



CLEVE HILL SOLAR PARK

OTHER DEADLINE 6 SUBMISSIONS SCHEDULE OF CHANGES TO THE DDCO AT DEADLINE 6

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Revision A

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SOLAR PARK

DEADLINE 6 CHANGES

Article / Schedule (Application Version)	Stakeholder concerned	Comments from stakeholder / explanation (where necessary)	Amendment
PART 2 Principal Powers			
Article 36 – Requirements, appeals etc.	Applicant and Swale Borough Council	Amendment made to make the appeal provisions for the discharge of requirements clearer and more user friendly, following request from Swale Borough Council. This has been agreed with Swale Borough Council.	<p>36.—(1) Sub-section (1) of section 78 of the 1990 Act applies to the development consent granted by this Order and to the requirements except that it is modified for the purposes of this Order only to insert after subsection (b) the following—</p> <p>“refuse or fails to determine an application for any consent, agreement or approval of that authority required by a requirement imposed on a grant of development consent or contained in a development consent order, or grant it subject to conditions; or”</p> <p>(2) Sections 78 and 79 of the 1990 Act have effect in relation to any appeal under the terms of this article except that the Secretary of State in question is the Secretary of State who would be responsible for determining an application for development consent with the subject matter of this Order if section 103(1) of the 2008 Act applied.</p> <p>(3) The terms of any development order, and other rules and regulations which apply to applications pursuant to conditions or the subject matter of section 78 of the 1990 Act apply, insofar as they are not inconsistent with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 and any other orders, rules or regulations made under the 2008 Act, to any application or appeal made under the requirements specified in paragraph (1).</p> <p>Where an application is made to, or a request is made of the relevant planning authority or any other relevant person for any agreement or approval required or contemplated by any of the provisions of the Order, such agreement or approval must, if given, be given in</p>

			<p><i>writing and must not be unreasonably withheld or delayed.</i></p> <p><i>(2) Part 3 of Schedule 1 (procedure for discharge of requirements) has effect in relation to all agreements or approvals granted, refused or withheld in relation to requirements.</i></p>
Article 37 – Crown rights	Applicant and The Crown Estate	Amendment following agreement with the Crown Estate on section 135 consent.	37.—(1) Nothing in this Order affects prejudicially any estate, right, power, privilege, authority or exemption of the Crown and in particular, nothing in this Order authorises the undertaker or any licensee <i>to take possession of</i> , use, enter upon or in any manner interfere with any land or rights of any description (including any portion of the shore or bed of the sea or any river, channel, creek, bay or estuary)—
SCHEDULE 1 — Authorised Project			
PART 3 — Procedure for discharge of requirements			
	Applicant and Swale Borough Council	Text added setting out proposed appeal process for discharge of requirement applications.	See draft order.