

Suffolk County Council (20031377)

Deadline 3A

SCC's comments on the Applicant's *Schedule of Change to the draft DCO from Change Request application to Deadline 2*

	<b>Reference</b>	<b>Change</b>	<b>Reason for Change</b>	<b>SCC's comments on the change</b>
(i)	Article 2(1)	Amendment to the definition of apparatus to exclude the electrical cables as defined in Article 2(1).	A consequence of amendments to the definition of subparagraph (d) of the definition of 'permitted preliminary works'.	Noted.
(ii)	Article 2(1)	Amendment to the definition of "commence" to refer to section 155 of the Planning Act 2008 rather than s56 of the Town and Country Planning Act 1990.	Resulting from the ExA's FWQs.	Noted.
(iii)	Article 2(1)	Insertion of "drainage strategy" in alphabetical order.	Resulting from the ExA's FWQs.	Noted.
(iv)	Article 2(1) and Schedule 1, paragraph 1	Insertion of "electrical cables" in Article 2(1) and removal from definitions Schedule 1, paragraph 1.	A consequence of amendments to the definition of subparagraph (d) of the definition of 'permitted preliminary works'.	Noted.
(v)	Article 2(1)	Removal of "demolition of buildings" from sub-paragraph (a) of the definition of 'permitted preliminary works' and moving "removal of plant and machinery" to a new sub-paragraph (g).	Amendment made following discussions with Suffolk County Council on the scope of permitted preliminary works.	Noted.
(vi)	Article 2(1)	Deletion of "services" and insertion of "apparatus" in sub-paragraph (d) of the definition of 'permitted preliminary works'.	Amendment made following discussions with East Cambridgeshire District Council on the scope of permitted preliminary works.	Noted.
(vii)	Article 2(1)	Addition of "permitted preliminary works traffic management plan".	Amendment made following discussions with the Councils on the scope of permitted preliminary works.	Noted.

(viii)	Article 3(1)	Addition of “detailed in Schedule 2”.	Resulting from the ExA’s FWQs.	Noted.
(ix)	Article 6(3)	<p>Amendment to Article 6(3) to remove “to the extent that there is an inconsistency on the land coloured yellow identified on the restoration overlap plan between any provision of this Order and the Worlington Quarry planning permission there is deemed to be no breach of the Worlington Quarry planning permission and no enforcement action can be taken following the commencement of permitted preliminary works, commencement or operation of the authorised development.”</p> <p>This has been replaced with “As from the date on which the permitted preliminary works are carried out or the authorised development is commenced, whichever is the earlier, any conditions of the Worlington Quarry planning permission that relate to the land coloured yellow on the restoration overlap plan cease to have effect to the extent that they are inconsistent with the authorised development or with anything done or approved under Schedule 2 (requirements).”</p>	Amendment made following feedback from Suffolk County Council and discussions with the ExA on the scope and intended purpose of this article.	Noted.
(x)	Article 8(2)	Removal of “or licence” so that the exercise of Article 8 would be a statutory right only for the purposes of the New Roads and Street Works Act 1991.	Amendment made following feedback from Cambridgeshire Country Council in its Relevant Representation.	Noted.

(xi)	Article 11(1)(b)	Addition of “for the purpose of crossing only”.	Amendment made following discussions with Cambridgeshire County Council.	Noted.
(xii)	Article 11(4)(a)	Addition of a 28 day consultation period.	Amendment made following feedback from Cambridgeshire County Council.	Noted.
(xiii)	Article 15(5)	Text starting with “and that person must...” amended so that it applies to both subparagraphs (a) and (b)	Correcting a typographical error	Noted.
(xiv)	Article 15	Insertion of new paragraphs (11), (12) and (13) and amendments to paragraphs (2) and (14) to include provisions for the removal of archaeological human remains over 100 years old and the need to acquire relevant exhumation licences from the Ministry of Justice.	Amendment made following feedback from Cambridgeshire County Council.	Noted.
(xv)	Article 17(1)	Amendment to the power to survey and investigate land to include at paragraph 1(c) “making trial trenches in such positions on the land as the undertaker thinks fit to carry out archaeological and site investigations” and to place, leave on and remove from the land “welfare facilities” for use in connection with the reasons set out in paragraph (1)(d), which now includes “trial trenches”.	Resulting from the ExA’s FWQs.	Noted.  SCC would suggest that art.17 could be improved by the inclusion of the following sub-paragraph after art.17(4) –  “Following completion of any survey, monitoring or investigation works the undertaker must remove all equipment, apparatus and welfare facilities placed on the land in connection with such survey, monitoring or investigations”.  (This provision is preceded in other DCOs e.g. art.17(5) of the East Anglia TWO Offshore Wind Farm Order 2022).
(xvi)	Article 18(1)	Removal of Article 18(1)(b).	Resulting from the ExA’s FWQs.	Noted.
(xvii)	Article 21(2)	Removal of Article 21(2)(c).	Resulting from the ExA’s FWQs.	Noted.

(xviii)	Article 29	Insertion of “and described in the book of referenced” in Article 29(a) and 29(b).	Resulting from the ExA’s FWQs.	Noted.
(xix)	Article 33(3)	Amendment to Article 33(3)(a) to remove “the transferee or lessee is a holding company or subsidiary of the undertaker”.	Resulting from the ExA’s FWQs	Noted.
(xx)	Article 33(4)	Amendment to include notification of the relevant planning authority if the exercise of powers relates to its area.	Resulting from the ExA’s FWQs.	Noted.
(xxi)	Article 33(6)	Amendment from five to fourteen days.	Resulting from the ExA’s FWQs.	Noted.
(xxii)	Article 36(1)	Amendment to make the power in Article 36(1) subject to Article 37 (trees subject to tree preservation orders).	Resulting from the ExA’s FWQs.	Noted.
(xxiii)	Article 43(2)	Amendment to include Article 23 (acquisition of subsoil only) within the scope of Article 43.	Resulting from the ExA’s FWQs.	Noted.
(xxiv)	Article 44	Amendments to Article 44(1) and 44(2) to make powers available during construction of the authorised development only.	Resulting from the ExA’s FWQs.	Noted.
(xxv)	Article 44(6)	Deletion of (c) and moving the text to (b).	Resulting from the ExA’s FWQs.	Noted.
(xxvi)	Article 45(1)	Amendment to remove “or any licensee” from Article 45(1).	Resulting from the ExA’s FWQs.	Noted.
(xxvii)	Schedule 1, paragraph 1	Replacement of “access and rights of way plans” with Annex A to the outline landscape and ecology management plan being where the “permissive paths” can be found in the application documents.	Amendment made to rectify a typographical error.	Noted.
(xxviii)	Schedule 1, paragraph 2	Amendments to the description of Work No. 2B and Work No. 2C to refer to “a battery energy storage compound”.	Resulting from the ExA’s FWQs.	Noted.

(xxix)	Schedule 1, paragraph 2	Amendments to the description of “further associated development” in connection with Work Nos. 1 to 10.	Resulting from the ExA’s FWQs.	Noted.
(xxx)	Schedule 2, Requirement 4	Amendment to include the Secretary of State within the requirement for approval, agreement or confirmation to be provided in writing.	Resulting from the ExA’s FWQs.	Noted. (Though suggest the reference to “secretary of state” in Requirement 4 should be to “Secretary of State”).
(xxxi)	Schedule 2, Requirement 6	Addition to sub-paragraph (2) for the detailed design to be in accordance with appendix 16D of the environmental statement and the approved battery fire safety management plan.	Resulting from feedback from Consultees.	Noted.
(xxxii)	Schedule 2, Requirement 7	Addition to sub-paragraph (3) for the Health and Safety Executive to be consulted before approval of the plan and addition to subparagraph (5) for the battery fire safety management plan to be maintained throughout construction and operation of the authorised development.	Resulting from the ExA’s FWQs and feedback from Consultees.	Noted.  Requirement 7 provides for the approval of the battery safety management plan by “relevant planning authorities” (i.e. East Cambridgeshire DC and West Suffolk Council). SCC consider the “relevant county authorities” (i.e. Cambridgeshire CC and SCC) should approve the plan, as SCC is the Fire and Rescue Authority for Suffolk and we understand that Cambridgeshire CC hold the same position in respect of Cambridgeshire (though jointly with Peterborough City Council). SCC considers that making the discharging authority the body with the most relevant technical expertise and responsibility for the subject matter of the Requirement is more appropriate than placing that responsibility on the

				<p>relevant planning authority. SCC also notes that West Suffolk Council does not object to SCC being the discharging authority for Requirement 7.</p> <p>The Council notes that the Health and Safety Executive has been included as a consultee for this Requirement. Is the Applicant satisfied that the HSE has engaged sufficiently at this stage on the OBFSMP and that it will be in a position to advise the county councils on the content of the final document.</p>
(xxxiii)	Schedule 2, Requirement 8	Amendment to sub-paragraph (1) to include permitted preliminary works comprising vegetation removal within the scope of Requirement 8 and to require the relevant planning authorities to consult with Natural England prior to approval of the landscape and ecology management plan. Amendment to sub-paragraph (3) to require the landscape and ecology management plan to be maintained throughout construction and operation of the authorised development.	Resulting from feedback from the Councils and Natural England.	Noted.
(xxxiv)	Schedule 2, Requirement 10	Amendment to Requirement 10 to provide for an update of the offsetting habitat provision for stone curlew specification to be submitted and approved in consultation with Natural England prior to commencement of the	Resulting from feedback from the Councils and Natural England.	Noted.

		Work Nos. specified in sub-paragraph (3).		
(xxxv)	Schedule 2, Requirement 11	Addition of sub-paragraph (6) “(6) Prior to the date of final commissioning of any phase, any permanent fencing, walls or other means of enclosure for that phase approved pursuant to sub-paragraph (2) must be completed”.	Resulting from the ExA’s FWQs.	Noted.
(xxxvi)	Schedule 2, Requirement 13	Amendment to sub-paragraph (1) to include permitted preliminary works comprising intrusive archaeological surveys within the scope of Requirement 13.	Amendment made following discussion with Suffolk County Council.	Noted.
(xxxvii)	Schedule 2, Requirement 14	Addition of a new sub-paragraph (3): “(3) For the purposes of requirement 14(1), “commence” includes any permitted preliminary works comprising above ground site preparation for temporary facilities for the use of contractors and site clearance (including vegetation removal, demolition of existing buildings and structures).”	Amendment made following discussions with the Councils.	Noted.
(xxxviii)	Schedule 2, Requirement 16	Addition of a new sub-paragraph (3) and (4):  “(3) No part of the permitted preliminary works for each phase comprising above ground site preparation for temporary facilities for the use of contractors and site clearance (including vegetation removal, demolition of existing buildings and structures) may start until a permitted preliminary works traffic	Amendment made following discussions with the Councils.	SCC considers that all works involving the formation of or change to any vehicular access, whether on a temporary basis or not, needs to be subject to a prior approval process. SCC seeks confirmation that the proposed amendments to requirement 16 secures this.

		<p>management plan for that phase has been submitted to and approved by the relevant county authority for that phase or, where the phase falls within the administrative areas of both the county of Suffolk and the county of Cambridgeshire, both relevant county authorities.</p> <p>(4) The permitted preliminary works traffic management plan must be implemented as approved during construction.”</p>		
(xxxix)	Schedule 2, Requirement 17	Amendment to sub-paragraph (2) to require the operational noise assessment to be maintained throughout construction and operation of the authorised development.	Amendment made following discussions with East Cambridgeshire District Council.	Noted.
(xli)	Schedule 2, Requirement 20	Amendment to sub-paragraph (3) to require the skills, supply chain and employment plan to be maintained throughout the construction and operation of the authorised development.	Amendment made following discussions with East Cambridgeshire District Council.	Noted.
(xlii)	Schedule 2, Requirement 21	Amendment to sub-paragraph (3) to make it clear the undertaker is responsible for providing and maintaining the permissive paths.	Amendment made following discussions with Suffolk County Council.	Noted.
(xliii)	Schedule 2, Requirement 22	Addition of a new sub-paragraph (6):	Amendment made following discussions with Suffolk County Council.	Noted, though SCC suggests that “28 days” is used instead of “1 month”. (The DCO tends to measure time in days, rather than months).

		“(6) Within 1 month of ceasing operations at any part of the authorised development the undertaker must notify the relevant planning authority (or both relevant planning authorities where that part falls within the administrative areas of both the District of West Suffolk and the District of East Cambridgeshire) in writing of the date it ceased operations for that part.”		
(xliii)	Schedule 3, Paragraph 1	Addition of Swaffham Internal Drainage Board Byelaws to be disapplied by Article 6(1).	Resulting from discussions with Swaffham Internal Drainage Board.	Noted.
(xliv)	Schedule 5, Part 2	Addition of a site for proposed works within the highway that is shown on the arrow and rights of way plans in East Cambridgeshire District at the A11 for “works to enable the passage to the authorised development of abnormal indivisible loads, including the temporary removal of streets signs and street furniture, within the area shown hatched orange on sheet 10 of the access and rights of way plans, reference AS-20.”	Amendment made following notification from Cambridgeshire County Council.	Noted.
(xlv)	Schedule 5, Part 2	Amendment to replace East Cambridgeshire District with West Suffolk District in relation to works at Junction of B1103 Oxford Street, Swan Land and Chapel Street within the area shown hatched orange on sheet 24	Amendment made following notification from Cambridgeshire County Council.	Noted.

		of the access and rights of way plans, reference AS-40.		
(xlvii)	Schedule 12, Part 4	Amendments made to the protective provisions for the protection of Cadent Gas Limited.	Amendments made following discussions with Cadent Gas Limited.	Noted.
(xlviii)	Schedule 12, Part 9	Amendments made to the protective provisions for the protection of National Highways.	Amendments made following discussions with National Highways.	Noted.
(xlix)	Schedule 13, paragraph 1	Amendment to the definition of “relevant authority” to include any “person”.	Resulting from the ExA’s FWQs.	Noted.
(l)	Schedule 13, paragraph 2, subparagraph (1)	Amendment to sub-paragraph (1) to change the period of approval under (a) from 28 business days to 56 business days and amendment to the period of approval under (b) and (c) from eight weeks to 56 days for consistency.	Resulting from the ExA’s FWQs.	Noted. (Regarding sub-paragraph (1)(a), the relevant timeframe is 56 days, rather than 56 business days, as mentioned in the Schedule of Changes. SCC considers 56 days is satisfactory).
(ii)	Schedule 13, paragraph 2, subparagraph (5)	Addition of new sub-paragraph (5): “(5) The undertaker must include in any application made to the relevant authority for any consent, agreement or approval required or contemplated by any of the provisions of this Order a statement that the provisions of subparagraph (3) apply and, if the application fails to do so, it shall be null and void.”	Amendment made following discussions with Suffolk County Council.	Noted.
(iii)	Schedule 13, paragraph 5	Addition of a new paragraph for the payment of a fee to the relevant authority when an application for	Amendment made following discussions with the Councils and the ExA. Further discussions with the Councils as to the amount of the fees to be included in	Noted.

		<p>consent, agreement or approval is made in respect of a requirement.</p> <p>Please note this paragraph is not complete pending further engagement with the Councils.</p>	<p>this paragraph are required and the DCO will be updated with this information and submitted into Examination as soon as practicable.</p>	<p>SCC welcomes the further discussions regarding the amount of fees to be included in paragraph 5 of Schedule 13.</p>
(lii)	All Articles and Schedules	<p>Minor typographical amendments have been made throughout the draft DCO that have not been specifically listed in this schedule.</p>	<p>Amendments made following review of the draft DCO.</p>	<p>Noted.</p>