construction workers travel plan" have been inserted.	This has been amended in response to the Examiner's Written Question 7.1.58 (PD-007).	N/A	N/A
Schedule 2, 'Requirements' Part 1, 'Requirements' 'Requirement 12 (2)'	The words "and the lead local flood authority." have been inserted.	This has been amended in response to the Examiner's Written Question 7.1.14 (PD-007).	N/A	N/A

Article/Schedule	Change	Reason for change	Precedent used	Consequential changes
Schedule 2, 'Requirements' Part 1, 'Requirements' 'Requirement 14'	The words "and connected to the public highway." have been inserted.	This has been amended in response to the Examiner's Written Question 7.1.84 (11) (PD-007) .	N/A	N/A
Schedule 2, 'Requirements' Part 1, 'Requirements' 'Requirement 15'	The Requirement "fuel type" has been deleted and updated with a new Requirement in respect of waste hierarchy scheme in its entirety	This has been amended in response to the Examiner's Written Question 7.1.41 (PD-007) .	N/A	N/A
Schedule 2, 'Requirements' Part 1, 'Requirements' 'Requirement 19 (2)'	The Requirement has been amended with the insertion of a new Requirement 19 (2) as follows: "Within 28 days of the date which is one calendar year from the date Work No. 1B comes into operation, the undertaker must submit a report to the relevant planning authority confirming the amount of CO2 captured during the previous year of operation and must continue to submit such reports annually until the energy park works are decommissioned."	This has been amended in response to the Examiner's Written Question 7.1.63 (PD-007) .	N/A	Requirement 19 has been re-numbered Requirement 19 (1).
Schedule 2, 'Requirements' Part 1, 'Requirements'	A new requirement has been inserted in respect of rail.	This has been amended in response to the Examiner's Written Question 14.0.8 (PD-007) .		The remaining Requirements 20 – 24 have been re-

Article/Schedule	Change	Reason for change	Precedent used	Consequential changes
'Requirement 20'				numbered accordingly.
Schedule 2, 'Requirements' Part 1, 'Requirements' 'Requirement 23'	The words "Anticipatory steps towards compliance with any requirement." has been deleted.	This was a typographical error and duplication of the heading of Requirement 23.	N/A	N/A
Schedule 2, 'Requirements' Part 2, 'Procedure for discharge of Requirements' 'Requirement 25 (4)'	This new sub-paragraph has been inserted.	This new sub-paragraph has been inserted in response to the Examiner's Written Question 7.1.84 (12) (PD-007) .	N/A	N/A
Schedule 2, 'Requirements' Part 2, 'Procedure for discharge of Requirements' 'Requirement 26"	A new Requirement 26 has been inserted in respect of fees.	This requirement has been inserted in response to the Examiner's Written Question 7.1.64 (PD-007) .	N/A	The remaining Requirements have been re-numbered accordingly along with any cross references to these Requirements.
Schedule 10, 'Land in which new rights may be acquired'	The words "Land in which new rights may be acquired" has been inserted in the sub-heading 'Option A'	This has been inserted in response to the Examiner's Written Question 7.1.84 (1) (PD-007) and for consistency.	N/A	The contents page has been amended accordingly.

Article/Schedule	Change	Reason for change	Precedent used	Consequential changes
Part 1, 'Option A' Schedule 12, 'Land of which temporary possession may be taken' Part 1, 'Option A - Land of which temporary possession may be taken'	"Plot 5-54" has been deleted from the row 3, column 2 and a new row has been inserted in respect of Plot 5-54 and Works Nos. 10 and 13.	This is to reflect the fact that this plot is required in respect of Work Nos. 10 and 13 rather than Nos. 10 and 11.	N/A	N/A
Schedule 12, 'Land of which temporary possession may be taken' Part 2, 'Option B - Land of which temporary possession may be taken'	"Plot 5-54" has been deleted from row 3, column 2 and a new row has been inserted in respect of Plot 5-54 and Works Nos. 10 and 13.	This is to reflect the fact that this plot is required in respect of Work Nos. 10 and 13 rather than Nos. 10 and 11.	N/A	N/A