



# Mallard Pass

Solar Farm

## Mallard Pass Solar Farm

**Applicant's Responses to  
Interested Parties' Deadline 2  
Submissions - draft  
Development Consent Order**

**Deadline 3 - June 2023**

EN010127

EN010127/APP/9.20

## Applicant's Response to Interested Parties' Deadline 2 Submissions on draft Development Consent Order

Parties Raised	Sub-Theme	Issues Raised	Applicant's Response
REP2-053	Project lifetime	<p>The uncertainty of the lifetime of the proposed development isn't currently specified. This makes a meaningful assessment of the impacts of the proposal, particularly any decommissioning phase, creating further concern and uncertainty amongst the local community.</p>	<p>There is no policy requirement that the Proposed Development should be subject to a time limited consent. The current NPSs are silent on this matter and paragraph 3.10.56 of draft NPS EN-3 provides that although an upper limit of 40 years is typical, applicants may seek consent without a time-period.</p> <p>Chapter 5 of the Environmental Statement [REP2-012] states that the EIA has been carried out on the basis that the Proposed Development is permanent, to ensure a worst-case assessment of likely effects during operation.</p> <p>Whilst the EIA has assessed the operational impacts of the Proposed Development as permanent, it is the case that any impacts related to the use of the land are considered to be reversible, pursuant to the management plans secured by the DCO.</p> <p>The ES has not identified any specific project impact which would require the Proposed Development to be linked to a specific operational timeframe. It is also the case that as technology improves, design lifetimes are likely to increase. Therefore, the Applicant is not seeking a time limited consent.</p> <p>However, whilst a time limited consent is not sought, it is anticipated that the development will be decommissioned at some point in the future, as the Applicant is not proposing any systematic repowering or wholesale replacement of PV modules or other infrastructure. Indeed the draft DCO would not enable this to happen on the basis that the definition of 'maintain' would prevent this from happening Paragraph 3.10.59 of draft NPS EN-3 acknowledges that decommissioning can be achieved relatively easily and cheaply.</p> <p>The Applicant has also assessed the impacts of decommissioning as is made clear in paragraph 5.18 of</p>

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			<p>Chapter 5 [APP-035] and therefore the Applicant respectfully disagrees that it is difficult to make a meaningful assessment of the impacts of the Proposed Scheme. For the purposes of assessing decommissioning with the ES, it has been assumed that the Proposed Development would take place after 40 years, although it is noted that decommissioning could take place prior to or after this timeframe subject to how the technology is performing at the time.</p> <p>It also noted that in the government's consultation response to the draft NPSs (dated March 2023), the government stated that it does not agree that solar DCOs should be limited to a maximum specified period and the draft revised NPS EN-3 makes clear (at paragraph 3.10.140) that applicants can apply for a non-time limited consent.</p>
REP2-053	Mitigation security	Concerns around the securing and delivery of mitigations over the lifetime of the development to ensure that all impacts are mitigated.	Mitigation measures have been secured in the relevant management plans, which are secured through Schedule 2 of the Draft DCO (Rev 3). The Draft DCO was updated at Deadline 2 [REP2-006] to clarify that the mitigation measures are in place for the lifetime of the relevant phase of the development that it relates to.
REP2-122	Terminology	<p>Section 12(1) (page 13) This section uses the phrase "shown on the claimed public right of way". It is suggested that this should be "shown on the claimed public right of way plan". The phrase "claimed public right of way plan" is defined in section 2 of the dDCO.</p> <p>The phrase "public walkway" is used three times within Schedule 4. It doesn't appear that this phrase is defined either in the dDCO or other legislation. Suggest that all instances of "public walkway" are replaced by "highway".</p>	<p>The Applicant has amended the Draft DCO (Rev 3) to correct the typographical error to state "claimed public right of way plan".</p> <p>References to 'public walkway' have been amended to refer to the correct form of highway or public right of way that are to be affected.</p>

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REP2-122	Existing substation address	Notes that the address given to the existing substation isn't recognised by Royal Mail.	The address for the existing substation has been amended in Schedule 1 of the Draft DCO (Rev 3) to correct a typographical error.
REP2-195 REP2-196	Legality of powers sought	Concerns that the developer is determined to undermine the normal legal processes whether it be for compulsory acquisition or formal consultation. This impression is present as a result of ExA's questions relating to Articles 9 and 13 to 44.	The Applicant is in compliance with the legal processes, complying with the requirements in the Planning Act 2008, associated regulations and guidance. Please see the responses provided to the ExA's First Written Question [REP2-037] in relation to the questions raised regarding Articles 9 and 13-44.
REP2-094	Old railway legislation	<p>By Article 6 and Schedule 3 to the draft DCO, the Applicant seeks the disapplication of the Great Northern Railway (Junctions) Act 1865, the Bourne, Essendine Railway Act 1957 and the Eastern Midlands Railway (Extensions) Act 1888 (the draft DCO states 1988 in error) insofar as they apply to the authorised development.</p> <p>The railways consented by the Acts were either not built or have been dismantled and Network Rail has no objection to the inclusion of the list of railway Acts at Schedule 3 to the draft DCO.</p>	This comment is noted. The Applicant has included these on a precautionary basis. Please see the response provided to the ExA's First Written Question 5.3.1 [REP2-037] for further detail.
REP2-094	Protective Provisions	<p>Network Rail requests that a small number of amendments are made to the Network Rail Protective Provisions in the draft DCO and a comparison document showing the amendments requested is attached.</p> <p>The protective provisions are crucial for ensuring that the Applicant cannot exercise compulsory land acquisition powers in respect of railway property and Network Rail will work with the Applicant to grant it the rights it needs for its scheme provided that</p>	<p>The Applicant is in discussions with Network Rail in relation to the protective provisions, with the aim of reaching agreement before the end of the Examination. The Draft DCO was updated at Deadline 2 [REP2-006] to reflect the comments raised by Network Rail as these comments were previously raised and agreed between the Applicant and Network Rail.</p> <p>The Applicant is currently in the process of finalising the BAPA with Network Rail.</p>

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		<p>those rights can be granted without compromising the safe operation of the railway. Discussions between Network Rail and the Applicant in this regard have started but, as we have stated above, a BAPA must be entered into before serious progress can be made.</p>	
REP2-070	Disapplication of legislation	<p>The applicant seeks to disapply the flood risk permitting regime by way of Article 6 in the draft Development Consent Order (DCO) which is before the Examining Authority. The protective provisions included within the draft DCO are substantially in a form which is acceptable to the Environment Agency but there are some points we wish to discuss with the applicant. It is hoped these points can be resolved before Deadline 3 and that we will then be in a position to give consent under s150 Planning Act 2008 to the disapplication of the Environmental Permitting Regulations 2016 in relation to flood risk activities.</p> <p>The applicant also seeks to disapply local legislation listed in Schedule 3 of the draft DCO and should explain the rationale for the disapplications sought in each case.</p>	<p>The Applicant is in discussions with the Environment Agency with regard to the protective provisions, with the aim of reaching agreement well before the end of the Examination.</p> <p>The rationale for the disapplication of the local legislation listed in Schedule 3 of the Draft DCO (Rev 3) is in the response provided to the ExA's First Written Question 5.3.1 [REP2-037].</p>
REP2-070	Interpretation	<p>We note that Part 1 of this procedure does not define the term "working day". However, the procedures in Parts 3 and 4 use the term "working days". It would be helpful if this term could be defined in paragraph 1, interpretation.</p>	<p>The Draft DCO (Rev 3) has been updated to include a definition for 'working day'.</p>

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REP2-070	Procedure for discharge of requirements	Requests that Schedule 16 paragraphs 3(2) and 3(3) are amended to allow the relevant planning authority 20 working days in which to notify the applicant of any further information required.	The Draft DCO (Rev 3) has been updated to provide the relevant planning authority with 20 working days to notify the Applicant of any further information required.
REP2-090 REP2-129 REP2-218	Ownership of commitments/ Maintenance	<p>Concerned that commitments won't be followed through once the Site is handed over to the site operator.</p> <p>Concerned that decommissioning commitments won't be followed through and the site will be left as a solar graveyard.</p>	<p>There is no reason to have concerns that commitments made by the Applicant will not be followed through. It is the purpose of the DCO to ensure that commitments made by the Applicant are secured and implemented. The mitigation measures for the construction, operation and decommissioning of the Proposed Development are secured in Schedule 2 of the Draft DCO (Rev 3). The local planning authorities have enforcement powers under the Planning Act 2008 to secure compliance with the requirements in Schedule 2 of the DCO in the very unlikely event the Applicant does not comply with them. A breach of any requirements within the DCO is a criminal offence. In addition, the Proceeds of Crime Act 2002 also allows local authorities to seek to recover the profits accruing to businesses and individuals who breach planning control.</p> <p>The obligation to decommission the Proposed Development and the liability for it sits with the undertaker as secured by Requirement 18 of Schedule 2 of the DCO. The principles of decommissioning are set out in the Outline Decommissioning Environmental Management Plan [APP-209].</p> <p>It is noted that any transfer of benefit of the Draft DCO (Rev 3) would be subject to the provisions of Article 36, requiring Secretary of State consent, subject to the identified exceptions.</p>
REP2-070	ExQ1 Q5.4.1	Consultation has not taken place on the procedure for the discharge of the requirements set out in Schedule 16.	The Applicant has now engaged with the Environment Agency in relation to the procedure for the discharge of the requirements. It has been confirmed that, subject to the comments raised at Deadline 2 and addressed above, the Environment Agency has no further concerns.

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REP2-050		<p>The LLFA would want section 23 applying to this application, as it gives the LLFA greater control of outfalls and design of outfalls into a watercourse. Specific details of the outfalls tend not to be provided at planning stage as these would be covered under Section 23</p>	<p>The rationale behind seeking to disapply section 23 of the Land Drainage Act 1991 is included in the Explanatory Memorandum [APP-018] at paragraphs 4.2.14- 16. In summary the Applicant considers that there is no justification to impose an additional administrative burden of seeking Ordinary Watercourse consent during the construction process as the acceptability of the proposals will be approved through other mechanisms within the DCO (including the LLFA's role in approving the surface water drainage scheme, and the protections in Article 16). The ability to disapply the requirements of Section 23 of the Land Drainage Act 1991 is included in Article 6 of the Draft Development Consent Order (Rev 3). The LLFA is required to consent to this provision and the Applicant will be in touch with the LLFA to discuss this further.</p>
REP2-045	<p>ExQ1 Q5.0.6 - Article 6 (Application and modification of statutory provisions)</p>	<p>In Lincolnshire, within IDB districts consent is needed to carry out works to ordinary watercourses, including changes to dams, weirs and other structures, or to pipe or culvert a watercourse under the Land Drainage act 1991.</p> <p>However, Lincolnshire County Council in its role as LLFA has used its powers under the Land Drainage Act to enter into arrangements with the IDB's by entering into a Memorandums of Understanding, which allows the IDB's to act on behalf of the LFFA for the purposes of consenting and enforcement powers under Sections 23 and 24 outside of the boards district.</p> <p>All enquiries and applications in relation to consent under S23 of the LDA relating to Ordinary Watercourses will be directed to the IDB. The IDB will carry out, on behalf of LCC, LCC's LLFA consenting arrangements under the LDA as amended in relation to applications within the extended area.</p>	<p>The rationale behind seeking to disapply section 23 of the Land Drainage Act 1991 is included in the Explanatory Memorandum [APP-018] at paragraphs 4.2.14- 16. In summary the Applicant considers that there is no justification to impose an additional administrative burden of seeking Ordinary Watercourse consent during the construction process as the acceptability of the proposals will be approved through other mechanisms within the DCO. The ability to disapply the requirements of Section 23 of the Land Drainage Act 1991 is included in Article 6 of the Draft Development Consent Order (Rev 3). The IDB is required to consent to this provision in respect of drains in this area and the Applicant will be in touch with the IDB to discuss this further and to clarify whether it will consent on the LLFA's behalf to LLFA responsible watercourses.</p>

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		This is the process we would wish to see adhered to under these circumstances.	
REP2-050 REP2-045	ExQ1 – Q5.0.9 – Article 9 (Power to alter layout, etc. of streets)	<p>Yes.</p> <p>RCC / LCC consent is necessary for works in the street (e.g. cables). These would need to follow the standard Streetworks and Permitting procedure within RCC / LCC to obtain a Permit, so the works can be planned and undertaken in the highway.</p>	<p>It is not considered necessary for the street authority to consent to the detail of the works for the reasons set out in the Applicant's response to this question [REP2-037].</p> <p>The requirement to obtain a separate streets works licence is unnecessary and adds an additional burden on the Applicant as well as RCC. The suite of street powers in the DCO is used in nearly all Development Consent Orders and there is no justification not to do so here.</p>
REP2-045	ExQ1 – Q5.0.11 - Article 12 (Claimed public right of way)	<p>a) This will require further discussion. Article 12 seeks to create the PROW along the alignment of claimed PROWs, in combination with Article 11 which allows stopping up. LCC's PROW Team has not seen this before and is unsure at this stage whether it is legally possible to simultaneously record and extinguish a DMMO route. The ExA will therefore need to satisfy themselves that the proposed approach to adopt and extinguish the DMMO is something that is feasible/achievable legally through the DCO. If not then it may be possible to add the DMMO route to the definitive map and then extinguish the newly created restricted byway to enable development to take place or alternatively the Applicant should include a provision for new PROW along different alignments within the scheme and/or include a provision that this is reinstated as PROW if the scheme is decommissioned.</p>	<p>Article 11 of the Draft DCO (Rev 3) is required because the undertaker will need to temporarily divert certain PRoW in order to construct the authorised development, as provided for in the Outline Construction Traffic Management Plan [APP-212] (which is secured by Requirement 13) and shown on the Traffic Regulation Measures Plans – Road Closures [AS-007]. No permanent stopping up or diversion of PRoW is required.</p> <p>Article 12 of the Draft DCO (Rev 3) has the effect of confirming the suggested route as a public right of way, but allowing it to then be immediately stopped up by the undertaker – ensuring that its legal status will be that it does not exist. The key point is that it is not a simultaneous approach. Paragraphs (a) and (b) create specific moments in time when they take effect, which are separate – (a) takes place on the making of the Order; and (b) occurs at the time of the undertaker's choosing (consistent with standard DCO drafting for interactions with public rights of way).</p> <p>This approach is taken on the basis that the historic claimed route is for a restricted byway along 'Gravel Pit Road' which extends in a southerly direction from Carlby Road and</p>



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		<p>b) DMMO/440/ - Braceborough &amp; Wilsthorpe – Claimed restricted byway running south from Carlby Road along 'Gravel Pit Road' The Application concerns the addition of a cul-de-sac restricted byway running south from Carlby Road along 'Gravel Pit Road' in Braceborough and Wilsthorpe Parish. The application is ranked 165 out of 403 cases in the Definitive Map Modification Order Priority Schedule with the first 13 cases currently being progressed. LCC is unable to give a meaningful timescale as to when the case will be progressed.</p>	<p>terminates within an agricultural field (where a former gravel pit was located). The claimed route does not currently exist, as it was removed at some point after the gravel activities ceased. It therefore has no users or receptors. Furthermore, it is a cul-de-sac, which does not connect to any other existing or claimed public right of way. The article seeks to remove all doubt that the route can exist as a PRow now or in the future.</p> <p>The Applicant does not propose to create any new PRowS as part of the Proposed Development, as it will not be in place in perpetuity. Permissive paths will be in place for the lifetime of the Proposed Development, with details of its management and maintenance to be included in the detailed LEMPs approved by the relevant LPAs.</p>
REP2-050	ExQ1 – Q5.2.4 Requirement 7 - Landscape and Ecology Management Plan	<p>a) Yes  b) Yes  c) Yes  d) RCC Considers this to mean any works except the planting of trees, shrubs, herbaceous plants, and grasses that is undertaken as part of the development.  e) The Local Planning Authority is unclear on what conflict the Examining Authority consider may arise in this respect.  f) Yes</p>	<p>Please see the responses provided to the ExA's First Written Question 5.2.4 [REP2-037].</p>
REP2-045		<p>a) Yes  b) Yes  c) Yes  d) Applicant to clarify but presume this refers to trackways created between PV arrays.  e) The Applicant should clarify this but it is assumed that maintenance and management refers to the regime that would be adopted to ensure successful establishment of planting</p>	<p>Please see the responses provided to the ExA's First Written Question 5.2.4 [REP2-037].</p> <p>The Applicant does not consider that the replacement period should be extended to a minimum of 15 years. The 5 years allows for fixes if growth rates are not being met, rather than replacing a planted tree or shrub in the long term. The 5 years is precededented in other solar DCOs, including the Cleve Hill Solar Park Order 2020.</p>

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		<p>(e.g. annually, etc) whereas 7(3) only refers to the period that would require replacement of losses. LCC would suggest a maintenance and management period should be adopted for the operational life of the development with replacement period extended to minimum 15 years – also see answer to Q8.0.18</p> <p>f) Yes</p>	
REP2-052		<p>Response: SKDC would wish to make the following observations as listed below.</p> <p>a) Yes – this should be captured in one of the existing requirements drafted. It is common practice amongst other DCO's and is captured as a common issue in the Model Provisions (Provision of Landscaping) and is generally seen as best practice in the mitigation of impacts on trees as a result of proposed development.</p> <p>b) Yes – so as to ensure the impacts of the proposed development can be suitably controlled and mitigated.</p> <p>c) Yes – in the interests of providing clarity on the impacts of the proposed development.</p> <p>d) It would be useful if this was defined by the applicant.</p> <p>e) Yes – this does appear to be a potential conflict, with part 3 limiting the ability of the plan to maintain landscaping over the longer term. SKDC take the view that landscaping management and maintenance is essential over the longer term, to mitigate the impacts of the development.</p> <p>f) Yes – in the interest of ensuring that a comprehensive approach to landscaping is taken.</p>	<p>Please see the responses provided to the ExA's First Written Question 5.2.4 [REP2-037].</p> <p>As per Requirement 7(2)(g) of Schedule 2 of the Draft DCO (Rev 3), the Applicant is required to maintain landscaping and ecological measures throughout the operational period, to mitigate the impacts of the Proposed Development.</p>

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REP2-050	ExQ1 – Q5.4.1 - Schedule 16 – Procedure for discharge of requirements	<p>a) No</p> <p>b) The following is not agreed:  Relevant planning authorities (as also defined within Part 1, Interpretation of the dDCO) needs to be amended within the DCO to make clear that this means Lincolnshire County Council, South Kesteven District Council and Rutland County Council as the DCO Requirements may need to be submitted to different authorities for approval.</p> <p>Art 2(1) - Proposed six week time period for determination is too short and needs to be extended to a minimum 8 weeks for schemes where different environment effects are not identified - also see answer to Q5.4.2.</p> <p>Art 3(2) and 3(3) – timeframes cited for issuing notifications and consultations in relation to these two Articles should be the same to allow sufficient time for Authority to receive and process submissions and to ensure consistent and simplified procedures/deadlines to avoid risk of error. For example, for 3(3) the timeframe for issuing consultation should be extended from 5 working days to a minimum of 10 working days the same as Art. 3(2).</p>	<p>Please see the response provided to the ExA's First Written Question 5.4.1 and 5.4.2 [REP2-037].</p> <p>RCC and SKDC are both the relevant planning authority for part of the Proposed Development and therefore the Requirements will be submitted to both. Where consultation with LCC as the relevant highway authority and the local lead flood authority is required, this is detailed within the relevant Requirements in Schedule 2 of the Draft DCO (Rev 3).</p> <p>The Draft DCO (Rev 3) has been updated to provide an extended timeframe in Part 3 of Schedule 16.</p>
REP2-045		<p>a) No.</p> <p>b) The following is not agreed:</p> <ul style="list-style-type: none"> <li>• Relevant planning authorities (as also defined within Part 1, Interpretation of the dDCO) needs to be amended within the DCO to make clear that this means Lincolnshire County Council, South Kesteven District Council and Rutland County Council as the DCO Requirements may need to be</li> </ul>	Please see the response provided above.

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		<p>submitted to different authorities for approval (especially within Lincolnshire). For example, as a minimum DCO Requirements 9 (Surface Water and Drainage), 10 (Archaeology), 11 (CEMP), 12 (CEOMP), 13 (CTMP) would need to be submitted to LCC in addition to SKDC and RCC.</p> <ul style="list-style-type: none"> <li>• Art 2(1) - Proposed six week time period for determination is too short and needs to be extended to a minimum 8 weeks for schemes where different environment effects are not identified - also see answer to Q5.4.2</li> <li>• Art 3(2) and 3(3) – timeframes cited for issuing notifications and consultations in relation to these two Articles should be the same to allow sufficient time for Authority to receive and process submissions and to ensure consistent and simplified procedures/deadlines to avoid risk of error. For example, for 3(3) the timeframe for issuing consultation should be extended from 5 working days to a minimum of 10 working days the same as Art. 3(2).</li> </ul>	
REP-052		<p>SKDC have not been consulted by the applicant on this matter and therefore nothing to date has been agreed. Notwithstanding this, SKDC are happy to engage directly with the applicant on this matter.</p> <p>It would be a potentially significant resourcing commitment for SKDC to manage and it is therefore entirely appropriate that a fee should be agreed for the provision of this service.</p>	<p>The Applicant has at pre-application consulted regularly with the relevant discharging authorities on various parts of the DCO process. The Applicant will engage with SKDC to discuss the procedure for discharging the requirements.</p> <p>The Applicant acknowledges the Council's comments in relation to the fees payable for discharging the DCO Requirements. The Applicant will consider and discuss the appropriate fees and the mechanisms for payment with the local authorities.</p>

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REP2-050	ExQ1 – Q5.4.2 Schedule 16 regarding timeframes	<p>a) RCC suggests a longer period of 8 weeks would be appropriate to process and determine submissions where different environmental effects are not identified. This timeframe is consistent with that which is given for the approval of details submitted pursuant to conditions attached to decisions made under the TCPA system and would include necessary consultation with organisations providing services to the Local Planning Authority.</p> <p>b) Yes. Where different environmental effects are identified then a longer period would be required. Such instances are likely to require more detailed consideration as a result of the different environmental effects to those currently indicated and a period of 12 weeks is considered appropriate.</p>	<p>Please see the response provided to the ExA's First Written Question 5.4.2 [REP2-037], where the Applicant at Deadline 2 updated the Draft DCO to provide a notice period of 8 weeks.</p> <p>The Draft DCO (Rev 3) has been updated to provide an extended timeframe in Part 3 of Schedule 16 where further information and consultation is required. With a notice period of 8 weeks and a further 4 weeks for further information and consultation, this timeframe now reflects the 12 weeks requested.</p>
REP2-045		<p>a) LCC would suggest a longer period of 8 weeks would be required to process and determine submissions where different environmental effects are not identified. This timeframe is consistent with that which is given for the approval of details submitted pursuant to conditions attached to decisions made under the TCPA system.</p> <p>b) Yes. Where different environmental effects are identified then a longer period would be required and would suggest this be extended to 12 weeks</p>	Please see the response provided above.
REP2-052		<p>a) Response: SKDC agree that 6 weeks is considered too short a period to (in the event of the project being consented) to consider the level of detail likely to be submitted whereby we would need to consult relevant technical consultees upon its content, even in the absence of any public consultation. If</p>	<p>Please see the response provided to the ExA's First Written Question 5.4.2 [REP2-037], where the Applicant at Deadline 2 updated the Draft DCO to provide a notice period of 8 weeks. The Applicant will informally discuss the pre-warnings of any submission with SKDC should the DCO be granted</p>

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		<p>possible, it would also be welcomed if pre-warning of any submission could be provided, either on an a formal or informal basis, so that this additional work beyond the day to day statutory functions of the authority can be suitably planned for and resourced.</p> <p>b) Response: SKDC agree that a longer determination period would be appropriate for the similar reasons to that listed above, but also considering that (in the event of the project being consented) significant public interest on the project would remain and therefore public consultation would be fair and reasonable in the event of any new or different environmental effects.</p>	<p>The Draft DCO (Rev 3) has been updated to provide an extended timeframe in Part 3 of Schedule 16 where further information and consultation is required.</p>
REP2-050		<p>a) Yes, RCC considers that it would be appropriate to require that fees should be payable to the discharging authority.</p> <p>b) RCC agrees with the proposed drafting provided by Lincolnshire County Council in their response with regard to this question.</p>	<p>Please see the response below.</p>
REP2-045	<p>ExQ1 – Q5.4.3 - appropriate to include provision for the payment of fees</p>	<p>a) Yes. A fee should be payable for discharging DCO Requirements the same as it is under the TCPA.</p> <p>b) The fee payable for discharging a DCO Requirement may need to differ depending on the size and complexity of the scheme- e.g. if it does not have different environmental effects then a lesser fee payable for schemes that are identified as having different environmental effects.</p>	<p>The Applicant acknowledges the Council's comments in relation to the fees payable for discharging the DCO Requirements. The Applicant will consider and discuss the appropriate fees and the mechanisms for payment with the local authorities.</p>

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		<p>Alternatively, the fee charged could be based on rate payable under 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). Suggest draft text at this stage could be as follows:</p> <p><b><u>Fees</u></b></p> <p>x.—(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. X - (2) Any fee paid under this Schedule must be refunded to the undertaker within six weeks of— (a) the application being rejected as invalidly made; or</p> <p>(b) the relevant planning authority failing to determine the application within the decision period as determined under paragraph 2(1), unless 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.</p> <p>It is expected that additional costs incurred in processing such submissions could be recovered and negotiated through a PPA.</p>	

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REP2-047(WR), REP2-048(LIR), REP2-050 (FWQ),	ExA Q1 – Q1.0.19 comments on outline Plans and potential amendments that may require to secure appropriate environmental outcomes and mitigation	RCC have not yet been able to review all of the above outline plans but do wish to reserve the opportunity to do so, (particularly as they may be developed throughout the examination) as these plans are one of various areas that seek to manage the mitigating impacts of the proposed development during the construction and operational phases of development.	The Applicant notes this.
REP2-044(LIR), REP2-045(FWQ), REP2-046(WR),		Outline plans listed in a) to i) are acceptable at this stage and note final schemes/details will be secured as DCO Requirements. However, where LCC has a statutory interest or role (e.g. highway and lead local flood authority; historic environment) then the DCO Requirements will need to be worded to make clear these need to come to LCC and not just SKDC/RCC for approval. Wording of the DCO Requirements and “relevant planning authority” as defined the dDCO therefore needs to be revised to reflect this – see also response to Q.5.4.1	The Applicant notes LCC request which will be considered in further iterations of the dDCO [REP2-006]. In this regard, LCC's views on the specific requirements that it is referring to would be of assistance, as the Applicant has identified the local lead flood authority or highway authority within each relevant Requirement.