



# CLEVE HILL SOLAR PARK

## **OTHER DEADLINE 7 SUBMISSIONS SCHEDULE OF CHANGES TO THE DDCO AT DEADLINE 7**

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Revision A

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**DEADLINE 7 CHANGES**

Article / Schedule (Application Version)	Stakeholder concerned	Comments from stakeholder / explanation (where necessary)	Amendment
<b>GENERAL</b>			
<b>Throughout</b>	<b>Applicant</b>	Amendments have been made following a review in line with legislative practice to formatting of document, in particular, to the way that other statutes are referred to, minor amendments to the ordering of certain wordings in the dDCO, and alteration of hyphenation.	An example of the change is: Part 4 <del>of the 2009 Act</del> (marine licensing) <a href="#">of the 2009 Act</a>
<b>PREAMBLE</b>			
	<b>Applicant</b>	Typographical error.	The <del>examining authority</del> <a href="#">Examining Authority</a>
<b>PART 1 Preliminary</b>			
<b>Article 2 – Interpretation “authorised project”</b>	<b>Applicant</b>	The Applicant notes that this definition is not required as it duplicates the “authorised development” definition. Consequential amendments have been made to change “authorised project” to “authorised development”.	<del>“authorised project” means the authorised development authorised by this Order;</del>
<b>Article 2 – Interpretation “environmental statement”</b>	<b>Examining Authority</b>	The Examining Authority requested clarity on the documents that supplemented the Environmental Statement during the examination. This has been added in a new Schedule 10.	“environmental statement” means the document certified as the environmental statement by the Secretary of State for the purposes of this Order under article <b>Error! Reference source not found.</b> (certification of plans and documents <del>etc</del> ), <del>etc.</del> ) <a href="#">as supplemented by the documents set out in Schedule 10;</a>

Article 2 – Interpretation “the location, order limits and grid co-ordinates plan”	Applicant	Added as not previously included in definitions.	<a href="#">“the location, order limits and grid coordinates plan” means the plan certified as the location, order limits and grid coordinates plan by the Secretary of State for the purposes of the Order under article 34 (certification of plans and documents, etc.);</a>
Article 2 – Interpretation “mean high water springs” or “MHWS”	Applicant	Amended as term only used as MHWS.	<del>“mean high water springs” or</del> “MHWS” means the highest level which spring tides reach on average over a period of time;
<b>PART 2 Principal Powers</b>			
Article 7 – Defence to proceedings in respect of statutory nuisance	Applicant	Typographical error.	...Environmental Protection Act 1990) of the <del>control</del> <a href="#">Control</a> of Pollution Act 1974 and section 65(8) of that Act..
Article 10 – Temporary stopping up of streets	Applicant	Typographical error.	...by reference to the letters and numbers shown on the <del>works</del> <a href="#">streets and access</a> plan,...
<b>PART 5 Powers of Acquisition</b>			
Article 27 – Recovery of costs of new connections	Applicant	Referencing error.	... as in section 151(1) ( <a href="#">interpretation of Chapter 1</a> ) of the <del>2003</del> <a href="#">Communications</a> Act <del>2003(a)</del> ; and...
<b>PART 7 Miscellaneous and General</b>			

Article 30 – Application of landlord and tenant law	Applicant	Typographical error.	... Accordingly, no such enactment or rule of law <u>to which paragraph</u> <b>Error! Reference source not found.</b> applies in relation to the rights and obligations...
Article 34 – Application of landlord and tenant law	Applicant	Drafting error.	(t)... the works plan- <u>for certification that they are true copies of those plans and documents.</u>
Article 35 – Arbitration	Applicant	Drafting errors.	...for, <del>are is</del> to be referred to and settled in arbitration in accordance with the rules <del>at</del> <u>set out in</u> Schedule 9...  ...for <u>the</u> appointment of an arbitrator...
<b>SCHEDULE 1 — Authorised Development</b>			
<b>PART 1 Authorised Development</b>			
	Applicant	Drafting correction.	<del>In the County of Kent and In</del> the Districts of Swale and Canterbury <u>in the County of Kent</u> a nationally significant infrastructure project...
<b>PART 2 Requirements</b>			
Requirement 5 – Landscape and biodiversity management plan	Applicant	Drafting clarification.	The landscape and biodiversity management plan must be <del>carried out</del> <u>implemented</u> as approved.

<b>Requirement 8 – Fencing and other means of enclosure</b>	<b>Applicant</b>	Drafting clarification.	<del>The term “commence” as used in</del> <u>For the purposes of</u> requirement 8(1), <u>“commence”</u> includes any site preparation works.
<b>Requirement 10 – Archaeology</b>	<b>Applicant</b>	Drafting clarifications.	<del>The term “commence” as used in</del> <u>For the purposes of</u> requirement 10(1), <u>“commence” in</u> includes any site preparation works. ... (d) provision <del>to be made</del> for analysis of the site investigation and recording; (e) provision <del>to be made</del> for publication and dissemination of the analysis and records of the site investigation; (f) provision <del>to be made</del> for archive deposition of the analysis and records of the site investigation; and (g) nomination of a competent person <del>or persons</del> , <u>persons or</u> organisation to undertake the works set out within the written scheme of investigation.
<b>Requirement 14 – Protected species</b>	<b>Applicant</b>	Drafting clarification.	<del>The term “commence” as used in</del> <u>For the purposes of</u> requirement 14(1), <u>“commence”</u> includes any site preparation works.
<b>Requirement 16 – Local skills, supply chain and employment</b>	<b>Applicant</b>	Drafting error.	and <u>the</u> means for <del>the</del> publicising such opportunities.

SCHEDULE 6 — Land in Which Only New Rights Etc May be Acquired			
	<b>Applicant</b>	Removal of second row of table relating to plot 3/06 due to the clarification that the activities in this plot relate to an existing road, meaning no construction right is required.	Line deleted.
SCHEDULE 7 — Protective Provisions			
PART 2 For the Protection of National Grid as Electricity Undertaker			
<b>Paragraph 11 – Indemnity</b>	<b>Applicant / National Grid</b>	Amendments agreed between National Grid and Applicant.	National Grid must use its reasonable endeavours to mitigate in whole or in part and to minimise any costs, expenses, loss, demands, and penalties to which the indemnity under this paragraph 11 applies where it is within National Grid's reasonable <del>gift</del> - <u>ability</u> and control to do so and which expressly excludes any obligation to mitigate liability arising from third parties which is outside of National Grid's control. If reasonably requested to do so by the undertaker, National Grid shall provide an explanation of how the claim has been <del>mitigated—or—</del> minimised, <del>if appropriate</del> - <u>where possible</u> .
PART 5 For the Protection of Blue Transmission London Array Limited			
	<b>Applicant / BTLAL</b>	Agreed between BTLAL and Applicant to include protective provisions. See email of Nick Harding to PINS on 13 November 2019.	As set out in Part 5, Schedule 7.
SCHEDULE 8 — Deemed Marine Licence under the 2009 Act			

PART 2 Conditions			
<b>Condition 7 – Maintenance</b>	<b>MMO</b>	Requested addition to clarify condition.	Unless otherwise agreed by the MMO, the licenced activities may not commence until a maintenance plan has been approved <a href="#">in writing</a> by the MMO.
SCHEDULE 9 — Arbitration Rules			
<b>Throughout Schedule</b>	<b>Applicant</b>	Drafting error, alteration of term “Arbitrator” to read “arbitrator” and “Arbitration” to read “arbitration”.	As set out in schedule.
SCHEDULE 10 — Environmental Statement Supplements			
	<b>Examining Authority</b>	The Examining Authority requested clarity on the documents that supplemented the Environmental Statement during the examination. This has been added in a new Schedule 10.	As set out in the schedule.