



CLEVE HILL SOLAR PARK

OTHER DEADLINE 5 SUBMISSIONS SCHEDULE OF CHANGES TO THE DDCO AT DEADLINE 5

September 2019
Revision A

Document Reference: 13.6.6
Submitted: Deadline 5

www.clevehillsolar.com



CLEVE HILL
SOLAR PARK

DEADLINE 5 CHANGES

Article / Schedule (Application Version)	Stakeholder concerned	Comments from stakeholder / explanation (where necessary)	Amendment
PART 1 Preliminary			
Article 2 – Interpretation “outline battery safety management plan”	Applicant	Added following inclusion of new Requirement 3 (see below).	“outline battery safety management plan” means the document certified as the outline battery safety management plan by the Secretary of State for the purposes of this Order under article 34 (certification of plans and documents etc) and which sets out the battery safety management principles to be included in the battery safety management plan pursuant to Requirement 3 of Schedule 1, Part 2;
Article 2 – Interpretation “outline design principles”	Applicant	To correct omission in drafting.	<i>“outline design principles” means the document certified as the outline design principles by the Secretary of State for the purposes of this Order under article 34 (certification of plans and documents etc);</i>
Article 2 – Interpretation “outline skills, supply chain and employment plan”	Applicant	Amendment as outline Skills, Supply Chain and Employment Plan has now been produced.	<i>“outline skills, supply chain and employment plan” means the document certified as the outline skills, supply chain and employment plan by the Secretary of State for the purposes of this Order under article 34 (certification of plans and documents etc);</i>

Article 2 – Interpretation “permissive paths”	Applicant/Kent County Council	Following request by KCC for clarification on the permissive path referred to.	“permissive paths” means new access tracks providing restricted public access within the Order limits <i>along the route shown on the rights of way plan</i> ;
Article 2 – Interpretation “rights of way plan”	Applicant	Moved due to incorrect location in alphabetical order.	Definition moved.
PART 2 Principal Powers			
Article 34 – Certification of plans and documents, etc.	Applicant	Added following inclusion of new Requirement 3 (see below) and the outline Skills, Supply Chain and Employment Management plan.	(f) <i>the outline battery safety management plan;</i> ... (l) <i>the outline skills, supply chain and employment plan;</i>
SCHEDULE 1 — Authorised Project			
PART 2 — Requirements			
Requirement 2 – Detailed design approval	Applicant	Added as fencing is to be included in outline design principles, but safety management has been amended to have a dedicated requirement.	(j) safety management fencing
Requirement 3 – Battery safety management	Applicant	Added to secure Battery Safety Management Plan – subsequent requirements renumbered accordingly.	<i>Battery safety management</i> 3—(1) Work No. 2(a) must not commence until a Battery Safety Management Plan (“BSMP”) has been submitted to and approved by the relevant planning authority. (2) The BSMP must prescribe for measures to facilitate safety during the construction, operation and

			<p><i>decommissioning of Work No.2(a) including the transportation of new, used and replacement battery cells both to and from the authorised development.</i></p> <p><i>(3) The BSMP must accord with the outline battery safety management plan.</i></p> <p><i>(4) The relevant planning authority must consult with the Health and Safety Executive and Kent Fire and Rescue Service before determining an application for approval of the BSMP.</i></p> <p><i>(5) The BSMP must be implemented as approved.</i></p>
Requirement 8 – Fencing and other means of enclosure	Applicant	Amended Added as fencing is to be included in outline design principles.	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 relevant planning authority <i>as part of the detailed design approval required by requirement 2(1).</i>
Requirement 12 – Construction traffic management plan	Applicant	Correction of drafting error.	...to and approved by the relevant local -planning authority ..
Requirement 13 – Special protection area construction noise management plan	Applicant	Correction of drafting error.	...to and approved by the relevant local -planning authority.

Requirement 14 – Protected Species	Applicant/Natural England	Amendment to cover domestic protected species for consistency.	<p>European Protected species</p> <p>14.—(1) No phase of the authorised development may commence until final pre-construction survey work has been carried out for that phase to establish whether a European-protected species is present on any of the land affected, or likely to be affected, by the authorised development or in any of the trees to be lopped or felled as part of that stage of the connection works.</p> <p>(2) The term “commence” as used in requirement 13(1) includes any site preparation works.</p> <p>(3) Where a European-protected species is shown to be present, the phase of authorised development must not begin until, after consultation with Natural England and the relevant planning authority, a scheme of protection and mitigation measures has been submitted to and approved by the relevant planning authority.</p> <p>(4) The authorised development must be carried out in accordance with the approved scheme.</p> <p>(5) In this Requirement, “European-protected species” has the same meaning as <i>refers to any species defined as a European Protected Species</i> in regulations 42 and 46 of the Conservation of Habitats and Species Regulations 2017 <i>or any species to which Part I and Schedule 5 of the Wildlife and Countryside Act 1981 applies.</i></p>
Requirement 15 – Operational	Applicant	Correction of drafting error.	...to and approved by the relevant local -planning authority.

noise			
Requirement 16 – Local skills, supply chain and employment	Applicant	Correction of drafting error.	...to and approved by the relevant local –planning authority.
Requirement 16 – Local skills, supply chain and employment	Applicant	Amendment as outline Skills, Supply Chain and Employment Plan has now been produced.	...and employment plan in relation to the authorised development <i>(which accords with the outline skills, supply chain and employment plan)</i> has
Requirement 17 – Decommissioning	Applicant	To clarify the flood defence referred to (change made to all references to “flood defence” in requirement).	<i>...existing</i> flood defence...
Requirement 17 – Decommissioning	Applicant	Due to publication of the MEASS.	... [insert date] <i>10 September 2019</i> ...
Requirement 18 – Requirement for written approval	Applicant	Correction of drafting error.	... local – <i>relevant</i> planning authority...
SCHEDULE 7 — Protective provisions			

Part 2 – For the protection of National Grid as Electricity undertaker	National Applicant Grid,	Amended following agreement between Applicant and National Grid.	<p>Indemnity 11</p> <p>(5) National Grid must use its reasonable endeavours to mitigate in whole or in part and to minimise any costs, expenses, loss, demands, and penalties to which the indemnity under this paragraph 11 <i>applies where it is within National Grid's reasonable gift and control to do so and which expressly excludes any obligation to mitigate liability arising from third parties which is outside of National Grid's control.</i> If <i>reasonably</i> requested to do so by the undertaker, National Grid shall provide an explanation of how the claim has been <i>mitigated or</i> minimised, <i>if appropriate.</i> The undertaker shall only be liable under this paragraph 11 for claims reasonably incurred by National Grid.</p>
SCHEDULE 8 — Deemed Marine Licence under the 2009 Act			
Paragraph 1	MMO	Update to listed addresses.	<p>(a) Marine Management Organisation Offshore Marine Licensing Lancaster House Hampshire Court Newcastle Business Park Newcastle upon Tyne NE4 7YH Tel: 0300 123 1032; and</p> <p>(b) Marine Management Organisation (local office) Pakefield Road <i>Fish Market</i> Lowestoft <i>Rock-A-Nore Road</i> <i>Hastings</i> Suffolk <i>East Sussex</i> NR33 0HT <i>TN34 3DW</i></p>