

## **CORRECTION NOTICE**

### **THE WEST BURTON SOLAR PROJECT ORDER 2025 (No. 116) SCHEDULE 4 TO THE PLANNING ACT 2008 CORRECTION OF ERRORS IN DEVELOPMENT CONSENT ORDER DATE: 03 June 2025**

The Secretary of State received a request dated 6 March 2025 from West Burton Solar Project Limited (“the Applicant”) for the correction of errors in the West Burton Solar Project Order 2025 (“the Order”), under section 119 of, and Schedule 4 to, the Planning Act 2008.

The Secretary of State has made the following corrections to the Order:

#### Corrections to the Articles

##### **Article 2 (interpretation), paragraph (1) – definition of “date of decommissioning”**

“date of decommissioning” means in respect of each phase of the authorised development as approved under requirement 2 of Schedule 2 (requirements), the date on which that part of the authorised development has permanently ceased to generate electricity on a commercial basis.

*Correction requested by the Applicant:* For “phase” substitute “part”.

*Secretary of State’s rationale:* Removal of reference to the phasing of construction as it has not yet been decided how the authorised development will be decommissioned.

##### **Article 2 (interpretation), paragraph (1) – definition of “date of final commissioning”**

“date of final commissioning” means in respect of each phase of the authorised development as approved under requirement 2 of Schedule 2 (requirements), the date on which that part of the authorised development commences operation by generating electricity on a commercial basis but excluding the generation of electricity during commissioning and testing.

*Correction requested by the Applicant:* For “approved” substitute “submitted”.

*Secretary of State’s rationale:* Correction to improve clarity of referencing.

##### **Article 2 (interpretation), paragraph (3)**

(3) In this Order, references to the purposes of the authorised development includes the construction, maintenance, operation, use and decommissioning of the authorised development.

*Correction requested by the Applicant:* For “includes” substitute “include”.

*Secretary of State’s rationale:* Correction of a typographical error.

##### **Article 23 (private rights), paragraph (1)(a)**

(a) from the date of acquisition of the land, or of the right, or of the benefit of the restrictive covenant by the undertaker whether compulsorily or by agreement or

*Correction requested by the Applicant:* After “agreement” insert “or through the grant of a lease of the land by agreement”.

*Secretary of State’s rationale:* Added to make this right explicit.

**Article 23 (private rights), paragraph (1)(a)**

(a) from the date of acquisition of the land, or of the right, or of the benefit of the restrictive covenant by the undertaker whether compulsorily or by agreement or

*Correction requested by the Applicant:* Before the final “or”, insert “, ”.

*Secretary of State’s rationale:* Correction of a typographical error.

**Article 31 (statutory undertakers), sub-paragraph (b)**

31. Subject to the provisions of Schedule 15 (protective provisions) the undertaker may—

(a) acquire compulsorily, or acquire new rights or impose restrictive covenants over, the land belonging to statutory undertakers shown on the land plan within the Order land; and

b) extinguish the rights of, remove or reposition the apparatus belonging to statutory undertakers over or within the Order land.”

*Correction requested by the Applicant:* In sub-paragraph (31)(b) After “remove” insert “, relocate the rights of”

*Secretary of State’s rationale:* Correction of a deletion error.

**Article 38 (felling or lopping of trees and removal of hedgerows), paragraph (1)**

38. (1) Subject to paragraph (3) and article 39 (trees subject to tree preservation order), the undertaker may fell or lop any tree or shrub near any part of the authorised development or cut back its roots, if it reasonably believes it to be necessary to do so to prevent the tree or shrub from—

(a) constituting a danger to persons using the authorised development;

(b) obstructing or interfering with the passage of construction vehicles to the extent necessary for the purposes of construction of the authorised development.

*Correction requested by the Applicant:* Before sub-paragraph (a), insert “(a) obstructing and interfering with the construction, maintenance or operation of the authorised development or any apparatus used in connection with the authorised development;”.

*Secretary of State’s rationale:* Correction of a deletion error.

**Article 38 (felling or lopping of trees and removal of hedgerows), paragraph (2)**

(2) The 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, column 2 of the table in Part 2 and column 2 of the table in Part 3 of Schedule 12 (hedgerows to be removed) to the extent set out in the landscape and ecological management plan approved pursuant to requirement 7 in Schedule 2 (requirements).

*Correction requested by the Applicant:* For “paragraph (2)” substitute “paragraph (3)”

*Secretary of State’s rationale:* Correction of a referencing error.

**Article 38 (felling or lopping of trees and removal of hedgerows), paragraph (4)**

(4) 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.

*Correction requested by the Applicant:* In paragraph (4), for "paragraph (2)" substitute "paragraph (3)"

*Secretary of State's rationale:* Correction of a referencing error.

Corrections to Schedule 2**Schedule 2 (requirements), paragraph 1 (interpretation) – definition of "relevant planning authority", sub-paragraph (a)**

"(a) Lincolnshire County Council for the purposes of—  
[...]

(vi) Requirement 22 (long term flood risk mitigation); and"

*Correction requested by the Applicant:* In sub-paragraph (a), omit paragraph (vi) in its entirety.

*Secretary of State's rationale:* Removal of Lincolnshire County Council as being responsible for Requirement 22 (long term flood risk mitigation) as they are not the Lead Local Flood Authority, the Requirement does not mention the "relevant planning authority" and therefore the Council do not need to discharge this requirement.

**Schedule 2 (requirements), paragraph 1 (interpretation) – definition of "relevant planning authority", sub-paragraph (b)(viii)**

b) West Lindsey District Council and Bassetlaw District Council for the purposes of—  
[...]

(viii) Requirement 1 (operational environmental management plan);

*Correction requested by the Applicant:* For "Requirement 1" substitute "Requirement 14".

*Secretary of State's rationale:* Correction of a referencing error.

**Schedule 2 (requirements), paragraph 4 (community liaison group), sub-paragraph (3)**

(3) The community liaison group is to continue to meet until the date of final commissioning of the final part of the authorised development as approved under requirement 2 of Schedule 2 (requirements) unless otherwise agreed with the relevant planning authorities.

*Correction requested by the Applicant:* For "approved" substitute "submitted".

*Secretary of State's rationale:* Correction to ensure consistency with other provisions of the DCO.

**Schedule 2 (Requirements) Paragraph 7 (landscape and ecological management plan)**

(4) For the purposes of sub-paragraph (1), "commence" includes part 2(1)(h) (site clearance (including vegetation removal, demolition of existing buildings and structures)) of permitted preliminary works.

*Correction requested by the Applicant:* For "2(1)(h)" substitute "(h)".

*Secretary of State's rationale:* Correction to improve clarity of referencing.

**Schedule 2 (Requirements) Paragraph 7 (landscape and ecological management plan)**

(4) For the purposes of sub-paragraph (1), “commence” includes part 2(1) (h) (site clearance (including vegetation removal, demolition of existing buildings and structures)) of permitted preliminary works.

*Correction requested by the Applicant:* After “permitted preliminary works”, add “as defined in article 2(1)”.

*Secretary of State’s rationale:* *Correction to improve clarity of referencing.*

**Schedule 2 (requirements), paragraph 12 (archaeology), sub-paragraph (1)(c)**

(c) updates are made to the written scheme of investigation to account for the results of the additional trial trenching carried out, and the updated written scheme of investigation is submitted to and improved in writing by each relevant planning authority, in consultation with Historic England.

*Correction requested by the Applicant:* In sub-paragraph (1)(c), for “improved” substitute “approved”.

*Secretary of State’s rationale:* *Correction of a grammatical error.*

**Schedule 2 (requirements), paragraph 12 (archaeology), sub-paragraph (2)**

(2) The authorised development must be implemented in accordance with the updated written scheme of investigation approved under sub-paragraph 1(c), and any archaeological works must be carried out by a suitably qualified and competent person or body previously notified to each relevant planning authority.

*Correction requested by the Applicant:* For “sub-paragraph 1(c)” substitute “sub-paragraph (1)(c)”.

*Secretary of State’s rationale:* *Correction of a typographical error.*

**Schedule 2 (requirements), paragraph 17 (permissive path), sub-paragraph (2)**

(2) The permissive path must be maintained and access by the public permitted for 365 days a year except where closure is required for maintenance or in an emergency until the date of decommissioning of the part of the authorised development that includes Work No. 1B.

*Correction requested by the Applicant:* For “365” substitute “364”.

*Secretary of State’s rationale:* *The Order as made included a reference to “365” because the Secretary of State originally thought that “364” was a typographical error. However the reference to 364 is needed because the closure of the path for one day a year serves as an interruption to public access and will therefore prevent a situation where the permissive path is deemed to be dedicated as a highway in accordance with section 31 of the Highways Act 1980 and common law.*

**Schedule 2 (requirements), paragraph 21 (decommissioning and restoration), sub-paragraph (1)**

(1) The date of decommissioning for each part of the authorised development must be no later than 60 years following the date of final commissioning of that part of the authorised development as approved under requirement 2 of Schedule 2 (requirements).

*Correction requested by the Applicant:* Omit “as approved under requirement 2 of Schedule 2 (requirements)”.

*Secretary of State's rationale: Removal of reference to construction phasing is justified as the details of the decommissioning process are not known at this stage.*

**Schedule 2 (requirements), paragraph 22 (long term flood risk mitigation), sub-paragraph (1)**

(1) No submission seeking the discharge of requirements 5, 7, 8, 10, 11 or 14 may be made to the relevant planning authorities and no part of the authorised development may commence until an updated flood risk assessment of the flood risk arising from the River Trent in respect of the continued operation of Work Nos. 1 to 3 for 60 years from the date of final commissioning of the relevant part of the authorised development has been submitted to and approved by the Environment Agency following consultation with the Lead Local Flood Authority.

*Correction requested by the Applicant:* For “following consultation” substitute “in consultation”.

*Secretary of State's rationale: Amendment to be consistent with the drafting found in other Requirements in the Order where consultation is required.*

Corrections to Schedule 6

**Schedule 6 (streets and public rights of way), Part 3 (temporary prohibition of restriction of public rights of way)**

*Correction requested by the Applicant:* The following table is to be substituted for the table in Part 3 of Schedule 6 to the Order.

(1) Area	(2) Public Right of Way	(3) Measure
District of West Lindsey	Approximately 580 metres of footpath reference Bram/66/1 between points marked 7ii/a and 7ii/b on sheet 7 of the public rights of way plan	Temporarily closed along the route shown in orange and labelled Bram/66/1
District of West Lindsey	Approximately 129 metres of footpath reference Mton/66/4 between points marked 7iii/a and 7iii/b on sheet 7 of the public rights of way plan	Temporarily closed along the route shown in orange and labelled Mton/66/4
District of Bassetlaw	Approximately 187 metres of footpath reference Cottam FP1 between points marked 7iv/a and 7iv/b on sheet 7 of the public rights of way plan	Temporarily closed along the route shown in orange and labelled NT Cottam FP1
District of Bassetlaw	Approximately 32 metres of footpath reference North Leverton With Habbleshorpe FP9 between points marked 7v/a and 7v/b on sheet 7 of the public rights of way plan	Temporarily closed along the route shown in orange and labelled NT North Leverton With Habbleshorpe FP9
District of Bassetlaw	Approximately 3 metres of byway reference North Leverton With Habbleshorpe RB25 between points marked	Temporarily closed along the route shown in pink and labelled NT North Leverton With Habbleshorpe RB25

District of Bassetlaw	8i/a and 8i/b on sheet 8 of the public rights of way plan Approximately 201 metres of byway open to all traffic reference North Leverton With Habbleshthorpe BOAT14 between points marked 8ii/a and 8ii/b on sheet 8 of the public rights of way plan	Temporarily closed along the route shown in blue and labelled NT North Leverton With Habbleshthorpe BOAT14
District of Bassetlaw	Approximately 51 metres of footpath reference North Leverton With Habbleshthorpe FP18 between points marked 9i/a and 9i/b on sheet 9 of the public rights of way plan	Temporarily closed along the route shown in orange and labelled NT North Leverton With Habbleshthorpe FP18
District of Bassetlaw	Approximately 354 metres of bridleway reference Sturton Le Steeple BW5 between points marked 9ii/a and 9ii/b on sheet 9 of the public rights of way plan	Temporarily closed along the route shown in green and labelled NT Sturton Le Steeple BW5
District of Bassetlaw	Approximately 75 metres of byway reference Sturton Le Steeple RB32 between points marked 9iii/a and 9iii/b on sheet 9 of the public rights of way plan	Temporarily closed along the route shown in pink and labelled NT Sturton Le Steeple RB32
District of Bassetlaw	Approximately 56 metres of byway reference Sturton Le Steeple RB32 between points marked 10i/a and 10i/b on sheet 10 of the public rights of way plan	Temporarily closed along the route shown in pink and labelled NT Sturton Le Steeple RB32
District of Bassetlaw	Approximately 55 metres of footpath reference Sturton Le Steeple FP39 between points marked 10ii/a and 10ii/b on sheet 10 of the public rights of way plan	Temporarily closed along the route shown in orange and labelled NT Sturton Le Steeple FP39
District of Bassetlaw	Approximately 63 metres of footpath reference Sturton Le Steeple FP15 between points marked 10iii/a and 10iii/b on sheet 10 of the public rights of way plan	Temporarily closed along the route shown in orange and labelled NT Sturton Le Steeple FP15
District of Bassetlaw	Approximately 404 metres of byway reference Sturton Le Steeple RB32 between points marked 10iv/a and 10iv/b on sheet 10 of the public rights of way plan	Temporarily closed along the route shown in pink and labelled NT Sturton Le Steeple RB32
District of Bassetlaw	Approximately 9 metres of footpath reference Sturton Le Steeple FP17 between points marked 10v/a and 10v/b on sheet 10 of the public rights of way plan	Temporarily closed along the route shown in orange and labelled NT Sturton Le Steeple FP17
District of Bassetlaw	Approximately 306 metres of footpath reference Sturton Le	Temporarily closed along the route shown in orange and

	Steeple FP17 between points marked 10v/c and 10v/d on sheet 10 of the public rights of way plan	labelled NT Sturton Le Steeple FP17
District of Bassetlaw	Approximately 23 metres of footpath reference Sturton Le Steeple FP17 between points marked 10v/e and 10v/f on sheet 10 of the public rights of way plan	Temporarily closed along the route shown in orange and labelled NT Sturton Le Steeple FP17

*Secretary of State's rationale: The referencing in the published version of the Order does not reflect the correct footpath and route references in the public rights of way plan.*

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### Corrections to Schedule 13

#### **Schedule 13 (documents and plans to be certified), Part 1 (documents and plans), row 2 ("book of reference")**

(1) Document name	(2) Document reference	(3) Revision number	(4) Date
Book of reference	DEC/WB4.3	G	October 2024

*Correction requested by the Applicant:* In column (2), for "DEC/WB4.3", substitute "EN010132/DEC/WB4.3".

*Secretary of State's rationale: Correction of a referencing error.*

#### **Schedule 13 (documents and plans to be certified), Part 1 (documents and plans), row 6 ("environmental statement appendix 9.12 biodiversity net gain report")**

*Correction requested by the Applicant:* Omit row 6.

*Secretary of State's rationale: Correction of referencing error.*

#### **Schedule 13 (documents and plans to be certified), Part 1 (documents and plans), row 7 ("figure 8.18.3 landscape and ecological mitigation and enhancement measures West Burton 3 (Revision B)")**

*Correction requested by the Applicant:* Omit row 7.

*Secretary of State's rationale: Correction of referencing error.*

#### **Schedule 13 (documents and plans to be certified), Part 1 (documents and plans), row 11 ("outline construction traffic management plan")**

*Correction requested by the Applicant:* In column (2) (document reference), for "EN010132/EX4/WB6.14.2" substitute "EN010132/EX7/WB6.3.14.2".

*Secretary of State's rationale: Correction of referencing error.*

**Schedule 13 (documents and plans to be certified), Part 1 (documents and plans), row 13 (“outline decommissioning statement”)**

*Correction requested by the Applicant:* In column (2) (document reference), for “EN10132/EX6/WB7.14” substitute “EN010132/DEC/WB7.2”.

*Secretary of State’s rationale:* Correction of referencing error.

**Schedule 13 (documents and plans to be certified), Part 1 (documents and plans), row 13 (“outline decommissioning statement”)**

*Correction requested by the Applicant:* In column (3) (revision number), for “B” substitute “C”.

*Secretary of State’s rationale:* Correction of referencing error.

**Schedule 13 (documents and plans to be certified), Part 1 (documents and plans), row 13 (“outline decommissioning statement”)**

*Correction requested by the Applicant:* In column (4) (date), for “April 2024” substitute “October 2024”.

*Secretary of State’s rationale:* Correction of referencing error.

**Schedule 13 (documents and plans to be certified), Part 1 (documents and plans), row 17 (“outline operational environmental management plan”)**

*Correction requested by the Applicant:* In column (2) (document reference), for “EN10132/EX5/WB7.14” substitute “EN010132/DEC/WB7.14”.

*Secretary of State’s rationale:* Correction of referencing error.

**Schedule 13 (documents and plans to be certified), Part 1 (documents and plans), row 17 (“outline operational environmental management plan”)**

*Correction requested by the Applicant:* In column (3) (revision number), for “D” substitute “E”.

*Secretary of State’s rationale:* Correction of referencing error.

**Schedule 13 (documents and plans to be certified), Part 1 (documents and plans), row 17 (“outline operational environmental management plan”)**

*Correction requested by the Applicant:* In column (4) (date)), for “April 2024” substitute “October 2024”.

*Secretary of State’s rationale:* Correction of referencing error.

**Schedule 13 (documents and plans to be certified), Part 2 (substitute and supplementary documents), row 8 (“technical note on cumulative effects of additional schemes”)**

*Correction requested by the Applicant:* In column (5) (examination library reference), for “[TBC]” substitute “[REP7-016]”.

*Secretary of State’s rationale:* Correction of referencing error to the relevant examination library reference.



Corrections to Schedule 15**Schedule 15 (protective provisions), Part 3 (for the protection of National Grid Electricity Transmission Plc as electricity undertaker), paragraph 33 (notices)**

33. Notwithstanding article (service of notices), any plans submitted to National Grid by the undertaker pursuant to paragraph 26 must be submitted using the LSBUD system (<https://lsbud.co.uk>) or to such other address as National Grid may from time to time appoint instead for that purpose and notify to the undertaker in writing.

*Correction requested by the Applicant:* For “article”, substitute “article 44”.

*Secretary of State’s rationale:* Correction of a referencing error.

**Schedule 15 (protective provisions), Part 14 (for the protection of Uniper UK Limited), paragraph 192 (retained apparatus), sub-paragraph (1)**

(1) Not less than 56 days before the commencement of any specified works the undertaker must submit to Uniper at the address stated in paragraph, 200 a plan in respect of those works.

*Correction requested by the Applicant:* For “paragraph, 200” substitute “paragraph 200”.

*Secretary of State’s rationale:* Correction of a typographical error.

**Schedule 15 (protective provisions), Part 17 (for the protection of Tillbridge Solar Project Limited), paragraph 220, definition of “Tillbridge Work No. [ ] Area”**

“Tillbridge Work No. [ ] Area” means the area for Work No. [ ] authorised in the Tillbridge Solar Order;

*Correction requested by the Applicant:* For ““Tillbridge Work No. [ ] Area” means the area for Work No. [ ] authorised in the Tillbridge Solar Order;” substitute ““Tillbridge Work No. 4E Area” means the area for Work No. 4E authorised in the Tillbridge Solar Order;”.

*Secretary of State’s rationale:* The Secretary of State is content to make this correction albeit noting that the Tillbridge Solar Order has not yet been finalised or a decision taken.

**Schedule 15 (protective provisions), Part 17 (for the protection of Tillbridge Solar Project Limited)**

*Correction requested by the Applicant:* For “Tillbridge Work No. [ ] Area”, in each place it occurs, substitute “Tillbridge Work No. 4E Area”.

*Secretary of State’s rationale:* The Secretary of State is content to make this correction albeit noting that the Tillbridge Solar Order has not yet been finalised or a decision taken.

**Schedule 15 (protective provisions), Part 18 (for the protection of EDF Energy (Thermal Generation) Limited), paragraph 240 (acquisition of land)**

(1) Regardless of any provision in this order or anything shown on the land plan or contained in a book of reference to the order, the undertaker may not (a) appropriate or acquire or take temporary possession of or entry to any land or apparatus or (b) appropriate, acquire, extinguish, interfere with or override any easement, or the interest or right or apparatus of EDF otherwise done by agreement.

*Correction requested by the Applicant:* In sub-paragraph (1), in both places it appears, for “order” substitute “Order”.

*Secretary of State’s rationale:* Correction of a typographical error to align with the defined terms under the Order.

**Schedule 15 (protective provisions), Part 18 (for the protection of EDF Energy (Thermal Generation) Limited), paragraph 240 (acquisition of land)**

(1) Regardless of any provision in this order or anything shown on the land plan or contained in a book of reference to the order, the undertaker may not

(a) appropriate or acquire or take temporary possession of or entry to any land or apparatus or

(b) appropriate, acquire, extinguish, interfere with or override any easement, or the interest or right or apparatus of EDF otherwise done by agreement.

*Correction requested by the Applicant:* In sub-paragraph (1)(b), for “or the interest” substitute “other interest”.

*Secretary of State’s rationale:* Correction of a grammatical error.

**Schedule 15 (protective provisions), Part 18 (for the protection of EDF Energy (Thermal Generation) Limited), paragraph 240 (acquisition of land)**

(1) Regardless of any provision in this order or anything shown on the land plan or contained in a book of reference to the order, the undertaker may not

(a) appropriate or acquire or take temporary possession of or entry to any land or apparatus or

(b) appropriate, acquire, extinguish, interfere with or override any easement, or the interest or right or apparatus of EDF otherwise done by agreement.

*Correction requested by the Applicant:* In sub-paragraph (1)(b), for “done” substitute “than”.

*Secretary of State’s rationale:* Correction of a grammatical error.

**Schedule 15 (protective provisions), Part 18 (for the protection of EDF Energy (Thermal Generation) Limited), paragraph 240 (acquisition of land)**

(1) Regardless of any provision in this order or anything shown on the land plan or contained in a book of reference to the order, the undertaker may not

(a) appropriate or acquire or take temporary possession of or entry to any land or apparatus or

(b) appropriate, acquire, extinguish, interfere with or override any easement, or the interest or right or apparatus of EDF otherwise done by agreement.

*Correction requested by the Applicant:* In sub-paragraph (1)(b), after “by agreement” insert “such agreement not to be unreasonably withheld”.

*Secretary of State’s rationale:* Additional wording is required in line with the Secretary of State’s rationale in the Cottam Solar Project Order 2024 to balance deliverability of the authorised development and the protection of apparatus.

**Schedule 15 (protective provisions), Part 18 (for the protection of EDF Energy (Thermal Generation) Limited), paragraph 250 (notices)**

250. Notwithstanding article (service of notices), any plans submitted to EDF by the undertaker pursuant to paragraph 244 must be submitted to EDF addressed to the company secretary and copied to the land and estates team and sent to 90 Whitfield Street, London, England, W1T 4EZ or to such other address as EDF may from time to time appoint instead for that purpose and notify to the undertaker in writing.

*Correction requested by the Applicant:* In sub-paragraph (1), in both places it appears, for “article” substitute “article 44”.

*Secretary of State's rationale: Correction of a referencing error.*

Corrections which the Secretary of State has not made

**Article 17 (9) (protective works to buildings)**

(9) Nothing in this article relieves the undertaker from any liability to pay compensation under section 10(2) (compensation for injurious affection) of the 1965 Act."

*Correction requested by the Applicant:* Substitute "(9) Subject to article 41 (no double recovery), nothing in this article relieves the undertaker from any liability to pay compensation under section 152[fn] (compensation in case where no right to claim in nuisance) of the 2008 Act." Add footnote in the location specified by [fn]: "Section 152 was amended by S.I 2009/1307"

*Secretary of State's rationale: The Secretary of State acknowledges that past practice in previous DCOs has been inconsistent but considers that this request goes beyond the scope of a correction request.*

**Schedule 2 (requirements), paragraph 4 (community liaison group), sub-paragraph (3)**

(3) The community liaison group is to continue to meet until the date of final commissioning of the final part of the authorised development as approved under requirement 2 of Schedule 2 (requirements) unless otherwise agreed with the relevant planning authorities.

*Correction requested by the Applicant:* Delete "of Schedule 2 (requirements)".

*Secretary of State's rationale: The Secretary of State does not consider this correction to be necessary.*

**Schedule 2 (requirements), paragraph 12 (archaeology), sub-paragraph (1)(a)**

(a) a scheme of additional trial trenching has been submitted to and approved by each relevant planning authority, in consultation with Historic England;

*Correction requested by the Applicant:* In sub-paragraph (1)(a) after "a scheme of additional trial trenching" add "in accordance with the written scheme of investigation".

*Secretary of State's rationale: This was not an error. The wording chosen by the Secretary of State followed consultation feedback from Historic England.*

**Schedule 13 (Documents and Plans to be Certified) Part 1 (Documents and Plans)**

**Row 25 ("Written scheme of investigation")**

In column (2) (document reference) "EN010132/EX5/WB6.3.13.7". In column (3) (revision number), "B".

*Correction requested by the Applicant:* In column (2) (document reference), for "EN010132/EX5/WB6.3.13.7", substitute "EN010132/WB8.2.9". In column (3) (revision number), for "B", substitute "A"

*Secretary of State's rationale: This was not an error. The reference made by the Secretary of State followed consultation feedback from Historic England.*

**Schedule 14 (Arbitration Rules) Paragraph 7 (Confidentiality)**

"7.—(1) Subject to sub-paragraphs (2) and (3), any arbitration hearing and documentation will be open to and accessible by the public. (2) The arbitrator may direct that the whole or part of a hearing is to be private or any documentation to be confidential where it is necessary in order to protect commercially sensitive information."

*Correction requested by the Applicant:* For paragraph 7, substitute: “7.—(1) Hearings in this arbitration are to take place in public unless otherwise agreed by the arbitrator on application from one or both of the parties. (2) Materials, documents, awards, expert reports and any matters relating to the arbitration are confidential and must not be disclosed to any third party without prior written consent of the other party, save for any application to the courts or where disclosure is required under any legislative or regulatory requirement.”

*Secretary of State’s rationale:* This was not an error.

**Schedule 16 (Procedure for Discharge of Requirements) Paragraph 4 (Appeals)**

“(2) The steps to be followed in the appeal process are as follows—(a) any appeal by the undertaker must be made within 42 days of the date of the notice of the decision or the 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 subparagraph (1);”

*Correction requested by the Applicant:* Substitute paragraph (2)(a) with: “(a) any appeal by the undertaker (i) the date of the notice of the decision for any claim brought under subparagraph (1)(a); (ii) the date the application is deemed refused for any claim brought under subparagraph (1)(b); or (iii) the date of the request for further information for any claim brought under subparagraphs (1)(c) or (1)(d);” must be made within 42 days of—

*Secretary of State’s rationale:* This was not an error. The drafting reflects other recent DCOs.