

Tillbridge Solar Project
EN010142

Schedule of Changes to the draft DCO
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The Infrastructure Planning (Examination Procedure) Rules 2010

~~October~~ December 2024
Revision Number: 001

Schedule of Changes to the draft DCO

Reference	Change	Reason for Change	Deadline
Table of Contents	Deletion of Articles 18 and 45 and Schedule 16. 18. Removal of human remains [Article deleted] 45. Deemed marine licence [Article deleted] SCHEDULE 16 — DEEMED MARINE LICENCE UNDER THE 2009 ACT [Schedule deleted] PART 1 — LICENSED MARINE ACTIVITIES PART 2 — CONDITIONS	Articles deleted in Order (see discussion below)	1
Article 2 (Interpretation)	Deletion of definition “the 2009 Act” means the Marine and Coastal Access Act 2009(a);	Definition no longer required as marine licence article deleted.	1
Article 2 (Interpretation)	Addition of definition <u>“archaeological mitigation strategy” means the plans of that name identified in the table at Schedule 12 (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>	New definition to align with updated Archaeology Requirement 11. Aligns with definition in Gate Burton Energy Park Order 2024	1
Article 2 (Interpretation)	Amendment to definition “Cottam undertaker” means the undertaker for the purposes of the Cottam Solar Project Order 2024 <u>2024</u> ;	To reflect the Cottam Solar Project Order 2024 has now been made.	1
Article 2 (Interpretation)	Addition of definition <u>“date of decommissioning” means in respect of each part of the authorised development, the date that that part of the authorised development has permanently ceased to generate electricity on a commercial basis;</u>	Definition added per comments by West Lindsey District Council at ISH1. Aligns with decommissioning requirement to ensure both the existing 60 year limit within Requirement 20 and a trigger for decommissioning to commence from the period when electricity generation ceases permanently. The same definition was used in the Cottam Solar Project Order 2024 to achieve this purpose.	1

Reference	Change	Reason for Change	Deadline
Article 2 (Interpretation)	Amendment to definition “Gate Burton undertaker” means the undertaker for the purposes of the Gate Burton Energy Park Order 2021 2024 ;	To reflect the Gate Burton Energy Park Order 2024 has now been made.	1
Article 2 (Interpretation)	Deletion of definition “MMO” means the Marine Management Organisation, Lancaster House, Hampshire Court, Newcastle upon Tyne, NE4 7YH;	Definition no longer required as marine licence article deleted.	1
Article 2 (Interpretation)	Amendment to definition “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; (d) remedial work in respect of any contamination or other adverse ground conditions; (e) diversion and laying of apparatus; (f) the provision of temporary means of enclosure and site security for construction; (g) the temporary display of site notices or advertisements; (h) site clearance (including vegetation removal, demolition of existing buildings and structures); <u>or</u> (i) advanced planting to allow for an early establishment of protective screening ;	Definition amended to enable advanced landscape planting, in order to maximise screening prior to commencement of construction works.	1
Article 2 (Interpretation)	Addition to clarifying clauses for definitions <u>(9) References in this Order to any statute, order, regulation or similar instrument are to be construed as a reference to the statute, order, regulation or instrument as amended by any subsequent statute, order, regulation or instrument or as contained in any subsequent re-enactment.</u>	Addition adopted per the made Gate Burton Energy Park Order 2024 – adopted to provide clarification as to references to Acts within the Order.	1

Reference	Change	Reason for Change	Deadline
Article 7 (Defence to proceedings in respect of statutory nuisance)	Amendment to cross reference to external Act (2) Section 61(9) (prior consent for work on construction sites to include statement that it does not of itself constitute a defence to proceedings under section 82 of the Environmental Protection Act 1990) of the Control of Pollution Act 1974, does not apply where the consent relates to the use of the premises by the undertaker for purposes of the authorised development, or in connection with the authorised development.	Change made to align with correct cross reference to Control of Pollution Act 1974.	1
Article 16 (Traffic regulation measures)	Amendment to notice provisions for exercise of traffic regulation powers (5) The undertaker must not exercise the powers in paragraph (1) or (2) unless it has— (a) given not less than 4 weeks’ notice in writing of its intention so to do to the chief officer of police and to the traffic authority in whose area the road is situated; and (b) not less than 7 days before the provision is to take effect published the undertaker’s intention to make the provision in one or more newspaper <u>newspapers</u> circulating in the area in which any road to which the provision relates is situated; and <u>(c) displayed a site notice containing the same information at each end of the length of road affected.</u>	Amendments in line with changes made in Cottam Solar Project and Gate Burton Energy Park Orders. Ensures sufficient notice is provided.	1
Article 17 (Discharge of water)	Deletion to references to public sewers, and cross reference to external act definition 17.—(1) Subject to paragraphs (3) and (4) the undertaker may use any watercourse or any public sewer or drain for the drainage of water for the purposes of the authorised development or in connection with the authorised development, and for that purpose may lay down, take up and alter pipes and may, on any land within the Order limits, make openings into, and connections with, the watercourse, public sewer or drain. (2) Any dispute arising from the making of connections to or the use of a public sewer or drain by the undertaker under paragraph (1) is to be determined as if it were a dispute under section 106 (right to communicate with public sewers) of the Water Industry Act 1991(a).	References to public sewer removed in response to concerns raised in the Anglian Water relevant representation. There is no requirement by the Scheme to connect into a public sewer so this power is not needed. Reference to Water Resources Act added to provide clarity as to what constitutes controlled waters – in line with Cottam Solar Project Order.	1

Reference	Change	Reason for Change	Deadline
	<p>(3) The undertaker must not discharge any water into any watercourse, public sewer or drain except with the consent of the person to whom it belongs whose consent may be given subject to terms and conditions as that person may reasonably impose.</p> <p>(4) The undertaker must not make any opening into any public sewer or drain except—</p> <p style="padding-left: 40px;">(a) in accordance with plans approved by the person to whom the sewer or drain belongs; and</p> <p style="padding-left: 40px;">(b) where that person has been given the opportunity to supervise the making of the opening.</p> <p>(5) Where the undertaker discharges water into, or makes any opening into, a watercourse, public sewer or drain belonging to or under the control of a drainage authority (as defined in Part 3 of Schedule 15 (protective provisions)), the provisions of Part 3 of Schedule 15 (protective provisions) apply in substitution for the provisions of paragraphs (3) and (4).</p> <p>(6) The undertaker must take such steps as are reasonably practicable to secure that any water discharged into a watercourse or public sewer or drain pursuant to this article is as free as may be practicable from gravel, soil or other solid substance, oil or matter in suspension.</p> <p>(7) This article does not authorise the entry into controlled waters (within the meaning given by section 104 of the Water Resources Act 1991) of any matter whose entry or discharge into controlled waters requires a licence pursuant to the Environmental Permitting (England and Wales) Regulations 2016(b).</p> <p>(8) In this article—</p> <p style="padding-left: 40px;">(a) “public sewer or drain” means a sewer or drain which belongs to Homes England, the Environment Agency, an internal drainage board, a joint planning board, a local authority, a National Park Authority, a sewerage undertaker or an urban development corporation; and</p> <p style="padding-left: 40px;">(b) other expressions, excluding watercourse, used both in this article and in the Water Resources Act 1991(a) have the same meaning as in that Act.</p>	<p>Deleted as indicated at ISH1, and per similar deletions within Cottam Solar Project and Gate Burton Energy Park Orders.</p>	<p>1</p>
<p>Article 18 (Removal of human remains</p>	<p>Article deleted</p>	<p>Deleted as indicated at ISH1, and per similar deletions within Cottam Solar Project and Gate Burton Energy Park Orders.</p>	<p>1</p>

Removal of human remains

~~18.—(1) Before the undertaker constructs any part of the authorised development or carries out works which will or may disturb any human remains in the Order limits it must remove those human remains from the Order limits, or cause them to be removed, in accordance with the following provisions of this article.~~

~~(2) Before any such remains are removed from the Order limits the undertaker must give notice of the intended removal, describing the Order limits and stating the general effect of the following provisions of this article, by—~~

~~(a) publishing a notice once in each of two successive weeks in a newspaper circulating in the area of the authorised development; and~~

~~(b) displaying a notice in a conspicuous place on or near the Order limits.~~

~~(3) As soon as reasonably practicable after the first publication of a notice under paragraph (2) the undertaker must send a copy of the notice to the relevant planning authority.~~

~~(4) At any time within 56 days after the first publication of a notice under paragraph (2) any person who is a personal representative or relative of any deceased person whose remains are interred in the Order limits may give notice in writing to the undertaker of that person's intention to undertake the removal of the remains.~~

~~(5) Where a person has given notice under paragraph (4), and the remains in question can be identified, that person may cause such remains to be—~~

~~(a) removed and reinterred in any burial ground or cemetery in which burials may legally take place; or~~

~~(b) removed to, and cremated in, any crematorium, and that person must, as soon as reasonably practicable after such reinterment or cremation, provide to the undertaker a certificate for the purpose of enabling compliance with paragraph (10).~~

~~(6) If the undertaker is not satisfied that any person giving notice under paragraph (4) is the personal representative or relative as that person claims to be, or that the remains in question cannot be identified, the question is to be determined on the application of either party in a summary manner by the county court, and the court may make an order specifying who is to remove the remains and as to the payment of the costs of the application.~~

As the Scheme has confirmed there are no known burial grounds within the Order limits, provision for any accidental discovery of remains within the written scheme of investigations is considered sufficient.

Reference	Change	Reason for Change	Deadline
	<p>(7) The undertaker must pay the reasonable expenses of removing and reintering or cremating the remains of any deceased person under this article.</p> <p>(8) If —</p> <ul style="list-style-type: none">(a) within the period of 56 days referred to in paragraph (5) no notice under that paragraph has been given to the undertaker in respect of any remains in the Order limits; or(b) such notice is given and no application is made under paragraph (6) within 56 days after the giving of the notice but the person who gave the notice fails to remove the remains within a further period of 56 days; or(c) within 56 days after any order is made by the county court under paragraph (6) any person, other than the undertaker, specified in the order fails to remove the remains; or(d) it is determined that the remains to which any such notice relates cannot be identified, <p>subject to paragraph (10) the undertaker must remove the remains and cause them to be reinterred in such burial ground or cemetery in which burials may legally take place as the undertaker thinks suitable for the purpose; and, so far as possible, remains from individual graves must be reinterred in individual containers which must be identifiable by a record prepared with reference to the original position of burial of the remains that they contain.</p> <p>(9) If the undertaker is satisfied that any person giving notice under paragraph (4) is the personal representative or relative as that person claims to be and that the remains in question can be identified, but that person does not remove the remains, the undertaker must comply with any reasonable request that person may make in relation to the removal and reinterment or cremation of the remains.</p> <p>(10) On the reinterment or cremation of any remains under this article —</p> <ul style="list-style-type: none">(a) a certificate of reinterment or cremation must be sent by the undertaker to the Registrar General by the undertaker giving the date of reinterment or cremation and identifying the place from which the remains were removed and the place in which they were reinterred or cremated; and		

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	<p>(b) a copy of the certificate of reinterment or cremation and the record mentioned in paragraph (8) must be sent by the undertaker to the relevant planning authority mentioned in paragraph (3).</p> <p>(11) No notice is required under paragraph (2) before the removal of any human remains where the undertaker is satisfied —</p> <p>(a) that the remains were interred more than 100 years ago; and</p> <p>(b) that no relative or personal representative of the deceased is likely to object to the remains being removed in accordance with this article.</p> <p>(12) In the case of remains in relation to which paragraph (11) applies, the undertaker —</p> <p>(a) may remove the remains;</p> <p>(b) must apply for direction from the Secretary of State under paragraph (14) as to their subsequent treatment; and</p> <p>(c) must deal with the remains in such manner, and subject to such conditions, as the Secretary of State directs.</p> <p>(13) In this article references to personal representative of the deceased are to a person or persons who —</p> <p>(a) is the lawful executor of the estate of the deceased; or</p> <p>(b) is the lawful administrator of the estate of the deceased.</p> <p>(14) The removal and subsequent treatment of the remains of any deceased person under this article must be carried out in accordance with any directions which may be given by the Secretary of State.</p> <p>(15) Any jurisdiction or function conferred on the county court by this article may be exercised by the district judge of the court.</p> <p>(16) Section 25 (offence of removal of body from burial ground) of the Burial Act 1857(a) is not to apply to a removal carried out in accordance with this article.}</p>		

^(a) 1857 c. 81. Substituted by Church of England (Miscellaneous Provisions) Measure 2014 No. 1 s.2 (January 2015: substitution has effect subject to transitional and saving provisions specified in S.I. 2014/2077 Schedule 1 paragraphs 1 and 2).

Reference	Change	Reason for Change	Deadline
Article 21 (Compulsory acquisition of land)	Amendment to cross references to other dDCO articles within Article (3) This article is subject to article 22 (time limit for exercise of authority to acquire land compulsorily), article 23 (compulsory acquisition of rights), article 26 (acquisition of subsoil only) , article 29 (rights under or over streets) , article 30 (temporary use of land for constructing the authorised development) and Schedule 15 (protective provisions) article 44 (statutory undertakers) .	Amendments to align with update to appropriate cross referral in Cottam Solar Project Order 2024. The reasoning for this is that only the articles listed limit the application of the general power in Article 21, whilst the other articles (that have been removed) are all specific use cases of the general power rather than imposing limits on it.	1
Article 22 (Time limit for exercise of authority to acquire land compulsorily)	Amendment to article to align with legislative compulsory acquisition changes 22.—(1) After the end of the period of The applicable period for the purposes of section 4 of the 1965 Act (time limit for giving notice to treat) and section 5A of the 1981 Act (time limit for general vesting declaration) is five years beginning on the day on which this Order comes into force is made . (2) (a) no No notice to treat is to be served under Part 1 (compulsory purchase under Acquisition of Land Act 1946) of the 1965 Act ; and i. (b) no declaration is to be executed under section 4 (execution of declaration) of the 1981 Act as applied by article 25 (application of the 1981 Act) after the end of the applicable period, including any extension to the applicable period pursuant to those Acts . (3) The authority conferred by article 30 (temporary use of land for constructing the authorised development) ceases at must not be used after the end of the applicable period referred to in sub-paragraph (1) , except that nothing in this paragraph save that if an application is made under section 118 of the 2008 Act (legal challenges relating to applications for orders granting development consent) the applicable period is to be extended by— (a) a period equivalent to the period beginning on the day the application is made and ending on the day it is withdrawn or finally determined; or (b) if shorter, one year . (4) An application is not finally determined for the purposes of sub-paragraph 3(a) if an appeal in respect of the application— (a) could be brought (ignoring any possibility of an appeal out of time with permission); or (b) has been made and not withdrawn or finally determined .	Updates to article to align with associated changes to compulsory acquisition acts by way of amendments under the Levelling-up and Regeneration Act 2023. These ensure correct references to the appropriate legislation and their updated functions. Other than amendments to update references to the relevant Acts, the predominant change by this amendment is to enable an extension of the time limit where the Order is subject to legal challenge under section 118 of the Planning Act 2008. This allows for the time limit to extend for a period equivalent to the period whereby the Order is subject to legal challenge (including appeals), or if shorter, one year.	1

Reference	Change	Reason for Change	Deadline
Article 24 (Private rights)	<p>(5) Nothing in sub-paragraph (3) prevents the undertaker remaining in possession of land after the end of that period, if the land was entered and possession was taken before the end of that period.</p> <p>Amendments to Article to align with private rights articles in recently made DCOs</p> <p>24.—(1) Subject to the provisions of this article, all private rights and restrictive covenants over land subject to compulsory acquisition under this Order are extinguished—</p> <p>(a) from the date of acquisition of the land, whether compulsorily or by agreement or through the grant of a lease of the land by agreement; or</p> <p>(b) on the date of entry on the land by the undertaker under section 11(1) (power of entry) of the 1965 Act or</p> <p>(c) on commencement of any activity authorised by this Order which interferes with or breaches those rights;</p> <p>whichever is the earliest.</p> <p>(2) Subject to the provisions of this article, all private rights or restrictive covenants over land subject to the compulsory acquisition of rights or the imposition of restrictive covenants under article 23 (compulsory acquisition of rights) cease to have effect in so far as their continuance would be inconsistent with the exercise of the right or compliance with the restrictive covenant—</p> <p>(a) as from the date of the acquisition of the right or imposition of the restrictive covenant by the undertaker (whether the right is acquired compulsorily, by agreement or through the grant of a lease of the land by agreement); or</p> <p>(b) on the date of entry on the land by the undertaker under section 11(1) (power of entry) of the 1965 Act in pursuance of the right,</p> <p>whichever is the earliest.</p> <p>(3) Subject to the provisions of this article, all private rights and restrictive covenants over land owned by the undertaker within the Order land are</p>	<p>Paragraphs considered superfluous as activities would only commence after either acquisition of the land or the date of entry by the undertaker. Drafting removed to be consistent with Gate Burton Energy Park Order 2024 and Cottam Solar Project Order 2024.</p>	1

Reference	Change	Reason for Change	Deadline
Article 25 (Application of the 1981 Act)	<p style="color: red;">extinguished on commencement of any activity authorised by this Order which interferes or breaches such rights.</p> <p>Amendments to Article to align with legislative compulsory acquisition changes</p> <p>25.—(1) The 1981 Act applies as if this Order were a compulsory purchase order.</p> <p>(2) The 1981 Act, as applied by paragraph (1), has effect with the following modifications.</p> <p>(3) In section 1 (application of the Act), for subsection 2 substitute—</p> <p style="padding-left: 40px;">“(2) This section applies to any Minister, any local or other public authority or any other body or person authorised to acquire land by means of a compulsory purchase order.”.</p> <p>(4) In section 5(2) (earliest date for execution of declaration) omit the words from “and this subsection” to the end.</p> <p style="color: red;">(5) Section 5A (time limit for general vesting declaration)(a) is omitted.</p> <p><u>(5)</u> (6) In section 5B(1) (extension of time limit during challenge) for “section 23 of the Acquisition of Land Act 1981 (application to High Court in respect of compulsory purchase order), the three year period mentioned in 5A” substitute “section 118 <u>of the 2008 Act</u> (legal challenges relating to applications for orders granting development consent) of the 2008 Act, the five year period mentioned in article 22 (time limit for exercise of authority to acquire land compulsorily) of the Tillbridge Solar Order 2021[*].”.</p> <p>(6) (7) In section 6 (notices after extension of declaration), in subsection (1)(b) for “section 15 of, or paragraph 6 of Schedule 1 to, the Acquisition of Land Act 1981” substitute “section 134 (notice of authorisation of compulsory acquisition) of the Planning Act 2008”.</p> <p>(7) (8) In section 7 (constructive notice to treat), in subsection (1)(a) omit the words “(as modified by section 4 of the Acquisition of Land Act 1981)”.</p> <p>(8) (9) In Schedule A1 (counter-notice requiring purchase of land not in general vesting declaration)], for paragraph 1(2) substitute—</p>	<p>Updates to article to align with associated changes to compulsory acquisition acts by way of amendments under the Levelling-up and Regeneration Act 2023. These ensure correct references to the appropriate legislation and their updated functions, as well as alignment with the amended Article 22.</p>	1

^(*) Section 5A to the 1981 Act was inserted by section 182(2) of the Housing and Planning Act 2016 (c. 22).

Reference	Change	Reason for Change	Deadline
	<p>“(2) But see article 26 (acquisition of subsoil or airspace only) of the Tillbridge Solar Order 202[*], which excludes the acquisition of subsoil only from this Schedule.”.</p> <p>(9) (10)References to the 1965 Act in the 1981 Act must be construed as references to the 1965 Act as applied by section 125 (application of compulsory acquisition provisions) of the 2008 Act (and as modified by article 28 (modification of Part 1 of the Compulsory Purchase Act 1965)) to the compulsory acquisition of land under this Order.</p>		
Article 26 (Acquisition of subsoil or airspace only)	<p>Amendments to remove references to airspace and ensure appropriate cross referencing</p> <p>26.—(1) The undertaker may acquire compulsorily so much of, or such rights in, the subsoil of or the airspace over the land referred to in paragraph (1) of article 21 (compulsory acquisition of land) or article 23 (compulsory acquisition of rights) as may be required for any purpose for which that land may be acquired under that provision instead of acquiring the whole of the land.</p> <p>(2) Where the undertaker acquires any part of, or rights in, the subsoil of or the airspace over the land under paragraph (1), the undertaker is not required to acquire an interest in any other part of the land.</p> <p>(3) The following do not apply in connection with the exercise of the power under paragraph (1)in relation to subsoil or airspace only—</p> <p>(a) Schedule 2A (counter-notice requiring purchase of land not in notice to treat) to the 1965 Act <u>as modified by Schedule 10 (modification of compensation and compulsory purchase enactments for the creation of new rights and imposition of new restrictive covenants);;</u></p> <p>(b) Schedule A1 (counter-notice requiring purchase of land not in general vesting declaration) to the 1981 Act; and</p> <p>(c) section 153(4A) (blighted land: proposed acquisition of part interest; material detriment test) of the 1990 Act.</p> <p>(4) Paragraphs (2) and (3) are to be disregarded where the undertaker acquires a cellar, vault, arch or other construction forming part of a house, building or manufactory.</p>	<p>Amendment made as indicated at ISH1. Aligns with similar drafting in Gate Burton Energy Park and Cottam Solar Project Orders. Air space rights are not considered to be required as no line drops / flyovers are anticipated within Scheme works.</p> <p>Amendment to sub-paragraph(3)(a) clarify the alignment of this clause with Schedule 10 – adopted from drafting in Cottam Solar Project Order.</p>	1
Article 28 (Modification of	Amendments to Article to align with legislative compulsory acquisition changes	Updates to article to align with associated changes to compulsory acquisition acts by way of amendments	1

Reference	Change	Reason for Change	Deadline
Part 1 of the Compulsory Purchase Act 1965)	<p>28.—(1) Part 1 of the 1965 Act (compulsory acquisition under Acquisition of Land Act 1946), as applied to this Order by section 125 (application of compulsory acquisition provisions) of the 2008 Act, is modified as follows.</p> <p><u>(2)</u> In section 4A(1) (extension of time limit during challenge) for “section 23 of the Acquisition of Land Act 1981 (application to the High Court in respect of compulsory purchase order), the three year period mentioned in section 4” substitute “section 118 (legal challenges relating to applications for orders granting development consent) of the 2008 Act, the five year period mentioned in article 22 (time limit for exercise of authority to acquire land compulsorily) of the Tillbridge Solar Order 202[*]”.</p> <p>(3) In section 11A (powers of entry: further notice of entry)—</p> <p style="padding-left: 40px;">in subsection (1)(a), after “land” insert “under that provision”; and</p> <p style="padding-left: 40px;">in subsection (2), after “land” insert “under that provision”.</p> <p>(4) In section 22(2) (expiry of time limit for exercise of compulsory purchase power not to affect acquisition of interests omitted from purchase), for “section 4 of this Act” substitute “article 22 (time limit for exercise of authority to acquire land compulsorily) of the Tillbridge Solar Order 202[*]”.</p> <p><u>(4)</u> (5) In Schedule 2A (counter-notice requiring purchase of land not in notice to treat)—</p> <p style="padding-left: 40px;">for paragraphs 1(2) and 14(2) substitute—</p> <p style="padding-left: 80px;">“(2) But see article 26(3) (acquisition of subsoil or airspace only) of the Tillbridge Solar Order 202[*], which excludes the acquisition of subsoil only from this Schedule”; and</p> <p style="padding-left: 40px;">after paragraph 29 insert—</p>	<p>under the Levelling-up and Regeneration Act 2023. These ensure correct references to the appropriate legislation and their updated functions.</p>	

“PART 4

INTERPRETATION

30. In this Schedule, references to entering on and taking possession of land do not include doing so under article 19 (protective works to buildings), article 30 (temporary use of land for constructing the authorised development) or article 31 (temporary use of land for

Reference	Change	Reason for Change	Deadline
	maintaining the authorised development) of the Tillbridge Solar Order 202[*].”.		
Article 36 (Consent to transfer the benefit of the Order)	<p>Amendments to notification provisions to Secretary of State in any transfer of Order</p> <p>36.—(1) Subject to the powers of this Order, the undertaker may—</p> <p>(a) transfer to another person (“the transferee”) any or all of the benefit of the provisions of this Order and such related statutory rights as may be agreed between the undertaker and the transferee; and</p> <p>(b) grant to another person (“the lessee”) for a period agreed between the undertaker and the lessee any or all of the benefit of the provisions of this Order and such related statutory rights as may be so agreed.</p> <p>(2) Where a transfer or grant has been made references in this Order to the undertaker, except in paragraph (8), are to include references to the transferee or lessee.</p> <p>(3) The consent of the Secretary of State is required for the exercise of the powers of paragraph (1) except where—</p> <p>(a) the transferee or lessee is the holder of a licence under section 6 (licences authorising supply etc.) of the 1989 Act;</p> <p>(b) the transfer or grant relates to Work No. 4C to 4E and the transferee or lessee (as relevant) is the Cottam undertaker; or</p> <p>(c) the transfer or grant relates to Work No. 4E and the transferee or lessee (as relevant) is the Gate Burton undertaker; or</p> <p>(d) the transfer or grant relates to Work No. 4D and 4E and the transferee or lessee (as relevant) is West Burton undertaker; or</p> <p>(e) the transferee or lessee is a holding company or subsidiary of the undertaker; or</p> <p><u>(e)</u> (f)—the time limits for claims for compensation in respect of the acquisition of land or effects upon land under this Order have elapsed and—</p> <p>(i) no such claims have been made;</p> <p>(ii) any such claim has been made and has been compromised or withdrawn;</p>	<ul style="list-style-type: none"> • Sub-paragraph (3)(e) deleted per similar amendment in Gate Burton Energy Park and Cottam Solar Project Orders. In line with expectation set out by the Secretary of State in those decisions that if the applicant is to transfer the benefit of the Order to a holding company or subsidiary, the Secretary of State would expect that company to be holder of a licence under section 6 of the Electricity Act 1989, and therefore considers this additional exemption from the need for consent to be unnecessary. • Deletion of sub-paragraph (4) as no longer seeking deemed marine licence (as indicated at ISH1). • Addition of sub-paragraph (5)(f) adopted per Gate Burton Energy Park Order – minor requirement to ensure evidence of transfer is provided to the Secretary of State. • Amendment to sub-paragraph (6) to expand response time provided for the Secretary of State in line with the Gate Burton Energy Park Order. 	1

Reference	Change	Reason for Change	Deadline
	<p>(iii) compensation has been paid in full and final settlement of any such claim;</p> <p>(iv) payment of compensation into court has taken place in lieu of settlement of any such claim; or</p> <p>(v) it has been determined by a tribunal or court of competent jurisdiction in respect of any such claim that no compensation is payable.</p> <p>(4) The Secretary of State must consult the MMO before giving consent to the transfer or grant to another person of the whole or part of the benefit of the provisions of the deemed marine licence.</p> <p><u>(4)</u> (5)—Where the consent of the Secretary of State is not required, the undertaker must notify the Secretary of State in writing before transferring or granting a benefit referred to in paragraph (1).</p> <p>(5) (6)—The notification referred to in paragraph (5)<u>(4)</u> must state—</p> <ul style="list-style-type: none"> (a) the name and contact details of the person to whom the benefit of the powers will be transferred or granted; (b) subject to paragraph (7)<u>(6)</u>, the date on which the transfer will take effect; (c) the powers to be transferred or granted; (d) pursuant to paragraph (9)<u>(8)</u>, the restrictions, liabilities and obligations that will apply to the person exercising the powers transferred or granted; and <u>(e)</u> where relevant, a plan showing the works or areas to which the transfer or grant relates; <u>and</u> <u>(f)</u> <u>a copy of the document effecting the transfer or grant.</u> <p>(6) (7)—The date specified under paragraph (5)(b) must not be earlier than the expiry of five<u>ten</u> working days from the date of the receipt of the notification.</p> <p>(7) (8)—The notification given must be signed by the undertaker and the person to whom the benefit of the powers will be transferred or granted as specified in that notification.</p> <p>(8) (9)—Where the undertaker has transferred any benefit, or for the duration of any period during which the undertaker has granted any benefit—</p>		

Reference	Change	Reason for Change	Deadline
	<p>(a) the benefit transferred or granted (“the transferred benefit”) must include any rights that are conferred, and any obligations that are imposed, by virtue of the provisions to which the benefit relates;</p> <p>(b) the transferred benefit will reside exclusively with the transferee or, as the case may be, the lessee and the transferred benefit will not be enforceable against the undertaker; and</p> <p>(c) the exercise by a person of any benefits or rights conferred in accordance with any transfer or grant is subject to the same restrictions, liabilities and obligations as would apply under this Order if those benefits or rights were exercised by the undertaker.</p>		
<p>Article 39 (Felling or lopping of trees and removal of hedgerows)</p>	<p>Amendments to adjust extent of vegetation and hedgerow removal powers</p> <p>39—(1) The undertaker may fell or lop any tree or shrub near any part of the authorised development<u>within or overhanging land within the Order limits</u> or cut back its roots, if it reasonably believes it to be necessary to do so to prevent the tree or shrub from—</p> <p>(a) obstructing or interfering with the construction, maintenance or operation of the authorised development or any apparatus used in connection with the authorised development;</p> <p>(b) constituting a danger to persons using the authorised development; or</p> <p>(c) obstructing or interfering with the passage of vehicles to the extent necessary for the purposes of construction or decommissioning of the authorised development.</p> <p>(2) In carrying out any activity authorised by paragraph (1) the undertaker must do no unnecessary damage to any tree or shrub and must pay compensation to any person for any loss or damage arising from such activity.</p> <p>(3) Any dispute as to a person’s entitlement to compensation under paragraph (2), or as to the amount of compensation, is to be determined under Part 1 (determination of questions of disputed compensation) of the 1961 Act.</p> <p><u>(4) The undertaker may, for the purposes of the authorised development and subject to paragraph (2), remove any hedgerows within the Order limits that may be required for the purposes of constructing the authorised development.</u></p>	<ul style="list-style-type: none"> • Amendment to sub-paragraph (1) made as indicated in the ISH1. Have proposed to adopt per amendment made to Gate Burton Energy Park Order, as fair restriction on extent of powers compared to “near” Order limits. • Addition of sub-paragraph (4) proposed in line with drafting in Gate Burton Energy Park Order. Enables sufficient flexibility in respect of hedgerow loss to account for detailed design. 	<p>1</p>

Reference	Change	Reason for Change	Deadline
	<p>(5) (4) The <u>Without prejudice to the generality of paragraph (4), the</u> undertaker may, for the purposes of the authorised development or in connection with the authorised development and subject to paragraph (2), remove part of the hedgerows specified in column 2 of the table in part 1 and column 2 of the table in part 2 of Schedule 12 (hedgerows to be removed) and shown on the hedgerow removal plan.</p> <p>(6) (5) The undertaker may not pursuant to paragraphs (1) and (4) <u>or (5)</u> fell or lop a tree or remove hedgerows within the extent of the publicly maintainable highway without the prior consent of the highway authority.</p> <p>(7) (6) In this article “hedgerow” has the same meaning as in the Hedgerows Regulations 1997.</p>		
Article 40 (Trees subject to tree preservation order)	<p>Amendment to restrict undertaker ability to impact existing trees subject to tree protection orders within the Order limits</p> <p><u>40.—(1) Subject to paragraph (2), the undertaker must not under the powers of this article fell, lop, prune, or cut back the roots of any tree which is the subject of a tree preservation order.</u></p> <p><u>(2)</u> (1) The undertaker may fell or lop any tree that is subject to a tree preservation order <u>which was made after 10 April 2024</u> within or overhanging land within the Order limits or cut back its roots, 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> <p>(3) (2) In carrying out any activity authorised by paragraph (1)—</p> <p style="padding-left: 40px;">the undertaker must do no unnecessary damage to any tree and must pay compensation to any person for any loss or damage arising from such activity; and</p> <p style="padding-left: 40px;">the duty contained in section 206(1) (replacement of trees) of the 1990 Act does not apply.</p> <p>(4) (3) The authority given by paragraph (1) constitutes a deemed consent under the relevant tree preservation order.</p> <p>(5) (4) Any dispute as to a person’s entitlement to compensation under paragraph (3), or as to the amount of compensation, is to be determined under Part 1 (determination of questions of disputed compensation) of the 1961 Act.</p>	<p>Amended to commit the project to not impacting existing trees subject to tree protection orders within the Order limits, being those trees identified within the Cable Route Corridor.</p> <p>Ability to impact trees which may have future tree protection orders applied to them within the Order limits is retained to avoid risk that such an order could restrict the undertaker from maintaining vegetation as necessary to operate the Scheme (eg where vegetation blocks solar panels, or interferes with infrastructure).</p>	1

Reference	Change	Reason for Change	Deadline
Article 45 (Deemed marine licence)	<p>Deletion of article</p> <p>45. [Article no longer used]</p> <p>Deemed marine licence</p> <p>45. The marine licence set out in Schedule 16 (deemed marine licence under the 2009 Act) is deemed to have been issued under Part 4 of the 2009 Act (marine licensing) for the licensable marine activities (as defined in section 66 of the 2009 Act) set out in Part 1, and subject to the conditions set out in Part 2 of the licence.</p>	Deletion as indicated at ISH1, as no longer seeking deemed marine licence on the basis MMO has agreed an exemption will apply to the Scheme.	1
Schedule 2, Requirement 6 (Battery safety management)	<p>Amendment to add consultee</p> <p>(4) The relevant planning authority must consult with West Lindsey District Council, 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.</p>	Amendment to add the Environment Agency (EA) as a consultee for the Battery Safety Management Plan per relevant representation / Statement of Common Ground agreement with EA.	1
Schedule 2, Requirement 6 (Battery safety management)	<p>Amendment to ensure maintenance of plan</p> <p>(5) The battery safety management plan must be implemented as approved and maintained throughout the operation of the relevant part of the authorised development to which the plan relates.</p>	Amendment to ensure it is clear that plans remain live through operation where relevant. Amendment made per alignment with Gate Burton Energy Park and Cottam Solar Project Orders.	1
Schedule 2, Requirement 7 (Landscape and ecological management plan)	<p>Amendment to add consultees</p> <p>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 planning authorities, each of the relevant planning authorities, following consultation with the Environment Agency and where the part falls within its administrative area, Lincolnshire County Council.</p>	Amendment to add the EA and Lincolnshire County Council (LCC) as consultees for the landscape and ecological management plan per relevant representations / Statements of Common Ground.	1
Schedule 2, Requirement 7 (Landscape and ecological management plan)	<p>Amendment to ensure maintenance of plan</p> <p>(3) The landscape and ecological management plan must be implemented as approved and maintained throughout the operation of the relevant part of the authorised development to which the plan relates.</p>	Amendment to ensure it is clear that plans remain live through operation where relevant. Amendment made per alignment with Gate Burton Energy Park and Cottam Solar Project Orders.	1

Reference	Change	Reason for Change	Deadline
Schedule 2, Requirement 7 (Landscape and ecological management plan)	Amendment to ensure LEMP is in place prior to advance planting (4) For the purposes of sub-paragraph (1), “commence” includes part (h) site clearance (including vegetation removal, demolition of existing buildings and structures) <u>and part (i) (advanced planting to allow for an early establishment of protective screening)</u> of permitted preliminary works.	Amendment to ensure LEMP is in place prior to advance planting enabled as a permitted preliminary work.	1
Schedule 2, Requirement 8 (Biodiversity net gain)	Amendment to add consultee 8. (1) No part of the authorised development may commence until a biodiversity net gain strategy has been submitted to and approved by the relevant planning authority, in consultation with the <u>Environment Agency and any other</u> relevant statutory nature conservation body.	Amendment to add the EA as a consultee for the biodiversity net gain strategy per relevant representation / Statement of Common Ground.	1
Schedule 2, Requirement 8 (Biodiversity net gain)	Amendment to ensure maintenance of strategy <u>(2) The biodiversity net gain strategy must be substantially in accordance with the outline landscape and ecological management plan—and, must be implemented as approved and maintained throughout the operation of the relevant part of the authorised development to which the plan relates.</u>	Amendment to ensure it is clear that the strategy remains live through operation where relevant. Amendment made per alignment with Gate Burton Energy Park and Cottam Solar Project Orders.	1
Schedule 2, Requirement 11 (Archaeology)	Amendment to incorporate new approval process for archaeological mitigation strategy 11.—(1) No part of the authorised development may commence, and no part of the permitted preliminary works relating to Work Nos 1, 2, 3, 4A, 6, 7, 8 and 10 may commence until an archaeological mitigation strategy has been submitted to and approved in writing by the relevant planning authority. The authorised development will <u>must</u> be implemented in accordance with the approved archaeological mitigation strategy. (2) No part of the authorised development relating to Work Nos 4C to 4E, and no part of the permitted preliminary works for the Works Nos 4C to 4E may commence until a Written Scheme of Investigation <u>written scheme of archaeological investigation (which must accord with the archaeological mitigation strategy)</u> for that part or parts has been submitted to and approved in writing by the relevant planning authority. The archaeological investigation relating to the Works Nos 4C to 4E must be completed in accordance with the approved Written Scheme of Investigation and implemented prior to the	Replacement of Requirement 11 per relevant representations and SOCG with Historic England, which preferred the drafting for this Requirement as captured within the Gate Burton Energy Park Order 2024.	1

Reference	Change	Reason for Change	Deadline
	<p>commencement of preliminary works or the authorised development. Following the completion of the archaeological investigation, an archaeological mitigation strategy must be submitted to and approved in writing by the relevant planning authority. The authorised development must be implemented in accordance with the approved archaeological mitigation strategy.</p> <p><u>(3) For the purposes of sub-paragraph (1), “commence” includes any permitted preliminary works, excluding part (i) (advanced planting to allow for an early establishment of protective screening).</u></p> <p><u>(4) Any archaeological works or archaeological monitoring and recording must be carried out in accordance with the approved scheme</u></p>		
Schedule 2, Requirement 12 (Construction environmental management plan)	<p>Amendment to add consultee</p> <p>12.—(1) No part of the authorised development may commence until a construction environmental management plan for that part has been submitted to and approved by the relevant planning authority or, where the part falls within the administrative area of multiple relevant planning authorities, each of the relevant planning authorities, in consultation with the relevant highway authority and, the Environment Agency <u>and where the part falls within its administrative area, Lincolnshire County Council.</u></p>	Amendment to add LCC as consultee for construction environmental management plan per relevant representation / Statement of Common Ground.	1
Schedule 2, Requirement 13 (Operational environmental management plan)	<p>Amendment to add consultee</p> <p>13.—(1) Prior to the date of final commissioning for any part of the authorised development, an operational environmental management plan for that part must be submitted to and approved by the relevant planning authority or, where the part falls within the administrative area of multiple relevant planning authorities, each of the relevant planning authorities, in consultation with the relevant highway authority, the relevant waste authority and, the Environment Agency <u>and where the part falls within its administrative area, Lincolnshire County Council.</u></p>	Amendment to add LCC as consultee for operational environmental management plan per relevant representation / Statement of Common Ground.	1
Schedule 2, Requirement 13 (Operational environmental management plan)	<p>Amendment to ensure maintenance of plan</p> <p>(3) The operational environmental management plan must be implemented as approved <u>and maintained throughout the operation of the relevant parts of the authorised development to which the plan relates.</u></p>	Amendment to ensure it is clear that plans remain live through operation where relevant. Amendment made per alignment with Gate Burton Energy Park and Cottam Solar Project Orders.	1

Reference	Change	Reason for Change	Deadline
Schedule 2, Requirement 16 (Public rights of way)	Amendment to ensure maintenance of plan (4) The public rights of way management plan must be implemented as approved and maintained throughout the operation of the relevant parts of the authorised development to which the plan relates .	Amendment to ensure it is clear that plans remain live through operation where relevant. Amendment made per alignment with Gate Burton Energy Park and Cottam Solar Project Orders.	1
Schedule 2, Requirement 17 (Operational noise)	Amendment to ensure maintenance of noise mitigation (2) The mitigation measures described in the operational noise assessment for each part of the authorised development must be implemented as approved and maintained throughout the operation of the relevant parts of the authorised development to which the plan relates .	Amendment to ensure it is clear that mitigation applied under the operational noise assessment remains live through operation where relevant. Amendment made per alignment with Gate Burton Energy Park and Cottam Solar Project Orders.	1
Schedule 2, Requirement 18 (Soils management)	Amendment to ensure maintenance of plan (3) The soil management plan must be implemented as approved and maintained throughout the operation of the relevant parts of the authorised development to which the plan relates .	Amendment to ensure it is clear that plans remain live through operation where relevant. Amendment made per alignment with Gate Burton Energy Park and Cottam Solar Project Orders.	1
Schedule 2, Requirement 19 (Skills, supply chain and employment)	Amendment to ensure maintenance of plan (4) The skills, supply chain and employment plan must be implemented as approved and maintained throughout the operation of the relevant parts of the authorised development to which the plan relates .	Amendment to ensure it is clear that plans remain live through operation where relevant. Amendment made per alignment with Gate Burton Energy Park and Cottam Solar Project Orders.	1
Schedule 2, Requirement 20 (Decommissioning and restoration)	Amendment to align timeframes (3) Unless otherwise agreed with the relevant planning authority, no later than ten eight weeks prior to the intended date of decommissioning of 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.	Per comments from West Lindsey District Council at the ISH1, the timeframes have been amended for this requirement to align with those in Schedule 17 of the Order.	1
Schedule 2, Requirement 20 (Decommissioning and restoration)	Amendment to add consultee (3) Where the undertaker decides to decommission a part of the authorised development that falls within the administrative areas of multiple planning authorities, the decommissioning environmental management plan must be submitted to each relevant planning authority, following consultation with the	Amendment to add the EA as a consultee for the decommissioning environmental management plan per relevant representation / Statement of Common Ground.	1

Reference	Change	Reason for Change	Deadline
	Environment Agency , and the approval of all relevant planning authorities is required for the purposes of this paragraph.		
Schedule 13 (Documents and Plans to be Certified)	Various updates to listed documents to align with latest versions as at Deadline 43 .	To ensure up to date Schedule as at Deadline 43 .	43
Schedule 15 (Protective Provisions), Part 4 (For the protection of the Canal and River Trust)	<p>Deletions of references to deemed marine license</p> <p>28. [...]</p> <p>(5)The consent of the Canal & River Trust pursuant to sub-paragraphs (1) to (5) must not be unreasonably withheld or delayed but may be given subject to reasonable terms and conditions provided that it will not be reasonable for the Canal & River Trust to withhold or delay consent or impose terms and conditions that would prevent the undertaker from complying with the protective provisions in this Part of this Schedule or any condition contained in Schedule 2 (requirements) or Part 2 of Schedule 16 (deemed marine licence conditions) to this Order.</p> <p>31. [...]</p> <p>(4)The withholding of an approval of the engineer under this paragraph 31 will be deemed to be unreasonable if it would prevent the undertaker from complying with any condition contained in Schedule 2 (requirements) or Part 2 of Schedule 16 (deemed marine licence conditions) to this Order.</p>	Consequential deletions to removal of deemed marine licence article	1
Schedule 15 (Protective Provisions), Part 5 (For the protection of the Cottam Solar Project Limited)	<p>Amendment to Works No. Reference (throughout Part of Schedule)</p> <p>45. [...]</p> <p>“apparatus” means the cables, structures or other infrastructure owned, occupied or maintained by Cottam or its successor in title within the Cottam Work No. 6B Area;</p> <p>[...]</p> <p>“Cottam Work No. 6B Area” means the area for Work Nos. 1A, 2(h), 3, 4A, 5, 6A, 6B, 7A, 8A, 9A, 9B, 10 authorised in the Cottam Solar Project Order and within the Order limits;</p> <p>[...]</p>	Minor amendment to reflect final works numbers relevant for references, as agreed with Cottam Solar Park Limited.	1

Reference	Change	Reason for Change	Deadline
	<p>“plans” includes sections, drawings, specifications, designs, design data, software, soil reports, calculations, descriptions (including descriptions of methods of construction), staging proposals, programmes and details of the extent, timing and duration of any proposed occupation of the Cottam Work No. 6B-Area;</p> <p>[...]</p> <p>“specified works” means so much of any works or operations authorised by this Order (or authorised by any planning permission intended to operate in conjunction with this Order) as is—</p> <p>(a) within Cottam Work No. 6B-Area;</p> <p>(b) in, on, under, over or within 25 metres of the Cottam Work No. 6B-Area or any apparatus; or</p> <p>(c) may in any way adversely affect any apparatus.</p> <p>48. The undertaker must not under the powers of this Order acquire, extinguish, suspend, override or interfere with any rights that Cottam has in respect of any apparatus or has in respect of the Cottam Work No. 6B-Area without the consent of Cottam, which must not be unreasonably withheld or delayed but which may be made subject to reasonable conditions.</p> <p>49.—(1) The undertaker must not under the powers of this Order carry out any specified works without the consent of Cottam, which must not be unreasonably withheld or delayed but which may be made subject to reasonable conditions and if Cottam does not respond within 28 days of the undertaker’s request for consent, then consent is deemed to be given.</p> <p>(2) Subject to obtaining consent pursuant to sub-paragraph (1) and before beginning to construct any specified works, the undertaker must submit plans of the specified works to Cottam and must submit any such further particulars available to it that Cottam may reasonably require.</p> <p>(3) Any specified works must be constructed without unreasonable delay in accordance with the plans approved in writing by Cottam.</p> <p>(4) Any approval of Cottam required under this paragraph may be subject to such reasonable conditions as may be required for the protection or alteration of</p>		

Reference	Change	Reason for Change	Deadline
	<p>any apparatus (including proposed apparatus) in the Cottam Work No. 6B-Area or within 25m of the Cottam Work Area or for securing access to such apparatus or the Cottam Work No. 6B-Area; [...]</p> <p>52. —(1) After the purpose of any temporary works has been accomplished, the undertaker must with all reasonable dispatch, or after a reasonable period of notice in writing from Cottam requiring the undertaker to do so, remove the temporary works in, on, under, over, or within the Cottam Work No. 6B-Area. [...]</p> <p>54. The undertaker must not exercise the powers conferred by this Order to prevent or interfere with the access by Cottam to the Cottam Work No. 6B-Area or within 25m of the Cottam Work Area.</p> <p>55. To ensure its compliance with this Part, the undertaker must before carrying out any works or operations pursuant to this Order within Cottam Work No. 6B Area or within 25m of the Cottam Work Area request up-to-date written confirmation from Cottam of the location of any apparatus or proposed apparatus.</p> <p>57. The undertaker must pay to Cottam the reasonable expenses incurred by Cottam in connection with the approval of plans, inspection of any specified works or the alteration or protection of any apparatus or the Cottam Work No. 6B-Area or within 25m of the Cottam Work Area.</p>		
<p>Schedule 15 (Protective Provisions), Part 6 (For the protection of the Gate Burton Energy Park Limited)</p>	<p>Amendment to Works No. Reference 68.(1)After the purpose of any temporary works has been accomplished, the undertaker must with all reasonable dispatch, or after a reasonable period of notice in writing from Gate Burton requiring the undertaker to do so, remove the temporary works in, on, under, over, or within the Gate Burton Work No. 6B<u>4B</u> Area.</p>	<p>Minor amendment to correct relevant works no. reference, as agreed with Gate Burton Energy Park Ltd.</p>	<p>1</p>
<p>Schedule 15 (Protective Provisions, Part 9 (For the protection of Cadent Gas Limited))</p>	<p>Various amendments per final negotiations – see Schedule for drafting.</p>	<p>Amendments to reflect finalised negotiations between Cadent Gas and the Applicant.</p>	<p>3</p>

Reference	Change	Reason for Change	Deadline
Schedule 15 (Protective Provisions), Part 10 (For the protection of the Environment Agency)	<p>Addition of definition to 111.</p> <p>(1) In this part of this Schedule—</p> <p><u>“emergency” means an occurrence which presents a risk of—</u></p> <p>(a) <u>serious flooding;</u></p> <p>(b) <u>serious detrimental impact on drainage; or</u></p> <p>(c) <u>serious harm to the environment.</u></p>	Addition to bring in definition of emergency as brought across from the Environmental Permitting Regulations 2016, per relevant representation from / SOCG with EA.	1
Schedule 15 (Protective Provisions), Part 12 (For the protection of railway interests)	<p>Various amendments per ongoing negotiations</p> <p>141. In this Part of this Schedule— [...]</p> <p>"specified work" means so much of any of the authorised development as is situated upon, across, under, over or within 15 metres of, or may in any way adversely affect, railway property and, for the avoidance of doubt, includes the maintenance of such works under the powers conferred by article 5 (power to maintain the<u>[X] (maintenance of</u> authorised development) in respect of such works.—<u>Where under this Part of this Schedule Network Rail is required to give its consent or approval in respect of any matter, that consent or approval is subject to the condition that Network Rail complies with any relevant railway operational procedures and any obligations under its network licence or under statute.</u></p> <p>143. (1) The undertaker must not exercise the powers conferred by— [...]</p> <p>(g) article 0 (acquisition of subsoil or airspace only);</p> <p>150. <u>(11) In relation to any dispute arising under this paragraph the reference in article 43 (Arbitration) to the Institution of Civil Engineers shall be read as a reference to the Institution of Engineering and Technology</u></p> <p>161 Any dispute arising under this Part of this Schedule <u>(except for those disputes referred to in paragraph 150) the provisions of article 43 (arbitration) shall not apply and any such dispute,</u> unless otherwise provided for, must be referred to and settled by arbitration in accordance with article 43 (arbitration) and Schedule 14 (arbitration rules).<u>a single arbitrator to be agreed between the parties or, failing agreement, to be appointed on the application of either party</u></p>	Various amendments per ongoing negotiations with Network Rail in respect of protective provisions.	1

Reference	Change	Reason for Change	Deadline
	(after giving notice in writing to the other) to the President of the Institution of Civil Engineers.		
Schedule 16, Part 16 (For the protection of National Grid Electricity Transmission)	<p>Insert of placeholder</p> <p style="text-align: center;">PART 16 FOR THE PROTECTION OF NATIONAL GRID ELECTRICITY TRANSMISSION [Protective Provisions under negotiation].</p>	Placeholder included to indicate that protective provisions are under negotiation between the Applicant and National Grid Electricity Transmission.	3
Schedule 16 (Deemed Marine Licence)	Deletion of entire draft marine licence.	Deletion as indicated at ISH1, as no longer seeking deemed marine licence on the basis MMO has agreed an exemption will apply to the Scheme.	1
Schedule 17 (Procedure for discharge of requirements)	<p>Amendment to ensure notice and provision of application to consultees</p> <p>2.—(1) Where an application has been made to the relevant planning authority for any consent, agreement or approval required by a requirement, the undertaker must also submit a copy of that application to any requirement consultee.</p> <p>(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 eight weeks beginning with the later of—</p> <ul style="list-style-type: none"> the day immediately following that on which the application is received by the authority; the day immediately following that on which further information has been supplied by the undertaker under paragraph Error! Reference source not found.; or such longer period that is agreed in writing by the undertaker and the relevant planning authority. 	Amendment made in alignment with Gate Burton Energy Park Order. Ensures that the applicant is responsible to provide copies to those bodies required to be consulted with under the wording of the requirements, removing any onerous requirement on the local authorities to consult with those bodies.	1
Schedule 17 (Procedure for discharge of requirements)	<p>Amendment to capture appeals timeframes</p> <p>4. [...]</p> <p>(2) The steps to be followed in the appeal process are as follows—</p>	Amendment to align with Gate Burton Energy Park Order, ensuring statutory process is fully captured in Order.	1

Reference	Change	Reason for Change	Deadline						
	<p>(a) any appeal by the undertaker must be made within 42 days of the date of the notice of the decision or determination, or (where no determination has been made) the expiry of the time period set out in paragraph 2(2), giving rise to the appeal referred to in sub-paragraph (1);</p>								
Schedule 17 (Procedure for discharge of requirements)	<p>Amendment to reflect decision maker discretion</p> <p>4. [...]</p> <p>(6) The appointed person may proceed to a decision on an appeal taking into account only such written representations as have been sent within the relevant time limits and in the sole discretion of the appointed person such written representations as have been sent outside of the relevant time limits.</p>	Amendment per Gate Burton Energy Park Order, ensuring existing discretion is reflected in Schedule.	1						
Schedule 17 (Procedure for discharge of requirements)	<p>Addition of fees provision</p> <p>Fees</p> <p>2.—(1) Where an application is made to the relevant planning authority for a discharge, a fee is to apply and must be paid to the relevant planning authority for each application as follows—</p> <table border="1" data-bbox="353 970 1205 1380"> <thead> <tr> <th><i>Application</i></th> <th><i>Fee payable</i></th> </tr> </thead> <tbody> <tr> <td>First application for the discharge of each of the requirements 5 (<i>Detailed design approval</i>), 6 (<i>Battery safety management</i>), 7 (<i>Landscape and ecological management plan</i>), 8 (<i>Biodiversity net gain</i>), 10 (<i>Surface and foul water drainage</i>), 12 (<i>Construction environmental management plan</i>), 13 (<i>Operational environmental management plan</i>), 14 (<i>Construction traffic management plan</i>), 16 (<i>Public rights of way</i>), 18 (<i>Soils management</i>), and 20 (<i>Decommissioning and restoration</i>).</td> <td>£2,535</td> </tr> <tr> <td>Each subsequent application for the discharge of each of the requirements listed in Row 1.</td> <td>£578</td> </tr> </tbody> </table>	<i>Application</i>	<i>Fee payable</i>	First application for the discharge of each of the requirements 5 (<i>Detailed design approval</i>), 6 (<i>Battery safety management</i>), 7 (<i>Landscape and ecological management plan</i>), 8 (<i>Biodiversity net gain</i>), 10 (<i>Surface and foul water drainage</i>), 12 (<i>Construction environmental management plan</i>), 13 (<i>Operational environmental management plan</i>), 14 (<i>Construction traffic management plan</i>), 16 (<i>Public rights of way</i>), 18 (<i>Soils management</i>), and 20 (<i>Decommissioning and restoration</i>).	£2,535	Each subsequent application for the discharge of each of the requirements listed in Row 1.	£578	Fees clause added as indicated at ISH1, and per representations by local authorities. Amendment as per wording in Cottam Solar Project Order 2024, but adapted into table format per request from local authorities.	1
<i>Application</i>	<i>Fee payable</i>								
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Each subsequent application for the discharge of each of the requirements listed in Row 1.	£578								

Reference	Change	Reason for Change	Deadline
	<u>Any application under requirement 5 (<i>Detailed design approval</i>) in respect of the requirements listed in Row 1.</u>		
	<u>Any application for the discharge of any other requirements not listed in Row 1.</u>		
	<u>Any application under requirement 3 (<i>Approved details and amendments to them</i>) in respect of requirements not listed in Row 1.</u>		
	<u>Any approval required by a document referred to by any requirement or a document approved pursuant to any requirement.</u>		
	<u>(2) Any fee paid under this Schedule must be refunded to the undertaker within four weeks of—</u>		
	<u>(a) the application being rejected as invalidly made; or</u>		
	<u>(b) the relevant planning authority failing to determine the application within the relevant period in paragraph 2(2) unless—</u>		
	<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) of this Schedule, as applicable.</u>		