



SCHEDULE OF CHANGES TO THE dDCO V4

PINS project reference: WS010005

PINS document reference: 3.5

July 2022



**Baddesley Colliery Offices, Main Road, Baxterley, Atherstone,
Warwickshire, CV9 2LE.**

Telephone : 01827 717891, Fax : 01827 718507



INTRODUCTION

- 1.1 The Development Consent Order (DCO) application for The East Northants Resource Management Facility Western Extension scheme was submitted on 8 September 2021 and accepted for examination on 24 September 2021.
- 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 8 September 2021 (Version 0) [**APP-017**].
- 1.3 These changes were been made in response to the Examining Authority's Written Questions [**PD-006**] and comments received from North Northamptonshire Council.
- 1.4 The purpose of Table 1.2 in this document is to set out the changes made to the dDCO (Version 2) from that submitted on 16 March 2022 (Version 1) [**REP3-003**].
- 1.5 The purpose of Table 1.3 in this document is to set out the changes made to the dDCO (Version 3) from that submitted as Version 2 on 13 April 2022 [**REP4-005**].
- 1.6 The purpose of Table 1.4 in this document is to set out the changes made to the dDCO (Version 4) from that submitted as Version 3 on 16 June 2022 [**AS-011**].
- 1.7 The purpose of Table 1.5 in this document is to set out the changes made to the dDCO (Version 5) from that submitted as Version 4 on 22 June 2022 [**REP6-003**].
- 1.8 It is submitted together with:
 - a revised issue of the dDCO (Version 5), and
 - a comparison version of the dDCO showing all changes between the new Version 4 and Version 5.

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
Article 2, Interpretation for the Development Consent Order	The following two definitions have been inserted: <ul style="list-style-type: none"> • "the 1961 Act" means the Land Compensation Act 1961'; and • "the 1965 Act" means the Compulsory Purchase Act 1965'. 	Both acts are referred to within the Development Consent Order so have been included as definitions for the avoidance of doubt. This is in response to Q4.2.10 of the Examining Authority's Written Questions [REP2-006].	N/A	N/A
Article 2, Interpretation for the Development Consent Order	Reference numbers have been added to the definitions of the plans to be certified as part of the Order.	References have been inserted at the request of the ExA at Q4.1.1 of the Examining Authority's Written Questions [PD-006].	N/A	N/A
Article 2, Interpretation for the Development Consent Order	The definition of "relevant planning authority" has been updated to refer to North Northamptonshire Council	This definition has been included in response to Q4.2.1 of the Examining Authority's Written Questions [REP2-006].	N/A	N/A
Article 2, Interpretation for the Development Consent Order	The following definition has been inserted: "work" means a work set out in Schedule 1 and shown on the works plans; and a reference to a work designated by a number or a combination of numbers and letters, is a reference to the work so designated in that Schedule;'	This definition has been included in response to Q4.3.1 of the Examining Authority's Written Questions [REP2-006].	Thurrock Flexible Generation Plant Development Consent Order 2022	N/A
Part 2, Principal Powers, 'Effect of the Order on the original order', Article 4(2)	Paragraph 4 (2) has been updated to read: 'Upon service of the notice under paragraph (1) construction, operation and maintenance of Work	This definition has been included in response to Q4.2.2 of the	N/A	N/A

Article/Schedule	Change	Reason for change	Precedent used	Consequential changes
	No.1A, Work No.2 and Work No.3 will cease under the original order and from that date the authorised development will be constructed, operated and maintained in accordance with the provisions of this Order and the plans certified under article 18.	Examining Authority's Written Questions [REP2-006].		
Part 4, Miscellaneous and General, 'Protective Provisions', Article 15	The Schedule reference has been updated.	This reference has been corrected at the request of the ExA at Q4.1.1 of the Examining Authority's Written Questions [PD-006].	N/A	N/A
Part 4- Miscellaneous and General, 'Defence to proceedings in respect of statutory nuisance', 17, (b), (i)	The following wording has been deleted: 'a scheme of monitoring and attenuation agreed with the relevant planning authority and environmental agency as described in Requirement 3' and been replaced with the insertion of 'Requirement 5'.	This text referred to the incorrect requirement, so has been updated.	N/A	N/A
All Schedules	The shoulder references for each Schedule have been updated	These have been updated at the request of the ExA at Q4.1.1 of the Examining Authority's Written Questions [PD-006].	N/A	N/A
Schedule 2, Requirements, Detailed design, 3	Requirement 3(4) has been updated as follows: 'Development of the new works must not commence until a detailed drainage design in accordance with the surface water management plan has been submitted to and approved by the relevant planning authority following consultation with the Environment Agency. '	The text has been included in response to the Environment Agency's relevant representation [REP2-005].	N/A	N/A

Article/Schedule	Change	Reason for change	Precedent used	Consequential changes
Schedule 2, Requirements, Phasing, landscaping and restoration, 4, (1)	<p>A new paragraph 4(1) has been inserted as follows:</p> <p>'The authorised development must be carried out in accordance with the ecological management, monitoring and aftercare plan and the first stage of the phasing sequence table until the phasing, landscaping and restoration scheme is approved pursuant to sub paragraph (2).'</p>	<p>This wording has been included in response to Q3.2.3, Q3.3.2, Q3.3.7 and Q4.4.3 of the Examining Authority's Written Questions [REP2-006].</p>	N/A	N/A
Schedule 2, Requirements, Phasing, landscaping and restoration, 4(2)	<p>Requirement 4(2) has been updated as follows:</p> <p>'Within 24 months of the date of this Order the undertaker must submit a phasing, landscaping and restoration scheme in accordance with the principles set out in the ecological management, monitoring and aftercare plan and the restoration concept scheme to the relevant planning authority for approval following consultation with the Environment Agency.'</p>	<p>The text has been included in response to the Environment Agency's relevant representation [REP2-005].</p>	N/A	N/A
Schedule 2, Requirements, Phasing, landscaping and restoration, 4(6)	<p>Requirement 4(6) has been updated as follows:</p> <p>'The undertaker must restore the site by 31 December 2046 at the latest and all landscaping, restoration and aftercare works must be carried out for a minimum period of 20 years in accordance with the extant phasing, landscaping and restoration scheme in place at the time those works are being carried out and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised codes of good practice.'</p>	<p>This wording has been included following comments from North Northamptonshire Council and in response to Q4.4.4 and Q14.2.9 of the Examining Authority's Written Questions [REP2-006].</p>	N/A	N/A

Article/Schedule	Change	Reason for change	Precedent used	Consequential changes
Schedule 2, Requirements, Phasing, landscaping and restoration, 4(7)	A new Requirement 4(7) has been inserted as follows: 'The undertaker must provide public access to the authorised development in accordance with the details set out in the phasing, landscaping and restoration scheme.'	This wording has been included following comments from North Northamptonshire Council and in response to Q9.1.1 of the Examining Authority's Written Questions [REP2-006].	N/A	N/A
Schedule 3, Procedure for approvals under requirements	The timescale in paragraph 4(2) has been amended from 18 business days to 21 business days.	The timescale has been updated in response to the Environment Agency's relevant representations [REP2-005].	N/A	N/A
Schedule 4, Design parameters table	Lateral dimension limits for any buildings constructed as part of Work No. 3 have been included.	These additional limits have been included in response to Q8.1.3 of the Examining Authority's Written Questions [REP2-006].	N/A	N/A

Table 1.2: Summary of changes made to the dDCO (Version 2) from the dDCO submitted at Deadline 3 (Version 1)

Article/ Schedule	Change	Reason for Change	Precedent used	Consequential changes
Article 2, Interpretation for the Development Consent Order	Drawing and document references have been amended to include the reference number of each plan to the following definitions: 1) "access plan"; 2) "DEC"; 3) "land plan";	The plan references have been included at the ExA's request.	N/A	N/A

	<p>4) "restoration concept scheme";</p> <p>5) "restoration profile contour plan"; and</p> <p>6) "the works plan".</p>			
Article 2, Interpretation for the Development Consent Order	Insertion of a definition of "hedgerow plan".	This has been included to define the plan referred to in Schedule 5.	N/A	Defined plan added to list in Article 18(1) and reference in Schedule 5 decapitalised for consistency.
Article 2, Interpretation for the Development Consent Order	Amendment of the definition of "restoration landform profile plan" to "restoration profile contour plan".	This has been amended to ensure consistency with the application document name.	N/A	Defined term used in Article 18(1)(c) and Requirement 3(1)(d), so wording has been updated.
Part 3, Supplemental Powers, Access to works, 10(1) and 10(2)	Insertion of 'shown on the access plan' and deletion of 'at such locations'.	This wording has been updated in response to the ExA's comments at ISH1 in relation to limiting the power in Article 10.	N/A	N/A
Schedule 2, Requirements, Phasing, landscaping and restoration, 4(3)(C)	Insertion of 'any' to read: 'how any invasive species will be managed'.	The word 'any' has been included to address the ExA's comments made at ISH2 and to make it clear the phasing, landscaping and restoration scheme must address the management of any invasive species found on the site.	N/A	N/A

Table 1.3: Summary of changes made to the dDCO (Version 3) from the dDCO submitted at Deadline 4 (Version 2)

Article/ Schedule	Change	Reason for Change	Precedent used	Consequential changes
Article 2, Interpretation for the Development Consent Order	Drawing and document references have been update for the following: 1) "DEC"; 5) "restoration profile contour plan"; and 6) "the works plan".	To reflect the updates made to these documents as part of the non-material change request.	N/A	N/A
Part 2, Principle Power, Limits of deviation 5(1)(b)	Amended to read: 'in relation to Work No. 1 only deviate the works vertically upwards to a limit of 1 metre from the contours shown in grey on the restoration profile contour plan ;	This wording has been updated to reflect the changes made to the restoration profile contour plan as part of the non-material change request.	N/A	N/A
Schedule 2, Requirement 3	Deletion of the reference to 'the restoration profile contour plan' in subsection (1) Addition of a new subsection (2) to ensure the final ground contours accord with the contours shown on the restoration profile contour plan	This wording has been updated to reflect the changes made to the restoration profile contour plan as part of the non-material change request.	N/A	Amendment to cross reference in Requirement 4(1)(e) to tie in with new subsection (2)
Schedule 2, Requirement 19	Insertion of a new requirement to secure final details for the water pipe standoff	This has been included to accommodate an element of flexibility for the water pipe stand offs and allows these to be agreed post consent, rather than being fixed as proposed in the original application.	N/A	Insertion of a definition of 'water pipe standoff' Original Requirement 19 renumbered as Requirement 20

Table 1.4: Summary of changes made to the dDCO (Version 4) from the dDCO submitted with the NMC request (Version 3)

Article/ Schedule	Change	Reason for Change	Precedent used	Consequential changes
Schedule 1, Authorised Development, Work No. 2 (a)	Work No. 2 (a) has been amended to read: 'a modular plant located on a concrete pad with associated enclosures or buildings , surface water drainage and collection'	This wording has been updated to correct an omission.	N/A	N/A
Schedule 1, Authorised Development, Work No. 3 (b)	Insertion of the following: '(b) storage shed'	This wording has been updated to allow the Applicant to apply different height parameters to this building in Work No. 3.	N/A	N/A
Schedule 2, Requirements, Phasing, landscaping and restoration 4 (3) (b)	Insertion of a new phasing time scale (b): '(b) a programme for review meetings'	This has been included following discussions with North Northamptonshire Council on the drafting of Requirement 4.	N/A	Amendment to cross reference in Requirement 3(2)
Schedule 4, Design parameters	The following maximum dimensions have been updated and inserted: 'Any plant in Work No.3 - 7.4m high Any buildings in Work No. 3 (excluding the storage shed) - 3.6m high Work No. 3(b), the storage shed- 8m high'	The parameters have been updated to address ExQ2 Q4.1 and the Applicant's response submitted at Deadline 5 [REP5-004]	N/A	N/A
Schedule 6, Protective Provisions, Part 2	Insertion of the bespoke Protective Provisions in favor of Western Power Distribution Limited (East Midlands) PLC	Bespoke Protective Provisions have been included for the protection of Western Power Distribution Limited.	N/A	N/A

Schedule 6, Protective Provisions, Part 3	Insertion of bespoke Protective Provisions in favor of National Grid.	Bespoke Protective Provisions have been included for the protection of National Grid Gas.	N/A	N/A
---	---	---	-----	-----

Table 1.5: Summary of changes made to the dDCO (Version 5) from the dDCO submitted at Deadline 6 (Version 4)

Article/ Schedule	Change	Reason for Change	Precedent used	Consequential changes
Article 2, Interpretation for the Development Consent Order	The definition of "DEC" has been amended to reflect the latest version before the examination (being version 3 as opposed to version 2).	Amendment required to reflect the latest version before the examination.	N/A	N/A
Schedule 2, Requirements, Requirement 1, Interpretation	The definition for "Water pipe standoff" has been deleted.	Because the associated Requirement (old Requirement 19 (water pipe standoff) has been deleted, there is no other reference to this term in the dDCO and so no need for this definition to be retained.	N/A	N/A
Schedule 2, Requirements, Requirement 19, Water pipe standoff	This requirement has been deleted.	As the standoff from the water pipes is now agreed with Anglian Water, there is no need for Requirement 19 as previously drafted. The Detailed Design wording in Requirement 3(1)(c) and 3(2) of the dDCO remains appropriate to control the development. The finished ground level contours will be determined in accordance with Requirement 3(2) based on the final location of the diverted, buried electricity cable,	N/A	The numbering of the subsequent requirement has been reformatted accordingly.

		which will be agreed through the Protective Provisions agreed with Anglian Water and Western Power.		
Schedule 6, Protective Provisions, Part 1	Insertion of bespoke Protective Provisions in favor of Anglian Water Services Limited.	Bespoke Protective Provisions have been included for the protection of Anglian Water Services Limited. This change was also requested in the Examining Authority's letter dated 29 June 2022.	N/A	The Contents section has been amended accordingly to include the updated title for this Part. Consequential paragraph numbering impacts on subsequent paragraphs have been updated.
Schedule 6, Protective Provisions, Part 2	The wording in the definition of "WPD Network" under paragraph 11 has been updated.	To correct the reference to Article 2 in the DCO.	N/A	N/A