



# Little Crow

*Solar Park*

*Little Crow Solar Park, Scunthorpe*

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**DCO CHANGES TRACKER**

**DEADLINE 2**

Revision:  
Regulation No:  
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**DEADLINE 2**  
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**Planning Act 2008**

**INFRASTRUCTURE PLANNING**

**The Little Crow Solar Park Order 202[ ]**

**Document 3.5A LC DCO**

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**DCO Changes Tracker – Deadline 2**

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Schedule of changes made to the draft Development Consent Order submitted by the Applicant.

This schedule explains changes made to the draft Development Consent Order (dDCO) submitted with the application for Deadline 2 (24 May 2021) Document 3.1B LC DCO (v3) tracked and v4 clean.

NB: Minor typographical changes are not covered in this Schedule.

<b>AMENDMENTS AT DEADLINE 2</b>		
Article/Schedule	Comments/Explanation	Amendment
DCO Index	<p>The Index for Article 8 has been updated</p> <p>The index has been amended to reflect the addition of Schedule 6, Part 3</p>	<p>8. Temporary <del>stopping-up</del> <a href="#">closure</a> and diversion of public footpath</p> <p>SCHEDULE 6 – PROTECTIVE PROVISIONS</p> <p>PART 1 – PROTECTION FOR ELECTRICITY, GAS, WATER AND SEWERAGE UNDERTAKERS</p> <p>PART 2 – FOR THE PROTECTION OF ANGLIAN WATER</p> <p><a href="#">PART 3 –FOR PROTECTION FOR OPERATORS OF ELECTRONIC COMMUNICATIONS CODE NETWORKS</a></p>
Article 14	<p>Article 14 has been updated to take account of amended versions of the CEMP, LEMP and Outline Decommissioning Strategy</p>	<p>14–(1) The undertaker must, as soon as practicable after the making of this Order, submit to the Secretary of State copies of the—</p> <p>(a) archaeological exclusion zone – whole area plan (document reference 2.22 LC DRW);</p> <p><a href="#">(b) _____ environmental statement (document reference 6 LC ESCH (Chapters 1-11)); <del>6 LC ESCHES CH (Chapters 1-11))</del>; as submitted on 4 December 2020, subject to the substitutions set out below:</a></p>

		<p><a href="#">(i) 6.6A LC ES CH 6 (including figures 6.1, 6.2, 6.3, 6.4 and 6.5 (April 21);</a></p> <p><a href="#">(ii) 6.11A LC ES CH 11 (April 21);</a></p> <p><a href="#">(iii) 7.12A LC TA 4.5 Air Quality and Carbon Assessment (May 21);</a></p> <p><a href="#">(iv) 7.16A LC TA 4.9 Noise Impact Assessment (May 21);</a></p> <p><a href="#">(v) 7.21A LC TA 6.5 Detailed Landscape Proposals (May 21);</a></p> <p><a href="#">(vi) 7.29A LC TA 7.9 Habitats Regulation Statement – No Significant Effects report (NSER) (April 2021); and</a></p> <p><a href="#">(vii) 7.35A LC TA 9.1 Transport Statement (Jan 21);</a></p> <p>(c) flood risk assessment and drainage strategy (document reference 7.3 LC TA3.1);</p> <p>(d) hedgerow plan (document reference 2.40 LC DRW);</p> <p>(e) land plan including Order limits (document reference 2.1 LC DRW);</p> <p>(f) outline battery safety management plan (environmental statement technical appendix 7.14 LC TA4.7);</p> <p>(g) outline CEMPs (environmental statement technical appendix 7.8A LC TA4.1 &amp; 7.27 LCTA 7.7);</p> <p>(h) outline CTMP (environmental statement technical appendix 7.36 LC TA9.2);</p> <p>(i) outline soil management plan (environmental statement technical appendix 7.11 LC TA4.4);</p> <p>(j) outline decommissioning strategy (environmental statement technical appendix 7.9A LC TA 4.2);</p> <p>(k) outline LEMP (environmental statement technical appendix 7.28A LC TA 7.8);</p> <p>(l) proposed temporary diversion of public footpath 214 plan (document reference 2.39 LC DRW);</p> <p>(m) works details – Key B2 - sheet 5 of 7 (document reference 2.15 LC DRW); <a href="#">and</a></p>
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			(n) works plan (document reference 2.8 LC DRW);
Schedule 2 Requirement 6	Part 1	Requirement 6(k) has been added to ensure that noise mitigation is secured	6 (1) No phase of the authorised development may be commenced until written details of the following for that phase have been submitted to and approved by the local planning authority— (a) layout; (b) scale; (c) proposed finished ground levels and elevations; (d) external appearance; (e) hard-surfacing materials; (f) parking and circulation areas; (g) refuse or other storage units, signs and lighting; (h) power and communications cables and pipelines; (i) fencing; <del>and</del> security measures; <u>and</u> (j) <u>any mitigation measures necessary to address operational noise impacts.</u>
Schedule 2 Requirement 9	Part 1	Requirement 9(2)(b) has been amended to clarify the term 'adjoining highway'	9(2)(b) The CTMP must include details of— (a)... (b) associated traffic movements; including delivery vehicles and staff/construction vehicle movements; traffic management requirements on the adjoining <u>public highway of the B1208, B1207 and the A18;</u> and (c)
Schedule 2 Requirement 10	Part 1	Requirement 10(2)(b) has been amended to clarify the term 'gapping up'	10(2)(b) details of habitat creation, including new native hedgerow planting adjacent to the proposed security fencing along the line of the existing footpath, <del>gapping up</del> <u>replanting of any breaks (gaps) in excess of 1 metre in</u> <del>-of</del> existing native hedgerows within the Order limits adjacent to the footpath and sowing of wildflower seed along the margins between the footpath and the hedgerow/ security fence boundaries;

<p>Schedule 2 Part 1 Requirement 14</p>	<p>Requirement 14 (1) has been amended for clarification and requirement 14 (2) has been amended to explain where, prior to a mitigation scheme being submitted for approval by North Lincolnshire Council, it would it be necessary for a pre-consultation to be undertaken with the Council as well as Natural England.</p>	<p>Protected Species 14 —(1) No work <a href="#">including site preparation works shall be to commenced</a> in any phase until final pre-construction survey work has been carried out for that phase to establish whether a 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 phase. <del>(2) For the purpose of requirement 14(1) “commence” includes any site preparation works.</del> <del>(3) (2)</del>Where a protected species is shown to be present, development must not commence within that phase until <del>after consultation with Natural England and the local planning authority,</del> a scheme of protection and mitigation measures has been submitted to and approved by the local planning authority. <a href="#">Where appropriate the mitigation scheme will be informed by pre-consultation with the local planning authority and/or Natural England depending upon the species affected.</a> <del>(43)...</del> <del>(54)...</del></p>

## AMENDMENTS AT DEADLINE 1

Article/Schedule	Comments/Explanation	Amendment
Introduction page 3	It is now confirmed that the examination will take place with a single appointed person.	Square brackets have been removed from the introductory paragraphs.
Article 2 Definition: change “outline decommissioning plan” to “outline decommissioning strategy”	This is amended to correct an inconsistency and to avoid any confusion as to the document being referred to. Consequential changes will be made to reflect this in other documentation.	Definition changes as follows outline decommissioning <del>strategy</del>  <a href="#">“outline soil management plan” means the document certified by the Secretary of State as the outline soil</a>
Addition of new definition	“outline soil management plan” is now defined	

		<a href="#">management plan for the purposes of this Order in accordance with article 14;</a>
Article 6	Introduction of 6(2) to ensure that development carried out pursuant to a planning permission following implementation of the DCO would not be in breach of the DCO, ensuring no risk of criminal liability pursuant to section 161 of the 2008 Act. The paragraph encompasses any development authorised by a general development order as well as an express planning permission	6. <a href="#">Disapplication</a> , application and modification of legislative provisions  <a href="#">6(2) Any development, or any part of a development within the Order limits which is constructed or used under the authority of a planning permission pursuant to Part 3 of the 1990 Act (whether express or otherwise) following the coming into force of this Order is to be disregarded at all times for the purposes of ascertaining whether or not an offence has been committed under the provisions of sections 160 (development without development consent) and 161 (breach of terms of order granting development consent) of the 2008 Act</a>
Article 7 Defence to Proceedings in respect of statutory nuisance	It has been noted that s65 Control of pollution Act 1974 has been repealed by the Deregulation Act 2015 c.20	7(1) (a) (i) relates to premises used by the undertaker for the purposes of or in connection with the construction or maintenance of the authorised development and that the nuisance is attributable to the carrying out of the authorised development in accordance with a notice served under section 60 (control of noise on construction sites), or a consent given under section 61 (prior consent for work on construction sites) <del>or section 65 (noise exceeding registered level)</del> , of the Control of Pollution Act 1974(1); or
Article 8 Temporary stopping up and diversion of public footpath	It was noted during ISH1 that stopping up cannot be temporary.	<b>Temporary <del>closure stopping up</del> and diversion of public footpath</b>  8 (1) The undertaker may, during the construction and decommissioning of the authorised development, temporarily <del>close stop up</del> public footpath 214 as specified in column (2) of Schedule 3 (public footpath to be temporarily <del>closed stopped up</del> and diverted) to the extent specified in column (4) of Schedule 3, and must provide the temporary substitute footpath specified in column (5) of



		Schedule 3 for the period during which the footpath is temporarily <del>closed</del> <del>stopped up</del> .
Article 14 - addition of outline soil management plan (environmental statement technical appendix 7.11 LC TA4.4);	This document needs to be inserted into requirement 8(2) so that it is secured as part of the CEMP. This means it needs to be a certified document as specified in article 14.	Article 14 addition at (i) of <a href="#">outline soil management plan (environmental statement technical appendix 7.11 LC TA 4.4)</a> ; re-lettering of (i) <del>(j)</del> <del>(k)</del> , (k) <del>(l)</del> , (l) <del>(m)</del> and (m) <del>(n)</del>
Article/Schedule	Comments/Explanation	Amendment
Schedule 2 Part 1 Requirement 3 (1)	Requirement 3 stated that the development consent will expire 35 years after first export date. This is not consistent with the requirements set out for decommissioning of the scheme as set out in the Outline Decommissioning Strategy [APP-078/7.9 LC TA4.2]. This has therefore been amended.	Schedule 2 Part 1 Requirement <del>3</del> (1) The <a href="#">authorised development must cease generating electricity on a commercial basis no later than the consent granted by this Order will expire 35th anniversary of years after</a> the first export date from Work No.1.
Schedule 2 Part 1 Requirement 4 (1)	Requirement 4(1) required a decommissioning and site restoration scheme to be submitted to and approved by the local planning authority within 12 months of the expiry of development consent. In line with the change at requirement 3, and also to ensure consistency with the Environmental Statement this time limit has been amended. 4(2) is amended to clarify that the decision to retain the substation is for <del>the</del> the substation operator	Schedule 2 Part 1 Requirement <del>4</del> (1) Not less than <a href="#">6 months</a> <del>12 months</del> before the <a href="#">35th anniversary of the first export date</a> <del>expiry of the development consent granted by this Order</del> , a decommissioning and site restoration scheme must be submitted ...  4(2) (a) removal of all above-ground elements of the relevant part of the authorised development (with the exception of the access tracks (Work No.5) unless otherwise agreed with the landowner and the substation (Work No. 4) <a href="#">where its retention is required by</a> <del>unless otherwise agreed with</del> the substation operator);
Schedule 2 Part 1 Requirement 6 /10 – review for duplication	Requirement 6 relates to the phasing of the authorised development and 6(1) (j) and (k) refer to tree and hedgerow protection measures and new planting respectively. These are also covered by the LEMP which is secured by requirement 10. 10(2)(b) specifically refers to habitat creation and native hedgerow planting. These have therefore been deleted from requirement 6.	6(1) No phase of the authorised development may be commenced until ... (i) fencing; <del>(j) tree and hedgerow protection measure;</del> <del>(k) new planting;</del> and ( <del>i</del> ) security measures.

<p>Schedule 2 Part 1 Requirement 7</p>	<p>This requirement has been amended to run chronologically and to clarify that additional consultation may be required if the outline BSMP is updated.</p>	<p>Battery Safety Management</p> <p>7(1) <u>Prior to the commencement of either Work No. 2A or Work No. 2B as notified to the local authority under Article 3 (4)(a) a The Battery Safety Management Plan ("BSMP") must be submitted to and approved by the local planning authority</u><del>prescribe measures to facilitate safety during the construction, operation and decommissioning of either Work No. 2A or Work No. 2B.</del></p> <p>(2) <u>The submitted Work No. 2A or Work No. 2B must not commence until confirmation has been provided to the local planning authority (a) that no amendments to the outline BSMP are necessary; or (b) where amendment is required, details of any changes or updates to the outline BSMP have been submitted to and approved by the local planning authority.</u> <del>(3) Any revised BSMP must either accord with the outline BSMP battery safety management plan or detail such changes as the undertakers considers are required.</del></p> <p><del>(34)</del><u>In the event that the submitted BSMP proposes changes to the outline BSMP, the local planning authority must not approve the BSMP until it has consulted</u> with the Health and Safety Executive and the Humberside Fire and Rescue Service <del>before determining an application for approval of the BSMP.</del></p>
<p>Schedule 2 Part 1 Requirement 8 (2)</p>	<p>(d) is deleted because dust management is referred to in (c).</p> <p>the outline soil management plan is added at (d)</p> <p>(f) is expanded to clarify how it is different to (h )</p>	<p>Schedule 2 Part 1 Requirement</p> <p>8(2) The CEMP must provide details of:</p> <ul style="list-style-type: none"> <li>(a) community liaison</li> <li>(b) complaints procedures;</li> <li>(c) nuisance management including measures to avoid or minimise the impacts of construction works (covering dust, noise, vibration and lighting);</li> <li>(d) <del>dust management measures;</del></li> <li>(e) site waste and materials management measures;</li> <li>(f) pollution control measures <u>to prevent the introduction of any hazardous substances;</u></li> </ul>

		<p>(g) security measures and use of artificial lighting;  (h) a protocol in the event that unexpected contaminated land is identified during ground investigation or construction; and  (i) details of out of hours working procedures.  <del>(j)</del></p> <p>add in new 8 (d) <a href="#">a soil management plan which must accord with the outline soil management plan</a></p>
Article/Schedule	Comments/Explanation	Amendment
Schedule 2 Part 1 Requirement 8 (h)	The Environment Agency has requested that it be specified as a consultee in relation to the identification of unexpected contaminated land.	Schedule 2 Part 1 Requirement 8 (h) a protocol <a href="#">requiring consultation with the Environment Agency</a> in the event that unexpected contaminated land is identified...
Schedule 2 Part 1 Requirement 9	Change 'will' to 'must'	Schedule 2 Part 1 Requirement 9 (1) ... and in accordance with the outline CTMP <del>will</del> <a href="#">must</a> be submitted to....
Schedule 2 Part 1 Requirement 12	Requirement 12 (3) specified that the surface and foul water drainage system must be construed in accordance with the approved details <i>unless otherwise agreed in writing by the local planning authority</i> . The wording in italics has been removed to provide certainty.	Schedule 2 Part 1 Requirement 12(3) The surface and foul water drainage system for the relevant part of the authorised development must be construed in accordance with the approved details. <del>unless otherwise agreed in writing by the local planning authority.</del>
Schedule 2 Part 1 Requirement 13	Requirement 13 (1) and (2) have been amended for clarity. 13(4) contains an incorrect cross-reference as it cross refers to paragraph 2. This needs to be amended to cross refer to paragraph 3.	<p>Schedule 2 Part 1 Requirement 13 (1) <del>The Not to commence</del> the authorised development <a href="#">shall not be commenced</a> until...</p> <p>(2) <del>Not to permit</del> digging <a href="#">shall be undertaken within</a> the archaeological...</p> <p>(4) The scheme approved under sub-paragraph (<del>2</del><a href="#">3</a>) must identify any areas...</p>
Schedule 2 Part 1 Requirement 15	Requirement 15 (1) has been amended in the interests of precision and drafting consistency	Schedule 2 Part 1 Requirement 15 (1) <del>The Not to commence any phase of the</del> authorised development <a href="#">must not be</a>

	15(2)(a) refers to the 'length' of any sections of the public right of way to be closed. It was not clear if this refers to distance or time or both. This has been amended to refer to distance.	<p><u>commenced in any phase</u> or any decommissioning <u>be undertaken</u> until....</p> <p>2) The plan must include details of –</p> <p>(a) measures to minimise the <del>length</del><u>distance</u> of any sections of the public right of way to be temporarily closed....</p>
Schedule 2 Part 2 Paragraph 20	Paragraph 20 (2) refers to 'business days'. This is undefined so the time has been extended and a total number of days has been specified to avoid any ambiguity.	Schedule 2 Part 2 Requirement 20 (2) If the discharging authority considers that further information is necessary.....the discharging authority must, within <u>fourteen</u> <del>ten-business</del> days of receipt of the application, and notify the undertaker in writing specifying any further information requested by the consultee within <u>seven</u> <del>five-business</del> days of receipt of such a request.
Schedule 2 Part 2 Paragraph 21	Paragraph 21(1) refers to 'a person'. This is unnecessary and has been removed.	Schedule 2 Part 2 Requirement 21(1) Where <del>a person</del> ("the applicant") makes an application ....
Schedule 3 Public footpath to be temporarily stopped up and diverted	This is a consequential amendment following the change in terminology referred to in relation to Article 8 above.	<p>Public footpath to be temporarily <u>closed</u> <del>stopped up</del> and diverted</p> <p>Column (3) Public footpath to be temporarily <u>closed</u><del>stopped up</del> and diverted</p> <p>Column (5) Extent of temporary <u>closure</u><del>stopping up</del></p>
Schedule 6 Part 2 For the Protection of Anglian Water	These protective provisions are now agreed between the parties and the amendment to paragraphs 12 (previously unnumbered) and the addition of paragraph 14 reflect the agreed position. There is a cross-reference amendments to para 17 because of the changing paragraph references.	<p><u>"Water main" means the 21 inch iron water main (asset number 7293912) within the Order Limits.</u></p> <p><u>12.</u> The undertaker must not interfere with, build over or near to any apparatus within the Order limits or execute the placing, installation, bedding, packing, removal, connection or disconnection of any apparatus, or execute any filling around the apparatus (where the apparatus is laid in a trench) <del>either</del> within the standard protective <del>on</del> strip which is</p>

		<p>the strip of land falling 6 metres either side of the water main within the Order limits <u>(including any accessories to it) or 3 metres either side of any apparatus uncovered by the undertaker during construction or so as to require any <del>or</del> outside the protection strip but in such proximity that safe working within the protection strip is prevented or possible only with special measures that are outside industry standard measures</u> other than in accordance with paragraph 16.5 below <u>unless otherwise agreed with Anglian Water, such agreement not to be unreasonably withheld or delayed,</u> with such provision being brought to the attention of any agent or contractor responsible for carrying out any work on behalf of the undertaker.</p> <p><del>12.13.</del></p> <p><u>14. If in consequence of the exercise of the powers conferred by the Order the access to any apparatus is materially obstructed the undertaker must provide such alternative means of access to such apparatus as will enable Anglian Water to maintain or use the apparatus no less effectively than was possible before such obstruction.</u></p> <p><del>13.15.</del></p> <p><del>14.16.</del></p> <p><u>(3) Any reasonable requirements made by Anglian Water under sub-paragraph (2) shall be made within a period of 21 days beginning with the date on which a plan, section and description under sub-paragraph (1) are submitted to it and where no requirements are specified within 21 days, approval of the plan, specification and description is deemed to have been given.</u></p> <p><u>(4) Nothing in this paragraph 16 shall preclude the undertaker from submitting at any time or from time to time, but in no case less than 28 days before commencing the execution of any works, a new plan, section and description instead of the plan, section and description previously</u></p>
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		<p><u>submitted, and having done so the provisions of this paragraph shall apply to and in respect of the new plan, section and description.</u></p> <p><del>(3)</del>(5)</p> <p><del>15.17.</del> ...any of the works referred to in paragraphs <del>132</del> or <del>164</del> ...</p> <p><del>16.</del> <u>18.</u></p> <p><u>19. For the avoidance of doubt any difference under any provision of this Part 2 of Schedule 6, unless otherwise provided for, shall be referred to and settled by arbitration in accordance with the rules at Schedule 5 (Arbitration rules) of this Order, by a single arbitrator to be agreed upon by the parties, within 14 days of receipt of the notice of arbitration, or if the parties fail to agree within the time period stipulated, to be appointed on application of either party (after giving written notice to the other) by the Secretary of State.</u></p>
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