

# Heckington Fen Solar Park

EN010123

## Applicant Response to RPA Comments on the Draft DCO

Applicant: Ecotricity (Heck Fen Solar) Limited

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## APPLICANT RESPONSE TO RPA COMMENTS ON THE DRAFT DCO

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# 1 APPLICANT RESPONSE TO RELEVANT PLANNING AUTHORITY COMMENTS ON THE DRAFT DCO

## 1.1 Background

1.1.1 Following ISH 1 held on 19 September 2023, the relevant planning authorities (namely, North Kesteven District Council, Boston Borough Council, and Lincolnshire County Council) (**RPAs**) provided the Applicant with comments on the draft DCO (dDCO).

1.1.2 The parties have since discussed the comments and progressed the matters included in Table 1 below. The Applicant has provided a response to each of the points raised by the RPAs.

1.1.3 Green highlighting on the table denotes that the matter has been discussed and, in the Applicant's understanding, is agreed or resolved; amber highlighting denotes that the matter is under discussion and/or there is a difference of opinion.

**Table 1**

Row No. / Identifier	Context / DCO reference	Council Comments	Applicant Comments (Green = agreed and/or drafting changes made to the DCO; amber = under discussion)
<b>Part 1 - Interpretation</b>			
1	"authorised development" means the development and associated development described in Schedule 1 (authorised development) and any other which is development within the meaning of section 32 (meaning of "development") of the 2008 Act authorised by this Order;	This is taken from the latest wording for the Mallard Pass (MP) dDCO.	The Applicant has updated the DCO for Deadline 2.

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2	"commence" and "permitted development works"	(d) could be more specific and refer to "temporary services"	The Applicant has updated the DCO for Deadline 2 to align with the approach in the Longfield Order, which includes reference to "temporary" services at sub-paragraph (d) of the definition of "permitted preliminary works".
3	"permissive path" means a new access path providing <b>restricted</b> public access <b>with permission</b> within the Order limits along the route shown on the works plan;	Remove restricted as suggests this will be controlled in some way when it should be open at all times.  Insert 'with permission' to make clear route is permissive.	The Applicant has updated the DCO for Deadline 2.
4	"maintain" includes inspect, repair, adjust, alter, remove, refurbish, reconstruct, replace and improve any part of, but not remove, reconstruct or replace the whole of, the authorised development <b>to the extent that such works do not give rise to any material new or different environmental effects than those identified in the environmental statement</b> and "maintenance" and "maintaining" are to be construed accordingly	Wording taken from latest version for MP – now captures what is set out at Art.5(3), this makes it absolutely clear that maintenance cannot give rise to materially new or different environmental effects	The Applicant has updated the DCO for Deadline 2.

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5	<p>“relevant planning authority” means the local planning authority for the area in which the land to which the provisions of this Order apply is situated and as more particularly described for the purposes of the requirements in Schedule 2 (Requirements);</p> <p>“relevant county authority” means Lincolnshire County Council</p>	<p>There is inconsistency with the definition in Sch 2. It would be helpful to have one consistent definition throughout. See other comments about capturing lead authority/ consultation requirements in other provisions.</p> <p>NKDC/ LCC have produced a table so that authorities can be named where appropriate for clarity throughout the DDCO, following discussion at the ISH. The table will capture discharging authority and key sub-consultations relevant to the list of requirements.</p> <p>It was discussed at the hearing that the addition of 'relevant' should be deleted as there is only one County Council. There was also discussion using the same name/title to cover all areas where the County Council has a remit/functions - e.g. highway authority, street authority(?), lead local flood authority, etc. If this is adopted then all references should be updated for consistency across all articles/schedules etc</p>	<p>The Applicant has made updates to Article 2 on the definition of relevant planning authority.</p> <p>The definition at Schedule 2 is different as this is referring to "both" relevant planning authorities, which is why the Applicant then specifies NKDC and BBC by name.</p> <p>The Applicant has updated the definition of "county authority" to refer to Lincolnshire County Council by name, and amended references to the same throughout the DCO.</p> <p>The Applicant has included its comments on the table of discharging authorities and consultees at Appendix 1 of this document.</p>



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6	Part 3 – Schedule 4	Amend 'District' to 'District in which street located' for clarity	The Applicant has updated the DCO for Deadline 2.
7	Part 4 – Article 17	<p>Check sections 4/6 – there is a cross-referencing typographical error, there is no 4(c) anymore.</p> <p>LCC take a neutral position regarding a deemed consent for non-determination of an application to dig trial holes.</p> <p>The wording at (6) should refer to an 'an application for consent for trial holes' to make clear which application is being referred to</p>	The Applicant has updated the DCO for Deadline 2.
<b>Part 2 – Articles 6-13</b>			
8	Article 7 – Defence of proceedings in respect of statutory nuisance	<p>This sort of provision is normally only found in MoD sites.</p> <p>What is the justification for this and why is it necessary?</p> <p>The Applicant will have a 'best practicable means' defence under the Act in the event of any nuisance claim.</p> <p>Does this mean you are unwilling to have construction noise controlled under the CEMP/ the authorities</p>	<p>This Article is a model provision and also has precedent in a number of DCOs including the recently made Longfield Solar Farm Order 2023 and the Norfolk Boreas Offshore Wind Farm Order 2021, as well as the draft Mallard Pass and Gate Burton DCOs. The Article is well-precedented and the Applicant does not propose to amend Article 7.</p> <p>The Article provides that no person is able to bring statutory nuisance proceedings under the Environmental Protection Act 1990 in respect of noise, if the noise is created in the course of carrying out construction or maintenance or (added to the</p>

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		<p>would not be able to enforce against breaches of the CEMP?</p> <p>The Councils cannot support as currently drafted.</p>	<p>DCO at Deadline 2) decommissioning of the authorised development and for which notice has been given under section 60 or consent obtained under section 61 of the Control of Pollution Act 1974 or which cannot be reasonably avoided as a consequence of the authorised development.</p> <p>Section 82(1) of the Environmental Protection Act 1990 creates offences related to statutory nuisance, whereby a party can bring proceedings to court for an Order preventing works being carried out. Section 82(9) provides that it is a defence to any such proceedings "to prove that the best practicable means were used to prevent, or to counteract the effects of, the nuisance".</p> <p>The purpose of the article is therefore to provide preciseness as to the available defence, and ensure that the undertaker can defend any statutory nuisance claim relating to noise, if it is a consequence of the construction, maintenance or use of the authorised development.</p> <p>The rationale being that the development has been subject to an Environmental Impact Assessment (EIA) and if the works are authorised under the Order then they are subject to the appropriate controls and measures. For example, the outline Construction Environmental Management Plan (document reference 7.7 / AS-027) at section 7.71 controls noise and construction hours for works likely to generate substantial levels of noise, as well as limits on percussive piling, and Best Practicable</p>



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			Means in reference to guidance in BS 5228, together with an Outline Construction Noise Management Plan at Appendix G. The Works Plans (document reference 2.2 / AS-004) and Outline Design Principles (document reference 7.1 / APP-232) also secure adequate buffers and sensitive siting of noise generating equipment, along with Requirement 15 (and Table 12.8 of Chapter 12 of the ES) which controls operational noise.
<b>Part 3 – Article 9: Power to alter layout etc of streets</b>			
9	<p>9.—(1) The undertaker may for the purposes of the authorised development alter the layout of or carry out any works in the street in the case of the streets specified in Schedule 5 (temporary alteration of layout of streets) temporarily in the manner specified in relation to that street in column 3.</p> <p>(2) Without prejudice to the specific powers conferred by paragraph (1), but subject to paragraphs (3) and (4), the undertaker may, for the purposes of constructing, operating or maintaining the authorised development, alter</p>	<p>Taken from latest MP dDCO wording to make clear powers only be capable of being exercised with approval of the SWA (i.e. LCC) and that such consent needs to be in a form we require.</p> <p>9(2) – are these provisions meant to relate to temporary works or permanent</p>	<p>Article 9 is structured as follows:</p> <ul style="list-style-type: none"> <li>• <b>Article 9(1)</b> – the consent is covered in the DCO and known now, with those works specified in Schedule 5 so that no secondary consents are needed. The intention being that the final design will be covered off pursuant to detailed design secured under Requirement 6(1)(f), in which the RPAs (in consultation with the County) have approval powers. There are also controls written into the Articles – for example in relation to the 12 month maintenance period at Article 10(2), which is similar to the protections offered under a s278 agreement.</li> </ul> <p>A DCO is designed to be a 'one stop shop' and a statutory instrument to include relevant consents and processes within. The Applicant considers that</p>

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	<p>the layout of any street and, without limitation on the scope of this paragraph, the undertaker may—</p> <p>(a) alter the level or increase the width of any kerb, footway, cycle track or verge; and (b) make and maintain passing places.</p> <p>(3) The undertaker must restore any street that has been temporarily altered under this Order to the reasonable satisfaction of the street authority.</p> <p>(4) The powers conferred by paragraph (2) may not be exercised without the consent of the street authority, <b>such consent to be in a form reasonably required by the street authority.</b></p> <p>(5) Paragraphs (3) and (4) do not apply where the undertaker is the street authority for a street in which the works are being carried out.</p>		<p>the DCO provides for adequate provisions in relation to the accesses (with final detail to be reserved for detailed design and pre-commencement approval). As a Nationally Significant (renewable energy) Infrastructure Project the scheme should not be unnecessarily delayed by secondary consents and the need for further agreements outside of the DCO process. The Applicant understands through discussions with the county and relevant planning authorities that this principle is agreed.</p> <ul style="list-style-type: none"> <li>• <b>Article 9(2)</b> is necessarily broad to provide a mechanism for the streets authority to approve any unforeseen street works identified during detailed design and enable them to be carried out, ensuring no unnecessary delay to the delivery of the scheme. At this point, and because the detail is not currently specified in the DCO or certified documents, the Applicant accepts that secondary consents and approvals from the highway authority will be required.</li> </ul> <p>The Applicant therefore agrees that this mechanism (i.e. for streets not specified in the DCO) should be subject to a form of additional consent/approval from the street authority and this is what paragraph (4) provides for. On that basis, the Applicant can agree to the new wording proposed under paragraph (4) but on the understanding that this only applies</p>

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			<p>to changes to the streets / accesses not currently known or planned for now.</p> <p>In view of these discussions with the RPAs, the Applicant has revisited Schedule 5 of the DCO and undertaken further technical analysis of the works that are required to the streets alongside the access works. Accordingly, the Applicant has updated Schedule 5 of the DCO to include a list of further streets that are likely to require improvements or works to facilitate access. The list in Schedule 5 now more closely aligns with Schedule 7 (Access to Works) of the DCO given that, where the Applicant is taking access to its works (as specified by Schedule 7), the Applicant expects that it may need to alter the layout of the street – for example, with visibility splays, widening the street, or undertaking verge clearance. The Applicant has split Schedule 5 into 'permanent' and 'temporary' alterations to the layout to align with Schedule 7.</p> <p>The Applicant is also including the following wording within the DCO at Deadline 2 to reflect discussions with the county authority and to align with the approach in the draft Mallard Pass Order:</p> <p style="color: red;">" (6) Paragraph (4) does not apply if the street authority has already provided detailed design approval pursuant to paragraph 6(1)(f) of Schedule 2 (requirements) in relation to a street in which the undertaker seeks to use the powers given by paragraph (2) ".</p>

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<b>Part 3 – Article 10: Construction and maintenance of altered streets</b>			
10	<p>10.—(1) Subject to paragraph (2), the temporary alterations to each of the streets specified in Schedule 5 (temporary alteration of layout of streets) must be completed to the reasonable satisfaction of the street authority, <b>in a form reasonably required by the street authority</b>, and the temporary alterations must be maintained by and at the expense of the undertaker.</p> <p>(2) Those restoration works carried out pursuant to article 9(3) (power to alter layout, etc., of streets) must be completed to the reasonable satisfaction of the street authority, <b>in a form reasonable required by the street authority</b>, and must be maintained by the undertaker for a period of 12 months from their completion and from the expiry of that period by and at</p>	<p>Latest wording from MP and includes same provision as Art 9 re need for agreement to be in a form reasonably required by the street authority (LCC)</p>	<p>Article 10 governs the controls and conditions relating to the works to the streets under Article 9. It is not therefore dealing with the pre-construction position.</p> <p>One of the conditions being that the reinstatement and alteration of the street must be completed to the reasonable satisfaction of the street authority.</p> <p>Article 9(3) provides that "<i>the undertaker must restore the street ... to the reasonable satisfaction of the street authority</i>"; and there is then a 12 month maintenance period provided for under Article 10(2).</p> <p>The controls are already provided for and the Applicant therefore considers the proposed wording is superfluous and does not achieve the intended purpose as it would be 'too late' to enter into an agreement at this stage under Article 10.</p> <p>The Applicant has discussed this with the county authority and the Applicant considers that this concept is understood by the parties.</p> <p>The Applicant has included additional wording at Article 10(1) to make clear that the undertaker must maintain the permanent alterations to the street for a period of 12 months from completion, and at Article 10(2) to make clear that the undertaker must maintain the temporary alterations to the street for</p>

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	the expense of the street authority.  ...		the duration that the temporary alterations are used by the undertaker. This wording is aligned with the draft Mallard Pass Order.
11	Article 11 – Temporary stopping up of public rights of way	We might want to come back on this one as potentially allows to stop up PROW without any notice to us?	<p>Article 11 allows the temporary stopping up of public rights of way during the carrying out of the authorised development. It refers to Schedule 6 which lists those rights of way which may be stopped up temporarily. This is necessary for the construction of the permissive path. This follows the approach taken on Norfolk Vanguard Offshore Wind Farm Order 2022 and the Norfolk Boreas Offshore Wind Farm Order 2021.</p> <p>The reality is that the current footpath (HECK 15/1) is not currently passable / operational due to broken and dilapidated footbridges.</p> <p>Notwithstanding this, the Applicant is content to include a notice provision to the street authority prior to temporary closure and the DCO has been updated at Deadline 2 accordingly.</p>
12	Article 12 - Access to works (b) and (c)	What about removal and maintenance of the temporary accesses?	<p>Article 12 gives the Undertaker powers to form new or to improve existing means of access for the purposes of the Authorised Development, as set out in Schedule 7 to the Order.</p> <p>This Article is necessary because the Undertaker will need to create, improve or use existing means of access for the purposes of the Authorised Development. Schedule 7 is split into Part 1</p>

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			<p>(permanent means of access to works) and Part 2 (temporary means of access to works).</p> <p>As with Article 9/Schedule 5, in view of the discussions with the RPAs, the Applicant has revisited Schedule 7 of the DCO and undertaken further technical analysis of the changes that are required to the streets alongside the access works. Accordingly, the Applicant has updated Schedule 7 of the DCO to make clear which accesses are intended to be permanent (i.e. used for the lifetime of the project for operation and maintenance) and which are to be temporary (i.e. just used for construction).</p> <p>The Applicant also notes the comment in respect of maintenance and removal of the temporary access and therefore suggests adding the following as a new paragraph (3), which is in line with principles included on the Longfield Order:</p> <p>" (3) Unless otherwise agreed with the relevant planning authority, the undertaker must restore any access that has been temporarily created under this Order to the reasonable satisfaction of the relevant planning authority. "</p> <p>However, for the avoidance of doubt, the intention of this drafting is to restore (where necessary) any access that has been <b>newly</b> created rather than the need to restore accesses that have simply been used temporarily (for example, in the event the access is already in situ). The Applicant has also discussed and agreed with the county that there might not be</p>

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			<p>a need to restore the access in the event of betterment or that the street authority desired it to stay in situ (hence the inclusion of "unless otherwise agreed with the street authority").</p> <p>The Applicant is also including the following wording within the DCO at Deadline 2 to reflect discussions with the county authority and to align with the approach in the draft Mallard Pass Order:</p> <p>" (4) Paragraph (1)(c) does not apply if the street authority has already provided detailed design approval pursuant to paragraph 6(1)(f) of Schedule 2 (requirements) in relation to a street in which the undertaker seeks to use the powers given by paragraph (2) ".</p>
<b>Schedule 2 - Requirements</b>			
13	Schedule 2 – Requirements	This schedule to be reviewed and amended to clarify who is lead authority/ who needs to be consulted in line with inspectors' comments and table provided separately	The Applicant has included the separate discharging table (and responded accordingly) at Appendix 1 of this document. The Applicant has made the respective drafting updates for the DCO at Deadline 2.
14	<p><b>Requirement 3 – Phasing the authorised development and date of final commissioning</b></p> <p>3(1) No part of the authorised development may commence</p>	<p>Amended to require this to require approval and not just notification.</p> <p>LCC need to be added as a specified consultee, in case of any highways matters.</p>	The Applicant does not consider it appropriate for the RPA to approve the phasing as the number of phases should be within the Applicant's gift. The Applicant's procurement strategy, including availability of contractors and the number of sub-contractors, is a crucial factor in determining the number of phases to a project of this size and scale.



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	<p>until a written scheme setting out the phase or phases of construction of the authorised development has been submitted to <b>and approved by</b> both relevant planning authorities, <b>such approval to be in consultation with the relevant county authority</b></p> <p>3(2) The scheme submitted pursuant to paragraph (1) must include a timetable for the construction of the phase or phases of the authorised development <b>and a plan identifying the phasing areas</b> , and must be implemented as notified under paragraph (1)</p>	<p>Suggest it would be beneficial to have a plan showing the phases of work too.</p>	<p>The Applicant therefore needs flexibility and control over the number of construction phases. This position is in accordance with precedent from the Norfolk Boreas Offshore Wind Farm Order 2021 and the Norfolk Vanguard Offshore Wind Farm Order 2022.</p> <p>The Applicant does, however, recognise that the phasing strategy will need to be in accordance with the measures and assumptions in the ES. The Applicant is therefore content to consider wording within Requirement 3 to make clear that the phasing strategy submitted pursuant to Requirement 3 must include a statement that the phases are in line with the assumptions in the ES and are unlikely to give rise to any materially new or materially different environmental effects from those assessed in the ES.</p> <p>The Applicant is content to include the suggested wording under paragraph (2).</p> <p>The Requirement would therefore read as follows:</p> <p>" 3.—(1) No part of the authorised development may commence until a written scheme setting out the phase or phases of construction of the authorised development has been submitted to both relevant planning authorities <b>and the county authority</b>.</p> <p>(2) The scheme submitted pursuant to paragraph (1) must include—</p>

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			<p>(a) a timetable for the construction of the phase or phases of the authorised development;</p> <p>(b) a plan identifying the phasing area(s); and</p> <p>(c) a statement that the phasing is in line with the assumptions in the environmental statement and is unlikely to give rise to any materially new or materially different environmental effects compared to those assessed in the environmental statement.</p> <p>(3) The phasing scheme must be implemented as notified under paragraph (1). "</p> <p>...</p>
15	<p><b>Requirement 6 – Detailed design approval</b></p> <p>6(1)..... relating to that phase have been submitted and approved in writing 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 in consultation with the relevant county authority</p>	<p>LCC need to be added as a specified consultee, in case of any highways matters.</p> <p>On 6(2) is there a specific document we can reference which captures the outline design principles?</p>	<p>The Applicant has updated the DCO for Deadline 2.</p> <p>The outline design principles are a certified document under Schedule 11 (document reference 7.1) and are secured through Requirement 6. An updated version of the outline design principles is being submitted at Deadline 2.</p>

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16	<b>Requirement 7 – Fire Safety</b>	<p>NKDC and BBC to be RPA and consultee but with LCC lead discharging authority</p> <p>The applicant needs to confirm outline design and flood risk documents.</p>	<p>The Applicant has updated the DCO for Deadline 2 so that the ESSMP is submitted to the county for approval in consultation with NKDC, BBC, and Lincolnshire Fire and Rescue Service.</p>
17	<p><b>Requirement 8 – Landscape Ecological Management Plan</b></p> <p>Amend to read:</p> <p>(2) The landscape ecological management plan must include details of –</p> <p>(a) the location, number, species, size and planting density of any proposed planting including details of any proposed tree and hedgerow planting and the proposed times of such planting;</p> <p>(b) an implementation timetable which addresses:</p> <p>i. further survey work carried out to establish whether any protected species are present on any of the land affected, or likely to be affected, by that phase, and, where a protected</p>	<p>Requirement should be renamed “Landscape ecological protection, management, enhancement and monitoring”</p> <p>Needs expanding to include reference to the actual landscaping details too (unless these are already substantially set out in docs that form part of the ES) and also to include a timetable.</p> <p>Re BNG we have pushed at Mallard Pass to have a higher figure than the minimum 10% confirmed in the DCO given they have indicated a much higher % will be delivered.</p> <p>At MP they have agreed to 65%. Here the applicant estimates that the scheme will deliver 102% BNG in habitat units and a 230% BNG in hedgerow units; relative to the baseline. ‘Min 10%’ is not particularly aspirational in this</p>	<p>The Applicant responds in turn to the points raised:</p> <p><b><u>Suggested drafting amendments</u></b></p> <ol style="list-style-type: none"> <li><u>Title of Requirement</u> The Applicant does not consider it is necessary to amend the title of the requirement as it would not correspond to the name of the certified document (the Outline Landscape Ecological Management Plan (document reference 7.8)).</li> <li><u>Updates to the drafting of Requirement 8 with extra details (red text from the RPAs)</u> The final LEMP submitted pursuant to Requirement 8 must be in accordance with the outline LEMP. Therefore, the Applicant considers that the majority of this detail is already proposed in the outline LEMP. Notwithstanding this, and as a middle ground, the Applicant has included additional wording on the face of Requirement 8 in the Deadline 2 DCO to provide a balance between flexibility and detail</li> </ol>

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	<p>species is shown to be present, a scheme of protection and mitigation measures;</p> <p>ii. measures to protect existing woodland, hedgerows, shrubs and trees that are to be retained; and</p> <p>iii. species and habitat mitigation and impact avoidance.</p> <p>(a) (c) how the plan will secure a minimum of <del>10</del>80% biodiversity net gain during the operation of the authorised development.</p> <p>(3) Any hedgerow, shrub or tree planted as part of the approved plan that, within a period of five years after planting, is removed, dies or becomes, in the opinion of the relevant planning authority (as applicable), seriously damaged or diseased, must be replaced in the first available planting seasons with a specimen of the same species and size as that originally planted.</p>	<p>context. If this is a major benefit of the scheme, the DDCO ought to commit to a higher figure to ensure that the benefit is deliverable.</p> <p>We would like to understand how/when BNG will be delivered -as a whole (when) or in component stages. How can we be confident it has in fact been delivered? How will each phase contribute?</p> <p>Maintenance needs to be addressed. How will BNG be maintained until the restoration regime? What happens when the site is decommissioned?</p> <p>A brief note explaining how BNG is intended to operate would be appreciated.</p> <p>The requirement is weak on the details needed to agree the initial specification i.e. the planning and immediate aftercare details. This is also the case under Requirement 6(1)(i) which only requires a programme for landscaping works, rather than a full specification.</p> <p>The wording in relation to the expectations for the BNG strategy ("Biodiversity Gain Plan") should be</p>	<p>(with the detail flowing through the control plan).</p> <p>3. <u>Percentage of BNG</u> Following further analysis and through a re-run of the BNG metric, the Applicant is content to secure 60% of BNG in habitat units within the drafting of Requirement 8. The Applicant has updated Requirement 8 of the DCO at Deadline 2. As a result of securing well above the minimum of 10%, the Applicant would welcome confirmation from the RPAs of the additional weight that should be given to the benefits accruing from the project in the context of BNG.</p> <p><b><u>BNG delivery across phases</u></b></p> <p>In order to address concerns from the RPAs as to how they could be confident BNG would be delivered across phases, the Applicant can confirm its intention to submit a BNG plan / report for discharge with each phase. The report would:</p> <ul style="list-style-type: none"> <li>• Reconfirm what level of BNG is being delivered across the site as a whole;</li> <li>• Set out what has been delivered in any previous phases, and</li> <li>• Set out how much of the whole BNG is being delivered in that particular phase.</li> </ul>

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	<p>(4) how ecology measures will be managed, maintained, monitored and reported during the operational life of the development.</p> <p><del>(3)</del>(4) The landscape ecological management plan must be implemented as approved.</p>	<p>strengthened with reference to the details specified for agreement post-consent in Schedule 14 of the Environment Act (as summarised and clarified further in the Central Lincolnshire BNG Guidance Note). Given the commitment to on site delivery of BNG this should be explicitly secured by the Requirement.</p>	<p>This mechanism is already secured by the wording within Requirement 8(2) which states that the LEMP (for each phase) must include details of how the minimum stated percentage of biodiversity net gain will be secured during the operation of the authorised development. The Applicant has updated this drafting to refer to the "whole of" the authorised development at Deadline 2 as well as to reference a minimum of "60% biodiversity net gain in habitat units".</p> <p>The Applicant has also submitted a BNG Explanatory Note at Deadline 2 (Appendix 8.13 - Biodiversity Net Gain Assessment- Report (ExA.6.3.8.13-D2.V1)).</p>
18	<b>Requirement 10 – Fencing</b>	<p>Specific reference to a network of mammal gates required</p> <p>NKDC and BBC to be the RPA</p>	<p>The Applicant has included this detail in the outline design principles and linked Requirement 10 to the outline design principles (ODP) so that the final fencing details must be substantially in accordance with those references to mammal gates within the ODP.</p>
19	<b>Requirement 11 – Surface Water Drainage</b>	<p>The Applicant notes that the councils did not comment on Requirement 11 but the Applicant has included this row for completeness.</p>	<p>The Applicant has included new wording within Requirement 11 following comments from the ExA at Issue Specific Hearing 1.</p> <p><b>" Surface and Foul Water Drainage</b></p> <p><b>11.—(1)</b> No phase of the authorised development may commence until details of the surface water drainage strategy and (if any) foul water drainage system (including means of pollution control) <b>(which must be substantially in accordance with the outline drainage strategy in the flood risk assessment)</b></p>

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			for that phase have been submitted to and approved by the relevant county authority, such approval to be in consultation with both relevant planning authorities or the relevant planning authority (as applicable), <b>Black Sluice Internal Drainage Board, the relevant internal drainage board</b> and Anglian Water (in respect of its sewerage undertaker functions). "
20	<p><b>Requirement 12 - Archaeology</b></p> <p>(1) No part of Work No. 5, Work No. 5A, and Work No. 5B may commence until a written scheme of archaeological investigation (which must accord with the outline written scheme of investigation – evaluation) has been submitted to and approved by the county authority, in consultation with the relevant planning authority</p> <p>(2) No phase of the remainder of the authorised development may commence until a written scheme of archaeological investigation (which must accord with the outline written scheme of investigation – mitigation) for that phase has been submitted to and approved by the county</p>	<p>Amended (5) to be consistent with other parts which requires scheme to be approved by the relevant county planning authority in consultation with the relevant planning authority. As drafted it suggests these only go to relevant planning authority.</p> <p>Clarification required regarding whether the Applicant is submitting an updated outline written scheme. If the update is acceptable, then this draft should be sufficient. If the update is not acceptable, then the drafting may need to be revisited.</p> <p>NKDC and BBC wish to be added as a consultee.</p>	<p>As the Applicant explained under Agenda Item 13 of ISH 2 (document reference ExA.WSISH2-D1.V1), the Applicant has undertaken evaluation works on the part of the cable route with the greatest archaeological potential (land known as Royalty Farm). The Applicant therefore considers that the drafting of Requirement 12(1) needs updating to make clear that the pre-commencement requirement for evaluation / trenching work on the cable route only applies to that section of the route that has not been subject to archaeological evaluation to date. The Applicant has updated the DCO at Deadline 2 accordingly.</p> <p>The Applicant agrees to the changes proposed by the councils to paragraph (5) and this has been updated at Deadline 2 in the DCO.</p>

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	<p>authority, in consultation with the relevant planning authority.</p> <p>.....</p> <p>(5) No pre-commencement surveys, site preparation works and archaeological investigations may take place until a specific scheme(s) of investigations which is in accordance with the relevant details set out in the outline written scheme of investigations has been submitted to and approved by the relevant county planning authority, in consultation with the relevant planning authority.</p>		
21	<b>Requirement 13 - CEMP</b>	<p>a precise schedule of update surveys prior to commencement needs to be set out</p> <p>the authority is still reviewing the outline CEMP</p> <p>Unsure why reference to EA in the Requirement wording and not to other consultees as might be needed? Can sub-consultations be left to the RPAs rather than specifying in the wording?</p>	<p>The Applicant has included further detail on the pre-construction surveys within an updated outline CEMP (most notably under Section 7 – Environmental Control Measures) submitted at Deadline 2 (document reference: 7.7, version 4).</p> <p>The Environment Agency requested to be included as a consultee for the final CEMP, which is in line with recent precedent from the Longfield Solar Farm Order 2023.</p>



Row No. / Identifier	Context / DCO reference	Council Comments	Applicant Comments (Green = agreed and/or drafting changes made to the DCO; amber = under discussion)
22	<b>Requirement 14 CTMP</b>	LCC happy to be sole sign off with an obligation to consult NKDC/ BBC	The Applicant has updated the DCO for Deadline 2 to add NKDC and BBC as consultees.
23	<b>Requirement 15 – Operational Noise</b> (2) The mitigation measures described in the operational noise assessment must be implemented and maintained as approved throughout the operation of the authorised development.	Amended to tighten the wording and cross-reference to Part 2 Article 7	The Applicant has updated the DCO for Deadline 2.
24	<b>Requirement 16 – Skills, Employment etc.</b>	How do you consider this requirement being discharged especially if this involves financial contributions or funding – do we need to look at a planning obligation too or somehow link to a separate Community Benefit Fund?	This Requirement would be discharged in the same manner as the other Requirements. It would be submitted to the relevant planning authorities (NKDC and BBC), in consultation with the county.  There is no community benefit proposed through Requirement 16 as community benefit is not permitted to be a 'material consideration' in planning terms and must not be considered as part of the planning decision. Requirement 16 is concerned with skills and employment opportunities for local workforces.  The final scheme must be substantially in accordance with the outline Supply Chain, Employment and Skills Plan (document reference 7.12).

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25	<p><b>Requirement 17 – Permissive Path</b></p> <p>(1) Prior to the construction of the permissive path, <del>the undertaker must submit details of the permissive path shall first have been submitted and approved by the relevant county planning authority, such approval in consultation with details to the relevant planning authority for approval, such details to cover—</del> .....</p>	Amended to strengthen wording and require approval by the county planning authority in consultation with planning authority	The Applicant has updated the DCO for Deadline 2.
26	<p><b>Requirement 18 – Decommissioning and restoration</b></p>	We need to look at this further as we have concerns about current drafting. We need to make clear that the undertaker must provide notice to the relevant planning authorities should the facility stop generating electricity. If within 12 months of the date of the notice the authorised development does not re-generate electricity, decommissioning must commence, unless it was a force majeure event that occurred which caused the facility to stop generating electricity or a force majeure event happens within that 12 month period (which	<p>The Applicant has included additional wording within the DCO at Deadline 2 to make clear that the Applicant must:</p> <ul style="list-style-type: none"> <li>a) provide 12 months' notice prior to the date the undertaker intends to decommission the project; and</li> <li>b) submit the decommissioning plan(s), for approval, at least 6 months prior to the end of the 40-year life of the project.</li> </ul> <p>These principles are similar to those put forward on the draft Gate Burton and draft Mallard Pass Orders.</p> <p>The Applicant does not consider it necessary or proportionate to impose an obligation on the</p>

<b>Row No. / Identifier</b>	<b>Context / DCO reference</b>	<b>Council Comments</b>	<b>Applicant Comments</b>  <b>(Green = agreed and/or drafting changes made to the DCO; amber = under discussion)</b>
		would re-set the 12 month clock). We can have a further chat about this in due course.	Applicant to have to decommission the authorised development following a set period of non-generation. This may be outside of the Applicant's control – for example, due to outages with the National Grid Bicker Fen Substation or through delays to being able to fix panels and/or waiting for replacement parts. The controls are already provided for in the DCO and within the Requirements; it is a criminal offence to breach a DCO Requirement; and the longstop date is provided for in the DCO as 40 years following the date of final commissioning.
<b>Other areas / miscellaneous</b>			
27	<b>Sch 2A – Counter-Notice Requiring Purchase Land</b>	There is no mention of this schedule in the ES. Why is it required?	Schedule 9 modifies existing compensation legislation including the Land Compensation Act 1973 and the Compulsory Purchase Act 1965. It has the effect of applying the principles of compensation for the compulsory purchase of land, modified for the Order, from existing legislation to the acquisition of a right or imposition of a restrictive covenant under the Order for the purposes of the Applicant's project.  Schedule 9 (and the amended Schedule 2A of the Compulsory Purchase Act 1965) is commonly included in made DCOs, including the Cleve Hill Solar Park Order 2020, the Norfolk Boreas Offshore Wind Farm Order 2021, the Norfolk Vanguard

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			Offshore Wind Farm Order 2022, and the Longfield Solar Farm Order 2023.  Finally, it should be noted that this is a land rights matter and separate from the ES and Environmental Impact Assessment.
28	<b>Sch 12 - Arbitration</b>	The timescales to respond are far too tight.  14 days for LPA to respond is too short, as are timings for things like finding and fixing hearing venue etc.  4(3) – remove as consider this does not work	This is a well-precedented arbitration schedule (for example in the Cleve Hill Solar Park Order 2020, the Longfield Solar Farm Order 2023, and the draft Mallard Pass and Gate Burton Orders) and the Applicant does not consider that there is reason to depart from these precedents.  The timescales are appropriate and reasonable for a Nationally Significant (renewable energy) Infrastructure Project in order to provide certainty of process and to unlock much needed renewable energy in meeting the legally binding net zero targets.
<b>Schedule 14 – Procedure for Discharge</b>			
29	<b>Interpretation</b>  “ <del>business day</del> working day” means a day other than a Saturday or Sunday which is not Christmas Day, Good Friday or a <del>public holiday</del> or bank holiday under section 1 of the	They have referred to ‘business days’ but don’t appear to have then used this term in the wording and instead referred to ‘working days’. Need to update for consistency?	The Applicant has updated the DCO for Deadline 2.

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	Banking and Financial Dealings Act 1971(a);		
30	<p><b>Applications made under provisions of this Order</b></p> <p>2.—(1) Where an application has been made to the relevant planning authority for any consent, agreement or approval required by a requirement the relevant planning authority must give notice to the undertaker of its decision on the application within a period of <del>six</del> <b>ten</b> weeks beginning with the later of—</p> <p><b>Further information and consultation</b></p> <p>3 - (2) In the event that the relevant planning authority considers such further information to be necessary and the provision governing or requiring the application does not specify that consultation with a requirement consultee is required, the relevant planning authority must, within <del>10</del> <b>30</b> working days of receipt of the application, notify the</p>	<p>There should <b>not</b> be a deemed discharge provision and the timescales are too short and unworkable. The authorities are dealing with multiple DCOs.</p> <p>Seek ten weeks is reasonable given the precedent of Longfield and given under the TCPA you get 8 wks for approval of conditions. These schemes are much larger/complex and given the 'deemed discharge' provision that exist under 2(2) a longer period is necessary.</p> <p>Have also suggested extended timeframes for further information process – see revised wording</p>	<p><b><u>Timeframes for overall discharge and deemed consent</u></b></p> <p>The procedure is required in order to ensure that applications under the Order are dealt with efficiently and that the Authorised Development is not held up; the Applicant requires certainty over its project timeframes and construction programme (including in respect of the time period for discharge of requirements). Six weeks (or 42 days) is the period suggested by the Planning Inspectorate Advice Note 15 (at Appendix 1).</p> <p>Deemed consent (in the event that the RPA does not determine the application within the [6] week period) is required for the same reason – to ensure the timely delivery of a nationally significant renewable energy project, in which there is a public interest to proceed efficiently given the net zero imperative.</p> <p>Deemed consent is only applicable in the event that the discharge application/materials do not give rise to materially new or materially different environmental effects (paragraph 2(3) and (4) of Schedule 14). In the event that a materially new or materially different environmental effect was present then deemed refusal would apply to that set of plans (paragraph 2(4) of Schedule 14).</p>

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	<p>undertaker in writing specifying the further information required.</p> <p>3 - (3) If the provision governing or requiring the application specifies that consultation with a requirement consultee is required, the relevant planning authority must issue the consultation to the requirement consultee within <del>five</del> 10 working days of receipt of the application, and must notify the undertaker in writing specifying any further information the relevant planning authority considers necessary or that is requested by the requirement consultee within <del>five</del> 10 working days of receipt of such a request and in any event within <del>15</del> 30 working days of receipt of the application (or such other period as is agreed in writing between the undertaker and the relevant planning authority).</p>		<p>The appeals process would not be available to the Applicant in the event that there was non-determination and the application was held in abeyance, which further emphasises the need for a deemed consent provision.</p> <p>In addition:</p> <ul style="list-style-type: none"> <li>• The outline plans (certified documents) submitted with the application plans are considerably detailed;</li> <li>• The outline plans are subject to scrutiny and review during Examination; and</li> <li>• The final plans submitted for discharge must be in accordance with the outline plans.</li> </ul> <p>Accordingly, the detail submitted to the RPA for discharge will be very familiar and in accordance with the structure of other DCO projects, particularly the other solar schemes in Lincolnshire.</p> <p>The concept of deemed consent also has precedence in solar DCOs including the recently made Longfield Solar Farm Order 2023, as well as the emerging draft solar DCOs in Lincolnshire such as Gate Burton and Mallard Pass.</p> <p>In summary, the Applicant considers it is of paramount importance that a deemed consent provision is included within the Discharge of Requirements schedule, which is in keeping with precedents for solar (and other energy) DCOs.</p>

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			<p>The Applicant is, however, willing to be flexible on the 6 week timeframe for discharge. The Applicant suggests that an 8 week (2 month) period for discharge is reasonable and proportionate. An 8 week period is the time period for discharge of conditions under a Town and Country Planning Act 1990 (TCPA) application. Given that the project will be phased, and much of the detail is already known, the plans being submitted for discharge are not dissimilar in size or scale to that being submitted for discharge of TCPA conditions. The Applicant therefore considers that an 8 week period strikes a fair balance and the Applicant has updated the DCO at Deadline 2 accordingly.</p> <p><b><u>Further Information and Consultation</u></b></p> <p>Paragraph 3(2): the Applicant considers that a 20 working day period is reasonable (which is doubling the current period).</p> <p>Paragraph 3(3): the Applicant agrees to double the period to a 10 working day period for the RPA to issue the materials to the requirement consultee and for requesting further information from the undertaker; but the Applicant considers that the overall period should be 20 working days (increased from 15 working days) rather than the proposed 30 working days. 20 working days is also the period requested by the Environment Agency.</p>



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			The time periods proposed by the Applicant are in line with those within the draft Mallards Pass and Gate Burton Orders.
<b>Additional Requirements</b>			
31	<p><b>Operational Environmental Management Plan</b></p> <p>(1) Prior to the date of final commissioning for any phase of the authorised development, an operational environmental management plan (which must be substantially in accordance with the outline operational environmental management plan) for that phase must be 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 Brough of Boston, both relevant planning authorities.</p> <p>(2) The operation of any phase of the authorised development must be carried out and maintained in accordance with the approved operational</p>	<p>At MP they have submitted an outline Operational Environmental Management Plan (oOEMP) which sets out the approach to the control of operational and maintenance activities. This covers issues such as working hours, management of vegetation (although this will also be covered in the Landscape Ecological Management Plan) but also equipment maintenance and servicing, replacement and renew of any components that fail, and monitoring.</p> <p>The Council's consider that it would be beneficial to have an OEMP and understand this was agreed as per our chat at the end of ISH2.</p> <p>As part of the oOEMP (and final OEMP) during the operational lifetime the Applicant should be required to submit a schedule of planned maintenance activities for approval by the relevant planning</p>	<p>The Applicant has agreed to include an additional Requirement within the DCO at Deadline 2 together with an additional certified document / control plan - the outline Operational Environment Management Plan (document reference ExA.oOEMP-D2.V1).</p> <p>However, the Applicant does not agree with inclusion of the suggested paragraph (3). By the very nature of the controls within the DCO (pursuant to Article 5 and the amended definition of "maintain"), the maintenance activities are not permitted to give rise to materially new or materially different ES impacts. Accordingly, the Applicant does not consider the merit or reasonableness of having to submit a planned maintenance schedule for every year of the project. The impacts are to be no greater than that assessed. Not only would the maintenance activities be difficult to predict year on year but a requirement of this nature would be onerous for an undertaker or contractor. In addition, as the undertaker/contractor would be unable to include unplanned maintenance or emergency works within the schedule the Applicant queries the purpose or helpfulness of such a provision. In view of this, the Applicant does not consider that such wording meets the tests for a</p>

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	<p>environmental management plan for that phase.</p> <p>(3) During the operational lifetime of the authorised development a schedule of planned maintenance activities will be submitted for approval by the relevant planning authorities for the forthcoming year on an annual basis from the first anniversary of the approval of the first detailed Operational Environmental Management Plan. The schedule must confirm that the planned maintenance activities will not give rise to any new or materially different environmental effects.</p> <p>(4) In respect of Sheep grazing this shall include details of a grazing contract/licence in relation to the use of 'flying flocks' for the initial and any subsequent grazing operator/s (across the lifetime of the development) and an associated grazing management plan detailing stocking densities across the</p>	<p>authorities for the forthcoming year on an annual basis (from the first anniversary of the approval of the first detailed Operational Environmental Management Plan). This will enable us to identify if there are any impacts arising from such works (depending on their scale) that we need to be aware of such as significant traffic associated with replacement of kit, panels, etc. When submitting that schedule the Applicant will need to still confirm those planned maintenance activities will not give rise to any new or materially different environmental effects than those reported in the ES.</p>	<p>Requirement as it not precise, enforceable, and reasonable in all other respects.</p> <p>In respect of paragraph (4) on sheep grazing, since submission of the draft wording from NKDC, the Applicant has engaged in follow up discussions with the councils and, accordingly, has agreed to refine the paragraph on sheep grazing (although noting that this will be paragraph (2) in the DCO) as follows:</p> <p><i>(2) The plan submitted pursuant to paragraph (1) must include details of how sheep grazing will be managed and maintained at the Solar Park Site throughout the operation of the authorised development.</i></p> <p>With a new definition of Energy Park Site within Schedule 2, as follows:</p> <p><i>"Solar Park Site" means land at Elm Grange, north of the A17, east of the B1395 and land at Six Hundreds Farm to the north of the A17 identified as plots 282 and 283 on the land and crown land plans".</i></p>

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	Energy Park site (which shall align with latest NFU or applicable guidance) and associated measures for the management of livestock levels, details of the annual period/s of grazing and details as to how the grazing management plan aligns with the LEMP".		
32	<p><b>Soil Management Plan</b></p> <p>(1) No phase of the authorised development may commence until a soil management plan, which must include an excavated materials management plan (which must be substantially in accordance with the outline soil management plan and the outline excavated materials management plan) for 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</p>	Suggested wording based on that use at MP	The Applicant has agreed to include an additional Requirement for soil management within the DCO at Deadline 2 together with a standalone outline soil management plan (the detail of which was previously included in the oCEMP) - (document reference 7.15).

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	<p>Boston, both relevant planning authorities.</p> <p>(2) The construction of any phase of the authorised development must be carried out in accordance with the approved soil management plan and excavated materials management plan for that phase.</p>		
33	<p><b>Fees for discharging requirements</b></p> <p>(1) Where an application is made to the relevant planning authority or relevant planning authority for consent, agreement or approval in respect of a requirement, a fee of £1170* is to be paid to that authority.</p> <p>.</p>	<p>In line with Good Practice Point 3 contained within <a href="#">Advice Note 15</a> the DDCO should address the fees payable for discharging the Requirements.</p> <p>Amounts as per previous emails but also suggest wording needs to be revised to include reference to the fee being required to rise in line with inflation (CPI?) and applied at the time of submission.</p>	<p>The Applicant has included the following wording within Schedule 14 of the DCO at Deadline 2:</p> <p><b>" Fees</b></p> <p><b>5.—(1) Where an application is made to the relevant 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 relevant planning authority for each application.</b></p> <p><b>(2) Any fee paid under this Schedule must be refunded to the undertaker within four weeks of—</b></p> <p><b>(a) the application being rejected as invalidly made; or</b></p>

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			<p>(b) the relevant planning authority failing to determine the application within eight weeks from the relevant date in paragraph 2(1) unless—</p> <ul style="list-style-type: none"> <li>(i) within that period the undertaker agrees, in writing, that the fee is to be retained by the relevant planning authority and credited in respect of a future application; or</li> <li>(ii) a longer period for determining the application has been agreed pursuant to paragraph 2(1) of this Schedule. "</li> </ul> <p>This wording is in line with precedent from the Longfield Solar Farm Order 2023 and the emerging draft Mallard Pass and Gate Burton DCOs. The original 2012 Regulations referred to have been updated by way of supplementary provisions to insert increased fees. The reference in the DCO wording to the Regulations "as amended or replaced" makes clear that there is opportunity to incorporate increases in the fee for discharge in line with inflation and as provided for by supplementary or replacement Regulations.</p>
34	<p><b>The Community Orchard</b> <b>Community Orchard 17B.</b>— <i>(1) Prior to the construction of the <b>permissive-path community orchard</b>, the undertaker must submit the community orchard</i></p>	<p>Clause securing the orchard, possibly to be inserted after the permissive path requirement?</p>	<p>The Applicant is content to include an additional requirement to cover the community orchard, subject to the amended drafting, which the Applicant has highlighted in yellow in column 1 of this table.</p>

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	<p>details to the relevant planning authority for approval, such details to cover—</p> <p>(a) location and layout, the number, species, size and planting density of any proposed planting including details of any proposed tree <del>and hedgerow</del> planting and the proposed times of such planting of the community orchard, to be substantially in accordance with the plans contained within the outline landscape ecological management plan; and</p> <p>(b) the maintenance regime for the community orchard.</p> <p>(2) The community orchard must be provided <del>and open to the public</del> within six months of the date of final commissioning of the <del>last phase of Work No. 1.</del> <del>in respect of the phase which includes the community orchard.</del></p> <p>(3) The community orchard must be provided and maintained in accordance with</p>		<p>In order to assist with clarity, the Applicant has made the community orchard a separate sub-set of Work No.9 to become a new Work No. 9C, as shown on the Works Plans submitted with Deadline 2. A definition of "community orchard" can then be linked to the Work No. 9C, as follows:</p> <p>Schedule 1 (Authorised Development):</p> <p><b>“community orchard”</b> means a new orchard within the Order limits in the area shown on the works plan;</p> <p>...</p> <p><b>Work No. 9C</b>— works to create a community orchard.</p> <p>The Applicant has updated the DCO accordingly.</p>

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	<p><i>the maintenance regime—<del>and retained thereafter.</del></i></p>		

**Appendix 1**  
**Discharging Bodies**

Req	Subject	Lead Authority	Consultation	OC Comments	Additional Consultees
2	Commencement time limit	N/A	N/A		
3	Phasing	NKDC and BBC	LCC	LCC added for Deadline 2 DCO (notification only)	N/A
4	Requirement for written approval	N/A	N/A		
5	Amendment to plans	N/A	N/A		
6	Detailed design approvals	NKDC and BBC	LCC	LCC now added as consultee for Deadline 2 DCO	N/A
7	Fire safety	LCC	NKDC and BBC	LCC added as main discharging authority for the Deadline 2 DCO.	Lincolnshire Fire and Rescue Service also included as a consultee. NKDC specified by name (rather than "relevant planning authority") given that Work No.2 is within the NKDC boundary.
8	LEMP	NKDC and BBC	N/A	Already provided for in the DCO.	N/A
9	Implementation of landscaping	N/A	N/A		
10	Boundary treatments	NKDC and BBC	N/A	Already provided for in the DCO.	N/A
11	SW FW drainage	LCC	N/A	NKDC and BBC removed for Deadline 2 DCO.	Black Sluice IDB and Anglian Water also included as consultees.
12	Archaeology	LCC	NKDC and BBC	Already provided for in the DCO.	N/A
13	CEMP	NKDC and BBC	LCC	Already provided for in the DCO.	Environment Agency also included as a consultee.



Req	Subject	Lead Authority	Consultation	OC Comments	Additional Consultees
14	CTMP	LCC	N/A	NKDC and BBC added as consultees for Deadline 2 DCO.	N/A
15	Operational noise	NKDC and BBC	N/A	Already provided for in the DCO.	
16	Supply chain and skills	NKDC and BBC	LCC	LCC now added as a consultee for Deadline 2 DCO.	N/A
17	Permissive path	LCC	NKDC and BBC	LCC now added as discharging authority for Deadline 2 DCO.	NKDC specified by name (rather than "relevant planning authority") given that the permissive path is within the NKDC boundary.
18	Decommissioning restoration	NKDC and BBC	LCC	LCC added as a consultee for Deadline 2 DCO.	Environment Agency also included as a consultee.
19	OEMP	NKDC and BBC	N/A	Included in the updated DCO at Deadline 2.	
20	Soil Management Plan	NKDC and BBC	N/A	Included in the updated DCO at Deadline 2.	
21	Community Orchard	NKDC	N/A	Included in the updated DCO at Deadline 2.	NKDC is specified by name (rather than "relevant planning authority") given that the community orchard is within the NKDC boundary.

