



Mallard Pass

Solar Farm

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Schedule of Changes Draft Development Consent Order

Deadline 5 (5th September 2023)

EN010127

EN010127/APP/9.3.5

Revision 5

Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations
2009 Reg 5(2)(q)

Schedule of Changes to the draft DCO (dDCO)

The table below details the changes made to the dDCO since its submission, providing the changes made at each relevant deadline. The table below does not detail minor changes made in relation to typographical errors and updates in cross-referencing.

Article	Change	Reason for change	Deadline change was made at
Article 2	Insertion of definition of 'working day'.	This has been inserted in accordance with the Applicant's Response to Interested Parties' Deadline 2 Submissions on draft Development Consent Order (Rev 0) to provide further clarity.	Deadline 3
	Definition of 'authorised development'. Amended to state: <i>"means the development and associated development described in Schedule 1 (authorised development), which is development within the meaning of section 32 (meaning of "development") of the 2008 Act"</i>	This has been amended following the ExA's comment at Issue Specific Hearing 3, to reflect the definition of authorised development in the Longfield Solar Farm Order 2023.	Deadline 4
	Definition of 'maintain'. Amended to refer to Work No. 1 rather than the authorised development	This has been amended following the ExA's comments at Issue Specific Hearing 3, to clarify that the definition of maintain does not cover the replacement of all of the solar panels at the same time.	Deadline 4
	Definition of 'maintain'. Amended to add: <i>"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..."</i>	This has been added following the LPA's comments submitted at Deadline 4. Although this is referenced in Article 5, this provides further clarity that maintenance works cannot give rise to any materially new or materially different environmental effects than those assessed in the ES.	Deadline 5

	<p>Definition of 'maintain'. Amended to state:</p> <p><i>"includes inspect, repair, adjust, alter, remove, refurbish, reconstruct, replace and improve any part of <u>the authorised development</u>, but not remove..."</i></p>	This has been added following the ExA's Second Written Questions (Q5.0.1(e) to provide further clarity that the definition of maintain continues to apply to the whole authorised development, other than the removal or replacement of the whole of Work No. 1.	Deadline 5
	<p>Insertion of definition of 'outline written scheme of investigation' has been added.</p>	This has been inserted following the submission of the outline document in to examination at Deadline 5.	Deadline 5
Article 9(2)	<p>Insertion of Article 9(2) to clarify what phase of the authorised development the undertaker may alter the layout of or carry out any works in the streets specified in Schedule 5.</p>	This has been added following the LPA's comments submitted at Deadline 4, making it clearer that temporary amendments under article 9 can only be made for the purposes of construction.	Deadline 5
Articles 9 and 10	<p>Insertion of <i>"such consent to be in a form reasonably required by the street authority"</i>.</p>	This has been updated to provide that the consent of the relevant highway authority pursuant to these articles does not affect the provisions of any separate agreement between the undertaker and the local highways authorities, such as is now envisaged.	Deadline 5
Article 12(1)	<p>Insertion of <i>'plan'</i> after <i>'claimed public right of way'</i>.</p>	This has been updated in accordance with the Applicant's Response to Interested Parties' Deadline 2 Submissions on draft Development Consent Order (Rev 0) to correct the typographical error identified.	Deadline 3
Article 12	<p>Amendments of the Article 12.</p>	This has been amended following the ExA's comments at Issue Specific Hearing 3 to enable the Wildlife and Countryside Act 1981 process to be able to be completed, with Article 12 only applying where the street shown on the claimed public right of way plan is actually created pursuant to that process and needs to be stopped up.	Deadline 5

Article 13(1)(a)	Reference to <i>"Part 1 (permanent means of access to works) of"</i> has been deleted.	This has been updated following the ExA's FWQ 5.0.12 and the Applicant's review to correct the typographical error.	Deadline 2
Article 13(1)(b)	Insertion of <i>"in such a form reasonably required by the highway authority"</i> .	This has been updated to provide that the involvement of the relevant highway authority pursuant to this provision does not affect the provisions of any separate agreement between the undertaker and the local highways authorities, such as is now envisaged.	Deadline 5
Article 16	Insertion of article 16(7) to state: <i>"The undertaker must take such steps as are reasonably practicable to ensure that water discharged into a watercourse or public sewer or drain pursuant to this article does not enter the public highway."</i>	This has been added following the LPA's comments submitted at Deadline 4, providing that surface water should not enter the public highway.	Deadline 5
Article 17	Addition of the definition of "specified land" to mean any land within the Order limits.	This has been updated following the Applicant's review of this Article to provide further clarity on the applicability of this Article.	Deadline 2
Article 23(2)	Deletion of article 23(2)(c) .	This has been deleted following the ExA's comments at Issue Specific Hearing 3.	Deadline 4
Article 32	Addition of: <i>"or article 12 (stopping up of claimed public rights of way)"</i>	This has been amended to clarify that where a street is stopped up under Article 12, statutory undertakers have the same rights and powers as if the Order had not been made.	Deadline 5
Article 34	Amending the article to provide the undertaker and NGET with the benefit of the Order for Work No. 3.	This has been updated to provide NGET with the power to undertake Work No. 3 themselves, should they prefer to do so, as Work No. 3 is undertaken entirely on NGET land.	Deadline 3

Article 35(1)	Amending the article to read: "Subject to paragraph (3)..."	This has been amended to correct a typographical error.	Deadline 3
Article 35(3)(b)	Addition of " <i>in respect of Work No. 7</i> "	This has been amended following the ExA's Second Written Questions (Q5.0.8(a)).	Deadline 5
Article 35(6)	Amending the notice period from 5 to 14 working days.	This has been amended following the ExA's Second Written Questions (Q5.0.8(b)).	Deadline 5
Article 38	Article 38(1): Amending the power to fell or lop any tree or shrub " <i>within or overhanding land within the Order limits</i> "	This has been updated following the ExA's FWQ 5.0.20(c).	Deadline 2
	Article 38(5): Addition of " <i>and shown on the hedgerows plans</i> ".	This has been updated for clarity.	Deadline 2
	Article 38(4): Addition of a cross reference to requirement 7.	This has been amended following the ExA's Second Written Questions (Q5.0.9).	Deadline 5
Article 39	Deletion of Article 39.	This has been deleted following the ExA's FWQ 5.0.21 and Rutland County Council and South Kesteven District Council confirming that there are no Tree Preservation Orders within or adjacent to the Order limits.	Deadline 2
Article 43(4)	Amended the period from six weeks to eight weeks	This has been amended to reflect the longer period agreed in Schedule 16 in accordance with the Applicant's Response to Interested Parties' Deadline 2 Submissions on draft Development Consent Order (Rev 0).	Deadline 4
Schedule 1	The further associated development items (a) to (q) have been amended to more neatly categorise the list.	This has been updated following the ExA's FWQ 5.1.1 to provide further clarity and more neatly categorise the list of further associated development.	Deadline 2

	Amending the postcode in the definition of 'existing substation'.	This has been updated in accordance with the Applicant's Response to Interested Parties' Deadline 2 Submissions on draft Development Consent Order (Rev 0) to correct the postcode provided.	Deadline 3
Schedule 2, Requirement 1	Addition of a definition of 'relevant highway authority'.	This has been added for clarity.	Deadline 5
Schedule 2, Requirement 3	Amendment in Requirement 3(2) to add " <i>and a plan identifying the phasing areas</i> ".	This has been inserted following comments from the LPAs at Deadline 4 and the ExA's Second Written Questions.	Deadline 5
	Addition of Requirement 3(4).	This has been inserted following the Applicant's amendments to Requirement 18 regarding decommissioning of the authorised development.	Deadline 5
Schedule 2, Requirement 5(1)	Addition of: <i>"and the percentage of any biodiversity net gain units referred to in requirement 7(2)(f)"</i>	This has been inserted to provide flexibility to enable the Applicant to amend the % of BNG with the approval of the LPAs without needing to change the DCO. This will enable flexibility to account for the detailed design and the nuances of any new metric that is developed.	Deadline 5
Schedule 2, Requirement 6	Requirement 6(1): Addition of " <i>drainage, water, power and communication cables and pipelines</i> ".	This has been updated following the ExA's FWQ 5.2.3(b).	Deadline 2
	Requirement 6(2): Addition of " <i>and demonstrate how they have taken account of the results of any archaeological investigations or archaeological evaluations carried out pursuant to the outline written scheme of investigation</i> "	This has been amended following the ExA's Second Written Questions (Q6.0.6 and 6.0.8).	Deadline 5

	Requirement 6(5): Addition of this new sub-paragraph to state: <i>"Sub-paragraph (1) does not apply to vehicular accesses if consent has already been given to the details of works to create vehicular access pursuant to articles 9, 10 and 13."</i>	As with articles 9, 10 and 13, to ensure that approvals further to this paragraph do not cut across any agreement reached with the local highway authorities and avoids any duplication with these articles.	Deadline 5
Schedule 2, Requirement 7(2)	Addition of <i>"existing trees to be retained"</i> .	This has been updated following ExA's FWQ 5.2.4(a).	Deadline 2
	Requirement 7(2)(f): Amended from minimum 10% biodiversity net gain to 65% biodiversity net gain.	This has been amended following the ExA's comments at Issue Specific Hearing 2 and Issue Specific Hearing 3. This is further discussed in the Applicant's summary of oral submissions at ISH2 also submitted at Deadline 4.	Deadline 4
	Requirement 7(2)(f): additional wording added to read <i>"a minimum of 65% biodiversity net gain in habitat units and a minimum of 36% biodiversity net gain in hedgerow units"</i>	This has been amended following discussion with the LPAs and review of their Deadline 4 submissions.	Deadline 5
	Requirement 7(2)(f): additional wording added to read <i>"and the metric that has been used to calculate that those percentages will be reached"</i>	This has been added following the ExA's Second Written Questions (Q3.0.1) to allow for there to be discussion of the metric that is used to calculate BNG as part of the overall approval of the LEMPs, rather than mandating the metric now, given the points made by the Applicant at Deadline 4.	Deadline 5
Schedule 2, Requirement 7(3)	Addition of 'hedgerows' for replacement within a period of five years after its planting if it dies or becomes damaged.	This has been updated following ExA's FWQ 5.2.4(f).	Deadline 2
	Addition of:	This has been added following updates to the parameters submitted for Deadline 2.	Deadline 2

Schedule 2, Requirement 8(3)	<i>(3) The details submitted under sub-paragraph (2) must be in accordance with the parameters.</i>		
	Addition of reference to the design guidance	Amended following the ExA's Second Written Question 1.0.10	Deadline 5
Schedule 2, Requirement 8(7)	Addition of: <i>"(7) Prior to the date of final commissioning of any phase, any permanent fencing, walls or other means of enclosure for that phase approved under sub-paragraph (2) must be completed and properly maintained for the operational lifetime of the part of the authorised development enclosed by the permanent fencing, walls or other means of enclosure."</i>	This has been updated following ExA's FWQ 5.2.5.	Deadline 2
Schedule 2, Requirement 8(7)	Splitting out sub-paragraph 7 into 2 separate sub-paragraphs	To provide further clarity following the ExA's comments at Issue Specific Hearing 3	Deadline 4
Schedule 2, Requirement 9	Insertion of <i>"and both local lead flood authorities"</i> .	To provide clarity that approval is required from both relevant planning authorities and both local lead flood authorities where the phase falls within the administrative areas of both the District of South Kesteven and the County of Rutland.	Deadline 5
Schedule 2, Requirement 10	Replacement of all of the previous drafting with <i>'The authorised development must be carried out in accordance with the outline written scheme of investigation'</i> .	The outline written scheme of investigation has been submitted at Deadline 5, and this document sets out the process and timing for the agreement of archaeological mitigation measures meaning this Requirement can be simplified.	Deadline 5

Schedule 2, Requirement 16	Amendment from 'operational noise strategy' to ' <i>operational noise assessment</i> '.	This has been updated following ExA's FWQ 5.2.7(a).	Deadline 2
	Amended to state that the noise rating levels (determined in line with BSI British Standards Publication 4142:2014+A1:2019 dated 30 June 2019 (or the current version of that publication if this has been superseded when the assessment is submitted for approval)) must not exceed 35 decibels at residential properties	This has been amended following the ExA's comments at Issue Specific Hearing 3 to provide further clarity of the noise rating levels on the face of the Order.	Deadline 4
Schedule 2, Requirement 17	Amendment to refer to " <i>skills, <u>supply chain</u> and employment plan</i> ".	This has been updated following ExA's FWQ 5.2.8(c).	Deadline 2
Schedule 2, Requirement 18	Requirement 18 has been updated to include the Environment Agency as a specific consultee.	Requirement 18 has been updated to include the Environment Agency as a specific consultee, to enable the Environment Agency to comment on the Decommissioning Environmental Management Plan, as requested by the Environment Agency within their Relevant Representation [RR-0323].	Procedural Deadline A
	Requirement 18(4): Amended to add " <i>for the works required to decommission that phase of the authorised development</i> ".	This has been updated to clarify that the DEMP applies only to the decommissioning works that are carried out.	Deadline 2
	Adding a new sub-paragraph 1 to state: <i>"The undertaker must notify the local planning authority of its decision to decommission any part of the authorised development.</i>	This has been amended following the ExA and Interested Parties' comments at Issue Specific Hearing 3 to provide certainty as to when decommissioning is to take place. Taken with the updates to the oDEMP at Deadline 4, which requires a decommissioning programme to be included in the detailed DEMP, and this Requirement	Deadline 4

		requiring compliance with those detailed DEMPs, this will enable such certainty to be achieved.	
	<p>Sub-paragraph (1) amended to read:</p> <p><i><u>"Prior to the commencement of any decommissioning works for 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 South Kesteven and the County of Rutland) for approval, in consultation with the Environment Agency, a decommissioning environmental management plan for that part. <u>Decommissioning works must commence no later than 60 years following the date of final commissioning of Work No. 1 that is the subject of the last notice given by the undertaker pursuant to requirement 3(4)."</u></u></i></p>	<p>The start of this Requirement has been amended to reflect:</p> <p>(a) that matters dealing with the timing of decommissioning works have been set out in the oOEMP submitted at Deadline 5 to allow for more nuance than DCO drafting could allow. The requirement supplements that by providing the environmental controls necessary for those decommissioning works; and</p> <p>(b) an agreement to the imposition of a time limit for the authorised development of 60 years.</p>	Deadline 5
Schedule 2	Insertion of Lincolnshire County Council as a consultee in Requirement 7, 8, 11, 12 and 18.	This has been amended following discussion with the LPAs and review of their Deadline 4 submissions.	Deadline 5.
Schedule 2 generally	Amendments made throughout this Schedule to provide greater clarity that measures are retained for the relevant stage of development to which they relate (further to the thrust of the ExA's questions referred to below) and to ensure that they are each internally consistent when referring to phases.		Deadline 2
Schedule 3	Amending the title of the legislation being disapplied	This has been amended to more accurately reflect the full title of the local legislation.	Deadline 4
Schedule 4	<p>Amending the descriptions to 'public right of way' or 'highway' as required.</p> <p>Adding an additional row.</p>	This has been inserted in accordance with the Applicant's Response to Interested Parties' Deadline 2 Submissions on	Deadline 3

		<p>draft Development Consent Order (Rev 0) to correct a typographical error.</p> <p>Other amends made to ensure Schedule is fully consistent with Access and Rights of Way Plans.</p>	
Schedule 8, Part 2	Insertion of an addition temporary road closure.	This has been inserted to reflect the updated traffic regulation measures plans – road closures (Rev 2) following comments made by MPAG at Deadline 4.	Deadline 5
Schedule 9	Amendment of definition of “vegetation maintenance rights” to include restricting or preventing the removal of vegetation.	Amended to provide further clarity on the extent of restrictive covenants sought (building on the similar drafting in the other 'categories' of rights in this Schedule) pursuant to article 22(2) following the ExA's Second Written Question 5.0.6.	Deadline 5
Schedule 4, 5, 6, 7, 8	Amendment from 'District' to 'Area'	Amended following the ExA's Second Written Question 5.3.1	Deadline 5
Schedule 13	Schedule 13 has been updated to reflect the submission of the updated outline soil management plan and outline construction environmental management plan at Procedural Deadline A.	Schedule 13 has been updated to reflect the latest document revision numbers and their date of submission and corrects the revision numbers of the documents submitted at the submission stage on 24 November 2022.	Procedural Deadline A
	Schedule 13 has been updated to reflect the submission of the updated documents submitted at Deadline 2.	Schedule 13 has been updated to reflect the latest document revision numbers and their date of submission.	Deadline 2
	Schedule 13 has been updated to reflect the submission of the updated documents submitted at Deadline 3.	Schedule 13 has been updated to reflect the latest document revision numbers and their date of submission.	Deadline 3

	Schedule 13 has been updated to reflect the submission of the updated documents submitted at Deadline 4.	Schedule 13 has been updated to reflect the latest document revision numbers and their date of submission.	Deadline 4
	Schedule 13 has been updated to reflect the submission of the updated documents submitted at Deadline 5.	Schedule 13 has been updated to reflect the latest document revision numbers and their date of submission.	Deadline 5
Schedule 15	The protective provisions for the protection of National Grid Gas PLC have updated in Part 3 and for National Grid Electricity Transmission inserted in Part 4.	The protective provisions have been updated to reflect the latest discussions with National Grid. The protective provisions have not yet been agreed. In particular, paragraphs 18, 22, 27 and 31 are under discussion.	Procedural Deadline A
	The protective provisions for the protection of National Gas Transmission Plc have been updated in Part 3 and for National Grid Electricity Transmission in Part 4.	The protective provisions have been updated to reflect the agreed provisions with NGT and NGET.	Deadline 2
	The protective provisions for Anglian Water have been updated in Part 6.	The protective provisions have been updated to reflect the agreed provisions with Anglian Water.	Deadline 2
	The protective provisions for Network Rail have been updated in Part 7.	The protective provisions have been updated to reflect the agreed provisions with Network Rail.	Deadline 2
	The protective provisions for Cadent Gas Limited have been updated in Part 8.	The protective provisions have been updated to reflect the agreed provisions with Cadent.	Deadline 2
Schedule 15, Part 4	The protective provisions for the protection of National Grid Electricity Transmission have been inserted.	The protective provisions have been inserted to reflect the latest discussions with National Grid. The protective provisions have not yet been agreed. In particular, paragraphs 34, 38, 43 and 47 are under discussion. Part 4 will be updated further once the protective provisions have been agreed.	Procedural Deadline A

	The protective provisions for the protection of National Grid Electricity Transmission have been inserted.	The protective provisions have been inserted to reflect the agreed provisions with NGET.	Deadline 2
Schedule 15, Part 5	The protective provisions for the protection of Environment Agency have been updated.	The protective provisions have been updated to reflect the latest discussions with the Environment Agency. The protective provisions have not yet been agreed. In 2 particular, paragraphs 49, 50, 53 and 58 are under discussion. Part 5 will be updated further once the protective provisions have been agreed.	Procedural Deadline A
Schedule 15, Part 6	The protective provisions for the protection of Anglian Water have been inserted.	The protective provisions have been inserted to reflect the latest discussions with Anglian Water. The protective provisions have not yet been agreed. In particular, paragraphs 68 and 70 are under discussion. Part 6 will be updated further once the protective provisions have been agreed.	Procedural Deadline A
	The protective provisions for the protection of Anglian Water have been inserted.	The protective provisions have been updated to reflect the provisions agreed with Anglian Water.	Deadline 2
Schedule 15, Part 7	The protective provisions for the protection of Network Rail have been inserted.	As requested by Network Rail, the protective provisions have been inserted to reflect the template protective provisions for the protection of Network Rail. The protective provisions continue to be under discussion, particularly in relation to the indemnity provisions, and the agreed protective provisions will be appended to the Framework Agreement.	Procedural Deadline A

Schedule 15, Part 8	The protective provisions for the protection of Cadent Gas Limited have been inserted.	The protective provisions have been inserted to reflect the latest discussions with Cadent Gas Limited. The protective provisions have not yet been agreed. In particular, paragraph 104 is under discussion. Part 8 will be updated further once the protective provisions have been agreed.	Procedural Deadline A
	The protective provisions for the protection of Cadent Gas Limited have been inserted.	The protective provisions have been updated to reflect the provisions agreed with Cadent Gas Limited.	Deadline 2
Schedule 16, Part 2	Schedule 16, Part 2(1) has been updated to provide a period of eight weeks rather than six weeks for the undertaker to give notice of its decision on the application.	This has been amended in response to the ExA's FWQ 5.4.2(a).	Deadline 2
	Schedule 16, Part 2(4) has been updated to provide: <i>"(4) Where an application has been made to the relevant planning authority for any consent, agreement or approval required by a requirement included in this Order and the relevant planning authority does not determine the application within the period set out in sub-paragraph (1):</i> <i>(a) And the application is accompanied by a report pursuant to sub-paragraph (3) which states that the subject matter of such application is likely to give rise to any materially new or materially different environmental effects compared to those in the environmental statement; or</i> <i>(a) The relevant planning authority considers that the subject matter of such applications will give rise to any materially new or materially different environmental effects compared to those in</i>	The Applicant has reviewed this in response to the ExA's FWQ 5.4.2(b) and it has been updated to provide further clarity.	Deadline 2

	<i>the environmental statement, then the application is to be taken to have been refused by the relevant planning authority at the end of that period”.</i>		
	This has been amended to provide a longer period of 10 weeks, rather than 8 weeks, for Requirement 6, 7, 11, 12 and 18.	This has been amended following comments from the local planning authorities at Issue Specific Hearing 3 to provide longer periods for discharging certain requirements. It is understood that the LPAs may have further comments on this list in due course.	Deadline 4
Schedule 16, part 2(6)	Addition of a new part 2(6) to state: <i>“Where an application has been made to the relevant planning authority for any consent, agreement or approval required by a requirement, the undertaker will also submit a copy of that application to any requirement consultee”.</i>	This has been inserted following discussion with the LPAs and review of their Deadline 4 submissions.	Deadline 5
Schedule 16, part 3(2)	Amended the further information requests period from 10 to 20 working days.	This period has been extended in accordance with the Applicant’s Response to Interested Parties’ Deadline 2 Submissions on draft Development Consent Order (Rev 0)	Deadline 3
Schedule 16, part 3(3)	Amended the consultation period from five to 10 working days.	This period has been extended in accordance with the Applicant’s Response to Interested Parties’ Deadline 2 Submissions on draft Development Consent Order (Rev 0).	Deadline 3
	Amended the further information requests period from five to 10 working days from receipt of such a request.	This period has been extended in accordance with the Applicant’s Response to Interested Parties’ Deadline 2 Submissions on draft Development Consent Order (Rev 0)	Deadline 3

	Amended the further information requests period from 15 to 20 working days from receipt of the discharge application.	This period has been extended in accordance with the Applicant's Response to Interested Parties' Deadline 2 Submissions on draft Development Consent Order (Rev 0).	Deadline 3
Schedule 16	Addition of new Part 5 in relation to fees.	This has been inserted following discussion with the LPAs and review of their Deadline 4 submissions and is consistent with the drafting on the Longfield and Boston Alternative Energy Facility projects.	Deadline 5

