



BEACON FEN ENERGY PARK

Planning Inspectorate Reference: EN010151

Schedule of Changes to the Draft DCO
Document Reference: 3.1
October 2025



Quality information

Prepared by	Checked by	Verified by	Approved by
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Revision History

Revision	Revision date	Details	Authorised	Name	Position
1	July 2025	Version submitted in response to s51 advice	HSF Kramer	RT	Senior Associate
2	October 2025	Deadline 2	HSF Kramer	RT	Senior Associate

1. Introduction

1.1 Purpose of this Schedule

1.1.1 The table below sets out the changes made to **the Draft Development Consent Order (Document Ref: 3.1)** in response to the post-acceptance section 51 advice received. This Schedule is provided by the Applicant to aid the ExA in understanding the changes made.

Table 1: Changes made to the Draft DCO in response to section 51 advice

ROW	PROVISION	CHANGE	REASONING
1.	Article 2(1) (interpretation)	"the 2015 Regulations <u>Order</u> " means the Town and Country Planning (General Permitted Development) (England) Order 2015;	Amendment to reflect that the statutory instrument is an Order, rather than regulations. References to "the 2015 Regulations" in Article 9 (planning permission) have also been amended.
2.	Article 2(1) (interpretation)	Addition of: <u>"National Grid 2005 permission" means planning permission B/05/0046 granted by Boston Borough Council on 20 April 2005 (and any variation thereof);</u>	Additional definition added as a result of addition of new Article 48 (see row 3 below).
3.	Article 48 (National Grid extension works)	<u>National Grid extension works</u> <u>48.—(1) If National Grid elects to undertake any elements of the works described in Work No.5 pursuant to planning permission granted under Part 3 of the 1990 Act or Article 3 of the 2015 Order then the requirements contained in Part 1 of Schedule 2 (requirements) will not have effect in so far as they relate to those works and National Grid will</u>	New article added following further engagement during the pre-examination period between the Applicant and National Grid Electricity Transmission plc. Please refer to paragraphs 8.1.26 - 8.1.30 of the Explanatory Memorandum (Document Ref: 3.2) for the full explanation of why this article has been added and where it is preceded.

ROW	PROVISION	CHANGE	REASONING
		<u>serve written notice of the same on the relevant planning authority.</u> <u>(2) As from the date on which Work No.5 is commenced any conditions of the National Grid 2005 permission that relate to the land at plot 18-19 cease to have effect to the extent they are inconsistent with the authorised development or with anything done or approved under the requirements in Part 1 of Schedule 2 (requirements).</u>	
4.	Schedule 1 (authorised development)	Amendment to Work No.5A: Work No. 5- works to the existing substation including— (a) Work No. 5A— creation of a new generation bay and associated works at the existing substation including— (i) an electrical bay to connect into the existing network at Work No. 5B, including associated outdoor air insulated switchgear (AIS) or indoor gas insulated switchgear (GIS) and electrical apparatus, circuit breakers, disconnectors and earth switches;	The Applicant identified that the deleted wording was a minor error in the description of Work No.5A, because it is not factually correct that the electrical bay is to connect into the existing network at Work No. 5B.

Table 2: Changes made to the Draft DCO for Deadline 2

ROW	PROVISION	CHANGE	REASONING
1	Article 2(1) Interpretation	“maintain” includes inspect, upkeep, repair, refurbish, adjust, alter, remove, reconstruct and replace in relation to <u>the authorised development, but not remove, reconstruct or replace the whole of,</u> the authorised development, provided such works do not give rise to any materially new or materially	Wording added to the definition of "maintain" to reflect recent precedent.

ROW	PROVISION	CHANGE	REASONING
		different environmental effects to those identified in the environmental statement; and any derivative of “maintain” must be construed accordingly;	
2	Article 2(1) Interpretation	<u>“outline public rights of way management plan” means the document of that name identified in the table at Schedule 12 (documents and plans to be certified) and which is certified by the Secretary of State as the outline public rights of way management plan for the purposes of this Order;</u>	Definition added as a result of there being a new management plan.
3	Article 2(1) Interpretation	<u>“the permit scheme” means the Lincolnshire Permit Scheme for Road Works and Street Works Order 2016, which scheme is made under Part 3 of the Traffic Management Act 2004;</u>	Definition added as a result of new Article 12.
4	Article 2(9) Interpretation	<u>(9) References in this Order to any statute, order, regulation or similar instrument are to be construed as a reference to the statute, order, regulation or instrument as amended by any subsequent statute, order, regulation or instrument or as contained in any subsequent re-enactment.</u>	Provision added for successor legislation to ensure that any reference to statute includes successor and amendment legislation.
5	Article 12 (Application of the permit scheme)	<u>Application of the permit scheme</u> <u>12.—(1) — The permit scheme applies with the modifications set out in this article to street works carried out under the power conferred by article 11 (street works) of this Order.</u> <u>(2) For the purposes of this Order—</u> <u>(a) a permit may not be refused or granted subject to conditions which relate to the imposition of moratoria; and</u> <u>(b) a permit may not be granted subject to conditions where compliance with those conditions would constitute a breach of this Order or where the undertaker would be</u>	This article has been added to clarify the interaction between the street works articles of the Order and the application of the relevant permitting schemes of the local highways authority. The Article clarifies that the permit scheme continues to apply, but cannot be refused or granted subject to conditions which would effect refusal, and that conditions for a permit must be consistent with the Order and its powers. These clarifications ensure certainty that the street works for the authorised development can proceed in accordance with the made Order. The Article also ensures that an appeal process

ROW	PROVISION	CHANGE	REASONING
		<u>unable to comply with those conditions pursuant to the powers conferred by this Order.</u> <u>(3) References to moratoria in paragraph (2) mean restrictions imposed under section 58A (restrictions on works following substantial street works) of the 1991 Act.</u> <u>(4) Without restricting the undertaker's recourse to any alternative appeal mechanism which may be available under the permit scheme or otherwise, the undertaker may appeal any decision to refuse to grant a permit or to grant a permit subject to conditions pursuant to the permit scheme in accordance with the mechanism set out in Part 2 of Schedule 2 (procedure for discharge of requirements).</u>	remains open to the undertaker to any decisions under permitting scheme, in order to enable the undertaker to appropriately align any conditions for the schemes with the requirements of the made Order.
6	14(1) Construction and maintenance of altered streets	The permanent alterations to each of the streets specified in Part 1 (permanent alteration of layout) of Schedule 4 (alteration of streets) to this Order must be completed to the reasonable satisfaction of the highway authority where applicable and, unless otherwise agreed by the highway <u>street</u> authority, the alterations must be maintained by and at the expense of the undertaker for a period of 12 months from their completion and from the expiry of that period by and at the expense of the highway <u>street</u> authority.	Amended to correct drafting error as the relevant authority for alterations to the streets is the street authority.
7	21(1) Protective works to buildings	Subject to the following provisions of this article, the undertaker may at its own expense carry out such protective works to any building lying within the Order limits <u>land</u> as the undertaker considers necessary or expedient.	Protective works to buildings do not relate to the use of powers of compulsory acquisition so the defined term has been corrected from 'Order land' to 'Order limits'.
8	22(7)	<u>(7) Section 13 (refusal to give possession to acquiring authority) of the 1965 Act applies to the entry onto, or possession of, land under this article to the same extent as it applies to the compulsory acquisition of land under this</u>	Paragraph added to ensure that section 13 of the Compulsory Purchase Act 1965 applies to the power granting authority to survey and investigate the land.

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	Authority to survey and investigate the land	Order by virtue of section 125 (application of compulsory acquisition provisions) of the 2008 Act.	
9	28(1) Private rights	(1) Subject to the provisions of this article, all private rights or restrictive covenants over land subject to compulsory acquisition under this Order will be extinguished—	Amended to ensure land is taken free of restrictive covenants, so it can be used as necessary for delivery of the Proposed Development.
10	30(1) Acquisition of subsoil and airspace only	(1) The undertaker may acquire compulsorily so much of, or such rights in, the subsoil of and the airspace over the land referred to in paragraph 22 (1) of article 23	Typographical correction.
11	44(5)(a)-(b) 44(11) Felling or lopping of trees or removal of hedgerows	(5) Without prejudice to the generality of paragraph (4), the undertaker may, for the purposes of the authorised development and subject to paragraph (2)— (a) remove those parts of the important hedgerows within the Order limits and specified in Part 1 (removal of important hedgerows) of Schedule 13 (hedgerows) as shown on the vegetation removal plan ; and (b) remove those parts of the hedgerows as are within the Order limits and specified in Part 2 (removal of hedgerows) of Schedule 13 (hedgerows) as shown on the vegetation removal plan (11) Paragraphs (1) to (10) are subject to paragraphs 7, 8 and 12 of Part 1 (requirements) of Schedule 2.	Addition of cross references to the vegetation removal plan and relevant requirements to make the constraints on the powers provided by article 44 clearer.

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12	Schedule 2, Part 1, paragraph 1 (Interpretation)	In this Schedule— “relevant planning authority” means— (a) Lincolnshire County Council for the purposes of— (i) requirement 6 (battery safety management); (ii) requirement 10 (surface and foul water drainage); (iii) requirement 11 (archaeology); (iv) requirement 13 (construction traffic management plan); and (v) requirement 16 (soils management); <u>and</u> <u>(vi) requirement 18 (public rights of way);</u>	Drafting updated to reflect inclusion of a new requirement 18.
13	Schedule 2, Part 1, paragraph 5(1) (Detailed design approval)	5. —www) (1) No part of the authorised development may commence until details of— (a) the layout; (b) scale; (c) proposed finished ground levels; (d) external appearance; (e) hard surfacing materials; (f) vehicular and pedestrian access, parking and circulation areas; (g) refuse or other storage units, signs and lighting; (h) drainage, water, power and communications cables and pipelines; (i) landscaping works, planting works and programme for implementation; (j) fencing; (k) security measures; and (l) any mitigation measures necessary to address noise impacts, relating to that part have been submitted to and approved in writing by the relevant planning authority for that part or, where the part falls within the administrative areas of multiple relevant planning	Addition of Lincolnshire County Council as a named consultee following engagement between the Applicant and the Council.

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		authorities, each of the relevant planning authorities, <u>such approval to be in consultation with Lincolnshire County Council as local highway authority in relation to paragraph (f).</u>	
14	Schedule 2, Part 1, paragraph 7(1) (Landscape and ecological management plan)	Landscape and ecological management plan 7. —yy (1) No part of the authorised development may commence until a written landscape and ecological management plan has been submitted to and approved by the relevant planning authority for that part or, where the part falls within the administrative areas of multiple relevant planning authorities, each of the relevant planning authorities, <u>in consultation with Lincolnshire County Council</u>	Addition of Lincolnshire County Council as a named consultee following engagement between the Applicant and the Council.
15	Schedule 2, Part 1, paragraph 10(1) (Surface and foul water drainage)	No part of the authorised development may commence until written details of the surface water drainage scheme and (if any) foul water drainage system (both of which must be substantially in accordance with the principles in the outline drainage strategy) have been submitted to and approved by the relevant planning authority <u>for that part</u> , such approval to be in consultation with Anglian Water Services Limited.	Drafting correction updated for clarity.
16	Schedule 2, Part 1, paragraph 12(1) (Construction environmental management plan)	Construction environmental management plan 12.—ddd (1) No part of the authorised development may commence until a construction environmental management plan (which must be substantially in accordance with the outline construction environmental management plan) for that part has been submitted to and approved by the relevant planning authority, or, where the part falls within the administrative areas of multiple relevant planning	Addition of Lincolnshire County Council as a named consultee following engagement between the Applicant and the Council.

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		authorities, each of the relevant planning authorities, in consultation with Lincolnshire County Council .	
17	Schedule 2, Part 1, paragraph 18 (public rights of way)	Public rights of way 18.—(1) No part of the authorised development may commence until a public rights of way management plan for any sections of public rights of way shown to be temporarily closed on the streets, rights of way and access plans for that part has been submitted to and approved by the relevant planning authority. (2) The public rights of way management plan must be substantially in accordance with the outline public rights of way management plan. (3) The public rights of way management plan must be implemented as approved unless otherwise agreed with the relevant planning authority.	This requirement has been added into the Draft DCO (Document Ref: 3.1) at Deadline 2, following discussions relating to the management of PRow affected by the construction of the Proposed Development during Issue Specific Hearing 1. This requirement provides that the authorised development may not commence until a public rights of way management plan ('PRowMP') for any sections of public rights of way shown to be temporarily closed on the Streets, Rights of Way and Access Plans (Document Ref: 2.5) have been submitted to and approved by the relevant planning authority. The PRowMP must be substantially in accordance with the Outline Public Rights of Way Management Plan (Document Ref: 9.5) and must be implemented as approved.
18	Schedule 2, Part 1, paragraph 19 (decommissioning and restoration)	Decommissioning and restoration 19.18.— jjj (1) Decommissioning of Work Nos. 1, 2 and 3 of the authorised development must commence no later than 40 years following the date of final commissioning of the authorised development. (2) Unless otherwise agreed with the relevant planning authority, no later than 12 months prior to the date the undertaker intends to decommission any part of the authorised development, the undertaker must notify the relevant planning authority of the intended date of decommissioning. (3) Within 12 months of the date notified pursuant to subparagraph (2), the undertaker must submit to the relevant planning authority for that part a decommissioning	Addition of Lincolnshire County Council as a named consultee following engagement between the Applicant and the Council.

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		environmental management plan for approval (following consultation with the Environment Agency and Lincolnshire County Council) which must include a decommissioning traffic management plan and site waste management plan.	
19	Schedule 2, Part 2, paragraph 24 (Fees)	Fees 24.23. —nnn (1) Where an application is made to the relevant planning authority for any consent, agreement or approval required by a requirement, a fee is to apply and must be paid to the relevant planning authority for each application. (2) The fee payable for each application under sub-paragraph (1) is as follows— (a) a fee of £2982,578 for anthe first application pursuant to a requirement expressed as able to be discharged in respect of a “part” of the authorised development, where that application relates to a part of the full extent of the authorised development that is comprised within that relevant planning authority’s area;for the discharge of each of the requirements 5 (detailed design approval), 6 (battery safety management), 8 (landscape and ecological management plan), 10 (surface and foul water drainage), 12 (construction environmental management plan), 13 (construction traffic management plan), 16 (soils management) and 19 (decommissioning and restoration); (b) a fee of £894for an 588 for each subsequent application pursuant to afor the discharge of each of the requirements listed in paragraph (a) and any application under requirement expressed as able to be discharged5 in respect of a “part” of the authorised development, where that application relates to the full	Edits made in line with the agreed position with the local authorities as documented in each Statement of Common Ground with relevant local authorities.

ROW	PROVISION	CHANGE	REASONING
		extent of the authorised development that is comprised within that relevant planning authority's area<u>the requirements listed in paragraph (a); and</u> (c) a fee of £894<u>298</u> for an<u>any</u> application pursuant to any other requirement for the discharge of— <u>(i) any other requirements not listed in paragraph (a);</u> <u>(ii) any application under requirement 3 (approved details and amendments to them) in respect of requirements not listed in paragraph (a); and</u> <u>(iii) any approval required by a document referred to by any requirement or a document approved pursuant to any requirement.</u>	
20	Schedule 8 (Land in which only new rights etc. may be acquired)	18-15, 18-18 To construct, operate, maintain and use Work No. 5E, and to construct, operate, maintain, use, inspect and alter any protective works, access works, utility apparatus or other ancillary or related development (as set out in Schedule 1 (authorised development)) in connection therewith.	Removal of line of table in Schedule 8 to reflect updates to the Land Plans (Document Ref: 2.2) .
21	Schedule 12 (Documents and plans to be certified)	Not copied in full – please refer to Schedule 12 to the Draft DCO (Document Ref: 3.1) .	Updates to the list of documents to be certified to reflect the updated versions of documents submitted into the Examination at Deadlines 1 and 2.

