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Draft Development Consent Order – Schedule of Changes

March 2025

Helios Renewable Energy Project

Draft Development Consent Order – Schedule of Changes

Planning Inspectorate Reference: EN010140

March 2025

Prepared on behalf of Enso Green Holdings D Limited

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1. Introduction

1.1. Purpose of this document

- 1.1.1. This document details the Applicant’s amendments to the draft Development Consent Order (dDCO) **[AS-007]** made since its submission. This document will be updated throughout the Examination and submitted together with each updated revision of the dDCO at the relevant deadlines.
- 1.1.2. Table 1.1 below sets out each material track-change made to the dDCO, the reason for making each change, and the Examination deadline the change was made at.
- 1.1.3. The track-changes shown in Table 1.1 reflect the changes made against the version of the dDCO most recently submitted unless otherwise noted in the comments column. For example, if an updated version of the dDCO is submitted at Deadline 4, the track changes set out below for Deadline 4 would show the changes made to the version of the dDCO previously submitted at Deadline 3.
- 1.1.4. Table 1.1 does not detail any non-material changes made to the dDCO by the Applicant throughout the Examination including to amend typos, to correct formatting, or to update cross-references within the dDCO and the Table of Contents.

2. Schedule of Changes

Table 1.1 Schedule of Changes to the draft DCO

Article / Paragraph / Schedule number	Amendment	Reason for Amendment	Comments
Procedural Deadline A			
n/a	n/a	n/a	n/a
Deadline 1			
n/a	n/a	n/a	n/a
Deadline 2			
n/a	n/a	n/a	n/a
Deadline 3			
Schedule 2 Part 1 Requirement 5	<p>Decommissioning and restoration</p> <p>5.— (1) Decommissioning works must commence no later than 40 years following the date of the final commissioning of Work No. 1 that is the subject of</p>	<p>This amendment was requested by National Highways in their Relevant Representation [RR-</p>	<p>The Applicant proposes to update the dDCO [AS-007] with this amendment at</p>

	<p><i>the last notice given by the undertaker pursuant to requirement 2(3) (phasing of authorised development and date of final commissioning).</i></p> <p><i>(2) Prior to the commencement of any decommissioning works for any part of the authorised development, the undertaker must-</i></p> <p><i>(a) submit to the local planning authority for approval a decommissioning environmental management plan for that part and</i></p> <p><i>(b) submit to the local planning authority for approval in consultation with National Highways (or its successors) a decommissioning traffic management plan for that part.</i></p> <p><i>(4) The plans submitted and approved must under sub-paragraph (2) must be substantially in accordance with the relevant part of the outline DEMP.</i></p> <p><i>(5) The decommissioning environmental management plan submitted and approved must include a resource management plan that includes details of proposals to minimise the use of natural resources and unnecessary materials.</i></p> <p><i>(6) No decommissioning works must be carried out until the local planning authority approves the plans submitted in relation to such works <u>are approved as set out in subparagraph (2).</u></i></p> <p><i>(7) The plan<u>s</u> submitted to and approved pursuant to sub-paragraph (2) must be implemented as</i></p> <p><i>approved for the works required to decommission</i></p>	<p>267]. The wording of this requirement has been approved by both the Applicant and National Highways accordingly.</p>	<p>Deadline 4 as this was the only amendment to the dDCO at Deadline 2 and 3.</p>
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	<p>that phase of the authorised development <u>unless otherwise approved in writing.</u></p> <p>(8) This requirement is without prejudice to any other consents or permissions which may be required to decommission any part of the authorised development.</p>		
Deadline 4			
Business days/Working days	All references to business and working have been converted to days throughout	To provide clarity to all affected parties and for ease of reference.	n/a
Part 1 Article 2 (Interpretation) Commence	<p>“commence” means to carry out any material operation (as defined in section 155 of the 2008 Act) forming part of the authorised development other than the site preparation works (except where stated to the contrary), and “commencement” and “commenced” must be construed accordingly;</p>	To facilitate the definition of Site Preparation Agreement below as agreed with the Environment Agency (“EA”) to resolve their relevant representation [RR-117] at EA-03 [REP1-004].	n/a
Part 1 Article 2 (Interpretation) Site Preparation Works	<p>“site preparation works” means all or any of—</p> <p>(a) environmental surveys, geotechnical surveys, intrusive archaeological surveys and other investigations for the purpose of assessing ground conditions, demolition of buildings and removal of plant and machinery;</p> <p>(a) above ground site preparation for temporary facilities for the use of contractors;</p>	This amended definition of Site Preparation works has been agreed with the EA to addresses their comments as well as North Yorkshire Council (“NYC”) ecologist’s comments- regarding pre commencement	n/a

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	<p>(c) remedial work in respect of any contamination or other adverse ground conditions;</p> <p>(d) diversion of existing apparatus and laying of temporary apparatus services;</p> <p>(b) the provision of temporary means of enclosure and site security for construction;</p> <p>(c) the temporary display of site notices or advertisements; <u>and</u></p> <p>(d) site clearance (including vegetation removal <u>along the A1041 to facilitate the site accesses as part of Work no. 8</u> demolition of existing buildings and structures); and</p> <p>(h) pre-construction ecological mitigation;</p>	activities taking place without a CEMP ([RR-117] at EA-03 [REP1-004]).	
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<p>Article 18 (7)</p> <p>Discharge of Water</p>	<p><i>Discharge of water</i></p> <p><i>(7) This article does not authorise the <u>cause of or knowingly permit a water discharge activity or groundwater activity except under and to the extent authorised by an environmental permit under regulation 12(1) of the Environmental Permitting (England and Wales) Regulations 2016.</u> entry into controlled waters of any matter whose entry or discharge into controlled waters is prohibited by regulation 12 (requirement for environmental permit) of the Environmental Permitting (England and Wales) Regulations 2016(-).</i></p>	<p>This amendment to Article 18 (7) has been agreed with the EA to resolve their concern regarding this article being more accurately worded as per Regulation 12 of the Environmental Permitting (England and Wales) Regulations 2016 ([RR-117] at EA-21 [REP1-004]).</p>	<p>n/a</p>
<p>Schedule 2 Part 1</p> <p>Requirement 4</p>	<p><u>Construction environmental management plan (CEMP)</u></p> <p>—(1) No phase of the authorised development may commence until a CEMP for that phase has been submitted to and approved by the local planning authority, <u>after consultation with the Environment Agency in relation to matters in relation to its statutory functions.</u> Any CEMP submitted for approval must be in accordance with the outline CEMP and any approved CEMP must be adhered to for the duration of the works in the phase of the authorised development to which the CEMP relates.</p> <p>(2) The CEMP for each phase of the authorised development must provide details of—</p> <ul style="list-style-type: none"> (a) community liaison; (b) complaints procedures; 	<p>This amendment to requirement 4 was agreed with the EA to address their comments ([RR-117] at EA-20 [REP1-004]).</p>	<p>n/a</p>

	<p>(c) nuisance management including measures to avoid or minimise the impacts of construction works (covering dust, noise and vibration);</p> <p>(d) construction dust assessment;</p> <p>(e) site waste and materials management measures;</p> <p>(f) pollution control measures to prevent the introduction of any hazardous substances;</p> <p>(g) security measures and use of artificial lighting;</p> <p>(h) a protocol requiring consultation with the Environment Agency in the event that unexpected contaminated land is identified during ground investigation or construction; and</p> <p>(i) details of out of hours working procedures.</p>		
<p>Schedule 2 Part 1</p> <p>Requirement 5</p>	<p>Decommissioning and restoration</p> <p>5.—(1)Decommissioning works must commence no later than 40 years following the date of the final commissioning of Work No. 1 that is the subject of the last notice given by the undertaker pursuant to requirement 2(3) (phasing of authorised development and date of final commissioning).</p> <p><u>2. No later than 12 months</u> Pprior to the commencement of any decommissioning works for any part of the authorised development, the undertaker must <u>submit to the local planning authority for approval a decommissioning environmental management plan for that part and</u></p> <p>(a) <u>submit to the local planning authority for approval in consultation with National Highways (or its successors) submit to the local planning authority for approval a decommissioning environmental management plan and</u> a decommissioning traffic management plan for that part.</p>	<p>This requirement has been further amended to address Action Point 1 of CAH1 [EV4-002] further to NYC's comments during CAH1.</p>	<p>n/a</p>

	<p>(3) <u>No later than year 15 of operation the undertaker must notify the local planning authority that the undertaker has put in place the requisite decommissioning security in the form as required by the landowners.</u></p> <p>(4) The plans submitted and approved must under subparagraph (2) must be substantially in accordance with the relevant part of the outline DEMP.</p> <p>(5) The decommissioning environmental management plan submitted and approved must include a resource management plan that includes details of proposals to minimise the use of natural resources and unnecessary materials.</p> <p>(6) No decommissioning works must be carried out until the local planning authority approves the plans submitted in relation to such works <u>are approved as set out in subparagraph (2).</u></p> <p>(7) The plans submitted to and approved pursuant to subparagraph (2) must be implemented as approved for the works required to decommission that phase of the authorised development <u>unless otherwise approved in writing.</u></p> <p>(8) This requirement is without prejudice to any other consents or permissions which may be required to decommission any part of the authorised development.</p>		
Schedule 2 Part 1 Requirement 19	<p><u>Hydrogeological Risk Assessment</u></p> <p><u>(1) No phase of the authorised development which requires horizontal direct drilling or any other trenchless utility installation methods may commence until a hydrogeological risk assessment, the scope of which will be agreed in consultation with the Environment Agency,</u></p>	This requirement has been agreed with the EA in relation to their concerns in relation to ground water recourse risks ([RR-117] at EA-17	n/a

	<u>has been submitted to and approved by the local planning authority in consultation with the Environment Agency.</u>	[REP1-004]).	
Schedule 2 Part 1 Requirement 20	<p><u>Foundation Works</u></p> <p><u>20—(1) No part of the authorised development is to commence until method statements for all foundation works which may impact the principal and/or secondary A aquifers present on the site, and a foundation works risk assessment for such works within zone 1 (inner) of a groundwater source protection zone, have been submitted to and approved in writing by the local planning authority in consultation with the Environment Agency.</u></p> <p><u>(2) The method statements must include details of the proposed foundation construction methodology, including measures to minimise the potential for detrimental impact on groundwater quality to result from the stated activity.</u></p> <p><u>(3) The foundation works risk assessment must include:</u></p> <p><u>(a). options for the proposed piling method at each location where piling is proposed;</u></p> <p><u>(b) for each piling method option at each location, mitigation measures to minimise detrimental impact on underlying groundwater resources.</u></p> <p><u>(4) The authorised development must be carried out in accordance with the approved method statements and, where relevant, the approved risk assessment.</u></p>	<p>This requirement has been agreed with the EA in relation to their concerns in relation to foundation and piling works ([RR-117] at EA-18 [REP1-004]).</p>	n/a

<p>Schedule 2 Part 2</p> <p>Procedure for Discharge of Requirements</p> <p>Requirement 23</p>	<p><i>Further information regarding requirements</i></p> <p>23(1)— <i>In relation to any application referred to in paragraph 20, the discharging authority may request such further information from the undertaker as it considers necessary to enable it to consider the application.</i></p> <p><i>(2) If the discharging authority considers that further information is necessary and the requirement concerned contained in Part 1 of this Schedule does not specify that consultation with a consultee is required, the discharging authority must, within <u>28 days</u> ten business of receipt of the application, notify the undertaker in writing specifying the further information required.</i></p> <p><i>(3) If the requirement concerned contained in Part 1 of this Schedule specifies that consultation with a consultee is required, the discharging authority must issue the application to the consultee within five business <u>14 days</u> of receipt of the application, and notify the undertaker in writing specifying any further information requested by the consultee within five business days <u>14 days</u> of receipt of such a request.</i></p> <p><i>(4) If the discharging authority does not give the notification within the period specified in subparagraph (2) or (3) it (and the consultee, as the case may be) is deemed to have sufficient information to consider the application and is not entitled to request further information without the prior agreement of the undertaker.</i></p>	<p>This amendment was made in light of NYC's comments at ISH1 and raised in ISH1 Action Point 20 [EV3-002] who asked that this was amended to 21 days at 21 (2) and 10 days at 21 (3). For clarity the Applicant has amended all references to business and working days to calendar days for consistency.</p>	<p>n/a</p>
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Deadline 5			
Schedule 2 Part 1 Requirement 10	<p><i>Landscape and ecological management plan (LEMP)</i> 10.—(1) No phase of the authorised development may commence until a LEMP covering that phase which accords with the outline LEMP has been submitted to and approved by the local planning authority <u>in consultation with Natural England</u>.</p> <p>(2) The LEMP must include— (a) details of the method of protection of existing landscape features and habitats during the construction, operation and decommissioning stages of the authorised development; (b) details of habitat creation; (c) details of ongoing management including seasonal grazing regime and other measures including the annual review of the need for any additional mitigation planning work during the lifetime of the authorised development; (d) a timetable for the landscape management of the land within the Order limits during the lifetime of the authorised development; and (e) landscaping details.</p> <p>(3) The LEMP submitted and approved pursuant to subparagraph (1) must be implemented as approved.</p>	This amendment was agreed further to discussions between the Applicant and NE.	n/a
Schedule 2 Part 1 Requirement 14	<p>14.—(1) No phase of the authorised development may commence until written details of all proposed permanent and temporary fences, walls or other means of enclosure of the connection works for that phase have been</p>	This amendment was made to bring the requirement in line with the amendment to the	n/a

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	<p><i>submitted to and approved by the local planning authority as part of the detailed design approval required by requirement Error! Reference source not found. (detailed design approval).</i></p> <p><i>For the purposes of sub-paragraph (1), “commence” includes any site preparation works.</i></p> <p><i><u>(2) Any construction site must remain securely fenced in accordance with the approved details at all times during construction of the authorised development.</u></i></p> <p><i><u>(3) Any temporary fencing must be removed on completion of the phase of construction of the authorised development for which it was used.</u></i></p> <p><i><u>(4) Any approved permanent fencing must be completed before completion of the authorised development.</u></i></p>	definition of “Site Preparation Works” Part 1 Article 2 (Interpretation) as outlined at D4 above.	
Schedule 2 Part 1 Requirement 21	<p><u>Glint and Glare Mitigation Strategy</u></p> <p><i><u>21— (1) No phase of the authorised development may commence until a Glint and Glare Mitigation Strategy for that phase has been submitted to and approved by the local planning authority.</u></i></p> <p><i><u>(2) The Glint and Glare Mitigation Strategy shall be provided to Burn Gliding Club at the same time as it is submitted to the local planning authority for approval</u></i></p> <p><i><u>(3) The Glint and Glare Mitigation Strategy shall be implemented as approved.-</u></i></p>	This new requirement has been added to the dDCO to secure a glint and glare mitigation strategy at design stage	n/a
Schedule 2 Part 2 Requirement 23	<p><u>Applications made under requirements</u></p> <p><i><u>14.—(1) Where an application has been made to the discharging authority for any consent, agreement or</u></i></p>	The amendments to this requirement have been made further to drafting proposals from NYC.	n/a

	<p>approval required by a requirement contained in Part 2 of this Schedule, or for any consent, agreement or approval further to any document referred to in any such requirement, the discharging authority must give notice to the undertaker of its decision on the application within a period of 8 weeks <u>, or such longer period as may be agreed in writing by the undertaker and the discharging authority,</u> beginning with <u>the later of</u>—</p> <p>(a) the day immediately following that on which the application is received by the discharging authority; or</p> <p>(b) where further information is requested under paragraph 0, the day immediately following that on which the further information has been supplied by the undertaker, or such longer period as may be agreed in writing by the undertaker and the discharging authority.</p> <p>(2) In determining any application made to the discharging authority for any consent, agreement or approval required by a requirement contained in Part 1 of this Schedule, the discharging authority may <u>subject to paragraphs 4 and 6</u>—</p> <p>(a) give or refuse its consent, agreement or approval; or</p> <p>(b) give its consent, agreement or approval subject to reasonable conditions,</p> <p>and where consent, agreement or approval is refused or granted subject to conditions the discharging authority must provide its reasons for that decision with the notice of the decision.</p> <p><u>(3)</u> In the event the discharging authority does not determine an application within the period set out in sub-paragraph (1), the discharging authority is to be taken to</p>	<p>The amendments to 14(1) allow the parties to agree a longer period in writing for the decision making process, should they feel that this will take longer than the 8 weeks prescribed. This has been moved from 14 (1) (b) so it may apply to the entire sub-paragraph not just in the event outlined at 14 (1) (b).</p> <p>The addition of 14 (4)-(7) assist the Council in the decision making process.</p>	
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	<p><i>have granted all parts of the application (without any condition or qualification) at the end of that period.</i></p> <p><i><u>(4) Any application made to the discharging authority pursuant to sub-paragraph (1) must include a statement to confirm whether it is likely that the subject matter of the application will give rise to any materially new or materially different environmental effects compared to those in the environmental statement and if it will then it must be accompanied by information setting out what those effects are.</u></i></p> <p><i><u>(5) Where an application has been made to the discharging authority for any consent, agreement or approval required by a requirement included in this Order and the discharging authority does not determine the application within the period set out in sub-paragraph (1) and the application is accompanied by a report pursuant to sub-paragraph (3) which states that the subject matter of such application is likely to give rise to any materially new or materially different environmental effects compared to those in the environmental statement then the application is to be taken to have been refused by the relevant planning authority at the end of that period.</u></i></p> <p><i><u>(6) Any applications made to the discharging authority pursuant to sub-paragraph (1) must include a statement confirming whether it is likely that the subject matter of the application, including any mitigation measures, will give rise to a change in the conclusions of the Secretary of State's habitats regulations assessment and if it will then it must be accompanied by information setting out what those changes are.</u></i></p> <p><i><u>(3)(7) Where an application has been made to the discharging authority for any consent agreement or approval requirement by a requirement included in this Order and the discharging authority does not determine that application within the period set out in sub-paragraph</u></i></p>		
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	<u>(1) and is accompanied by a report pursuant to subparagraph (5) which states that the subject matter of such application, including any mitigation measures, will give rise to a change in the conclusions of the Secretary of State's habitats regulations assessment then the application is to be taken to have been refused by the discharging authority at the end of that period.</u>		
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