



The Planning Inspectorate

North Lincolnshire Green Energy Park Project

**Examining Authority's (ExA)
Consultation Draft Development Consent Order (DCO)**

**Schedule of ExA's recommended amendments to the Applicant's draft DCO Revision 5
[REP6-004]**

Note to Interested Parties:

The Examining Authority (ExA) reminds Interested Parties (IP) that the recommended schedule of changes to the draft DCO [REP6-004] as set out below follows a statutory process. It is made irrespective of the recommendation the ExA will make to the Secretary of State (SoS) and is not an indication that ExA has already made up its mind on the Application. IPs participation and written responses will be treated as being given without prejudice to any position or view they hold on the scheme. IPs are invited to identify any outstanding concerns previously raised that are not addressed below.

No.	Article/ Schedule	Text as set out in draft DCO Revision 5 [REP6-004]	ExA's recommended amendment	Reason and Notes
1.	Article 2	"the 1991 Act" means the New Roads and Street Works Act 1991(j); "the 2008 Act" means the Planning Act 2008(k); "statutory undertaker" means any person falling within section 127(8) of the 2008 Act (statutory undertakers' land);	"the 1991 Act" means the New Roads and Street Works Act 1991(j); " the 2003 Act means the Communications Act 2003 " "the 2008 Act" means the Planning Act 2008(k); "statutory undertaker" means any person falling within section 127(8) of the 2008 Act and a public communications provider as defined in section 151 of the 2003 Act (statutory undertakers' land);	Statutory undertaker is referred to in Part 1 and Part 2 but this does not currently include public communications providers
2.	Article 24	24.—(1) After the end of the period of 7 years beginning	24.—(1) After the end of the period of 5 years beginning	Having considered the Applicant's submissions and in particular the Phasing Strategy Work Book [APP-061]

No.	Article/ Schedule	Text as set out in draft DCO Revision 5 [REP6-004]	ExA's recommended amendment	Reason and Notes
		<p>on the day on which this Order is made—</p> <p>(a) no notice to treat may be served under Part 1 (determination of questions of disputed compensation) of the 1965 Act; and</p> <p>(b) no declaration may be executed under section 4 (execution of declaration) of the Compulsory Purchase (Vesting Declarations) Act 1981 as applied by article 27 (application of the 1981 Act).</p> <p>(2) The authority conferred by article 31 (temporary use of land for carrying out the authorised development) ceases at the end of the period referred to in paragraph (1), except that nothing in this paragraph prevents the undertaker remaining in possession of land after the end of that period, if the land was entered and possession was</p>	<p>on the day on which this Order is made—</p> <p>(a) no notice to treat may be served under Part 1 (determination of questions of disputed compensation) of the 1965 Act; and</p> <p>(b) no declaration may be executed under section 4 (execution of declaration) of the Compulsory Purchase (Vesting Declarations) Act 1981 as applied by article 27 (application of the 1981 Act).</p> <p>(2) The authority conferred by article 31 (temporary use of land for carrying out the authorised development) ceases at the end of the period referred to in paragraph (1), except that nothing in this paragraph prevents the undertaker remaining in possession of land after the end of that period, if the land was entered and possession was</p>	<p>Appendix C of Traffic and Transport Chapter, Indicative Phasing Plan [APP-023] both of which indicate works should be complete by year 4 apart from the District Heating Private Wire Network (DHPWN).</p> <p>While the ExA appreciates the complications cited in reference to the carbon capture and hydrogen injection to the grid.</p> <p>The justification of an extended period to exercise Compulsory Acquisition (CA) powers is not supported as both elements are intended to be included in earlier phasing of the development and the Carbon capture, utilisation and storage facility (CCUS) is required to be commissioned and operational in line with Requirement 18.</p>

No.	Article/ Schedule	Text as set out in draft DCO Revision 5 [REP6-004]	ExA's recommended amendment	Reason and Notes
		taken before the end of that period.	taken before the end of that period.	
3.	Article 27	<p>27.—(1) The 1981 Act applies as if this Order were a compulsory purchase order.</p> <p>(2) The 1981 Act, as so applied, has effect with the following modifications.</p> <p>(3) Section 5 (earliest date for execution of declaration) is omitted.</p> <p>(4) Section 5A (time limit for general vesting declaration) is omitted(a).</p> <p>(5) In section 5B (extension of time limit during challenge)(b)—</p> <p>(a) for “section 23 of the Acquisition of Land Act 1981 (application to High Court in respect of compulsory purchase order)” substitute “section 118 of the 2008 Act (legal challenges relating to applications for orders granting development consent)”; and</p>	<p>27.—(1) The 1981 Act applies as if this Order were a compulsory purchase order.</p> <p>(2) The 1981 Act, as so applied, has effect with the following modifications.</p> <p>(3) Section 5 (earliest date for execution of declaration) is omitted.</p> <p>(4) Section 5A (time limit for general vesting declaration) is omitted(a).</p> <p>(5) In section 5B (extension of time limit during challenge)(b)—</p> <p>(a) for “section 23 of the Acquisition of Land Act 1981 (application to High Court in respect of compulsory purchase order)” substitute “section 118 of the 2008 Act (legal challenges relating to applications for orders granting development consent)”; and</p>	As per Article 24

No.	Article/ Schedule	Text as set out in draft DCO Revision 5 [REP6-004]	ExA's recommended amendment	Reason and Notes
		<p>(b) for “the three year period mentioned in section 4” substitute “the seven year period mentioned in article 24 (time limit for exercise of authority to acquire land compulsorily) of the North Lincolnshire Green Energy Park Order 202[X]”.</p> <p>(6) In section 7 (constructive notice to treat), in subsection (1)(a), the words “(as modified by section 4 of the Acquisition of Land Act 1981)” are omitted.</p> <p>(7) In Schedule A1 (counter-notice requiring purchase of land not in general vesting declaration)(c), omit paragraph 1(2).</p> <p>(8) References to the 1965 Act in the 1981 Act must be construed as references to that Act as applied by section 125 of the 2008 Act (as modified by article 28 (application of Part 1 of the 1965 Act) to the compulsory</p>	<p>(b) for “the three year period mentioned in section 4” substitute “the five year period mentioned in article 24 (time limit for exercise of authority to acquire land compulsorily) of the North Lincolnshire Green Energy Park Order 202[X]”.</p> <p>(6) In section 7 (constructive notice to treat), in subsection (1)(a), the words “(as modified by section 4 of the Acquisition of Land Act 1981)” are omitted.</p> <p>(7) In Schedule A1 (counter-notice requiring purchase of land not in general vesting declaration)(c), omit paragraph 1(2).</p> <p>(8) References to the 1965 Act in the 1981 Act must be construed as references to that Act as applied by section 125 of the 2008 Act (as modified by article 28 (application of Part 1 of the 1965 Act) to the compulsory</p>	

No.	Article/ Schedule	Text as set out in draft DCO Revision 5 [REP6-004]	ExA's recommended amendment	Reason and Notes
		acquisition of land under this Order.	acquisition of land under this Order.	
4.	Article 31 (2)	(2) Not less than 14 days before entering on and taking temporary possession of land under this article the undertaker must serve notice of the intended entry on the owners and occupiers of the land.	(2) Not less than 28 days before entering on and taking temporary possession of land under this article the undertaker must serve notice of the intended entry on the owners and occupiers of the land.	14 days is considered a very short notice period and is not consistent with the notice period under Article 32
5.	Article 43	43. Development consent granted by this Order is to be treated as specific planning permission for the purposes of section 264(3)(a) of the 1990 Act (cases in which land is to be treated as operational land) in relation to the land in respect of which Work Nos. 1, 1A, 1B, 1D, 2, 10, 11 and 14 are authorised.	43. Development consent granted by this Order is to be treated as specific planning permission for the purposes of section 264(3)(a) of the 1990 Act (cases in which land is to be treated as operational land) in relation to the land in respect of which Work Nos. 1, 1A, []1D, [] 10, 11 and 14 are authorised.	Operational land associated with a statutory undertaker should properly relate to the generating station facilitating permitted development rights, additional land beyond this has not been fully justified or explained. Work No. 1B is a Carbon Capture Facility, and Work No. 2 comprises (a) a bottom ash and flue gas residue handling and treatment facility; (b) a concrete block manufacturing facility; and (c) offices and elevated walkway connected to Work Nos 1, 1C and 6. The ExA do not consider appropriate justification or reasoning has been

No.	Article/ Schedule	Text as set out in draft DCO Revision 5 [REP6-004]	ExA's recommended amendment	Reason and Notes
				provided which would warrant these elements being included in the 'operational land'.
6.	Authorised Signatory	Signed by authority of the Secretary of State for Business, Energy and Industrial Strategy	Signed by authority of the Secretary of State for Energy Security and Net Zero	Following the Cabinet reshuffle and the realignment of Government Departments the authorising Secretary of State would now be the Secretary of State for Energy Security and Net Zero.
7.	Government Department	Department for Business, Energy and Industrial Strategy	Department for Energy Security and Net Zero	As Above.
8.	Schedule 1 Part 1	Work No. 1D – a cooling system consisting of air-cooled condensers or air blast chillers. Work No. 2 comprising associated development— (a) a bottom ash and flue gas residue handling and treatment facility; (b) a concrete block manufacturing facility; and (c) offices and elevated walkway connected to Work Nos 1, 1C and 6.	Work No. 1D – a cooling system consisting of air-cooled condensers or air blast chillers. Associated Development Work No. 2 comprising associated development — (a) a bottom ash and flue gas residue handling and treatment facility; (b) a concrete block manufacturing facility; and (c) offices and elevated walkway connected to Work Nos 1, 1C and 6.	Insert the Title 'Associated Development' prior to the work number as a heading above Works No.2 – Work15B to clarify each of these elements are considered to be Associated Development, and delete the same phrase from the description of part of Work No.2
9.	Part 3 Parameters Table	n/a	Insert Component -Rail Infrastructure (Work No. 3)	To ensure the footbridges remain within the maximum parameters assessed.

No.	Article/ Schedule	Text as set out in draft DCO Revision 5 [REP6-004]	ExA's recommended amendment	Reason and Notes
	Work No.3 Rail Infrastructure		Footbridge No.1, Footbridge No.2 Maximum height AOD (m) 55.385 48.561	
10.	Schedule 2 Requirement 3	3.—(1) In relation to any part of the authorised development no development of that part may commence, save for any preliminary works, until details of the following have been submitted to and approved by the relevant planning authority- (a) the siting , design, external appearance and dimensions of all buildings and structures comprising the authorised development which are to be retained; (b) the colours, materials and surface finishes of all new permanent buildings and structures referred to in sub-paragraph (a); (c) the permanent circulation roads, vehicle parking and hardstanding; and	3.—(1) In relation to any part of the authorised development no development of that part may commence, save for any preliminary works, until details of the following have been submitted to and approved by the relevant planning authority- (a) the siting [], design, external appearance and dimensions of all buildings and structures comprising the authorised development which are to be retained; (b) the colours, materials and surface finishes of all new permanent buildings and structures referred to in sub-paragraph (a); (c) the permanent circulation roads, vehicle parking and hardstanding; and	Chapter 19 of the Environmental Statement (ES) currently only has Tables No. 1 and 2 not A and B. Tables A and B have currently only been provided within Appendix 3 to [REP6-034] 9.26 Written summaries of oral submissions at Issue Specific Hearing 4 (ISH4). The correct Table Reference/Document Refence will need to be included in the final dDCO. Typos – additional spaces not required

No.	Article/ Schedule	Text as set out in draft DCO Revision 5 [REP6-004]	ExA's recommended amendment	Reason and Notes
		<p>(d) grounds levels and heights of all permanent buildings and structures.</p> <p>(2) The details submitted and approved under sub-paragraph (1) must be in accordance with the design process and codes set out in the design principles and codes , the noise limits relating to fixed plant in noise tables A and B of chapter 19: mitigation of the environmental statement and the flood risk assessment and must take into account any results of preliminary ground investigations, including ongoing archaeological investigations, topographical surveys and ground gas monitoring.</p> <p>(3) The authorised development must be carried out in accordance with the details approved under sub-paragraph (1) for</p>	<p>(d) grounds levels and heights of all permanent buildings and structures.</p> <p>(2) The details submitted and approved under sub-paragraph (1) must be in accordance with the design process and codes set out in the design principles and codes [], the noise limits relating to fixed plant in noise tables 1 and 2 of chapter 19: mitigation of the environmental statement and the flood risk assessment and must take into account any results of preliminary ground investigations, including ongoing archaeological investigations, topographical surveys and ground gas monitoring.</p> <p>(3) The authorised development must be carried out in accordance with the details approved under sub-paragraph (1) for</p>	

No.	Article/ Schedule	Text as set out in draft DCO Revision 5 [REP6-004]	ExA's recommended amendment	Reason and Notes
		the relevant part of the authorised development.	the relevant part of the authorised development.	
11.	Requirement 4 (extract)	(7) The detailed operational environmental management plan in respect of the energy park works must also be in accordance with any conditions in the environmental permit and incorporate the following (to the extent such matters are not covered in the environmental management system required under the environmental permit)- (a) noise management plan in accordance with the relevant noise limits relating to operational noise in noise table B of chapter 19: mitigation of the environmental statement; (b) waste management plan; and (c) surface water discharge strategy.	(7) The detailed operational environmental management plan in respect of the energy park works must also be in accordance with any conditions in the environmental permit and incorporate the following (to the extent such matters are not covered in the environmental management system required under the environmental permit)- (a) noise management plan in accordance with the relevant noise limits relating to operational noise in noise table 2 of chapter 19: mitigation of the environmental statement; (b) waste management plan; and (c) surface water discharge strategy.	Chapter 19 of the ES currently only has Tables No. 1 and 2 not A and B Tables A and B have currently only been provided within Appendix 3 to [REP6-034] 9.26 Written summaries of oral submissions at Issue Specific Hearing 4 (ISH4). The correct Table Reference/Document Reference will need to be included in the final dDCO.
12.	Requirement 10	10.—(1) No part of the authorised development may commence, save for	10.—(1) No part of the authorised development may commence, save for	To ensure consistency throughout the dDCO and that the scheme submitted

No.	Article/ Schedule	Text as set out in draft DCO Revision 5 [REP6-004]	ExA's recommended amendment	Reason and Notes
		<p>the preliminary works, until a construction traffic management plan and a construction workers travel plan for that part has been submitted to and approved by the relevant planning authority.</p> <p>(2) The construction traffic management plan submitted and approved under sub-paragraph (1) must be in accordance with the CLP.</p> <p>(3) The construction traffic management plan and construction workers travel plan must be implemented as approved throughout the construction of the authorised development unless otherwise agreed with the relevant planning authority.</p>	<p>the preliminary works, until a construction traffic management plan and a construction workers travel plan for that part has been submitted to and approved by the relevant planning authority.</p> <p>(2) The construction traffic management plan submitted and approved under sub-paragraph (1) must be in accordance with the CLP.</p> <p>(3) The construction traffic management plan and construction workers travel plan approved under sub-paragraph (1) must be implemented as approved throughout the construction of the authorised development unless otherwise agreed with the relevant planning authority.</p>	<p>under sub-paragraph (1) is the one to be implemented.</p>
13.	Requirement 14	14. —(1) The undertaker must not commence development of the energy park works or railway reinstatement works,	14. —(1) The undertaker must not commence development of the energy park works or railway reinstatement works,	While the ExA understands that Article 13(2) prevents the closure of Stather Road in the event an appropriate replacement is not in place, this does not explicitly require the completion of

No.	Article/ Schedule	Text as set out in draft DCO Revision 5 [REP6-004]	ExA's recommended amendment	Reason and Notes
		<p>excluding any preliminary works, until the new access road (Work No. 5) has been constructed to base course level and connected to the public highway.</p> <p>(2) As part of constructing the new access road to base course level under sub-paragraph (1), the undertaker must carry out such parts of Work Nos. 10 and 11 as fall within the land in respect of which Work No. 5 is authorised.</p>	<p>excluding any preliminary works, until the new access road (Work No. 5) has been constructed to base course level and connected to the public highway.</p> <p>(2) As part of constructing the new access road to base course level under sub-paragraph (1), the undertaker must carry out such parts of Work Nos. 10 and 11 as fall within the land in respect of which Work No. 5 is authorised.</p> <p>Insert (3) Before the ERF first comes into operation the new access road (Work No. 5) will be completed to the satisfaction of the relevant planning authority and be available for public use.</p>	<p>the new highway access required to serve the development. The provision and completion of the new access road is an important consideration in not only meeting the highway requirements, to serve the needs of the site but to ensure the access in place during operation is 200metres (m) away from the River Trent.</p>
14.	Requirement 15	15.—(1) Prior to the commissioning of any part of the energy park works the undertaker must submit to the relevant planning authority for approval a	Replacement Requirement. Fuel Type (1) Only refuse derived fuel comprising of processed waste from municipal, household,	Requirement 15 as drafted does not meet the tests of precision, necessity, or enforceability in the ExA's view. Fuel Type

No.	Article/ Schedule	Text as set out in draft DCO Revision 5 [REP6-004]	ExA's recommended amendment	Reason and Notes
		<p>scheme, which sets out arrangements for maintenance of the waste hierarchy in priority order and which aims to minimise the quantities of recyclable and reusable waste contained within the residual waste received at the authorised development during the commissioning and operational period of the authorised development (the "waste hierarchy scheme").</p> <p>(2) The waste hierarchy scheme must include details of—</p> <p>(a) the type of information that must be collected and retained on the sources of the residual waste after recyclable and reusable waste has been removed;</p> <p>(b) the arrangements that must be put in place for ensuring that as much reusable and recyclable waste as is reasonably</p>	<p>commercial and industrial sources may be used in the combustion system in Work No. 1(b), except for purposes of start-up or support firing when gas or fuel oil may be used.</p>	<p>The requirement as drafted at the outset of the examination made it explicit that the Energy Recovery Facility (ERF) could only utilise refuse derived fuel as the energy source except during start up, the ExA consider this to be necessary, clear and precise.</p>

No.	Article/ Schedule	Text as set out in draft DCO Revision 5 [REP6-004]	ExA's recommended amendment	Reason and Notes
		<p>possible is removed from waste to be received at the authorised development, including contractual measures to ensure as much reusable and recyclable waste being removed as far as possible;</p> <p>(c) the arrangements that must be put in place for ensuring that commercial suppliers of residual waste operate a written environmental management system which includes establishing a baseline for recyclable and reusable waste removed from residual waste and specific targets for improving the percentage of such removed reusable and recyclable waste;</p> <p>(d) the arrangements that must be put in place for suspending and/or discontinuing supply arrangements from commercial suppliers who</p>		

No.	Article/ Schedule	Text as set out in draft DCO Revision 5 [REP6-004]	ExA's recommended amendment	Reason and Notes
		<p>fail to retain or comply with any environmental management systems;</p> <p>(e) the form of records that must be kept for the purpose of demonstrating compliance with (a) to (d) and the arrangements in place for allowing inspection of such records including relevant extracts of contractual arrangements with commercial suppliers by the relevant planning authority.</p> <p>(3) The waste hierarchy scheme must be implemented as approved under sub-paragraph (1).</p>		
15.	Requirement 19	<p>19.—(1) Once commissioned Work No. 1B (CCUS) must capture a minimum quantity of CO₂ which equates to the lesser of 54,387 tonnes per annum and 8.37% of the weight of the ERF waste throughput per annum from the date that the CCUS is</p>	<p>19.—(1) Once commissioned Work No. 1B (CCUS) must capture a minimum quantity of CO₂ which equates to the lesser of 54,387 tonnes per annum or 8.37% of the weight of the ERF waste throughput per annum from the date that the CCUS is</p>	<p>By replacing 'and' with 'or' the ExA are of the view this makes the Requirement clearer to understand.</p>

No.	Article/ Schedule	Text as set out in draft DCO Revision 5 [REP6-004]	ExA's recommended amendment	Reason and Notes
		<p>commissioned until the energy park works are decommissioned.</p> <p>(2) 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.</p>	<p>commissioned until the energy park works are decommissioned.</p> <p>(2) 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.</p>	
16.	New Requirement	<i>n/a</i>	<p>The rating level of noise from the operation of the authorised development shall not exceed:45 dB LAeq for any fifteen-minute period between 2300 and 0700, and 50 dB LAeq for any one-hour period between 0700 and 2300 determined one metre free-field external to any window or door of any existing</p>	<p>The detailed design of the various components of the proposed development and how they will operate are yet to be carried out hence it is considered that an appropriate approach to securing the noise control measures required to avoid a likely significant adverse noise effect, consistent with policy NPS-EN1 5.11.9, is to include a requirement that sets noise limits for the proposed development based on the guidance in</p>

No.	Article/ Schedule	Text as set out in draft DCO Revision 5 [REP6-004]	ExA's recommended amendment	Reason and Notes
			permanent residential premises using the methods described in 'Methods for rating and assessing industrial and commercial sound' British Standards Institution BS4142 2014+A1:2019	both BS 8233:2014 Guidance on sound insulation and noise reduction for buildings (British Standards Institute) and BS 4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound (British Standards Institute)
17.	New Requirement	<i>n/a however Applicant has confirmed this will be addressed at D7</i>		Waste stream for plastics into the Plastics Recycling Facility to be limited to that which would be delivered through to the ERF as per [REP5-007] the Explanatory Memorandum and to ensure the Plastic Recycling Facility remains subordinate to the ERF and can be properly regarded as associated development
18.	Schedule 4 – Column 3 – Extent of stopping up	Reference A1 to A2 from point A1 located 40 metres north of Neap House to point A2 located at the junction between Stather Road and Bellwin Drive, a distance of 120 metres	Reference A1 to A2 from point A1 located 40 metres north of Neap House to point A2 located at the junction between Stather Road and Bellwin Drive, a distance of 1200 metres	The distance specified 120 metres appears to be an error