

Gate Burton Energy Park

EN010131

Schedule of Changes to the draft DCO
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1. Schedule of Changes to the draft DCO

Reference	Change	Reasons for Change	Deadline
Article 2 (Interpretation)	<u>“Archaeological mitigation strategy” means the plans of that name identified in the table at Schedule 13 (documents and plans to be certified), including Part 1 and Part 2, and which are certified by the Secretary of State as the archaeological mitigation strategy for the purposes of this Order;</u>	As a result of Issue Specific Hearing 1 (ISH1) on the draft DCO [APP-215].	D1
	“date of final commissioning” means in respect of each part of the authorised development as approved under requirement 2 of Schedule 2 (requirements) the date on which each part of the authorised development commences operation by generating electricity on a commercial basis but excluding the generation of electricity during commissioning and testing;	Errata.	D1
	“date of final commissioning” means the date on which each part of the authorised development commences operation by generating electricity on a commercial basis but excluding the generation of electricity during commissioning and testing;	As a result of Issue Specific Hearing 2 (ISH2) on the draft DCO [REP2-027].	D3
	“date of decommissioning” means in respect of each part of the authorised development, the date notified under requirement 19 that that part of the authorised development has ceased to generate electricity on a commercial basis;	Errata, not used.	D1
	“permitted preliminary works” means all or any of— (a) environmental surveys, geotechnical surveys, intrusive archaeological surveys and other investigations for the purpose of assessing ground conditions; (b) removal of plant and machinery; (c) above ground site preparation for temporary facilities for the use of contractors;	To provide the necessary powers in relation to the advanced planting works proposed under the Outline	D1

	<p>(d) remedial work in respect of any contamination or other adverse ground conditions;</p> <p>(e) diversion and laying of apparatus;</p> <p>(f) the provision of temporary means of enclosure and site security for construction;</p> <p>(g) the temporary display of site notices or advertisements; or</p> <p>(h) site clearance (including vegetation removal, demolition of existing buildings and structures); <u>or</u></p> <p>(i) <u>advanced planting to allow for an early establishment of protective screening;</u></p>	Landscape and Ecological Mitigation Plan [APP-231].	
	<p>“relevant planning authority” means the local planning authority for the area in which the land to which the provisions of this Order apply is situated <u>and as more particularly described for the purposes of the requirements in Schedule 2 (requirements);</u></p>	Following discussions with Lincolnshire County Council.	D1
	<p>“Vegetation removal plan” means the plans of that name identified in the table at Schedule 13 (documents and plans to be certified) and which are certified by the Secretary of State as the <u>vegetation removal plan for the purposes of this Order;</u></p>	As a result of ISH1.	D1
	<p>†“West Burton undertaker” means the undertaker for the purposes of the West Burton Solar Project Order 202[*];</p>	Following the submission of the application for development consent for West Burton Solar Project on 21 March 2023.	D1
Article 6	<p>6.—(1) The following provisions do not apply in relation to the construction of any work or the carrying out of any operation required for the purposes of, or in connection with, the construction, operation or maintenance of any part of the authorised development—</p> <p>(a) section 23 (prohibition of obstructions, etc. in watercourses) of the Land Drainage Act 1991;</p> <p>(b) section 32 (variation of awards) of the Land Drainage Act 1991;</p>	Following discussions with the Environment Agency.	D1

	<p>(c) the provisions of any byelaws made under section 66 (powers to make byelaws) of the Land Drainage Act 1991;</p> <p>(d) section 24 (restrictions on abstraction) of the Water Resources Act 1991;</p> <p>(e) section 25 (restrictions on impounding) of the Water Resources Act 1991;</p> <p>(f)(d) the provisions of any byelaws made under, or having effect as if made under, paragraphs 5, 6 or 6A of Schedule 25 (byelaw making powers of the appropriate agency) to the Water Resources Act 1991;</p> <p>(g)(e) section 118 (consent request for discharge of trade effluent into public sewer) of the Water Industry Act 1991;</p> <p>(h)(f) regulation 12 (requirement for environmental permit) of the Environmental Permitting (England and Wales) Regulations 2016 <u>in respect of a flood risk activity only</u>;</p> <p>(i)(g) the legislation listed in Schedule 3 (legislation to be disapplied) in so far as the provisions still in force are incompatible with the powers contained within this Order; and</p> <p>(j)(h) the provisions of the Neighbourhood Planning Act 2017 insofar as they relate to the temporary possession of land under articles 29 (temporary use of land for constructing the authorised development) and 30 (temporary use of land for maintaining the authorised development) of this Order.</p>		
	<p>(g) the legislation listed in Schedule 3 (legislation to be disapplied) in so far as the provisions still in force are incompatible with the powers contained within this Order <u>and do not impact on the operation or maintenance of the River Trent as a navigable river</u>; and...</p>	Following discussions with the Canal & River Trust.	D3
Article 9	<p>(4) The powers conferred by paragraph (2) may not be exercised without the consent of the street authority, <u>such consent to be in a form reasonably required by the street authority</u>.</p>	As a result of ISH2.	D3
Article 11	<p>Temporary stopping up of <u>street and</u> public rights of way</p> <p>11.—(1) The undertaker, during and for the purposes of constructing or maintaining the authorised development, may temporarily stop up, prohibit the use of, restrict the use of, authorise the use of, alter or divert any <u>street or</u> public right of way and may for any reasonable time—</p> <p>(a) divert the traffic or a class of traffic from the street or public right of way;</p>	In response to ExQ 1.6.17 of the Examining Authority's first Written	D2

	<p>(b) authorise the use of motor vehicles on classes of public rights of way where, notwithstanding the provisions of this article, there is otherwise no public right to use motor vehicles; and</p> <p>(c) subject to paragraph (2), prevent all persons from passing along the <u>street or</u> public right of way.</p> <p>(2) The undertaker must provide reasonable access for pedestrians going to or from premises abutting a <u>street or</u> public right of way affected by the temporary stopping up, prohibition, restriction, alteration or diversion of a <u>street or</u> public right of way under this article if there would otherwise be no such access.</p> <p>(3) [...]</p> <p>(4) The undertaker must not temporarily stop up, prohibit the use of, authorise the use of, restrict the use of, alter or divert— any <u>street or</u> public right of way specified in paragraph (3) without first consulting the street authority; and any other <u>street or</u> public right of way without the consent of the street authority, and the street authority may attach reasonable conditions to any such consent.</p> <p>(5) [...]</p> <p>(6) Without prejudice to the scope of paragraph (1), the undertaker may use any <u>street or</u> public right of way which has been temporarily stopped up under the powers conferred by this article and within the Order limits as a temporary working site.</p> <p>(7) [...]</p>	<p>Questions [PD-006].</p>	
<p>Article 35</p>	<p>3(b) ...the transfer or grant relates to Work No. 4B and the transferee or lessee (as relevant) is the Cottam undertaker and or the West Burton undertaker;</p>	<p>Following the submission of the application for development consent for West Burton Solar Project on 21 March 2023.</p>	<p>D1</p>

Article 38	<p>38.—(1) The undertaker may fell or lop any tree or shrub near any part of the authorised development within or overhanging land within the Order limits or cut back its roots</p>	Minor drafting amendments to add clarity.	D1
	<p>(5) Without prejudice to the generality of paragraph (4), the undertaker may, for the purposes of the authorised development or in connection with the authorised development and subject to paragraph (2), remove the hedgerows specified in column 2 of the table in Schedule 17 (hedgerows to be removed) as shown on the vegetation removal plan.</p>	As a result of ISH1.	D1
Article 39	<p>39.—(1) The undertaker may fell or lop any tree described in Schedule 18 (trees subject to tree preservation orders) that is subject to a tree preservation order within or overhanging land within the Order limits or cut back its roots or undertake such other works described in column (2) of that Schedule relating to the relevant part of the authorised development described in column (3) of that Schedule, if it reasonably believes it to be necessary to do so in order to prevent the tree from obstructing or interfering with the construction, maintenance or operation of the authorised development or any apparatus used in connection with the authorised development.</p>	In response to ExQ 1.6.27 of the Examining Authority’s first Written Questions [PD-006].	D2
Article 46	<p>(4) Save for applications made pursuant to Schedule 16 (procedure for discharge of requirements) and where stated to the contrary if, within six <u>eight</u> weeks</p>	Errata. For consistency with Schedule 16 as updated at D1.	D3
Schedule 2 (Requirements)	<p>1. In this Schedule— <u>“relevant planning authority” means –</u> <u>(a) Lincolnshire County Council for the purposes of:</u> <u>(i) requirement 6;</u> <u>(ii) requirement 10;</u> <u>(iii) requirement 14;</u> <u>(iv) requirement 16;</u> <u>(v) requirement 17; and</u> <u>(b) West Lindsey District Council and Bassetlaw District Council for the purposes of:</u></p>	Following discussions with Lincolnshire County Council to specify which planning authority is responsible to discharge which requirement.	D1

	<p>(i) requirement 3; (ii) requirement 4; (iii) requirement 5; (iv) requirement 7; (v) requirement 8; (vi) requirement 9; (vii) requirement 12; (viii) requirement 13; (ix) requirement 15; (x) requirement 18; (xi) requirement 19; and</p> <p>“relevant planning authorities” means Lincolnshire County Council, West Lindsey District Council and Bassetlaw District Council, as applicable.</p>		
Requirement 5	<p>5.—(1) No part of the authorised development may commence until details of—</p> <p>(a) the layout;</p> <p>(b) scale;</p> <p>(c) proposed finished ground levels;</p> <p>(d) external appearance;</p> <p>(e) hard surfacing materials;</p> <p>(f) vehicular and pedestrian access, parking and circulation areas;</p> <p>(g) refuse or other storage units, signs and lighting;</p> <p>(h) drainage, water, power and communications cables and pipelines;</p> <p>(i) programme for landscaping works, planting works and programme for implementation works</p>	Following discussions with Lincolnshire County Council.	D1
	<p>“...relating to that part have been submitted <u>to</u> and approved in writing by the relevant planning authority for that part or, where the part falls within the administrative areas of multiple relevant planning authorities, each of the relevant planning authorities...”</p>	In response to ExQ 1.6.31 of the Examining Authority’s first	D2

		Written Questions [PD-006].	
Requirement 6	6.—(1) Work No. 2 must not commence until a battery safety management plan has been submitted to and approved by the relevant planning authorities authority.	Update to align with the new definition of relevant planning authority in Article 2 and Schedule 2.	D1
	(3) The relevant planning authority must consult with the Health and Safety Executive, Lincolnshire Fire and Rescue and, Nottinghamshire Fire and Rescue Service and the Environment Agency before determining an application for approval of the battery safety management plan.	At the written request of the Health and Safety Executive and oral request from the Environment Agency at ISH1.	D1
	(4) The relevant planning authority must consult with Lincolnshire Fire and Rescue, and Nottinghamshire Fire and Rescue Service and the Environment Agency before determining an application for approval of the battery safety management plan.	Following engagement with the Environment Agency.	D3
	(5) The battery safety management plan must be implemented as approved and maintained throughout the construction, operation and decommissioning of the authorised development.	As requested by WLDC at ISH2.	D3
Requirement 7	7.—(1) No part of the authorised development may commence until a written landscape and ecological management plan has been submitted to and approved by the relevant planning authority for that part or, where the part falls within the administrative areas of multiple relevant planning authorities, each of the relevant planning authorities, in consultation with the Environment Agency.	Following engagement with the Environment Agency.	D1

	(3) The landscape and ecological management plan must be implemented as approved <u>and maintained throughout the operation of the relevant part of the authorised development to which the plan relates.</u>	At the request of West Lindsey District Council.	D1
	(4) <u>For the purposes of sub-paragraph (1), “commence” includes part (h) (site clearance (including vegetation removal, demolition of existing buildings and structures)) and part (i) (advanced planting to allow for an early establishment of protective screening) of permitted preliminary works.</u>	As a result of ISH1 and to align with the updated definition of permitted preliminary works in Article 2.	D1
Requirement 8	(3) <u>The biodiversity net gain strategy must be maintained throughout the operation of the relevant part of the authorised development to which the plan relates.</u>	As requested by WLDC at ISH2.	D3
Requirement 13	(2) The operational environmental management plan must be substantially in accordance with the framework operational environmental management plan and must be implemented as approved <u>and maintained throughout the operation of the relevant part of the authorised development to which the plan relates.</u>	At the request of West Lindsey District Council.	D1
Requirement 14	(4) <u>The construction traffic management plan must be implemented as approved.</u>	To ensure consistent obligations in relation to each of the management plans.	D1
Requirement 15	(2) The design as described in the operational noise assessment must be implemented as approved <u>and maintained throughout the operation of the relevant part of the authorised development to which the plan relates.</u>	As requested by WLDC at ISH2.	D3
Requirement 17	(2) All construction works associated with the authorised development must be carried out in accordance with the approved soil management plan <u>approved pursuant to sub-paragraph (1).</u>	Minor amends for clarity.	D1

	(4) The operation of the authorised development must be carried out in accordance with the approved soil management plan <u>approved pursuant to sub-paragraph (3) and maintained throughout the operation of the relevant part of the authorised development to which the plan relates.</u>	To align with the additions to Requirement 7 and Requirement 13.	D1
	(6) The decommissioning of the authorised development must be carried out in accordance with the approved soil management plan <u>approved pursuant to sub-paragraph (5).</u>	Minor amends for clarity.	D1
Requirement 18	18. —(1) No part of the authorised development may commence until a skills, supply chain and employment plan in relation to that part has been submitted to and approved by the relevant planning authority for that part or, where the part falls within the administrative areas of multiple planning authorities, each of the relevant planning authorities <u>following consultation with Lincolnshire County Council.</u>	Following discussions with Lincolnshire County Council.	D1
	(4) The skills, supply chain and employment plan must be implemented as approved <u>and maintained throughout the operation of the relevant part of the authorised development to which the plan relates.</u>	As requested by WLDC at ISH2.	D3
Requirement 19	19. —(1) <u>Decommissioning of the authorised development must commence no later than 60 years following the date of final commissioning of the authorised development.</u>	As a result of ISH1. To ensure that it is a time limited consent by requiring decommissioning to take place within a set time period.	D1
	(2) 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 a decommissioning environmental management plan for approval <u>which must include a decommissioning traffic management plan and site waste management plan, in consultation with the Environment Agency.</u>	Following discussions with Lincolnshire County Council and the Environment Agency.	D1

	<p><u>(2) No later than 12 months prior to the date the undertaker intends to decommission the authorised development, the undertaker must notify the relevant planning authority of the intended date of decommissioning.</u></p> <p>(2)(3) Within 12 months of the date that the undertaker decides to decommission any part of the authorised development notified pursuant to sub-paragraph (2), the undertaker must submit to the relevant planning authority for that part a decommissioning environmental management plan for approval which must include a decommissioning traffic management plan and site waste management plan, in consultation with the Environment Agency.</p>			As a result of ISH2.	D3
Schedule 4	District of West Lindsey (3)	Marton Road Eastbound	Cable works beneath the width of the street for the length shown in green on sheet 8 of the streets, rights of way and access plans.	Errata. There were no cable works proposed at Marton Road Eastbound (it was for access).	D2
Schedule 5, Part 1	Field Access Kexby Lane B1241 Westbound <u>Eastbound</u>			Errata.	D1
	District of Bassetlaw	Existing Field access off Cottam Road Westbound	Permanent alteration of layout at the point marked 15/ <u>0112</u> on sheet 15 of the streets, rights of way and access plans.	Access being amended a short distance to align with that proposed by the other projects.	D2
Schedule 7	District of West Lindsey	Marton Road Eastbound	The provision of a permanent means of access to the authorised development from the point marked 8/03 on the streets, access and rights of way plans.	Access from Marton Road removed following further environmental consideration.	D2

	District of Bassetlaw	Cottam Road Westbound	The provision of a permanent means of access to the authorised development from the point marked 15/0142 on the streets, access and rights of way plans.	Access being amended a short distance to align with that proposed by the other projects.	D2
Schedule 8	Various amendments to the Sheet references in column (2).			Errata.	D1
	Marion Road Eastbound and Westbound Carriageway to facilitate the construction of operation accesses only for the solar and energy storage park		Extents of traffic signals and banksman control presented on Sheet 8 of the Traffic Regulation Measures Plans	Access from Marion Road removed following further environmental consideration.	D2
Schedule 9	<p>3. Details of licensed marine activities</p> <p>(1) [...]</p> <p>(2) Such activities are authorised in relation to—</p> <p>works to lay electrical cables including one 400 kilovolt cable circuit connecting Work No. 4A to Work No. 4C including tunnelling, boring and drilling works for trenchless crossings;</p> <p>(b) laying down of internal access tracks, ramps, means of access, footpaths, crossing of watercourses, roads, including the laying and construction of drainage infrastructure, signage and information boards; and</p> <p>(c) construction compounds, including site and welfare offices and areas to store materials and equipment.</p>			To clarify extent of works to be carried out in area of deemed marine licence, following discussions with the MMO.	D2
Schedule 10	<p>“service rights”:</p> <p>(b) remain, pass and repass on foot, with or without vehicles, plant and machinery (including rights to lay and use any temporary surface or form a temporary compound) for all purposes in connection with the authorised development substation works</p>			Errata	D3

Schedule 13	Amended Schedule, split it into three parts comprising the documents forming part of the environmental statement to be certified, examination documents forming part of the environmental statement to be certified and other documents to be certified.	As a result of ISH1. To add clarity on the specific references of documents to be certified, in line with other recent energy DCOs.	D1
	List of documents and plans to be certified updated to reflect the submissions made at Deadline 1.	General updates.	D2
	List of documents and plans to be certified updated to reflect the submissions made at Deadline 2.	General updates.	D3
Schedule 15, Part 1 (Standard PPs)	1. For the protection of the utility undertakers referred to in this part of this Schedule (<u>save for any utility undertakers which are specifically protected by any other Part of this Schedule, which will take precedence</u>), the following provisions have effect, unless otherwise agreed in writing between the undertaker and the utility undertakers concerned.	Errata. To avoid double protection.	D1
	any other mains, pipelines or cables that are not the subject of the protective provisions in Parts 2 to <u>126</u> of this Schedule;	Update to reflect new protective provisions added.	D1
Schedule 15, Part 4 (Cottam)	Removal of square brackets next to the Work No. 6B in the protective provisions for the benefit of Cottam Solar Project Limited.	Errata.	D1
Schedule 15, Part 5 (West Burton)	Removal of square brackets and insertion of Work No. 5B in the protective provisions for the benefit of West Burton Solar Project Limited.	Following the submission of the application for development consent for West Burton Solar	D1

		Project on 21 March 2023.	
Schedule 15, Part 6 (Anglian Water)	Various amendments to the Anglian Water Services Limited protective provisions.	Following discussions with the Anglian Water Services Limited.	D1
Schedule 15, Part 7 (NGED)	Various amendments to the protective provisions for the protection of National Grid Electricity Distribution (East Midlands) Plc (NGED) as electricity undertaker.	Following agreement with NGED.	D2
Schedule 15, Part 8 (Environment Agency)	Various amendments to the Environment Agency protective provisions.	Following discussions with the Environment Agency.	D1
Schedule 15, Part 10 (Network Rail)	New protective provisions included for the protection of railway interests.	Following discussions with Network Rail Infrastructure Limited.	D1
Schedule 15, Part 11 (Canal & River Trust)	Placeholder added for new protective provisions to be included for the benefit of the Canal & River Trust later in Examination, once agreed.	Following discussions with the Canal & River Trust.	D1
	New protective provisions included for the protection of the Canal & River Trust	As agreed with the Canal & River Trust.	D3

Schedule 15, Part 12 (Exolum)	Placeholder added for new protective provisions to be included for the benefit of Exolum Pipeline Systems Ltd later in Examination, once agreed.	Following discussions with Exolum Pipeline Systems Ltd.	D1
Schedule 16	1. <u>“working day” means any day other than a Saturday, Sunday or English bank or public holiday.</u>	At the request of the Environment Agency [RR - 270].	D1
	2. Where an application has been made to the relevant planning authority for any consent, agreement or approval required by a requirement the relevant planning authority must give notice to the undertaker of its decision on the application within a period of six <u>eight</u> weeks [...]	As a result of ISH1. This reflects the notice period in similar DCOs, including the Cleve Hill Solar Park Order 2020 and the Little Crow Solar Park Order 2022.	D1
	2.(1) <u>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.</u> (2) <u>Subject to sub-paragraph (3), w</u> Where an application has been made to the relevant planning authority for any consent, agreement or approval required by a requirement the relevant planning authority must give notice to the undertaker of its decision on the application within a period of eight weeks beginning with the later of— (a) the day immediately following that on which the application is received by the authority; (b) the day immediately following that on which further information has been supplied by the undertaker under paragraph 3; or (c) such longer period that is agreed in writing by the undertaker and the relevant planning authority.	As a result of ISH2 and following discussions with LCC.	D3

	<p><u>(3) Where an application has been made to the relevant planning authority for any consent, agreement or approval required by requirement 5, the relevant planning authority must give notice to the undertaker of its decision on the application within a period of ten weeks beginning with the later of—</u></p> <p><u>(a) the day immediately following that on which the application is received by the authority;</u></p> <p><u>(b) the day immediately following that on which further information has been supplied by the undertaker under paragraph 3; or</u></p> <p><u>(c) such longer period that is agreed in writing by the undertaker and the relevant planning authority.</u></p>		
	<p>Further information and consultation</p> <p>(1) [...]</p> <p>(2) In the event that the relevant planning authority considers such further information to be necessary and the provision governing or requiring the application does not specify that consultation with a requirement consultee is required, the relevant planning authority must, within 1020 working days of receipt of the application, notify the undertaker in writing specifying the further information required.</p> <p>(3) If the provision governing or requiring the application specifies that consultation with a requirement consultee is required, the relevant planning authority must issue the consultation to the requirement consultee within five10 working days of receipt of the application, and must notify the undertaker in writing specifying any further information the relevant planning authority considers necessary or that is requested by the requirement consultee within five10 working days of receipt of such a request and in any event within 1520 working days of receipt of the application (or such other period as is agreed in writing between the undertaker and the relevant planning authority).</p>	<p>As a result of ISH2 and following discussions with LCC.</p>	<p>D3</p>
	<p><u>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</u></p>	<p>As a result of ISH2 and following</p>	<p>D3</p>

	<p><u>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.</u></p> <p><u>(2) Any fee paid under this Schedule must be refunded to the undertaker within four weeks of—</u> <u>the application being rejected as invalidly made; or</u> <u>the relevant planning authority failing to determine the application within the relevant period in paragraph 2(2) or paragraph 2(3) unless—</u></p> <p><u>(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</u> <u>(ii) a longer period of time for determining the application has been agreed pursuant to paragraph 2(2) or 2(3) of this Schedule, as applicable.</u></p>	discussions with LCC.	
Schedule 17	New schedule included, to provide details of hedgerows to be removed.	As a result of ISH1.	D1
Schedule 18	New schedule included, to provide details of trees subject to tree preservation orders.	In response to ExQ 1.6.27 of the Examining Authority's first Written Questions [PD-006] .	D2
Explanatory Note	"A copy of the Order plans and the book of reference mentioned in the Order and certified in accordance with article 40 (certification of plans and documents, etc) of this Order may be inspected free of charge during working hours at <u>Lincolnshire County Council, County Offices, Newland, Lincoln LN1 1YL</u> "	Following discussions with Lincolnshire County Council.	D2