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Draft Development Consent Order – Schedule of Changes

May 2025

Helios Renewable Energy Project

Draft Development Consent Order

– Schedule of Changes

Planning Inspectorate Reference: EN010140

May 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
n/a	n/a	n/a	n/a
Deadline 3			
Schedule 2 Part 1 Requirement 5	<i>Decommissioning and restoration</i> <i>5.— (1) Decommissioning works must commence no later than 40 years</i>	This amendment was requested by National Highways in	The Applicant proposes

	<p><i>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).</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 plans submitted to and approved pursuant to sub-paragraph (2) must be implemented as</i></p> <p><i>approved for the works required to decommission that phase of the authorised development <u>unless otherwise approved in writing.</u></i></p> <p><i>(8) This requirement is without prejudice to any other consents or permissions which may be required to decommission any part of the authorised development.</i></p>	<p>their Relevant Representation [RR-267]. The wording of this requirement has been approved by both the Applicant and National Highways accordingly.</p>	<p>to update the dDCO [AS-007] with this amendment at Deadline 4 as this was the only amendment to the dDCO at Deadline 2 and 3.</p>
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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	<i>“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;</i>	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	<i>“site preparation works” means all or any of— (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; (a) above ground site preparation for temporary facilities for the use of contractors; (c) remedial work in respect of any contamination or other adverse ground conditions; (d) diversion of existing apparatus and laying of temporary apparatus services;</i>	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 activities taking place without a CEMP ([RR-117] at	n/a

	<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); <u>and</u></p> <p>(h) pre-construction ecological mitigation;</p>	EA-03 [REP1-004]).	
<p>Article 18 (7)</p> <p>Discharge of Water</p>	<p>Discharge of water</p> <p>(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(-).</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>	n/a
<p>Schedule 2</p> <p>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</u></p>	<p>This amendment to requirement 4 was agreed with the EA to address their comments ([RR-117]</p>	n/a

	<p><u>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; (c) nuisance management including measures to avoid or minimise the impacts of construction works (covering dust, noise and vibration); (d) construction dust assessment; (e) site waste and materials management measures; (f) pollution control measures to prevent the introduction of any hazardous substances; (g) security measures and use of artificial lighting; (h) a protocol requiring consultation with the Environment Agency in the event that unexpected contaminated land is identified during ground investigation or construction; and (i) details of out of hours working procedures. 	at EA-20 [REP1-004]).	
<p>Schedule 2</p> <p>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 prior to the commencement of any decommissioning works for any part of the authorised development, the undertaker must submit to the local planning authority for approval a decommissioning environmental management plan for that part and</u></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>	n/a

	<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 a decommissioning traffic management plan for that part.</u></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 sub-paragraph (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 sub-paragraph (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>		
<p>Schedule 2 Part 1 Requirement 19</p>	<p><u>Hydrogeological Risk Assessment</u></p> <p><u>(19) 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, has been submitted to and approved by the local planning authority in consultation with the Environment Agency.</u></p>	<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 [REP1-004]).</p>	<p>n/a</p>

<p>Schedule 2 Part 1 Requirement 20</p>	<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>	<p>n/a</p>
<p>Schedule 2 Part 2 Procedure for Discharge of Requirements Requirement 23</p>	<p><i>Further information regarding requirements</i></p> <p><i>23(1)— 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</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</p>	<p>n/a</p>

	<p>application, notify the undertaker in writing specifying the further information required.</p> <p>(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.</p> <p>(4)If the discharging authority does not give the notification within the period specified in sub-paragraph (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.</p>	the Applicant has amended all references to business and working days to calendar days for consistency.	
Deadline 5			
Schedule 2 Part 1 Requirement 10	<p>Landscape and ecological management plan (LEMP)</p> <p>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—</p> <p>(a) details of the method of protection of existing landscape features and habitats during the construction, operation and decommissioning stages of the authorised development;</p> <p>(b) details of habitat creation;</p> <p>(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;</p> <p>(d) a timetable for the landscape management of the land within the Order limits during the lifetime of the authorised development; and</p> <p>(e) landscaping details.</p>	This amendment was agreed further to discussions between the Applicant and NE.	n/a

	<i>(3) The LEMP submitted and approved pursuant to sub-paragraph (1) must be implemented as approved.</i>		
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 submitted to and approved by the local planning authority as part of the detailed design approval required by requirement 3.1 Error! Reference source not found. (detailed design approval).</p> <p>For the purposes of sub-paragraph (1), “commence” includes any site preparation works.</p> <p><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></p> <p><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></p> <p><u>(4) Any approved permanent fencing must be completed before completion of the authorised development.</u></p>	This amendment was made to bring the requirement in line with the amendment to the definition of “Site Preparation Works” Part 1 Article 2 (Interpretation) as outlined at D4 above.	n/a
Schedule 2 Part 1 Requirement 21	<p><u>Glint and Glare Mitigation Strategy</u></p> <p><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></p> <p><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></p> <p><u>(3) The Glint and Glare Mitigation Strategy shall be implemented as approved.-</u></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	Applications made under requirements	The amendments to	n/a

<p>Part 2 Requirement 23</p>	<p>23—(1)Where an application has been made to the discharging authority for any consent, agreement or 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, 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) 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 have granted all parts of the application (without any condition or qualification) at the end of that period.</u></p> <p><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></p> <p><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</u></p>	<p>this requirement have been made further to drafting proposals from NYC.</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 NYC in the decision making process.</p>	
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	<p><u>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></p> <p><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></p> <p><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 (1) and is accompanied by a report pursuant to sub-paragraph (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></p>		
Deadline 6			
<p>Part 1 Article 2 (Interpretation)</p> <p>The 1974 Act</p>	<p>"the 1974 Act" means the Control of Pollution Act 1974(-);</p>	<p>This definition has been removed as per the Applicant's response to ExAQ7.1.1 (D6 Submission) . Reference to the Control of Pollution Act 1974 has been retained and substituted from "the</p>	<p>N/A</p>

		1974 Act” throughout the dDCO.	
Part 1 Article 2 (Interpretation) The 2004 Act	“the 2004 Act” means the Energy Act 2004(-);	This definition has been removed as per the Applicant’s response to ExAQ7.1.2 (D6 Submission).	N/A
Part 1 Article 2 (Interpretation) Apparatus	<i>“apparatus” has the same meaning as in section 105(1) of the 1991 Act <u>(except where stated to the contrary)</u>;</i>	Further to the Applicant’s response to ExQ2Q7.1.4 (D6 Submission) this definition has been amended as per 3.3.6 the Nationally Significant Infrastructure Projects – Advice Note Fifteen: drafting Development Consent Orders (March 2024) (“the Guidance”). This amendment makes clear that there are further definitions of this term in other parts of the dDCO.	N/A
Part 1 Article 2 (Interpretation)	“CCTV” means a closed circuit television security system;	This definition has been deleted as per the Applicant’s response to	N/A

CCTV		ExAQ7.1.5 (D6 Submission).	
Part 1 Article 2 (Interpretation) Construction Compound	<i>“construction compound” means a compound including offices, welfare facilities, accommodation facilities, storage and parking for construction of the authorised development and other associated facilities;</i>	This definition has been deleted as per the Applicant’s response to ExAQ7.1.6 (D6 Submission).	N/A
Part 1 Article 2 (Interpretation) Flood risk assessment	<i><u>“flood risk assessment” means the document of that name identified in the table in Schedule 11 (Documents to be certified) and certified by the Secretary of State as the flood risk assessment for the purposes of this Order under article 38 (certification of plans, etc)</u></i>	This definition has been added to clarify Requirement 22 below which was agreed with the EA in relation to their concerns in relation to flood management ([RR-117] at EA-05, EA-26 [REP1-004].	N/A
Part 1 Article 2 (Interpretation) NGET	<i><u>“NGET” means National Grid Electricity Transmission plc (company number 02366977) whose registered office is at 1-3 Strand, London, WC2N 5EH</u></i>	Further to the Applicant’s response to ExQ2Q1.0.1 (D6 Submission) this definition has been added and references throughout the dDCO to “National Grid” have been substituted with “NGET”.	N/A

<p>Part 1 Article 2 (Interpretation)</p> <p>Outline battery safety management plan</p>	<p><i>“outline battery fire safety management plan” means the document certified by the Secretary of State as the outline battery fire safety management plan for the purposes of this Order under article 38 (certification of plans, etc);</i></p>	<p>Further to the Applicant’s response to EXQ2Q8.1.2 (D6 Submission), the dDCO has been amended to remove the word “fire” from the title of this document for consistency.</p>	<p>N/A</p>
<p>Part 1 Article 2 (Interpretation)</p> <p>Substation</p>	<p><i>“substation” means a compound containing electrical equipment required to switch, transform, convert electricity and provide reactive power compensation with welfare facilities, means of access and other associated facilities;</i></p>	<p>Further to the Applicant’s response to Q7.1.8 (D6 Submission), the Applicant has deleted the definition of “substation” in Article 2 and amended the definition in Schedule 1 of the dDCO.</p>	<p>N/A</p>
<p>Part 1 Article 2 (Interpretation)</p> <p>Watercourse</p>	<p><i>“watercourse” includes all rivers, streams, ditches, drains, canals, cuts, culverts, dykes, sluices, sewers and passages through which water flows except a public sewer or drain <u>(except where stated to the contrary)</u>;</i></p>	<p>Further to the Applicant’s response to ExQ2Q7.1.9 (D6 Submission) this definition has been amended as per 3.3.6 the Nationally Significant Infrastructure Projects – Advice Note Fifteen: drafting Development</p>	<p>N/A</p>

		Consent Orders (March 2024) (“the Guidance”). This amendment makes clear that there are further definitions of this term in other parts of the dDCO.	
Part 2 Principal Powers Article 4 (Maintenance of authorised development)	<p>4.—(1) <i>The undertaker may at any time maintain the authorised development, except to the extent that this Order, or an agreement made under this Order, provides otherwise.</i></p> <p><u><i>(2) This article only authorises the carrying out of maintenance works within the Order Limits.</i></u></p> <p><u><i>(3) This article does not authorise the carrying out of any works which are likely to give rise to any materially new or materially different effects that have not been assessed in the environmental statement.</i></u></p>	Th Applicant has amended this Article as per the response to ExQ2Q7.2.1 (D6 Submission).	N/A
Part 3 Streets	<p><i>(3) In this article “apparatus” has the same meaning as Part 3 of the 1991 Act.</i></p>	Further to the Applicant’s response to ExQ2Q7.1.4 (D6 Submission) this definition has been removed as this is the same definition as that outlined in Article 2.	N/A
Schedule 1: Authorised Development 1	<p><i>“energy storage” means equipment used for the storage of electrical energy;</i></p>	This definition has been removed further to the Applicant’s response to	N/A

		ExQ2Q7.3.2 (D6 Submission).	
Schedule 1: Authorised Development 1	<i><u>“substation” means a compound containing electrical equipment required to switch, transform, convert electricity and provide reactive power compensation with welfare facilities, means of access and other associated facilities; means a substation containing electrical equipment required to switch, transform, convert electricity and provide reactive power compensation</u></i>	This definition has been amended as per the Applicant’s response to ExQ2Q7.1.8 (D6 Submission).	N/A
Schedule 1: Authorised Development Work 4 (f)	(f) works for the provision of security and monitoring measures such as <u>closed circuit television security system</u> (CCTV) columns, lighting, cameras, weather stations, communications infrastructure, and perimeter fencing;	This paragraph has been amended as per the deletion of “CCTV” further to the Applicant’s response to ExAQ7.1.5 (D6 Submission).	N/A
Schedule 2, Part 1 Requirement 9	<p>Battery fire-safety management plan</p> <p>9.—(1) Prior to the commencement of Work No. 2 as notified to the local planning authority by the undertaker pursuant to requirement 2 (phasing of the authorised development and date of final commissioning) a battery fire-safety management plan must be submitted to and approved by the local planning authority.</p> <p>(2) The submitted battery fire-safety management plan must either accord with the outline battery fire-safety management plan or detail such changes as the undertaker considers are required.</p> <p>(3) In the event that the submitted battery fire-safety management plan proposes changes to the outline battery fire-safety management plan, the local planning authority must not approve the battery fire-safety management plan until it has consulted with the Health and Safety Executive and North Yorkshire Fire and Rescue Service.</p>	Further to the Applicant’s response to ExAQ8.1.2 the dDCO all reference to the word “fire” in the title of this document have been removed for consistency.	N/A

	(4) The battery fire -safety management plan submitted and approved pursuant to sub-paragraph (1) must be implemented as approved.		
Schedule 2 Part 1 Requirement 22	<p><u>Flood Management Strategy</u></p> <p><u>22.—(1) Prior to the commencement of Work No.2 and Work No. 3 a flood management strategy must be submitted to and approved by the Local Planning Authority in consultation with the Environment Agency.</u></p> <p><u>(2) The flood management strategy submitted for approval must be in accordance with the flood risk assessment and include:</u></p> <p><u>(a) details of the design of a suitable flood defence bund to provide protection works relating to Work No. 2 and Work No.3 of the authorised development to ensure resilience to the design flood event with an allowance for climate change for the 2080s epoch as assessed by the approved site specific flood model referenced in the flood risk assessment over the lifetime of the authorised development to include the decommissioning phase;</u></p> <p><u>(b) details of the design of a suitable ‘level for level’ and ‘volume for volume’ floodplain compensation scheme to mitigate the effect of the flood defence bund over the operational and decommissioning phases of the authorised development based on the scheme established in the flood risk assessment and informed by the approved site-specific flood model referenced in the flood risk assessment so as not to increase flood risk elsewhere; and</u></p> <p><u>(c) details of the delivery and ongoing maintenance of the flood defence bund and floodplain compensation scheme over the lifetime of the development to include the operational and decommissioning phases.</u></p> <p><u>(3) The flood management strategy must be implemented as approved.</u></p>	This definition has been added to clarify Requirement 22 below which was agreed with the EA in relation to their concerns in relation to flood management ([RR-117] at EA-05, EA-26 [REP1-004]).	N/A
Deadline 7			

Part 1 Article 2 (Interpretation) undertaker	<p><i>“undertaker” means Enso Green Holdings D Limited (company number 12762856), whose registered office is at <u>17th Floor Hylo, 103-105 Bunhill Row, London, United Kingdom, EC1Y 8LZ</u> Repemaker Place, 28 Repemaker Street, London, EC2Y 9HD;</i></p>	<p>The undertaker’s registered address has been updated to reflect its current registered office. This is also the address that will be used for the inspection of certified documents and the explanatory note has been updated accordingly.</p>	
Part 1 Article 2 (Interpretation) outline design principles document	<p><i><u>“outline design principles document” means the document certified by the Secretary of State as the outline design principles document for the purposes of this Order in accordance with article 38 (certification of plans, etc.)</u>;</i></p>	<p>This definition has been added to clarify Requirement 3 below which was agreed with NYC further to the request for a Design Principles document.</p>	N/A
Part 1 Article 2 (Interpretation) outline supply chain, employment and skills plan	<p><i><u>“outline supply chain, employment and skills plan” means the document certified by the Secretary of State as the outline supply chain, employment and skills plan for the purposes of this Order in accordance with article 38 (certification of plans, etc.)</u></i></p>	<p>This definition has been added to clarify Requirement 3 below which was agreed with NYC further to their request for a Supply Chain, Employment and Skills Plan [REP6-037].</p>	N/A

<p>Schedule 2 Part 1 Requirement 3</p>	<p><i>Detailed design approval</i></p> <p>3.—(1) <i>No phase of the authorised development may commence until details of—</i></p> <ul style="list-style-type: none"> (a) <i>the layout;</i> (b) <i>scale;</i> (c) <i>proposed finished ground levels;</i> (d) <i>external appearance;</i> (e) <i>hard surfacing materials;</i> (f) <i>vehicular and pedestrian access, parking and circulation areas;</i> (g) <i>refuse or other storage units, signs and lighting;</i> (h) <i>drainage, water, power and communications cables and pipelines;</i> (i) <i>programme for landscaping works; and</i> (j) <i>fencing,</i> <p><i>relating to that phase have been submitted to and approved in writing by the local planning authority</i></p> <p>(2) <i>The details submitted must accord with—</i></p> <ul style="list-style-type: none"> (a) <i>the location and order limits plan;</i> (b) <i>the works plans; and</i> (c) <i>the principles and assessments set out in the environmental statement; and</i> (d) <i>the outline design principles document</i> <p>(3) <i>The authorised development must be carried out in accordance with the approved details.</i></p>	<p>This requirement has been amended to secure the Design Principles document requested by NYC further to ExQ2 Q2.0.1 [REP6-037].</p>	<p>N/A</p>
<p>Schedule 2 Part 1 Requirement</p>	<p><u>Supply Chain, Employment and Skills Plan</u></p>	<p>This requirement has been added to secure the Supply Chain, Employment</p>	<p>N/A</p>

23	<p><u>23—(1) No phase of the authorised development may commence until a supply chain, employment and skills plan in relation to that phase has been submitted to and approved by the local planning authority.</u></p> <p><u>(2) The supply chain, employment and skills plan submitted under sub-paragraph (1) must be in accordance with the outline skills, supply chain and employment plan.</u></p> <p><u>(2)(3) The supply chain, employment and skills plan must be implemented as approved.</u></p>	and Skills Plan requested by NYC further to ExQ2 Q12.0.2 [REP6-037].	
<p>Schedule 9 Part 4</p> <p>Protective Provisions for the protection of the EA</p>	The protective provisions at Part 4 have been updated in line with the EA's latest precedent protective provisions.	For ease of clarity the existing protective provisions for the EA have been wholesale deleted and the EA's new precedent protective provisions have been added.	N/A
<p>Schedule 9 Part 5</p> <p>Protective Provisions for the protection of NGT</p>	Protective Provisions for the protection of NGT have been added to Schedule 9 as Part 5.	Protective provisions have been added here to reflect NGT's precedent protective provisions which have been agreed.	N/A
<p>Schedule 9 Part 6</p> <p>Protective Provisions for the protection of NGET</p>	Protective Provisions for the protection of NGET have been added to Schedule 9 as Part 6.	Protective provisions have been added here to reflect NGET's precedent protective provisions which have been agreed.	N/A

Schedule 11 Article 38 Documents to be certified	The Table at Schedule 11 Article 38 has been updated.	The table at Schedule 11 Article 38 has been updated to reflect the latest revisions/references to each listed document and updated to add in any further documents which the Applicant considers should be certified.	N/A
Deadline 8			
General	<p>The Applicant has amended internal references, statutory citations and references and legal footnotes and updated as required. Spelling and punctuation has also been checked and amended accordingly throughout.</p> <p>Numbering in the relation to the paragraphs in Schedule 9 has been amended so that each part follows sequentially and cross referencing has been checked and updated as necessary</p>	The Applicant has reviewed and made amendments accordingly further to ExQ3 DCO-PC01 as per <i>The Applicant's Responses to ExQ3 and the ExA's Schedule of Changes to the dDCO</i> submitted at deadline 8 and to ensure compliance with <i>Advice Note Fifteen drafting Development Consent orders</i>	N/A

<p>Part 1 Article 2 (Interpretation)</p> <p>Apparatus</p>	<p><i><u>“apparatus”- has the same meaning as in Part 3 (street works in England and Wales) of the 1991 Act except that, unless otherwise provided, it further includes pipelines (and parts of them), aerial markers, cathodic protection test posts, field boundary markers, transformer rectifier kiosks, electricity cables, telecommunications equipment and electricity cabinets; has the same meaning as in section 105(1) of the 1991 Act (except where stated to the contrary)</u></i></p>	<p>The Applicant has amended the definition of “apparatus” further to ExQ3 DCO-PC02 for the reasons outlined in <i>The Applicant’s Responses to ExQ3 and the ExA’s Schedule of Changes to the dDCO</i> submitted at deadline 8.</p>	<p>N/A</p>
<p>Schedule 2 Part 1 Requirement 4</p> <p>Construction environmental management plan (CEMP)</p>	<p>4.—(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, after consultation with the Environment Agency in relation to matters in relation to its statutory functions. 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>(1) The CEMP for each phase of the authorised development must provide details of—</p> <p><i><u>(a) site and construction working hours including details of out of hours working procedures;</u></i></p> <p><i><u>(a)(b) community liaison;</u></i></p> <p><i><u>(b)(c) complaints procedures;</u></i></p> <p><i><u>(c)(d) nuisance management including measures to avoid or minimise the impacts of construction works (covering dust, noise and vibration);</u></i></p> <p><i><u>(d)(e) construction dust assessment;</u></i></p> <p><i><u>(e)(f) site waste and materials management measures;</u></i></p> <p><i><u>(f)(g) pollution control measures to prevent the introduction of any hazardous substances;</u></i></p>	<p>The Applicant has amended Requirement 4 further to ExQ3 DCO-PC12 for the reasons outlined in <i>The Applicant’s Responses to ExQ3 and the ExA’s Schedule of Changes to the dDCO</i> submitted at deadline 8.</p>	<p>N/A</p>

	<p>(g)(h) security measures and use of artificial lighting; and</p> <p>(h)(i) 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)(i) details of out of hours working procedures.</p>		
<p>Schedule 2 Part 1 Requirement 9</p> <p>Battery safety management plan</p>	<p>9.—(1) Prior to the commencement of Work No. 2 as notified to the local planning authority by the undertaker pursuant to requirement Error! Reference source not found. (phasing of the authorised development and date of final commissioning) a battery safety management plan must be submitted to and approved by the local planning authority.</p> <p>(2) The submitted battery safety management plan must either accord with the outline battery safety management plan or detail such changes as the undertaker considers are required.</p> <p>(3) In the event that the submitted battery safety management plan proposes changes to the outline battery safety management plan, the local planning authority must not approve the battery safety management plan until it has consulted with the Health and Safety Executive and North Yorkshire Fire and Rescue Service.</p> <p>The outline battery safety management plan submitted and approved pursuant to sub-paragraph (1) must be implemented as approved</p>	<p>The Applicant has amended Requirement 9 further to ExQ3 DCO-PC14 for the reasons outlined in <i>The Applicant's Responses to ExQ3 and the ExA's Schedule of Changes to the dDCO</i> submitted at deadline 8.</p>	N/A
<p>Schedule 2 Part 1 Requirement 10</p> <p>Landscape and ecological management plan (LEMP)</p>	<p>10.(2) The LEMP must include—</p> <p>(a) details of the method of protection of existing landscape features and habitats during the construction, operation and decommissioning stages of the authorised development;</p> <p>(b) details of habitat creation <u>including how a minimum of 10% biodiversity net gain in habitat units, calculated using The Statutory Biodiversity Metric published by the Department for Environment, Food and Rural Affairs on 29 November 2023 (or such other biodiversity metric approved by the relevant planning authority in consultation with the relevant statutory nature</u></p>	<p>The Applicant has amended Requirement 10 further to ExQ3 DCO-PC14 for the reasons outlined in <i>The Applicant's Responses to ExQ3 and the ExA's</i></p>	N/A

	<p><u>conservation body), will be achieved during the operation of the authorised development;</u></p> <p>(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;</p> <p>(d) a timetable for the landscape management of the land within the Order limits during the lifetime of the authorised development; and</p> <p><u>(e) landscaping details; and</u></p> <p><u>(e)(f) detailed arrangements for the monitoring of habitats for ground nesting birds in years 5 and 10 of the operation of the authorised development.</u></p>	Schedule of Changes to the dDCO submitted at deadline 8.	
<p>Schedule 2</p> <p>Part 1</p> <p>Requirement 13</p> <p>Construction Hours</p>	<p>Construction hours</p> <p>13.—(1) Subject to sub-paragraphs (2) and (3), no construction works are to take place except between the hours of—</p> <p>(f) 08:00 to 18:00 Monday to Friday; and</p> <p>(g) 08:00 to 13:00 on Saturdays;</p> <p>with no activity on Sundays or bank holidays.</p> <p>(3) The following works are permitted outside the hours referred to in sub-paragraph (1)—</p> <p>(a) emergency works;</p> <p>(b) trenchless construction techniques which cannot be interrupted; and</p> <p>(c) works which do not cause noise that is audible at the boundary of the Order limits.</p> <p>(4) Nothing in sub-paragraph (1) precludes—</p> <p>(a) the receipt of oversize deliveries to site and the undertaking of non-intrusive activities;</p> <p>(b) start-up and shut-down activities up to an hour either side of the core working hours and undertaken in compliance with the CEMP; and</p>	The Applicant has removed Requirement 13 further to ExQ3 DCO-PC16 for the reasons outlined in The Applicant's Responses to ExQ3 and the ExA's Schedule of Changes to the dDCO submitted at deadline 8.	N/A

	<p>(c) works on a traffic sensitive street where so directed by the relevant highway authority.</p> <p>(5) Any emergency works carried out under sub-paragraph (2)(a) must be notified to the local planning authority within 72 hours of their commencement.</p> <p>(6) In this requirement –</p> <p>“emergency” means a situation where, if the relevant action is not taken, there will be adverse health, safety, security or environmental consequences that in the reasonable opinion of the undertaker would outweigh the adverse effects to the public (whether individuals, classes or generally as the case may be) of taking that action; and</p> <p>“trenchless construction techniques which cannot be interrupted” means drilling, tunnelling, boring or similar construction methods used to create an underground route for electrical cables without trenching from the surface, and includes any necessary ancillary activities to that drilling, tunnelling or boring; but does not include operations to prepare for drilling, tunnelling and boring, and specifically does not include works of excavation of pits, or works to remediate the site of pits used for drilling, tunnelling and boring.</p>		
<p>Schedule 2</p> <p>Part 1</p> <p>Requirement 23</p> <p>Operational Noise</p>	<p><u>Operational Noise</u></p> <p><u>23. The rating level (LAr) of noise from the operation of the authorised development shall not exceed: 40 dB LAr for any fifteen-minute period between 23:00 and 07:00; and 50 dB LAeq for any one-hour period between 07:00 and 23:00, determined one metre free-field external to any window or door of any existing permanent residential premises using the definitions and methods described in ‘Methods for rating industrial and commercial sound’ British Standards Institution BS4142 2014+A1:2019.</u></p>	<p>The Applicant has added a new Requirement 23. “Operational Noise” further to ExQ3 DCO-PC17 outlined in The Applicant’s Responses to ExQ3 and the ExA’s Schedule of Changes to the dDCO submitted at deadline 8.</p>	N/A

<p>Schedule 9, Part 6 paragraph 2 (interpretation) and throughout this Part.</p> <p>Protective Provisions for the protection of NGET</p>	<p><i>“National Grid Electricity Transmission Plc NGET” means National Grid Electricity Transmission Plc (Company Number <u>02366977</u>) whose registered office is at 1-3 Strand, London, WC2N 5EH or any successor as a licence holder within the meaning of Part 1 of the Electricity Act 1989;</i></p>	<p>For consistency with referencing in other parts of Schedule 9 National Electricity Transmission Plc has been abbreviated to NGET here at paragraph 2 (interpretation) and replaced throughout this Part for drafting consistency.</p> <p>An amendment to NGET’s company number has also been made to accord with Companies House format.</p>	<p>N/A</p>
<p>Schedule 9, Part 7</p> <p>Protective Provisions for the protection of NGET</p>	<p>Protective Provisions for the protection of NPG have been added to Schedule 9 as Part 7.</p>	<p>Protective provisions have been added here which have been agreed with NPG.</p>	<p>N/A</p>
<p>Schedule 11 Article 38</p> <p>Documents to be certified</p>	<p>The Table at Schedule 11 Article 38 has been updated.</p>	<p>The table at Schedule 11 Article 38 has been updated to reflect the latest revisions/references to each listed</p>	

		document and updated so that the order of the documents is in alphabetical order.	
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