

Heckington Fen Solar Park

EN010123

Schedule of Changes to the draft Development Consent Order

Applicant: Ecotricity (Heck Fen Solar) Limited

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SCHEDULE OF CHANGES TO THE DCO

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1 SCHEDULE OF CHANGES TO THE HECKINGTON FEN SOLAR PARK DCO

Ref	DCO Ref	Consultee (if relevant)	Comments from consultee or rationale for the change	Change Made	DCO Version
Additional Submission – s55 response (March 2023)					
1.	Schedule 7	The Planning Inspectorate (PINS)	As part of their section 55 advice, PINS raised a question on the colouring on the Street and Access Plan (document reference 2.7). As a result, the Applicant has updated the description in the DCO for clarity.	<p>Part 1 has been updated as follows:</p> <p><i>"The provision of a permanent means of access to the authorised development from the north side of the A17, at point EP/B and the area hatched coloured pink on sheet 5 of the streets and access plan"</i></p> <p>Part 2 has been updated to refer to the area coloured purple rather than hatched blue as follows:</p> <p><i>"The provision of a temporary means of access to the authorised development from the north side of [the A17], at point [EP/A] and the area hatched-blue coloured purple on sheet [5] of the streets and access plan"</i></p>	2
2.	Schedule 11	PINS	As a result of comments made through section 55 advice from PINS, the Applicant has updated some of the certified DCO documents.	The list of certified documents at Schedule 11 of the DCO has been updated to include updated revision numbers (to Rev 2) and/or the new documents requested.	2

Pre-Examination Change Request (August 2023)					
3.	Article 2(1)	NGET	New definitions inserted as part of the additional drafting required by NGET to support the NGET Change Application (further detail outlined on the NGET Change Application at row 5 below).	<p>In connection with the new Article 45 (see row 5 below), a new definition for "<i>the 2015 Order</i>" has been inserted which means "<i>the Town and Country Planning (General Permitted Development) (England) Order 2015</i>"</p> <p>In connection with the new Article 45, a new definition for "<i>NGET 2005 Permission</i>" has been inserted which means "<i>planning permission B/05/0046 granted by Boston Borough Council on 20 April 2005 (and any variation thereof)</i>"</p>	3
4.	Article 32	NGET	Updated drafting inserted to reflect revised work packages for the benefit of NGET (further detail on these work packages outlined at row 6 below).	<p>Article 32 has been updated as follows:</p> <p>"32. <i>Subject to article 33 (consent to transfer the benefit of the Order), the provisions of this Order have effect solely for the benefit of the undertaker save for Work No. 6-6B, Work No. 6C, and Work No. 7 in relation to which the provisions of this Order have effect for the benefit of the undertaker and NGET."</i></p>	3
5.	Article 45	NGET	Following discussions with NGET and for the purpose of the applicant's project, NGET will be required to extend the Existing Substation and carry out works on land not included as part of the original DCO application in order to facilitate the connection of the Applicant's project.	<p>An additional article has been inserted as Article 45, which reads as follows:</p> <p>"45.-(1) <i>If NGET elects to undertake any elements of the works described in Work No. 6B or 6C pursuant to planning permission granted under Part 3 of the 1990 Act or Article 3 of the 2015 Order then the requirements contained in Schedule 2 will not have effect in so far as they relate to those works and NGET</i></p>	3

			<p>The Applicant is seeking to ensure that NGET has the ability to benefit from the rights and work packages granted under the DCO in order to carry out the extension to the Existing Substation required for the Applicant's project. Therefore, the work packages have been updated (see row 6 below).</p> <p>The addition of Article 45(1) is as a result of NGET needing flexibility to carry out the extension to the Existing Substation either under the rights of the DCO, its statutory permitted development rights, or a separate planning permission. This is required in the event the extension works needed to be advanced ahead of, or out-with, the DCO.</p> <p>Article 45(2) makes clear that the previous landscaping condition related to the Bicker Fen substation permission is no longer applicable to the extent it is inconsistent with the works required under the DCO.</p>	<p><i>will serve written notice of the same on the relevant planning authority.</i></p> <p><i>(2) As from the date on which Work No. 6A, 6B, or 6C is commenced any conditions of the NGET 2005 Permission that relate to the land at plot 99G and 99H cease to have effect to the extent they are inconsistent with the authorised development or with anything done or approved under the requirements in Schedule 2 (requirements)."</i></p>	
6.	Schedule 1	NGET	<p>Per NGET's request for the DCO to grant it the benefit of rights for the purpose of carrying out the Existing Substation extension, Work Nos. 5 to 7 have been updated to cover the additional scope of works required for the Existing Substation extension.</p>	<p>Work No.5 has been updated as follows:</p> <p>"Work No. 5— works to lay electrical cables between Work No. 4 and Work No. 6A."</p> <p>Work No. 6 has been divided into Work No. 6A, Work No. 6B and Work No. 6C as follows:</p>	3

				<p>Work No. 6 an extension to 6A— creation of a new generation bay and associated works at the existing substation, including—</p> <ul style="list-style-type: none"> (a) an electrical bays to connect into the existing network within the existing substation at Work No. 6B, including associated outdoor air insulated switchgear (AIS) or indoor gas insulated switchgear (GIS) and electrical apparatus (b) switchgear including, circuit breakers, disconnectors and earth switches; (b) substation electrical apparatus, including bus-bars, steel supports, insulation posts, cable sealing ends, surge arrestors, instrument transformers; (c) control building; and (d) underground and above ground electrical cables and electrical connectors, including cables for power, control and communication with electrical bays and to connect into the existing network within the existing substation, including associated switchgear and electrical apparatus Work No. 6B, including associated outdoor AIS or indoor GIS and electrical apparatus. <p>Work No. 6B— an extension to the existing substation, including—</p> <ul style="list-style-type: none"> (a) outdoor AIS or indoor GIS, including circuit breakers, disconnectors and earth switches; 	
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				<p><i>(b) substation electrical apparatus, including bus-bars, bus-section and a bus-coupler, steel supports, insulation posts, cable sealing ends, surge arrestors, instrument transformers; and</i></p> <p><i>(c) underground and above ground electrical cables and electrical conductors, including cables for power, control and communication with electrical bays and to connect into Work No. 6A and the existing network within the existing substation, including associated outdoor AIS or indoor GIS and electrical apparatus.</i></p> <p>Work No. 6C— works in connection with the extension to the existing substation, including—</p> <p><i>(a) a cable sealing end compound and construction of a new circuit bay connecting into the existing substation; and</i></p> <p><i>(b) underground and above ground electrical cables and electrical conductors, connecting the existing 400kV transmission tower and the new feeder bay.</i></p> <p>Work No. 7— two temporary laydown areas in connection with Work No. 5 and Work No. 6A, 6B, and 6C including—..."</p>	
7.	Schedule 2	NGET	As part of the NGET Change Application, NGET has confirmed that it will need to carry out its work	Requirement 8 of Schedule 2 has been updated as follows:	3

			<p>packages (Work No 6B and 6C) under a separate phase of the Authorised Development.</p> <p>Therefore, Schedule 2 has been updated accordingly:</p> <ul style="list-style-type: none"> Requirement 8 has been updated to clarify that a minimum of 10% biodiversity net gain is not required to be delivered per phase but will still be delivered as part of the Authorised Development more generally. The previous drafting could have been interpreted to suggest that each plan (LEMP) submitted prior to each phase needed to secure a minimum of 10%. Requirement 9 clarifies that compliance with the delivery of secured landscaping mitigation is linked and specific to the mitigation required for each phase of works. Requirement 16 clarifies that the approval of a supply chain, employment and skills plan and the associated restriction on commencement applies to the works packages which are for the sole benefit of the Applicant. The reason for this is that the works packages for the benefit of NGET 	<p><i>"...(2) The landscape ecological management plan must include details of—</i></p> <p><i>(a) how the plan will secure a minimum of 10% biodiversity net gain will be secured during the operation of the authorised development"</i></p> <p>Requirement 9 of Schedule 2 has been updated as follows:</p> <p><i>"9.—(1) All landscaping works must be carried out in accordance with the landscape ecological management plan approved under requirement 8 (landscape ecological management plan) as relevant to that phase."</i></p> <p>Requirement 16 of Schedule 2 has been updated as follows:</p> <p><i>"16.—(1) No phase of the authorised development part of Works No. 1, 2, 3, 4, 5, 5A and 5B may commence until a supply chain, employment, and skills plan (which must be substantially in accordance with the outline supply chain, employment, and skills plan) in relation to that phase has been submitted to and approved by the relevant planning authority for that phase or, where the phase falls within the administrative areas of both the District of North Kesteven and the Borough of Boston, both relevant planning authorities.</i></p> <p><i>(2) The supply chain, employment, and skills plan must identify opportunities for individuals and businesses to access employment and supply chain opportunities associated with the</i></p>	
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			<p>(Work No.6B and 6C) will have not have any associated employment and supply chain opportunities. This is because these works packages will need to be undertaken by NGET and its specialist contractors only.</p> <ul style="list-style-type: none"> Requirement 18 has been updated so that the work packages for NGET's benefit will not be subject to the requirement to decommission after 40 years. This is because Work No. 6B and 6C relate to the extension of the Existing Substation which includes apparatus which will form part of the Existing Substation's infrastructure going forward and beyond the 40 year lifetime of the Applicant's project. 	<p><i>construction, operation and maintenance of the authorised development (excluding Work No. 6B and 6C), and the means for publicising such opportunities."</i></p> <p>Requirement 18 of Schedule 2 has been updated as follows:</p> <p><i>"(2) Decommissioning Save for Work No. 6B and 6C, decommissioning must commence no later than 40 years following the date of final commissioning."</i></p>	
8.	Schedule 8	NGET	<p>Updated as part of the NGET Change Application.</p> <p>For clarity the Applicant has amended the definition of 'cable rights' and included a new definition of "substation connection rights", that are specific to the rights required for connection to the Bicker Fen Substation, for Plots 99G and 99H.</p> <p>Plot 99H has also been added to Schedule 8 due to changes to the</p>	<p>For the purpose of Schedule 8, the definition of "cable rights" has been updated as follows:</p> <p><i>"means rights over land to—</i></p> <p><i>(d) install, use, support, protect, inspect, alter, remove, replace, retain, renew, improve and maintain electrical underground cables, earthing cables, optical fibre cables, data cables, telecommunications cables and other services, works associated with such cables including bays, ducts, protection and safety measures and equipment, and other apparatus</i></p>	3

			<p>Order Limits resulting from the NGET Change Application.</p>	<p>and structures including by connecting such cables to the substation; ..."</p> <p>For the purpose of Schedule 8, a new definition of "<i>substation connection rights</i>" has been inserted as follows:</p> <p><i>"means rights over land to—</i></p> <p><i>(j) in connection with and for the purposes of facilitating Work No. 6A, install, use, support, protect, inspect, alter, remove, replace, retain, renew, improve and maintain electrical cables, earthing cables, optical fibre cables, data cables, telecommunications cables and other services, works associated with such cables including bays, ducts, protection and safety measures and equipment, and other apparatus and structures and to connect such cables and services to the National Grid Bicker Fen substation;</i></p> <p><i>(k) in connection with and for the purposes of facilitating Work No. 6A, install, use, support, protect, inspect, alter, remove, replace retain, renew, improve and maintain watercourses, public sewers and drains and drainage apparatus and equipment;</i></p> <p><i>(l) remain, pass and repass on foot, with or without vehicles, plant and machinery (including rights to lay and use any temporary surface) for all purposes in connection with Work Nos. 6A;</i></p>	
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				<p><i>(m) in connection with and for the purposes of facilitating Work No. 6A, restrict and remove the erection of buildings or structures, restrict the altering of ground levels, restrict and remove the planting of trees or carrying out operations or actions (including but not limited to blasting and piling) which may obstruct, interrupt or interfere with the exercise of the rights or damage the authorised development; and</i></p> <p><i>(n) remove landscaping measures."</i></p> <p>The table outlined at Schedule 8 which outlines the plots of land (by reference to the land plans) over which the applicant may acquire new rights has been updated to include "<i>substation connection rights</i>" for Plots 99G and 99H.</p>	
9.	Schedule 11	NGET	Updated as part of the NGET Change Application (see row 5 above).	The table outlined at Schedule 11 has been updated to reflect the latest version numbers and submission dates of the documents and plans to be certified following making of the DCO.	3
10.	Schedule 13	NGET	<p>As part of the NGET Change Application, the Applicant has agreed with NGET a set of protective provisions to be attached to the DCO.</p> <p>As a result, the previously combined protective provisions in favour of National Grid entities have been separated out and made distinct for</p>	Part 7 of Schedule 13 has been removed and replaced with the new Part 4 and Part 7 in favour of National Gas Transmission PLC and NGET respectively.	3

			NGET and National Gas Transmission PLC.		
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