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SCHEDULE OF CHANGES TO DEVELOPMENT CONSENT ORDER

Drax Bioenergy with Carbon Capture and Storage

Planning Act 2008; Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 – Regulation 5(2)(q)

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1. INTRODUCTION

1.1. OVERVIEW

- 1.1.1. An Application (the 'Application') for a Development Consent Order ('DCO') for Drax Bioenergy with Carbon Capture and Storage (the 'Proposed Scheme') was made by Drax Power Limited (the 'Applicant') to the Secretary of State ('SoS') for Business, Energy and Industrial Strategy ('BEIS') on 20 June 2022. The Proposed Development is described in Chapter 2 (Site and Project Description) of the Environmental Statement ('ES') (APP-038).

1.2. PURPOSE OF THIS DOCUMENT

- 1.2.1. This document contains the Schedule of Changes in relation to changes made to the Development Consent Order previously submitted with the Application, as set out within the tables below.
- 1.2.2. The Applicant intends to submit, when required, a Schedule of Changes alongside each DCO revision to provide details of the changes made to the version of the DCO previously submitted.

2. SCHEDULE OF CHANGES

2.1. APPLICANT'S POSITION ON THE SUGGESTION THAT A RESTRICTION BE PUT ON THE COMMENCEMENT OF THE PROPOSED SCHEME PENDING THE ENVIRONMENTAL PERMIT AND CONSENTS FOR THE TRANSPORT AND STORAGE INFRASTRUCTURE

- 2.1.1. At Issue Specific Hearing 1 on 18 January 2023, the Examining Authority asked the Applicant to consider whether a requirement should be imposed, similar to Requirement 33 in The Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order 2022, restricting the commencement of the Proposed Scheme until an environmental permit was in place for the Proposed Scheme, and consents were in place for the transport and storage of carbon dioxide captured by the Proposed Scheme. The Applicant undertook to respond in writing at Deadline 2.
- 2.1.2. The Applicant does not consider such a requirement to be appropriate or necessary, given the urgent need to deliver CCS projects in order to de-carbonise the UK and meet Net Zero targets (as supported by Government policy, including in current and emerging Overarching National Policy Statement (“NPS”) for Energy EN-1), and that the nature of the Proposed Scheme is different to the project the subject of the Keadby 3 Order.
- 2.1.3. Chapter 4 of the Needs and Benefits Statement that is submitted with this DCO Application identifies the national, international and local policies that support the use of CCS technology. Government support for the use of biomass as a significant source of renewable and low carbon energy is confirmed at paragraph 3.4.3 of NPS EN-1 and the need for the use of CCS at paragraph 3.6.4. The need for CCS is reconfirmed in the emerging Draft EN-1. The need for biomass with or without CCS is established as urgent. The government also states that new CCS infrastructure will be needed to ensure the transition to a net zero economy (Draft EN-1, 2021, paragraph 3.5.1).
- 2.1.4. Any requirement on the Proposed Scheme, of the type imposed in the Keadby 3 Order, could have the effect of potentially delaying the Scheme's delivery and therefore its contribution to the transition to Net Zero.
- 2.1.5. The approach advocated by the Applicant is consistent with policy. NPS EN-1 specifically accepts that the CCS chain has three links - capture of carbon; transport; and storage – but does not contain a requirement that CCS schemes should only be approved where the entire chain has been consented. This reflects that in practice commercial and other considerations and requirements are already in place which dictate when a project such as the Proposed Scheme would

come forward. For example, Drax cannot operate the Proposed Scheme without the necessary Environmental Permit being in place; that is the case with or without a specific requirement being in effect.

- 2.1.6. The nature of the Proposed Scheme is also relevant in the consideration of whether a requirement is necessary and appropriate. The Keadby 3 Order granted consent for a new gas-fired generating station, from which carbon dioxide (from a fossil fuel) would be emitted if allowed to operate without the carbon dioxide transport and storage infrastructure being in place. Those circumstances are very different from the Proposed Scheme, as if it is constructed ahead of the transport and storage infrastructure being operational, the effect of that is not to increase the amount of carbon dioxide emitted from generation as it would have at Keadby 3, but rather it simply means the existing biomass plants would operate as they do currently, providing renewable generation, until the transport and storage infrastructure was in place. The two applications (and therefore the requirements imposed on their consents) are distinguishable as this Application does not seek consent to generate electricity in a way that also emits carbon.
- 2.1.7. Accordingly, given the Proposed Scheme's differences to Keadby 3, the Applicant considers that it would be against policy to impose a requirement akin to the Keadby 3 requirement on the Proposed Scheme as it would prevent the Applicant from carrying out early works to commence the Proposed Scheme to ensure a timely and efficient connection to the transport infrastructure once it was in place. Furthermore, the Applicant has identified the likely early works that it would wish to undertake as quickly as possible following any grant of the DCO for the Proposed Scheme. These are likely to consist of:
- Site establishment and mobilisation within the Drax Power Station Site, not including off site areas such as the woodyard or the East Construction Laydown Area (part of Work No. 5) to the east of the power station;
 - Cooling water connection, cooling water pumphouse site preparation and civils works – forming part of Work No. 1B;
 - Process steam site preparation and civils works – forming part of Work No. 1Ci;
 - Absorber/quench site preparation and civils works – forming part of Works No. 1Di and ii;
 - Reclaimer site preparation and civils works – forming part of Works No. 1D iii and iv;
 - Compressor house site preparation and civils works – forming part of Work No. 1E; and
 - Biodiversity enhancement early works – including enhancements to hedgerows and works along Pear Tree Avenue – forming part of Work No. 6.
- 2.1.8. In terms of the harm of the Applicant carrying out these early works, these works would take place within the power station boundary only and it is considered that any effects would be reversible (short-term temporary works). It is recognised that the aspects of Work No.s 1B, 1Ci, 1Di, ii, iii and iv and 1E listed above have the potential to result in impacts, however, these would be managed by the measures already set out in the Register of Environmental Actions and Commitments (REAC) (REP-015, to be updated at Deadline 2).

2.1.9. Therefore, from both a policy perspective and a harm perspective, the Applicant considers that there simply is no justification for a requirement along the lines of that contained in the Keadby 3 Order. The Applicant would also note that no such restriction was placed on the Hinkley Point C (Nuclear Generating Station) Order 2013 in respect of the required grid connection that was consented under a separate Development Consent Order, being the National Grid (Hinkley Point C Connection Project) Order 2016.

2.2. SCHEDULE OF CHANGES TO DRAFT DCO FROM AS-078 TO DEADLINE 2

Table 2-1 – Schedule of Changes to draft DCO (Submitted at Deadline 2)

Reference	Change	Reason for Change
Article 2 (Interpretation)	Amends to definition of “access and rights of way plans”	For consistency
Article 2 (Interpretation)	Deletion of definition of “Crown land plans”	Following confirmation from Department for Transport, Crown Land plots have been removed.
Article 2 (Interpretation)	Amends to definition of “draft lighting strategy”	Following comment from ExA at ISH2, amended to reflect document title.
Article 2 (Interpretation)	Amends to definition of “environmental statement”	For consistency
Article 2 (Interpretation)	Addition of definition of “FGD plant”	To reflect amendments made to Requirement 2
Article 2 (Interpretation)	Amends to definition of “framework construction worker travel plan”	For consistency

Article 2 (Interpretation)	Amends to definition of “outline construction traffic management plan”	For consistency
Article 2 (Interpretation)	Addition of definition of “outline local employment plan”	To reflection the addition of Requirement 21
Article 2 (Interpretation)	Amends to definition of “outline landscape and biodiversity strategy”	For consistency
Article 2 (Interpretation)	Amends to definition of “proposed surface water drainage strategy”	Following comment from ExA at ISH2, amended to reflect document title.
Article 2 (Interpretation)	Amends to definition of “register of environmental actions and commitments”	For consistency
Article 2 (Interpretation)	Amends to definition of “relevant planning authority”	Amended to reflect the new unitary council to be formed on 1 April 2023.
Article 2 (Interpretation)	Amends to definition of “works plans”	For consistency
Article 10 (Power to alter layout, etc., of streets)	<p>Additional powers for the purposes of constructing, operating or maintaining the authorised development;</p> <p><i>the undertaker may—</i></p> <p><i>alter the level or increase the width of any kerb, footway, cycle track or verge; and</i></p> <p><u>(a) alter, remove, modify and restore street furniture;</u></p> <p><u>(b) trim vegetation in the street;</u></p> <p><u>(c) provide new means of access; and</u></p> <p><u>(d) (b) make and maintain passing places.</u></p>	Following further review by the Applicant, to better align the powers in the article with Schedule 5.

Article 11 (construction and maintenance of altered streets)	Amended: <i>temporary alternations <u>alterations</u></i>	Correction of spelling mistake
Article 12 (temporary stopping up public rights of way)	Amended: <i>divert the public right <u>rights</u> of</i>	To reflect that Schedule 6 now includes more than one public right of way
Article 18(1) (power to override easements and other rights)	Amended: <i>Any authorised activity which takes place on land within the Order land (whether the activity is undertaken by the undertaker or by any person deriving title from the undertaker or by any contractors, servants or agents of the undertaker) is authorised by this Order if it is done in accordance with the terms of this Order <u>for the purpose specified in section 158(2) of the 2008 Act (nuisance: statutory authority)</u>, notwithstanding</i>	Following comment from ExA at ISH2
Article 18(5) (power to override easements and other rights)	Addition of; <u><i>(5) Section 10(2) of the 1965 Act applies to paragraph (4) by virtue of section 152(5) of the 2008 Act (compensation in case where no right to claim in nuisance).</i></u>	Following comment from ExA at ISH2
Article 20(1) (compulsory acquisition of rights)	Amendment; <i>, or as is incidental to it,</i> <u><i>it</i></u>	Following further review by the Applicant
Article 20(2) (compulsory acquisition of rights)	Addition of referenced to “Part 1” in relation to Schedule 8 and addition of <u><i>“or in which rights may be extinguished”</i></u> to the title of Schedule 8.	To reflect amendments made to Schedule 8

Article 20(6) (compulsory acquisition of rights)	Deletion of sub-paragraph 6 to reflect deletion of Crown Rights Article.	Following confirmation from the Department for Transport, Crown Land plots have been removed.
Article 21(1) (private rights)	<p>Amended;</p> <p><i>(1) Subject to the provisions of this article, all private rights over land subject to compulsory acquisition under this Order are extinguished <u>the Order land specified in column (1) of the table in Part 2 of Schedule 8 (land in which only new rights etc. may be acquired or in which rights may be extinguished)</u> are extinguished <u>to the extent specified in relation to that land in column (2) of that Part of that Schedule on commencement of any activity authorised by the Order which interferes with or breaches those rights.</u></i></p> <p><i>(a) as from the date of acquisition of the right, or of the benefit of the restrictive covenant by the undertaker, whether compulsorily or by agreement; or</i></p> <p><i>(b) on the date of entry on the land by the undertaker under section 11(1) (power of entry) of the 1965 Act, whichever is the earliest.</i></p>	Following further review by the Applicant, and to more clearly identify plots where rights are sought to be extinguished only.
Article 26(10)(a) (temporary use of land for constructing the authorised development)	Addition of reference to “Part 1” in relation to Schedule 8 and addition of <u>“or in which rights may be extinguished”</u> to the title of Schedule 8.	Amended to reflect changes made to Schedule 8
Article 40(4) (procedure in relation to certain approvals etc)	Amended; <i>within six <u>eight</u> weeks</i>	Following discussions with North Yorkshire Council and Selby District Council.

Article 44 (Crown rights)	Deleted entire article	Following confirmation from the Department for Transport, Crown Land plots have been removed.
Schedule 1, Authorised Development	Amended; <i>In the County administrative area of North Yorkshire and the District of Selby Council a nationally significant infrastructure project as defined in sections 14(1)(a) and 15 of the 2008 Act and associated development under section 115(1)(b) of the 2008 Act.</i>	To reflect the unitary council being formed on 1 April 2023.
Schedule 1, Authorised Development	Various amendments to 'comprising' and 'including' throughout Schedule 1	Following comment from ExA at ISH2, and further review by the Applicant.
Schedule 1, Authorised Development, Work No. 1D (v) & (vi) and Work No. 2(a) & (b)	Addition of; <i><u>(dd) monitoring and metering equipment:</u></i>	In response to FWQs.
Schedule 1, Authorised Development, Work No. 2	Amended to include; <i>a new carbon dioxide delivery terminal compound <u>and pipelines</u> including</i>	Following comment from ExA at ISH2, and further review by the Applicant.
Schedule 1, Authorised Development, Work No. 4	Amended; Work No. 4 — works to facilitate <u>the safe entry and navigation of construction vehicles for the purpose of</u> construction access to Work Nos. 1 to 5 and 7 comprising — <u>including</u> — (a) road modifications; and (b) temporary removal or reinstatement of structures, features and landscaping; <u>and</u>	

	<u>(c) temporary modification and subsequent reinstatement of external parts of structures and buildings.</u>	
Schedule 1, Authorised Development	Amended; <i>unlikely to give rise to any materially new or materially different environmental effects from <u>which are worse than</u> those assessed in the environmental statement.</i>	Following comment from ExA at ISH2, and further review by the Applicant.
Schedule 2, Requirements	Throughout Schedule – ‘must’/ ‘may’ has been changed to ‘is to’ ‘shall’ has been changed to ‘must’	To adopt more natural language and to ensure compliance with drafting guidance
Schedule 2, Requirements	Throughout Schedule – deletion of consultation with highway authority and with North Yorkshire County Council.	To reflect upcoming formation of unitary council.
Schedule 2, Requirements, Requirement 2	Amended; <i>Phasing of the authorised development</i> <i>—(2) No part of the authorised development <u>(save for numbered work 8)</u> is to commence until a written scheme setting out the phasing of construction of numbered works 1, 2-, <u>3, 4</u> and 3-7 has been submitted to and approved by the relevant planning authority.</i> <i>The scheme submitted and approved pursuant to sub-paragraph (1) must be substantially in accordance with the phasing as detailed in chapter 2 (site and project description) of the environmental statement. <u>confirm that the construction of any part of the authorised development would not occur in parallel with any part of the demolition of the FGD plant.</u></i> <i>(2) The authorised development must be carried out in accordance with the parameters in Schedule 14 (design parameters) and items D1, D2, D3, D5, NV3, H1, WE1, WE2, WE3,</i>	Following comment from ExA at ISH2, and further review by the Applicant.

	WE4, WE5, WE-7, CC1, CC2 and GHG1 of the register of environmental actions and commitments. (3) (3)The scheme submitted and approved pursuant to subparagraph (1) must be implemented as approved.	
Schedule 2, Requirements, Requirement 5	Amended: <i>unlikely to give rise to any materially new or materially different environmental effects from <u>which are worse than</u> those assessed in the environmental statement.</i>	Following further review by the Applicant to ensure consistent approach.
Schedule 2, Requirements, Requirement 6(2) and (3)	Amended: <i>(2) The <u>authorised development must be carried out in accordance with the parameters in Schedule 14 (design parameters) and the details submitted must accord with items D1, D2, D3, D5, D6, D7, D8, D9, D10, AV3, H1 WE1, WE2, WE3, WE4, WE5, WE-7WE7, CC1, CC2 and GHG1 of the register of environmental actions and commitments.</u></i> <i>(3) The authorised development must be carried out <u>and thereafter maintained</u> in accordance with the approved details.</i>	Following comment from ExA at ISH2, and further review by the Applicant.
Schedule 2, Requirements, Requirement 7	Various amendments to the entire Requirement; deletion of numbered works 1 – 4, addition of hedgerows and confirmation that numbered work 6 is in accordance with items G8, E2, E6, E8, E10, E11 and E14 of the register of environmental actions and commitments in relation to details to be included in strategy as well as a maintenance clause.	Following comment made by ExA at ISH2, LIR comments and further review by the Applicant
Schedule 2, Requirements, Requirement 8(2)	Amended: outline <u>draft</u> lighting strategy	Following comment made by ExA at ISH2, to reflect document title.

Schedule 2, Requirements, Requirement 8(3)	Amended: <i>The scheme must be implemented <u>and maintained</u> as approved.</i>	Following comment made by ExA at ISH2 to include a maintenance clause.
Schedule 2, Requirements, Requirement 9	Amended: —(1) Each <u>Construction of each</u> of the accesses listed in Schedule 7 (temporary means of access to works) must not commence until details of the siting, design and layout (including visibility splays and construction specification) of each <u>that</u> access, and <u>in respect of the accesses listed in Part 1 of Schedule 7 only</u> , the means of reinstating the temporary means of access after construction	Following comment made by ExA at ISH2.
Schedule 2, Requirements, Requirement 10	Deletion of sub-paragraph (2) and amended (3); (3) (3) The details approved pursuant to sub-paragraph (1) schemes must be implemented as approved and maintained as approved throughout the construction and operation of the numbered works 1, 2 and 3 of the authorised development to which they relate.	Following comment made by ExA at ISH2.
Schedule 2, Requirements, Requirement 10(2)	Amended; the <u>proposed</u> surface water drainage strategy report .	Following comment made by ExA at ISH2 amended to reflect document title.
Schedule 2, Requirements, Requirement 11	Addition of; <u>(2) No later than 20 years following the earlier of the date of full commissioning, the undertaker must notify the relevant local planning authority and the Environment Agency whether it anticipates that the operation of Work No. 1 will continue past the 25th anniversary of the date of full commissioning.</u> <u>(3) If a notification under sub-paragraph (2) indicates that the undertaker anticipates that the operation of Work No. 1 will continue</u>	Following discussion with the Environment Agency.

	<p><u>past the 25th anniversary date of full commissioning, it must, unless otherwise agreed by the Environment Agency, submit for approval to the Environment Agency–</u></p> <p><u>(a) an updated flood risk assessment of the flood risk arising from the continued operation of Work No. 1 past the 25th anniversary of the date of full commissioning;</u></p> <p><u>(b) the details of any mitigation or compensation measures that the flood risk assessment under sub-paragraph (a) suggests are necessary;</u></p> <p><u>(c) the implementation timetable (including identifying the need for (but not requiring a specific programme for the obtaining of) any consents) for any measures identified under sub-paragraph (b); and</u></p> <p><u>(d) retention proposals for any measures identified under sub-paragraph (b).</u></p> <p><u>(4) The undertaker must share the details approved by the Environment Agency under sub-paragraph (3) with the relevant local planning authority within 5 days of such approval being given.</u></p> <p><u>(5) The undertaker must implement the measures approved under sub-paragraph (3)(b) in accordance with the implementation timetable approved under sub-paragraph (3)(c) no later than the 25th anniversary of the date of full commissioning of Work No. 1 or such other time period as is agreed with the Environment Agency and must retain them for the lifetime of Work No. 1 in accordance with the retention proposals approved under sub-paragraph (3)(d).</u></p> <p><u>(6) For the purposes of this requirement ‘the date of full commissioning’ means the earlier of the date Unit 1 full commissioning and the date of Unit 2 full commissioning.</u></p>	
Schedule 2, Requirements, Requirement 12	Addition of numbered work 7	In response to FWQs.

Schedule 2, Requirements, Requirement 12	Amended list of permitted preliminary works; <i>comprising demolition of existing structures, environmental surveys, geotechnical surveys and other investigations for the purpose of assessing remedial work in respect of any contamination or other adverse ground conditions only) or the diversion and laying of services until a written strategy</i>	In response to LIR comments.
Schedule 2, Requirements, Requirement 12	Addition of: <u><i>(c) include an earthworks specification setting out protocols for testing and limiting values to ensure that imported materials are suitable for their intended use in terms of their chemical or geotechnical quality; and</i></u>	In response to FWQs.
Schedule 2, Requirements, Requirement 12	Addition of: <u><i>(6) The piling risk assessment approved by the Environment Agency under sub-paragraph (5) must be provided to the relevant planning authority before commencement of numbered works 1, 2 and 3.</i></u>	Following comment made by ExA at ISH2
Schedule 2, Requirements, Requirement 13	Addition of numbered works 6 & 8	In response to FWQs.
Schedule 2, Requirements, Requirement 13	Amendments to the wording; <i>...authorised development must not commence (including permitted preliminary works comprising intrusive archaeological surveys only) until a written scheme of investigation has, for that numbered work, been submitted to and, after consultation with North Yorkshire County Council in its capacity as the relevant archaeological body (unless the relevant planning authority is a unitary council replacing North Yorkshire County Council), approved by the relevant planning authority.<u>either—</u></i>	In response to FWQs.

	<p><u>(a) a written scheme of investigation has, for that numbered work, been submitted to and approved by the relevant planning authority; or</u></p> <p><u>(b) the relevant planning authority has confirmed that no written scheme of investigation is required for that numbered work.</u></p>	
Schedule 2, Requirements, Requirement 14(1)	Removal of site clearance as part of permitted preliminary works and addition of; <u>geotechnical surveys, intrusive archaeological surveys and other investigations for the purpose of assessing ground conditions, demolition of buildings and removal of plant and machinery, above ground site preparation for temporary facilities for the use of contractors, remedial work in respect of any contamination or other adverse ground conditions, diversion and laying of services, and site clearance (including vegetation removal, demolition of existing buildings and structures)</u>	In response to LIR.
Schedule 2, Requirements, Requirement 14	Spelling mistake corrected	Following review of the draft DCO.
Schedule 2, Requirements, Requirement 15	Addition of numbered work 8	Following further review by the Applicant.
Schedule 2, Requirements, Requirement 15(4) and Requirement 16(3)	Addition of wording: <i>The plan must be implemented <u>and maintained</u> as approved <u>throughout the construction of the authorised development</u>.</i>	Following comment made by ExA at ISH2 to include a maintenance clause.
Schedule 2, Requirements, Requirement 17(3)	Addition of wording: <i>The noise mitigation scheme must be implemented <u>and maintained</u> as approved pursuant to sub-paragraph (1).</i>	Following comment made by ExA at ISH2 to include a maintenance clause.

Schedule 2, Requirements, Requirement 18(5) and Requirement 19(4)	Addition of wording: <i>The plan must be implemented <u>and maintained as approved for the duration of the decommissioning of the authorised development.</u></i>	Following comment made by ExA at ISH2 to include a maintenance clause.
Schedule 2, Requirements, Requirement 20	Addition of Requirement in relation to local liaison committee	Following comment made by ExA at ISH2 in relation to the section 106 agreement and agreement with the Councils.
Schedule 2, Requirements, Requirement 21	Addition of Requirement in relation to local employment plan	Following comment made by ExA at ISH2 in relation to the section 106 agreement and agreement with the Councils.
Schedule 4	Amendment from 'telephone' to 'telecommunications'	Following further review by the Applicant.
Schedule 5	Capitalisation of 'R' in 'Road'	Spelling mistake correction.
Schedule 6	Addition of public right of way; <i>Public footpath AIRMF03</i>	In response to FWQ and as powers may be required to temporarily close the public right of way in connection with WN8.
Schedule 8	Addition of new part; <u><i>LAND IN WHICH RIGHTS MAY BE EXTINGUISHED</i></u> Various amendments throughout Schedule.	To reflect amendments to Article 21 to more clearly identify plots over which extinguishment of rights is sought only.

Schedule 11, paragraph 1	Addition of definition of “application”	Following discussion with ExA at ISH2.
Schedule 11, paragraph 2(1) and 4(2)(b)	Amendment from six to eight weeks	Following discussion with North Yorkshire Council and Selby District Council.
Schedule 11, paragraph 2(3) and (4)	Amended wording: “ <i>will give rise to any materially new or materially different environmental effects compared to <u>which are worse than</u> those <u>assessed</u> in the environmental statement”</i>	Following further review by the Applicant and to ensure consistency.
Schedule 11, paragraph 11	Amended wording; “ On application by <u>Either</u> the relevant planning authority or the undertaker; <u>may request that</u> the appointed person <u>may to</u> give directions as to the costs of the appeal parties and as to the parties by whom the costs of the appeal are to be paid.”	Changes to reflect ‘application’ now being a defined term.
Schedule 13	Various updates to list of documents and plans to be certified.	Updating list to reflect updated and new documents submitted at Deadline 1 & 2, their revision numbers and dates.