



OAKLANDS FARM SOLAR PARK

Applicant: Oaklands Farm Solar Ltd

The Applicant's Comments on the ExAs schedule of changes to the dDCO
December 2024

Document Ref: EN010122/D7/15.3

Version: Deadline 7

NO	ARTICLE/SCHEDULE	TEXT AS SET OUT IN DDCO REVISION [REP6-004]	EXA'S RECOMMENDED CHANGE	REASON AND NOTES	APPLICANT'S RESPONSE
1	Article 2 (Interpretation)	"commissioning" means the process of testing all systems and components of Work No. 1 in order to ensure that they, and the authorised development as a whole, function in accordance with plant design specifications and the undertaker's operational and safety requirement	Add semi-colon after "requirement".	None.	This amendment is agreed by the Applicant and will be made in the revised dDCO to be submitted at Deadline 8.
2	Article 2 (Interpretation)	"outline OEMP" means the document certified by the Secretary of State as the outline operational environmental management plan for the purposes of this Order in accordance with article 34 (certification of plans, etc)	Add semi-colon after "(certification of plants, etc)".	None.	This amendment is agreed by the Applicant and will be made in the revised dDCO to be submitted at Deadline 8.
3	Article 2 (Interpretation)	"owner", in relation to land, has the same meaning as in section 7 (interpretation) of the Acquisition of Land Act 1981(a)	Add semi-colon after "Acquisition of Land Act 1981(a)".	None.	This amendment is agreed by the Applicant and will be made in the revised dDCO to be submitted at Deadline 8.

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4	Article 2 (Interpretation)	"statutory undertaker" means any person falling within section 127(8) (statutory undertakers' land) of the 2008 Act and includes a public communications provider defined by section 151(1) (interpretation of chapter 1) of the Communications Act 2003(b)	Add semi-colon after "Communications Act 2003(b)".	None.	This amendment is agreed by the Applicant and will be made in the revised dDCO to be submitted at Deadline 8.
5	Article 2 (Interpretation)	"subsidiary" has the same meaning as in section 1159 of the Companies Act 2006(d)	Add semi-colon after "Companies Act 2006(d)".	None.	This amendment is agreed by the Applicant and will be made in the revised dDCO to be submitted at Deadline 8.
6	Article 2 (Interpretation)	"traffic authority" has the same meaning as in section 121A (traffic authorities) of the Road Traffic Regulation Act 1984(a)	Add semi-colon after "Road Traffic Regulation Act 1984(a)".	None.	This amendment is agreed by the Applicant and will be made in the revised dDCO to be submitted at Deadline 8.
7	Article 2 (Interpretation)	"work" means a work set out in Part 1 of Schedule 1 (authorised development); and	Delete "and".	None.	This amendment is agreed by the Applicant and will be made in the revised dDCO to be submitted at Deadline 8.
8	Article 2 (Interpretation)	"working day" means any day other a Saturday, Sunday or English bank or public holiday;	Add "and" after "or public holiday".	None.	This amendment is agreed by the Applicant and will be made in the revised dDCO to be submitted at Deadline 8.
9	Article 2 (Interpretation)	"works plans" means the plans certified by the Secretary of State as the	Add "full stop" after	None.	This amendment is agreed by the Applicant and will be made in the revised dDCO to be submitted at Deadline 8.

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		works plans for the purposes of this Order in accordance with article 34 (certification of plans, etc)	“(certification of plans, etc)”.		
10	Article 5(3) (Consent to transfer benefit of Order)	<p>(3) The consent of the Secretary of State is required for the exercise of the powers of paragraph (1) except where—</p> <p>(a) the transferee or lessee is the holder of a licence under section 6 (licences authorising supply etc.) of the 1989 Act;</p> <p>or</p> <p>(b) the time limits for claims for compensation in respect of the acquisition of land or effects upon land under this Order have elapsed and—</p> <p>(i) no such claims have been made;</p> <p>(ii) any such claim has been made and has been compromised or withdrawn;</p>	Replace “or” with “and”.	The ExA is minded that sufficient justification hasn't been provided for either 5(3)(a) or 5(3)(b) not to apply.	<p>The Applicant disagrees with the ExA's proposed change and maintains its position set out in response to ExQ 1.3 [REP6-042] that “or” between sub-paragraphs (a) and (b) of Article 5(3) is correct and has been appropriately and properly justified during Examination.</p> <p>The Applicant's approach, as set out in [REP6-042] is well precedented such that the Applicant does not consider the ExA's proposal necessary or justified.</p> <p>The Applicant will maintain the existing drafting in the revised dDCO to be submitted at D8.</p>

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		<p>(iii) compensation has been paid in full and final settlement of any such claim;</p> <p>(iv) payment of compensation into court has taken place in lieu of settlement of any such claim; or</p> <p>(v) it has been determined by a tribunal or court of competent jurisdiction in respect of any such claim that no compensation is payable.</p>			
11	Article 6(1)(c) (Disapplication and modification of legislative provisions)	(c) the provisions of any byelaws made under section 66 (powers to make byelaws)(c) of the Land Drainage Act 1991 ; and	Spaces deleted between "1991" and ";".	None.	This amendment is agreed by the Applicant and will be made in the revised dDCO to be submitted at Deadline 8.
12	Article 11 (Temporary stopping up of public rights of way)	11.—(1) The undertaker, during and for the purposes of constructing or maintaining the authorised development, may temporarily stop up, alter or divert any public rights of way and may for any reasonable time—	No change.	The ExA may suggest changes subject to further advice from South Derbyshire District Council and the Applicant in relation to minimising disruption during the temporary stopping up and ensuring	(a) The Applicant maintains its position submitted at Deadline 6 in response to ExQ 1.4 [REP6-042]. The drafting is well precedented, with adequate controls placed on the undertaker to provide comfort to SDDC and DCC that any disruption to public rights of way will be minimised so far as possible. The Applicant reiterates that so far as possible it does not intend to stop up the public right of way, and instead seeks to rely on the employment of appropriate safety measures, such as banksmen and signage to allow the Cross

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		<p>(a) divert the traffic or a class of traffic from the public rights of way; and</p> <p>(b) subject to paragraph (3), prevent all persons from passing along the public rights of way.</p> <p>(2) Without limiting paragraph (1), the undertaker may use any public rights of way temporarily stopped up under the powers conferred by this article within the Order limits as a temporary working site.</p> <p>(3) The undertaker must provide reasonable access for pedestrians going to or from premises abutting a public rights of way affected by the temporary stopping up, alteration or diversion of a street under this article if there would be otherwise be no such access.</p> <p>(4) Without limiting paragraph (1), the undertaker may temporarily stop up, alter or divert the public</p>		<p>restoration afterwards.</p> <p>(a) Please could South Derbyshire District Council and the Applicant comment?</p> <p>(b) Please could South Derbyshire District Council also summarise any outstanding concerns at Deadline 8 with suggestions about how they may be addressed?</p>	<p>Britain Way to remain open and useable during construction.</p> <p>(b) No response required.</p>

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		<p>rights of way specified in column (2) of Schedule 5 (public rights of way to be temporarily stopped up) to the extent specified, by reference to the streets, access and rights of way plan, in column (3) of that Schedule.</p> <p>(5) The undertaker must not temporarily stop up, alter, divert or use as a temporary working site—</p> <p>(a) any public rights of way referred to in paragraph (4) without first consulting the street authority; and</p> <p>(b) any other street or public rights of way without the consent of the street authority, which may attach reasonable conditions to the consent.</p> <p>(6) Any person who suffers loss by the suspension of any right of way under this article is entitled to compensation to be determined, in case of dispute, under Part 1</p>			

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		<p>(determination of questions of disputed compensation) of the 1961 Act.</p> <p>(7) If a street authority fails to notify the undertaker of its decision within 28 days of receiving an application for consent under paragraph (5)(b), or such longer period that is agreed in writing between the undertaker and that street authority, that street authority is deemed to have granted consent.</p> <p>(8) In this article expressions used in this article and in the 1984 Act have the same meaning.</p>			
13	Article 26(1)(a) (Temporary use of land for carrying out the authorised development)	<p>26.—(1) The undertaker may, in connection with the carrying out of the authorised development—</p> <p>(a) enter on and take temporary possession of—</p> <p>(i) so much of the land specified in column (1) of the table in Schedule 8 (land of which temporary possession</p>	Numbering of (iii) deleted and semi-colon added.	None.	This amendment is agreed by the Applicant and will be made in the revised dDCO to be submitted at Deadline 8.

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		<p>may be taken) for the purpose specified in relation to the land in column (2) of that table; and</p> <p>(ii) any other Order land in respect of which no notice of entry has been served under section 11 (powers of entry) of the 1965 Act and no declaration has been made under section 4 (execution of declaration) of the 1981 Act,</p> <p>(iii) for the carrying out of site preparation works, construction and decommissioning of the authorised development.</p>			
14	Article 28(a) (Statutory undertakers)	<p>Subject to the provisions of Schedule 10 (protective provisions) the undertaker may—</p> <p>(a) acquire compulsorily, or acquire new rights or impose restrictive covenants over, the land belonging to statutory undertakers shown on the land plans within the Order land;</p>	Spaces between "plans" and "within" deleted.	None.	This amendment is agreed by the Applicant and will be made in the revised dDCO to be submitted at Deadline 8.

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15	Article 34(1)(f) and (m) (Certification of plans, etc.)	34.—(1) The undertaker must, as soon as practicable after the making of this Order, submit to the Secretary of State copies of the— ... (f) outline construction traffic management plan, ... (m) design statement	Add semi-colon after (f). Comma inserted after (m).	None.	This amendment is agreed by the Applicant and will be made in the revised dDCO to be submitted at Deadline 8.
16	Article 36(5) (Felling or lopping of trees or removal of hedgerows)	(5) The undertaker may not pursuant to paragraphs (1) fell or lop a tree or remove hedgerows within the extent of the publicly maintainable highway without the prior consent of the highway authority.	Delete (s) in "paragraphs".	To make singular.	This amendment is agreed by the Applicant and will be made in the revised dDCO to be submitted at Deadline 8.
17	Article 37(5) (Trees subject to tree preservation orders)	None.	Insert sub-paragraph (5) – The undertaker may not pursuant to paragraph (1) fell or lop a veteran or ancient tree without the	To address the concerns expressed by Derbyshire County Council and South Derbyshire District Council, the flexibility sought by the Applicant for Works 5 and 5A, and	(a) The Applicant maintains consent is not required to undertake works under this article effecting any tree subject to a TPO. However, the Applicant accepts the ExA's proposed amendment to addresses SDDC's and DCC's concerns and will incorporate this sub-paragraph into the revised dDCO to be submitted at Deadline 8. (b) No response required.

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			<p>prior approval of the local planning authority.</p>	<p>uncertainty about the presence of veteran and ancient trees in this area.</p> <p>(a) Please could the Applicant, Derbyshire County Council, and South Derbyshire District Council comment?</p> <p>(b) Please could South Derbyshire District Council and Derbyshire County Council set out any outstanding concerns at Deadline 8 with suggestions about how they may be addressed?</p>	
18	<p>Schedule 1, Part 1 (Authorised Development)</p> <p>Work No. 1</p>	<p>Work No. 1 – a ground mounted solar photovoltaic generating station comprising—</p> <p>(a) solar panels fitted to mounting structures; and</p> <p>(b) balance of solar plant,</p>	<p>Left justified line beginning “and associated development”.</p>	<p>None.</p>	<p>This amendment is agreed by the Applicant and will be made in the revised dDCO to be submitted at Deadline 8.</p>

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		<p>and associated development within the meaning of Section 115(2) (for which development consent may be granted) of the 2008 Act including—</p> <p>...</p>			
19	Schedule 1, Part 1 (Authorised Development) Work No. 4B	Work No. 4B – temporary stopping up of watercourses to trench and lay cables, installation of culverts, drainage and other features to cross watercourses.	Replace full-stop with comma.	None.	This amendment is agreed by the Applicant and will be made in the revised dDCO to be submitted at Deadline 8.
20	Schedule 1, Part 1 (Authorised Development) Work No. 5B	Work No. 5B – access to National Grid operational land for the construction, operation, maintenance and decommissioning for Work No. 5— (a) works to create permanent access from public highway, and install temporary or permanent traffic lights, visibility splays, banksmen or other measures to manage traffic; (b) works to widen and surface the public highway;	Insert "and" after (b) and a comma after (c).	None.	This amendment is agreed by the Applicant and will be made in the revised dDCO to be submitted at Deadline 8.

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		(c) works to excavate and store soil, clear vegetation and obstacles, level, shape and prepare surface for construction track and permanent operational track to be installed;			
21	Schedule 1, Part 1 (Authorised Development) Work No. 6(d)	(d) civils investigations and works to reinforce ground with weight-bearing support infrastructure, maintain integrity of structures beneath road surface	Add semi-colon after "beneath road surface".	None.	This amendment is agreed by the Applicant and will be made in the revised dDCO to be submitted at Deadline 8.
22	Schedule 1, Part 2 (Requirements) Requirement 8(4) (landscape and ecological management plan)	(4) No site preparation works are to be commenced until a LEMP covering the site preparation works which accords with the outline LEMP has been submitted to and approved by the local planning authority in consultation with Natural England. Such LEMP must be implemented as approved.	Add "authority" between "planning" and "in consultation".	Word missing.	The Applicant corrected this error in the dDCO submitted at Deadline 6 [REP6-004]. No further action required.
23	Schedule 1, Part 2 (Requirements) Requirement 9(1) (construction environmental	9.—(1) No phase of the authorised development may commence until a CEMP for that phase has been submitted to and approved by the local planning authority in consultation with	Insert "and Natural England" after "the Environment Agency".	In relation to mitigation measures for the River Mease Special Area of Conservation.	The Applicant corrected this error in the dDCO submitted at Deadline 6 [REP6-004]. No further action required.

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	management plans)	the Environment Agency and Natural England . Any CEMP submitted for approval must be in accordance with the outline CEMP and any approved CEMP must be adhered to for the duration of the works in the phase of the authorised development to which the CEMP relates.			
24	Schedule 1, Part 2 (Requirements) Requirement 9(3) (construction environmental management plans)	(3) Pre-commencement establishment of construction compounds, preparation of land for construction, construction area fencing and installation of site drainage must only take place in accordance with a specific plan for such works which must accord with the outline CEMP and which has been submitted to and approved by the local planning authority in consultation with the Environment Agency.	Replace "must accord" with "accords".	For consistency with similar wording elsewhere.	This amendment is agreed by the Applicant and will be made in the revised dDCO to be submitted at Deadline 8.
25	Schedule 1, Part 2 (Requirements)	(d) appropriate remediation strategies and mitigation measures to address any contaminated material that may be found at any time	Add semi-colon. After "identified in the environmental statement".	None.	This amendment is agreed by the Applicant and will be made in the revised dDCO to be submitted at Deadline 8.

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	Requirement 13(d) (land contamination)	when carrying out the authorised development, which was not previously identified in the environmental statement			
26	Schedule 1, Part 2 (Requirements) Requirement 22(1) (decommissioning and restoration)	22.—(1) Within 3 months of the date that the undertaker decides to decommission any part of the solar farm works and grid connection works, or no later than 6 months before the 40th anniversary of the date of final commissioning of the first phase of Work No. 1 as notified by the undertaker pursuant to requirement 4 (phasing of the authorised development and date of final commissioning) the undertaker must submit to the local planning authority for that part (or both local planning authorities where that part falls within the administrative areas of both South Derbyshire District Council and Derbyshire County Council) for approval a decommissioning environmental management plan and a decommissioning	Comma deleted between "Work No. 1" and the full stop.	None.	The Applicant corrected this error in the dDCO submitted at Deadline 6 [REP6-004]. No further action required.

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		<p>traffic management plan for that part. Decommissioning will commence no later than 40 years following the date of final commissioning of the first phase of Work No. 1.</p>			
27	<p>Schedule 1, Part 2 (Requirements)</p> <p>Requirement 22(2) (decommissioning and restoration)</p>	<p>(2) The plans submitted and approved must be substantially in accordance with the relevant part of the outline decommissioning environmental management plan.</p>	<p>Insert before sub-paragraph (2) a new sub-paragraph –</p> <p>(2) The Applicant must provide notice to the local planning authority once any part of the authorised development stops generating electricity for non-maintenance reasons for more than 6 months. If, by expiry of the period of 12 continuous months beginning with the date of the notice, and unless otherwise agreed in writing by the undertaker</p>	<p>To secure that decommissioning must start no later than a specific period following generation or supply of electricity stopping, including to limit the duration of any periods when the benefits of electricity generation and storage of all or part of the Proposed Development do not offset the various adverse impacts at that time. Wording suggested by Applicant.</p> <p>(a) Please could the Applicant, Derbyshire County Council, and South Derbyshire</p>	<p>(a) The Applicant note's the deletion of "for non-maintenance reasons" from its proposed drafting at ExQ 5.3 [REP6-042] of this sub-paragraph. This amendment is agreed by the Applicant and will be made in the revised dDCO to be submitted at Deadline 8.</p> <p>(b) No response required.</p>

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			<p>and the relevant local planning authority, that part of the authorised development does not re-generate electricity, then within 3 months the undertaker must submit to the local planning authority for that part (or both local planning authorities where that part falls within the administrative areas of both South Derbyshire District Council and Derbyshire County Council) for approval a decommissioning environmental management plan and a decommissioning traffic</p>	<p>District Council comment?</p> <p>(b) Please could South Derbyshire District Council and Derbyshire County Council set out any outstanding concerns at Deadline 8 with suggestions about how they may be addressed?</p>	

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			management plan for that part.		
28	Schedule 1, Part 2 (Requirements) Requirement 22(6) (decommissioning and restoration)	Previously sub-paragraph (5) – (5) The plans must be implemented as approved, and decommissioning must be completed within 2 years of such approval, or such other time period as is agreed in writing between the undertaker and the local planning authority.	Add “of that part of the authorised development to which a plan relates” before “must be completed within 2 years”.	To clarify that the provisions apply to each plan / relevant part of the authorised development.	This amendment is agreed by the Applicant and will be made in the revised dDCO to be submitted at Deadline 8.
29	Schedule 1, Part 2 (Requirements) Requirement 27 (decommissioning fund)	None.	Insert – Decommissioning fund 27.—(1) No phase of the authorised development may commence until a decommissioning fund or other form of financial guarantee that secures the cost of performance of all decommissioning obligations under Requirement 22	To address the concerns raised by the ExA, the local authorities and Interested Parties during the Examination. Wording suggested by the Applicant. Following paragraphs renumbered accordingly.	The Applicant proposes revising this requirement for consistency of terms for greater clarity to ensure all references to a “decommissioning fund” are to a “decommissioning fund or other form of financial guarantee”. This amendment will be reflected in the dDCO to be submitted at Deadline 8 as follows: 27.—(1) No phase of the authorised development may commence until a decommissioning fund or other form of financial guarantee that secures the cost of performance of all decommissioning obligations under Requirement 22 of this Order has been submitted to and approved by the local planning authority. (2) The value of the decommissioning fund or other form of financial guarantee shall be agreed

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			<p>of this Order has been submitted to and approved by the local planning authority.</p> <p>(2) The value of the decommissioning shall be agreed between the undertaker and the local planning authority or, failing agreement, determined (on application by either party) by a suitably qualified independent professional as being sufficient to meet the costs of all decommissioning obligations referred to in Requirement 22 of this Order.</p> <p>(3) The decommissioning fund shall be</p>		<p>between the undertaker and the local planning authority or, failing agreement, determined (on application by either party) by a suitably qualified independent professional as being sufficient to meet the costs of all decommissioning obligations referred to in Requirement 22 of this Order.</p> <p>(3) The decommissioning fund or other form of financial guarantee shall be maintained in favour of the local planning authority until the date of completion of the works to be undertaken in accordance with Requirement 22 of this Order.</p> <p>(4) The value of the decommissioning fund or other form of financial guarantee shall be reviewed by agreement between the Undertaker and the local planning authority by a suitably qualified independent professional no less than every five years and increased or decreased to take account of any variation in costs of compliance with decommissioning obligations and best practice prevailing at the time of each review.</p>

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			<p>maintained in favour of the local planning authority until the date of completion of the works to be undertaken in accordance with Requirement 22 of this Order.</p> <p>(4) The value of the decommissioning fund shall be reviewed by agreement between the Undertaker and the local planning authority by a suitably qualified independent professional no less than every five years and increased or decreased to take account of any variation in costs of compliance with</p>		

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			decommissioning obligations and best practice prevailing at the time of each review.		
30	Schedule 1, Part 3 (Procedure for discharge of requirements) Paragraph 29(b) (Applications made under requirements)	Previously paragraph 28(b) – (b) where further information is requested under paragraph 27 , the day immediately following that on which the further information has been supplied by the undertaker, or such longer period as may be agreed in writing by the undertaker and the relevant authority; or	Replace "27" with "30".	To reference 'Further information regarding requirements'.	This amendment is agreed by the Applicant and will be made in the revised dDCO to be submitted at Deadline 8.
31	Schedule 1, Part 3 (Procedure for discharge of requirements) Paragraph 30(1) (Further information regarding requirements)	Previously paragraph 29 – 29.—(1) In relation to any application referred to in paragraph 26 , the relevant authority may request such further information from the undertaker as it considers necessary to enable it to consider the application.	Replace "26" with "29".	To reference 'Applications made under requirements'.	This amendment is agreed by the Applicant and will be made in the revised dDCO to be submitted at Deadline 8.

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32	Schedule 1, Part 3 (Procedure for discharge of requirements) Paragraph 31(1)(d) (Appeals)	Previously paragraph 30(1)(d) – (d) on receipt of a request for further information pursuant to paragraph 27 of this Part of this Schedule, the applicant considers that either the whole or part of the specified information requested by the relevant authority is not necessary for consideration of the application; or	Replace "27" with "30".	To reference 'Further information regarding requirements'.	These amendments are agreed by the Applicant and will be made in the revised dDCO to be submitted at Deadline 8.
			Delete "of this Part".	Unnecessary.	
33	Schedule 1, Part 3 (Procedure for discharge of requirements) Paragraph 31(2)(a) (Appeals)	Previously paragraph 30(2)(a) – (a) any appeal by the applicant must be made within 42 days of the date of the notice of the decision or determination, or (where no determination has been made) the expiry of the time period set out in paragraph 26(1) , giving rise to the appeal referred to in sub-paragraph (1);	Replace "26" with "29".	To reference 'Applications made under requirements'.	This amendment is agreed by the Applicant and will be made in the revised dDCO to be submitted at Deadline 8.

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34	<p>Schedule 1, Part 3 (Procedure for discharge of requirements)</p> <p>Paragraph 32 (Fees)</p>	<p>Previously paragraph 31 –</p> <p>31.—(1) Where an application is made to the local planning authority for written consent, agreement or approval in respect of a requirement, the fee prescribed under regulation 16(1)(b) of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012(a) (as may be amended or replaced from time to time) is to apply and must be paid to the local planning authority for each application.</p> <p>(2) Any fee paid under this Schedule must be refunded to the undertaker within four weeks of—</p> <p>(a) the application being rejected as invalidly made; or</p> <p>(b) the local planning authority failing to determine the application within ten</p>	No change.	<p>The ExA may suggest further changes if South Derbyshire District Council or Derbyshire County Council have any outstanding concerns about fees required to cover their costs for the consideration of any submissions, approvals and monitoring necessary for impact mitigation. Please could South Derbyshire District Council and Derbyshire County Council set out any outstanding concerns at Deadlines 7 and 8 with suggestions about how they may be addressed?</p>	<p>The Applicant notes this question is directed to SDDC and DCC, but the Applicant maintains its position as set out in its response to ExQ 3.2 [REP6-042].</p> <p>The provisions within this paragraph are well precedented and set out the legislative requirements by which a local planning authority's fees under a DCO shall be calculated and paid.</p> <p>The Applicant has continued to offer each of SDDC and DCC a Planning Performance Agreement, which is the appropriate method for securing the councils additional funds for the performance of their obligations under the DCO. The Applicant notes that neither SDDC nor DCC has provided justification as to why a Planning Performance Agreement is not appropriate but both have accepted that alternative options to a Deed of Obligation for securing additional funds are available.</p> <p>The Applicant maintains that it is not appropriate for a Deed of Obligation to secure these funds to be required within the dDCO as the securing of additional funds for the Councils directed towards meeting internal costs of the Councils:</p> <p>(a) is not related to planning matters;</p> <p>(b) is not necessary for the determination of the application;</p>

NO	ARTICLE/SCHEDULE	TEXT AS SET OUT IN DDCO REVISION [REP6-004]	EXA'S RECOMMENDED CHANGE	REASON AND NOTES	APPLICANT'S RESPONSE
		<p>weeks from the relevant date in paragraph 2(1) unless—</p> <p>(i) within that period the undertaker agrees, in writing, that the fee is to be retained by the local planning authority and credited in respect of a future application; or</p> <p>(ii) a longer period of time for determining the application has been agreed pursuant to paragraph 2(1) of this Schedule.</p>			<p>(c) is not necessary to make the authorised development acceptable in planning terms; and</p> <p>(d) is not relevant to the authorised development, such that any obligation imposed would fail the necessary legal tests for its imposition.</p> <p>The Applicant will continue to liaise with SDDC and DCC regarding their funding concerns and maintains its offer to enter into a Planning Performance Agreement post-consent with each of them.</p>
35	<p>Schedule 1, Part 3 (Procedure for discharge of requirements)</p> <p>Paragraph 32(2)(b) (Fees)</p>	<p>Previously paragraph 31(2)(b) –</p> <p>(2) Any fee paid under this Schedule must be refunded to the undertaker within four weeks of—</p> <p>(a) the application being rejected as invalidly made; or</p> <p>(b) the local planning authority failing to determine the application within ten weeks from the relevant date in paragraph 2(1) unless—</p>	<p>Replace "2(1)" with "29(1)".</p>	<p>To reference 'Applications made under requirements'.</p>	<p>This amendment is agreed by the Applicant and will be made in the revised dDCO to be submitted at Deadline 8.</p>

NO	ARTICLE/SCHEDULE	TEXT AS SET OUT IN DDCO REVISION [REP6-004]	EXA'S RECOMMENDED CHANGE	REASON AND NOTES	APPLICANT'S RESPONSE
		<p>(i) within that period the undertaker agrees, in writing, that the fee is to be retained by the local planning authority and credited in respect of a future application; or</p> <p>(ii) a longer period of time for determining the application has been agreed pursuant to paragraph 2(1) of this Schedule.</p>			
36	<p>Schedule 6 (Land in which only new rights etc. may be acquired)</p> <p>Paragraph 1(a)</p>	<p>(a) alter, improve, form, maintain, retain, use (with or without vehicles, plant and machinery), remove, reinstate means of access to the authorised development including visibility splays and road widening and to remove impediments (including vegetation) to such access; and</p>	Delete "and".	None.	This amendment is agreed by the Applicant and will be made in the revised dDCO to be submitted at Deadline 8.
37	Schedule 10 (Protective Provisions)	See [REP6-004] at Schedule 10 (Protective Provisions).	No change.	No changes to the Protective Provisions suggested by the ExA, subject to it receiving evidence that the provisions and any relevant	The Applicant will provide this update at Deadline 8.

NO	ARTICLE/SCHEDULE	TEXT AS SET OUT IN DDCO REVISION [REP6-004]	EXA'S RECOMMENDED CHANGE	REASON AND NOTES	APPLICANT'S RESPONSE
				side agreements have been agreed between the Applicant and each relevant Statutory Undertaker. Please could the Applicant provide a schedule of progress regarding Protective Provisions and Statutory Undertakers at Deadline 8	
38	Schedule 12 (Documents to be Certified)	See [REP6-004] at Schedule 12 (Documents to be Certified).	No change.	No changes suggested by the ExA unless any errors or omissions are found in the version submitted by the Applicant at Deadline 8. Please could the Applicant carry out a thorough review of Schedule 12 for Deadline 8?	The Applicant will undertake a review of the documents listed within the Schedule and make any necessary amendments at Deadline 8.