

# 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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<b>Prepared By</b>	Heckington Fen Energy Park Project Team (Osborne Clarke)	
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Rev 1	March 2023	Additional submission – s55 response
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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
<b>Additional Submission – s55 response (March 2023)</b>					
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 <del>hatched coloured</del> 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 <del>hatched-blue</del> 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><b>"32.</b> <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><b>"45.-(1)</b> <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><b>"Work No. 5— works to lay electrical cables between Work No. 4 and Work No. 6A."</b></p> <p>Work No. 6 has been divided into Work No. 6A, Work No. 6B and Work No. 6C as follows:</p>	3



				<p><b><del>Work No. 6</del> an extension to <b>6A</b>— creation of a new generation bay and associated works at the existing substation, including—</b></p> <ul style="list-style-type: none"> <li>(a) <del>an</del> electrical bays to connect into the existing network <del>within the existing substation</del> at Work No. 6B, including associated outdoor air insulated switchgear (AIS) or indoor gas insulated switchgear (GIS) and electrical apparatus <del>(b) switchgear including,</del> circuit breakers, disconnectors and earth switches;</li> <li>(b) substation electrical apparatus, including bus-bars, steel supports, insulation posts, cable sealing ends, surge arrestors, instrument transformers;</li> <li>(c) control building; and</li> <li>(d) underground and above ground electrical cables and electrical connectors, including cables for power, control and communication with electrical bays and to connect into <del>the existing network within the existing substation, including associated switchgear and electrical apparatus</del> Work No. 6B, including associated outdoor AIS or indoor GIS and electrical apparatus.</li> </ul> <p><b>Work No. 6B— an extension to the existing substation, including—</b></p> <ul style="list-style-type: none"> <li>(a) outdoor AIS or indoor GIS, including circuit breakers, disconnectors and earth switches;</li> </ul>
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				<p>(b) <i>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>(c) <i>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><b>Work No. 6C</b>— <i>works in connection with the extension to the existing substation, including—</i></p> <p>(a) <i>a cable sealing end compound and construction of a new circuit bay connecting into the existing substation; and</i></p> <p>(b) <i>underground and above ground electrical cables and electrical conductors, connecting the existing 400kV transmission tower and the new feeder bay.</i></p> <p><b>Work No. 7</b>— <i>two temporary laydown areas in connection with Work No. 5 and Work No. 6A, 6B, and 6C including—..."</i></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"> <li>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%.</li> <li>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.</li> <li>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</li> </ul>	<p><i>"...(2) The landscape ecological management plan must include details of—</i></p> <p><i>(a) how <del>the plan will</del> secure a minimum of 10% biodiversity net gain <b>will be secured</b> during the operation of the authorised development"</i></p> <p>Requirement 9 of Schedule 2 has been updated as follows:</p> <p><b><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) <b>as relevant to that phase.</b>"</i></b></p> <p>Requirement 16 of Schedule 2 has been updated as follows:</p> <p><b><i>"16.—(1) No phase of the authorised <del>development</del> <b>part of Works No. 1, 2, 3, 4, 5, 5A and 5B</b> 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) <del>in relation to that phase</del> 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></b></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"> <li>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.</li> </ul>	<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) <del>Decommissioning</del> 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><del>and structures including by connecting such cables to the substation; ..."</del></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.		
<b>Deadline 2 (November 2023)</b>					
11.	Article 2(1)	Examining Authority, and Relevant Planning Authorities (NKDC, BBC, and LCC) (" <b>RPAs</b> ")	As a result of comments made by the Examining Authority at ISH 1 and by the RPA's at Deadline 1, the definition of authorised development has been amended.	The definition of authorised development has been updated to mean:  <i>the development <b>and associated development</b> described in Schedule 1 (authorised development) <b>which is and any other</b> development within the meaning of section 32 (meaning of "development") of the 2008 Act authorised by this Order.</i>	4
12.	Article 2(1)	Examining Authority	As a result of comments made by the Examining Authority at ISH 1 and by the RPA's at Deadline 1, the definition of relevant county authority has been amended. Changes have been made throughout the DCO accordingly.	The definition of relevant county authority has been amended to:  <i>"<b>relevant county authority</b>" which means the county council for the area in which the land to which the provisions of this Order apply is situated <b>Lincolnshire County Council.</b></i>	4
13.	Article 2(1)	N/A	To align with the precedent in Longfield and to clarify that the date of final commissioning is only relevant to Work No.1 and solar panels. This also links to requirement 18 and the longstop date of 40 years.	The definition of date of final commissioning has been amended to mean:  <i>in respect of each phase of the authorised development as <del>approved</del> <b>notified</b> under requirement 3 of Schedule 2 (requirements) <b>that contains part or all of numbered work 1,</b> the date on which each <b>such</b> phase <del>of the authorised development</del> commences operation by generating electricity on a commercial basis but excluding the generation of electricity during commissioning and testing.</i>	4

14.	Article 2(1)	Examining Authority, RPAs	To incorporate principles from Article 5 and to reflect comments from the RPA's the ExA at ISH 1, the definition of maintain has been amended.	<p>The definition of maintain has been amended to include:</p> <p><i>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 to the extent that such works do not give rise to any materially new or materially different environmental effects than those identified in the environmental statement and "maintenance" and "maintaining" are to be construed accordingly.</i></p>	4
15.	Article 2(1)	N/A	To make it consistent with other definitions for outline plans, the definition of outline energy storage safety management plan has been amended.	<p>The definition has been updated to mean:</p> <p><i>the plan of that name identified in the table at Schedule 11 (documents and plans to be certified) and which is certified by the Secretary of State as the outline energy storage safety management plan for the purposes of this Order and which sets out the energy storage safety management principles to be included in the energy storage safety management plan pursuant to requirement 7 of Schedule 2 (requirements).</i></p>	4
16.	Article 2(1)	Examining Authority, RPAs	As a result of comments made by the Examining Authority at ISH 1 and by the RPA's at Deadline 1, a new certified document and definition for "outline operational environmental management plan" has been included to link with the new requirement 19.	<p>A definition for outline operational environmental management plan has been inserted to mean:</p> <p><i>The plan of that name identified in the table at Schedule 11 (documents and plans to be certified) and which is certified by the Secretary of State as the outline operational</i></p>	4

				<i>environmental management plan for the purposes of this Order;</i>	
17.	Article 2(1)	Examining Authority, RPAs	As a result of comments made by the Examining Authority at ISH 1 and by the RPA's at Deadline 1, a new certified document and definition for "outline soil management plan" has been included to link with the new requirement 20.	A definition for outline soil management plan has been inserted to mean:  <i>The plan of that name identified in the table at Schedule 11 (documents and plans to be certified) and which is certified by the Secretary of State as the outline soil management plan for the purposes of this Order;</i>	4
18.	Article 2(1)	Examining Authority, RPAs	To reflect the comments from the ExA at ISH 1 and the RPAs at Deadline 1 the definition of permitted preliminary work (d) has been amended. This also provides consistency with the approach in Longfield.	The definition has been updated to mean:  <i>(d) diversion of existing services and the laying of temporary services.</i>	4
19.	Article 2(1)	Examining Authority, RPAs	To reflect drafting amendments suggested by the RPAs.	The definition of relevant planning authority has been amended to mean:  <i>the <del>district</del> 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).</i>	4
20.	Article 7(1)(a)	N/A	To align with the precedent in the Longfield Order and emerging solar DCOs such as Mallard Pass, nuisance under Article 7(1)(a) has been extended to relate to the decommissioning of the authorised	Article 7(1)(a) has been amended to:  <i>(a) the defendant shows that the nuisance—</i>	4



			development (in addition to the construction and maintenance).	<p>(i) relates to premises used by the undertaker for the purposes of or in connection with the construction, <del>or</del> maintenance <b>or decommissioning</b> of the authorised development and that the nuisance is attributable to the construction, <b>maintenance or decommissioning</b> of the authorised development in accordance with a notice served under section 60 (control of noise on construction site), or a consent given under section 61 (prior consent for work on construction site) or section 65 (noise exceeding registered level) of the Control of Pollution Act 1974( ); or</p> <p>(ii) is a consequence of the construction, <del>or</del> maintenance <b>or decommissioning</b> of the authorised development and that it cannot reasonably be avoided;</p>	
21.	Article 9(1)	LCC	In view of 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	<p>Article 9(1) has been amended to:</p> <p><i>(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 <del>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. street—</del></i></p> <p><i>(a) in the case of the streets specified in Part 1 of Schedule 5 (permanent alteration of layout of streets) permanently in the manner specified in relation to that street in column 3; and</i></p>	4

			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.	<i>(b) in the case of the streets specified in Part 2 of Schedule 5 (temporary alteration of layout of streets) temporarily in the manner specified in relation to that street in column 3.</i>	
22.	Article 9(4)	LCC	To respond to a request from the RPAs at Deadline 1, Article 9(4) has been amended to require prior consent in a form reasonably required by the street authority.	Article 9(4) has been amended to:  <i>(4) The powers conferred by paragraph (2) may not be exercised without the prior consent of the street authority, such consent to be in a form reasonably required by the street authority.</i>	4
23.	Article 9(6)	LCC	To reflect discussions with the County Authority and to align with the draft Order in Mallard Pass, a new Article 9(6) has been inserted.	Article 9(6) has been inserted and reads:  <i>(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).</i>	4
24.	Article 10(1)	LCC	To align with the new structure of Article 9(1), 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.	A new Article 10(1) has been inserted and reads:  <i>(1) The permanent alterations to each of the streets specified in Part 1 of Schedule 5 (permanent alteration of layout of streets) must be completed to the reasonable satisfaction of the street authority and, unless otherwise agreed by the street authority, the</i>	4

				<i>alterations must be maintained by and at the expense of the undertaker for a period of 12 months from their completion and from the expiry of that period by and at the expense of the street authority.</i>	
25.	Article 10(2)	N/A	To provide clarity as to the period of time the Applicant will be responsible for the maintenance of the temporary road alterations (such as temporary passing bays) and align with similar drafting proposed on the draft DCO for Mallard Pass, Article 10(2) has been amended.	Article 10(2) has been amended to:  <i>(2) Subject to paragraph (3), 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 and the temporary alterations must be maintained by and at the expense of the undertaker for the duration that the temporary alterations are used by the undertaker for the purposes of construction or decommissioning of the authorised development.</i>	4
26.	Article 11(2)	LCC	To reflect comments from the RPAs and the County at Deadline 1, a new Article 11(2) has been inserted.	The new Article 11(2) reads:  <i>(2) Prior to temporarily stopping up the public rights of way referred to under paragraph (1), the undertaker must notify the relevant planning authority and the county authority.</i>	4
27.	Article 12(3) and (4)	LCC	To respond to comments from the RPAs and County at Deadline 1, Articles 12(3) and (4) have been inserted.	Articles 12(3) and (4) read:  <i>(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.</i>	4

				<i>(4) Paragraph 1(c) does not apply if the relevant planning authority has already provided detailed design approval pursuant to paragraph 6(1)(f) of Schedule 2 (requirements) for that access.</i>	
28.	Article 17(6)	LCC	To reflect comments from the RPAs, Article 17(6) has been amended.	<p>Article 17(6) has been amended to:</p> <p><i>(6) If either a highway authority or a street authority which receives an application for consent <b>for trial holes</b> fails to notify the undertaker of its decision within 28 days of receiving the application for consent—</i></p> <p><i>(a) under paragraph (4)(<del>a b</del>) in the case of a highway authority; or</i></p> <p><i>(b) under paragraph (4)(<del>b e</del>) in the case of a street authority</i></p> <p><i>that authority is deemed to have granted consent.</i></p>	4
29.	Schedule 1	NKDC	<p>To reflect comments from NKDC and to align with the new requirement for the community orchard, the following amends have been made:</p> <p>a) a new definition of community orchard has been inserted</p> <p>b) Insertion of a new Work No. 9C.</p>	<p>Community orchard means:</p> <p><i>a new orchard within the Order limits in the area shown on the works plan.</i></p> <p>A new <i>Work No. 9C – works to create a community orchard</i> has been inserted.</p>	4
30.	Schedule 1	N/A	To help with the readability and to better reflect the intention of the	Energy storage stations now means:	4

			<p>drafting, the definitions of energy storage stations and solar stations have been amended.</p>	<p><i>a station comprising transformers, switchgear, power conversion system (PCS) or inverter, and other ancillary equipment with each component for each energy storage station either –</i></p> <p><i>(a) located outside, sitting on either ground bearing or piled reinforced concrete foundation slabs; or</i></p> <p><i>(b) housed together within a container sitting on either a ground bearing or piled reinforced concrete foundation slab;</i></p> <p>Solar stations now means:</p> <p><i>a station comprising inverters, transformers, switchgear and associated ancillary and control equipment with each component for each station either –</i></p> <p><i>(a) located outside, sitting on either ground bearing or piled reinforced concrete foundation slabs; or</i></p> <p><i>(b) housed together within a container sitting on either a ground bearing or piled reinforced concrete foundation slab.</i></p>	
31.	Schedule 1	LCC and NKDC	<p>To reflect the comments of the RPAs at Deadline 1, the definition of permissive path has been amended.</p>	<p>The definition of permissive path has been amended to mean:</p> <p><i>a new access path providing <del>restricted</del> public access with permission within the Order limits along the route shown on the works plan.</i></p>	4

32.	Schedule 2	LCC and NKDC	To link with the new requirement 19 (OLEMP) and the reference to sheep grazing on the 'solar park site'.	<p>A new definition of Solar Park Site has been inserted at Schedule 2 Part 1 and reads:</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>	4
33.	Schedule 2	RPAs	In response to comments from the RPAs and County at Deadline 1, Schedule 2 Part 3 has been amended.	<p>Schedule 2 Requirement 3 now reads:</p> <p><i>(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 and the county authority.</i></p> <p><i>(2) The scheme submitted pursuant to paragraph (1) must include—</i></p> <p><i>(a) a timetable for the construction of the phase or phases of the authorised development;</i></p> <p><i>(b) a plan identifying the phasing area(s); and</i></p> <p><i>(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.</i></p>	4

				<p><del>(2)</del> (3) <i>The phasing scheme and must be implemented as notified under paragraph (1).</i></p> <p><del>(3)</del> (4) <i>The written scheme referred to in paragraph (1) must include notification of whether the undertaker will proceed with Work No. 5A or Work No. 5B, and must be implemented as notified under paragraph (1).</i></p> <p><del>(4)</del> (5) <i>In respect of the phase or phases, the undertaker must give notice to both relevant planning authorities within seven days of the date of final commissioning that final commissioning of the phase or, where there is more than one phase, each phase has taken place.</i></p>	
34.	Schedule 2	LCC	To align with the changes to Article 9 and 12 and reflect discussions with the RPAs following ISH 1 and Deadline 1.	<p>Schedule 2 Requirement 6(1) on detailed design approval has been amended as follows:</p> <p><i>(1) No phase of the authorised development may commence until details of— ....</i></p> <p><i>(f) vehicular and pedestrian access, parking and circulation areas, junction improvements and passing places; ...</i></p> <p><i>... 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 county authority.</i></p>	4



				An additional paragraph (4) has been inserted:  <i>(4) Sub-paragraph (1) does not apply to the matters listed under sub-paragraph (1)(f) if consent has already been given to the details of those works pursuant to articles 9, 10, or 12.</i>	
35.	Schedule 2	NKDC and LCC	To reflect discussions with the RPAs on the appropriate discharge bodies, as outlined in more detail in Appendix 1 of Applicant response to RPA comments on the draft DCO (ExA.ResponseDCO-D2.V1), submitted at deadline 2.	Requirement 7(1) has been amended as follows:  <i>(1) Work No. 2 must not commence until an energy storage safety management plan ("ESSMP"), substantially in accordance with the outline energy storage safety management plan, has been submitted to and approved by the county authority in consultation with North Kesteven District Council <del>the relevant planning authority in consultation with</del> and the Lincolnshire Fire and Rescue Service.</i>	4
36.	Schedule 2	LCC	To reflect discussions with the RPAs, as outlined in more detail in Applicant response to RPA comments on the draft DCO (ExA.ResponseDCO-D2.V1), submitted at deadline 2.	Requirement 8 has been amended as follows:  <i>(2) The landscape ecological management plan must include details <b>relevant for the phase of works in relation to</b> <del>of</del>—  <i>(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;</i>  <i>(b) an implementation timetable, including whether any further survey work is to be carried out;</i></i>	4

				<p><del>(a)</del>(c) how a minimum of 60% biodiversity net gain in habitat units, calculated using The Biodiversity Metric 4.0, will be secured during the operation of the whole of the authorised development; and</p> <p><del>(b)</del>(d) how the landscaping and ecology measures will be managed, and maintained, and monitored during the operational life of the authorised development to the date on which the decommissioning and restoration plan is implemented pursuant to requirement 18 (decommissioning and restoration).</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 (unless a different species is otherwise approved by the relevant planning authority).</p> <p><del>(3)</del>(4) The landscape ecological management plan must be implemented as approved.</p>	
37.	Schedule 2	RPAs	To reflect discussions with the RPAs and County on mammal gates, Schedule 2 Requirement 10(2) has been amended to link with the outline design principles.	<p>Schedule 2 Requirement 10(2) now reads:</p> <p>(2) No phase of the authorised development may commence until written details of all permanent fences, walls or other means of enclosure for that phase (which must be</p>	4

				substantially in accordance with the details within the outline design principles) have been submitted to and approved by the relevant planning authority 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.	
38.	Schedule 2	ExA	To reflect discussions during, and following, ISH 1 and to link with an appropriate control plan – the outline drainage strategy in the flood risk assessment.	Schedule 2 Requirement 11(1) has been amended as follows:  <i>(1) 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) (which must be substantially in accordance with the outline drainage strategy in the flood risk assessment) for that phase have been submitted to and approved by the relevant county authority, such approval to be in consultation with the both relevant planning authorities or the relevant planning authority (as applicable) Black Sluice the relevant Internal Drainage Board and Anglian Water (in respect of its sewerage undertaker functions).</i>	4
39.	Schedule 2	N/A	To reflect that trial trenching has now been undertaken on parts of the cable route, Requirement 12 of Schedule 2 has been amended.  Paragraph (5) reflects discussions with the RPAs on discharging bodies, as outlined in more detail in Appendix 1 of Applicant response to RPA comments on the draft DCO	Schedule 2 Requirement 12 has been amended as follows:  <i>(1) Any part of No part of Work No. 5, Work No. 5A, and Work No. 5B that has not already been subject to archaeological evaluation must not may commence until a written scheme of archaeological investigation (which must accord with the outline written scheme of investigation – evaluation) has been submitted</i>	4

			<p>(ExA.ResponseDCO-D2.V1), submitted at deadline 2.</p>	<p><i>to and approved by the county authority, in consultation with the relevant planning authority.</i></p> <p><i>(2) No phase of <del>the remainder</del> 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 authority, in consultation with the relevant planning authority.</i></p> <p>...</p> <p><i>(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 <b>county authority, in consultation with the relevant planning authority.</b></i></p>	
40.	Schedule 2	RPA's	<p>To reflect discussions with the RPA's on the appropriate discharge bodies, as outlined in more detail in Appendix 1 of Applicant response to RPA comments on the draft DCO (ExA.ResponseDCO-D2.V1), submitted at deadline 2.</p>	<p>Requirement 14(1) now reads:</p> <p><i>(1) No phase of the authorised development may commence until a construction traffic management plan (which must be substantially in accordance with the outline construction traffic management plan) for that phase has been submitted to and approved by the county authority, <b>such approval to be in consultation with the relevant planning authority for that</b></i></p>	4

				<i>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>	
41.	Schedule 2	RPAs	To reflect the comments from the RPAs and the County at Deadline 1, Part 15(2) of Schedule 2 has been amended.	Requirement 15(2) now reads:  <i>(2) The measures as described in the operational noise assessment must be implemented and maintained as approved throughout the operation of the authorised development.</i>	4
42.	Schedule 2	LCC	To reflect discussions with the RPAs on the appropriate discharge bodies, as outlined in more detail in Appendix 1 of Applicant response to RPA comments on the draft DCO (ExA.ResponseDCO-D2.V1), submitted at deadline 2.	Requirement 16(1) now reads:  <i>(1) No 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) has been submitted to and approved by both relevant planning authorities, such approval to be in consultation with the county authority.</i>	4
43.	Schedule 2	NKDC and LCC	To reflect discussions with the RPAs on the appropriate discharge bodies, as outlined in more detail in Appendix 1 of Applicant response to RPA comments on the draft DCO (ExA.ResponseDCO-D2.V1), submitted at deadline 2.	Requirement 17(1) now reads:  <i>(1) Prior to the <del>construction</del> implementation of the permissive path, the undertaker must submit <del>the permissive path details</del> details of the permissive path to the county authority for approval, such approval to be in consultation with North Kesteven District Council <del>relevant planning authority for approval</del>, such details to cover— ...</i>	4

44.	Schedule 2	Examining Authority, RPAs	To reflect comments from the Examining Authority at ISH 1 and from the RPAs at Deadline 1, Requirement 18(1) has been amended.	<p>Requirement 18(1) has been amended as follows:</p> <p><i>18.—(1) No later than 12 months prior to the date the undertaker intends to decommission any part of the authorised development, the undertaker must notify the relevant planning authority and county authority of the intended date of decommissioning. Within 12 months of the date that the undertaker decides to decommission any part of the authorised development, the undertaker must submit to the relevant planning authority for that part (or both relevant planning authorities where that part falls within the administrative areas of both the District of North Kesteven and the Borough of Boston) for approval a decommissioning and restoration plan for that part.</i></p>	4
45.	Schedule 2	NKDC, LCC and Environment Agency	To reflect discussions with the RPAs and Environment Agency, Requirement 18(2) has been amended.	<p>Requirement 18(2) now reads:</p> <p><i>(2) Within 12 months of the date notified pursuant to paragraph (1) but no later than 6 months prior to the 40 year period referred to in paragraph (3) that the undertaker decides to decommission any part of the authorised development, the undertaker must submit to the relevant planning authority for that part (or both relevant planning authorities where that part falls within the administrative areas of both the District of North Kesteven and the Borough of Boston) for approval a decommissioning and restoration plan for that part, such approval to be in consultation with</i></p>	4

				<i>the county authority and the Environment Agency.</i>	
46.	Schedule 2	N/A	To provide greater clarity and to align with the environmental statement and emerging drafting on the Mallard Pass Order, Requirement 18(3) has been amended.	Requirement 18(3) now reads:  <i>(3) Save for Work No. 6B, 6C, and Work No. 9C decommissioning must commence no later than 40 years following the date of final commissioning that is the subject of the last notice given by the undertaker pursuant to requirement 3(5) (phasing of the authorised development and date of final commissioning).</i>	4
47.	Schedule 2	Examining Authority, RPAs	To reflect comments from the Examining Authority at ISH 1 and from the RPAs at Deadline 1.	A new Requirement 19 has been inserted relating to the Operational Environmental Management Plan and reads:  <i><b>19</b> - (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.</i>  <i>(2) The relevant 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>	4



				<i>(3) The operation of any phase of the authorised development must be carried out and maintained in accordance with the approved operational environmental management plan for that phase.</i>	
48.	Schedule 2	Examining Authority, RPAs	To reflect comments from the Examining Authority at ISH 1 and from the RPAs at Deadline 1.	<p>A new Requirement 20 has been inserted relating to the Soil Management Plan and reads:</p> <p><i><b>20.—(1) No phase of the authorised development may commence until a soil management plan (which must be substantially in accordance with the relevant part of the outline soil 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 Boston, both relevant planning authorities.</b></i></p> <p><i>(2) The construction of any phase of the authorised development must be carried out in accordance with the approved soil management plan for that phase.</i></p>	4
49.	Schedule 2	RPAs	To reflect comments from the RPAs at ISH 1 and Deadline 1.	<p>A new Requirement 21 relating to the Community Orchard has been inserted and reads:</p> <p><i><b>21.—(1) Prior to the construction of the community orchard, the undertaker must submit the community orchard details to North</b></i></p>	4

				<p><i>Kesteven District Council for approval, such details to cover—</i></p> <p><i>(a) location and layout, the number, species, size and planting density of any proposed planting including details of any proposed tree 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</i></p> <p><i>(b) the maintenance regime for the community orchard.</i></p> <p><i>(2) The community orchard must be provided within six months of the date of final commissioning of the last phase of Work No. 1.</i></p> <p><i>(3) The community orchard must be provided and maintained in accordance with the approved maintenance regime.</i></p>	
50.	Schedules 4-7	Examining Authority	To reflect comments from the Examining Authority at ISH 1 and from the RPAs at Deadline 1, the title in column 1 has been updated.	The title of column 1 has been clarified to read:  <i>District in which [street] is located.</i>	4
51.	Schedule 5	RPAs	Following discussions with the RPAs and to align with the new Streets and Access Plan (document reference 2.7), submitted at Deadline 2.	The entries at Schedule 5 Parts 1 and 2 have been updated following discussions with the RPAs and to align with the new Streets and Access Plan (document reference 2.7), submitted at Deadline 2.	4
52.	Schedule 7	LCC and NKDC	To reflect discussions with the RPAs and County and also to frontload the	Several accesses have been amended to reflect the correct access points required and also to	4

**Schedule of Changes to the DCO**

			detail of the accesses needed for the Project, Schedule 7 has been amended.	be permanent rather than temporary as they will be required for Operation and Maintenance activities.	
53.	Schedule 7	NKDC	To correct an error, column 1 row 2 of Schedule 7 Part 2 has been updated.	Boston Borough Council has been replaced by North Kesteven District Council.	4
54.	Schedule 11	N/A	To reflect any new versions of documents submitted at Deadline 2, the certified documents table of Schedule 11 has been updated.	The certified documents table of Schedule 11 has been updated.	
55.	Schedule 13, Part 3	Anglian Water	The Applicant has now agreed with Anglian Water a set of protective provisions to be included within the DCO.	The protective provisions previously included at Part 3 of Schedule 13 for the benefit of Anglian Water have been superseded by the agreed version protective provisions.	4
56.	Schedule 13, Part 5	Cadent Gas	The Applicant has now obtained confirmation from Cadent Gas that it does not have any assets or interests affected by the DCO project.  This was confirmed to the Examining Authority by way of an additional submission (Document reference: AS-033).	The protective provisions previously included at Part 5 of the DCO for the benefit of Cadent Gas have been removed.	4
57.	Schedule 13, Part 5	Environment Agency	The Applicant has now agreed with the Environment Agency a set of protective provisions to be included within the DCO.	The protective provisions previously included at Part 6 of Schedule 13 for the benefit of the Environment Agency have been superseded by the agreed version protective provisions (now included at Part 5 of Schedule 13).	4

**Schedule of Changes to the DCO**

58.	Schedule 13, Part 8	Black Sluice IDB	The Applicant has now agreed with Black Sluice IDB a set of protective provisions to be included within the DCO.	The protective provisions previously included at Part 8 of Schedule 13 for the benefit of Black Sluice IDB have been superseded by the agreed version protective provisions (now included at Part 7 of Schedule 13).	4
59.	Schedule 14	RPA's, Environment Agency	To correct an error.	The definition of business day has been amended to "working day" which now means:  <i>a day other than a Saturday or Sunday which is not Christmas Day, Good Friday or a public holiday or bank holiday under section 1 of the Banking and Financial Dealings Act 1971( );</i>	4
60.	Schedule 14	Examining Authority	To reflect discussions with the Examining Authority and the Councils at ISH 1 and comments from the Councils at Deadline 1, Schedule 14 Paragraph 2(1) has been amended.	The time frame for the RPA to give notice to the undertaker of its decision on the application has been extended from six to eight weeks.	4
61.	Schedule 14	LCC	To reflect discussions with the Councils and to provide a middle ground position.	Relevant timescales within this part have been extended as follows:  10 working days to 20 working days.  5 working days to 10 workings days.  15 working days to 20 working days.	4
62.	Schedule 14	Examining Authority	To reflect discussions with the Examining Authority and RPA's at ISH 1, and to align with the precedent in Longfield, a new Paragraph on fees has been inserted.	Schedule 14 Part 5 has been inserted as follows:  <b>Fees</b>	4

				<p><i>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( ) (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.</i></p> <p><i>(2) Any fee paid under this Schedule must be refunded to the undertaker within four weeks of—</i></p> <p><i>(a) the application being rejected as invalidly made; or</i></p> <p><i>(b) the relevant planning authority failing to determine the application within eight weeks from the relevant date in paragraph 2(1) unless—</i></p> <p><i>(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</i></p> <p><i>(ii) a longer period for determining the application has been agreed pursuant to paragraph 2(1) of this Schedule.</i></p>	
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