

# Stonestreet Green Solar

## Schedule of Changes to the Draft DCO (Tracked)

PINS Ref: EN010135

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Version 3

Deadline 3

January 2025

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APFP Regulation 5(2)(q)

Planning Act 2008

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009



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# 1 Introduction

## 1.1 Introduction and Purpose of this Schedule

1.1.1 The table below sets out the changes made to the **Draft Development Consent Order (Doc Ref. 3.1(DC))** at Deadlines 1, ~~and 2~~ and 3. This Schedule is provided by the Applicant to aid the ExA in understanding the changes made.

**Table 1-1: Changes made to the Draft DCO at Deadline 1**

Row	Provision	Change	Reasoning
1.	Preamble (and associated footnote)	<p>The Secretary of State has considered the report and recommendation of the Examining Authority, has taken into account the environmental information in accordance with regulation 4 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017(c) and has had regard to the documents and matters referred to in section <del>105</del>104(2)(d) of the 2008 Act (with modifications which in the opinion of the Secretary of State do not make any substantial changes to the proposals comprised in the application).</p> <p>(d) Section <del>105</del>104(2) was amended by paragraph <del>50</del>49 of Schedule 13 to the Localism Act 2011 and section 58(5) of the Marine and Coastal Access Act 2009 (c.23).</p>	Amended to reflect the fact that since the first version of the Draft DCO was prepared, the Overarching national policy statement for energy (EN-1) and National Policy Statement for renewable energy infrastructure (EN-3) have now been designated and are in force. As a result, the DCO application must be determined by the Secretary of State in accordance with section 104, rather than section 105, of the Planning Act 2008.
2.	Article 2(1) (interpretation)	<p>“business day” means a day other than Saturday or Sunday which is not Christmas Day, Good Friday or <del>a</del>an English public holiday or bank holiday under section 1 of the Banking and Financial Dealings Act 1971(c);</p>	Amended at the request of the ExA. Please see Action Point 7 in the <b>Written Summary of Oral Submissions at Issue Specific Hearing 1 and Responses to Action Points (Doc Ref. 8.5.3)</b> .

Row	Provision	Change	Reasoning
3.	Article 2(1) (interpretation)	“commence” means to carry out any material operation, as defined in section 155 of the 2008 Act, forming part of the authorised development other than site enabling works <del>(except where stated to the contrary)</del> , and “commencement” and “commenced” must be construed accordingly;	This is a consequential amendment required as a result of the amendments to Requirement 8 in Schedule 2 (see row 15 below).
4.	Article 2(1) (interpretation)	“site enabling works” means operations consisting of— (a) pre-construction surveys and/or monitoring; (b) site clearance and/or vegetation works; (c) advanced planting works; <del>(d) demolition work;</del> (d) <del>(e)</del> archaeological investigations; (e) <del>(f)</del> environmental surveys; (f) <del>(g)</del> investigations for the purpose of assessing ground conditions; (g) <del>(h)</del> remedial work in respect of contamination or other adverse ground conditions; (h) <del>(i)</del> diversion and laying of services; (i) <del>(j)</del> erection of any temporary means of enclosure; and (j) <del>(k)</del> the temporary display of site notices and/or advertisements;	The Applicant has confirmed there will be no demolition works required as part of the site enabling works, and so this limb of the definition is no longer required.
5.	Article 2(1) (interpretation)	<del>“undertaker” means EPL 001 Limited or any person who for the time being has the benefit of this Order in accordance with articles 6 (benefit of the Order) and 7 (consent to transfer benefit of the Order);</del>	The definition of "undertaker" was in the incorrect position alphabetically and so has been moved. No changes have been made to the text of the definition.

Row	Provision	Change	Reasoning
		<p>“UK Power Networks” means UK Power Networks Holdings Limited, company number 07290590, whose registered office is at Newington House, 237 Southwark Bridge Road, London, SE1 6NP and all wholly-owned subsidiary companies of UK Power Networks Holdings Limited;</p> <p>“undertaker” means EPL 001 Limited or any person who for the time being has the benefit of this Order in accordance with articles 6 (benefit of the Order) and 7 (consent to transfer benefit of the Order);</p>	
6.	Article 7 (consent to transfer benefit of the Order)	(6) The date specified under paragraph (5)(b) must not be earlier than the expiry of 14 <del>working</del> business days from the date of the receipt of the notification.	Amendment for consistency to reflect the definition in Article 2(1).
7.	Article 9 (planning permission)	<p>(2) Any conditions of any planning permission granted prior to the date of this Order that are incompatible with the requirements of this Order or the authorised development shall cease to have effect from the date the authorised development is commenced and for the purpose of this article planning permissions deemed to be granted pursuant to the 2015 Regulations shall be deemed to be granted prior to the date of this Order.</p> <p>(3) Where the undertaker identifies an incompatibility between a condition of a planning permission and this Order that engages paragraph (2), it must notify the local planning authority as soon as reasonably practicable.</p>	Paragraph (3) has been added to Article 9 following a request from the ExA during Issue Specific Hearing 1. Please refer to Action Point 10 in the <b>Written Summary of Oral Submissions from Issue Specific Hearing 1 and Responses to Action Points (Doc Ref. 8.5.3)</b> .
8.	Article 22 (compulsory	(2) This article is subject to article 25 (time limit for exercise of authority to acquire land	Amendment to correct a minor typographical inconsistency.

Row	Provision	Change	Reasoning
	acquisition of land)	compulsorily), article 26 (compulsory acquisition of rights and imposition of restrictive covenants), article 29 (acquisition of subsoil and airspace only), article 31 (temporary use of land for carrying out <del>the</del> authorised development), article 42 (crown rights) and Schedule 13 (protective provisions).	
9.	Article 29 (acquisition of subsoil and airspace only)	<b>29.</b> —(1) The undertaker may acquire compulsorily so much of, or such rights in, the subsoil of and the airspace over the land referred to in paragraph <del>22(1)</del> (1) of article 22 (compulsory acquisition of land) or article 26 (compulsory acquisition of rights and imposition of restrictive covenants) 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.	Amendment to correct a minor typographical error.
10.	Article 30 (modification of the 1965 Act)	<b>30.</b> In this Schedule, references to entering on and taking possession of land do not include doing so under articles 21 (authority to survey and investigate the land), 31 (temporary use of land for <del>construction of</del> carrying out the authorised development), 33 (temporary use of land for maintaining <del>or decommissioning</del> the authorised development), or 39 (use of subsoil and airspace within the Order limits) of the Stonestreet Green Solar Order 202*.	Amendment to correct a minor typographical inconsistency.
11.	Article 32 (time limit for exercise of authority to temporarily	<b>32.</b> —(1) Subject to paragraph (2), the authority to enter onto land pursuant to article 31 (temporary use of land for <del>construction of</del> carrying out the authorised development) ceases to apply to any land after the period of five years beginning on the day on which the Order is made.	Amendment to correct a minor typographical inconsistency.



Row	Provision	Change	Reasoning
	use land for carrying out the authorised development)		
12.	Article 45 (felling or lopping of trees or removal of hedgerows)	<b>45.</b> —(1) Subject to paragraphs (2) and (6), the undertaker may fell or lop any tree, <del>or</del> 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—	Removal of comma.
13.	Schedule 2, Requirement 3 (phases of authorised development)	<b>3.</b> —(1) The authorised development must not be commenced until a written scheme setting out the phases <b>and sequencing</b> of construction of the authorised development has been submitted to and approved by the local planning authority.	Addition of "and sequencing" in response to Action Point 2 from Issue Specific Hearing 1. Please refer to the <b>Written Summary of Oral Submissions at Issue Specific Hearing 1 and Responses to Action Points (Doc Ref. 8.5.3)</b> .
14.	Schedule 2, Requirement 7 (construction traffic management plan)	<p><b>Construction traffic management plan</b></p> <p><b>7.</b> —(1) No phase of the authorised development may commence until a CTMP for that phase has been submitted to and approved by the local planning authority, such approval to be in consultation with the relevant highway authority.</p> <p>(2) The CTMP for each phase of the authorised development must be in accordance with the outline CTMP.</p> <p>(3) All construction works associated with the authorised development in each phase must be carried out in accordance with the approved CTMP for that phase.</p>	Addition of new sub-paragraph (4), at the request of National Highways, to make clear that they are the relevant highway authority for any effects strategic road network which are covered by the controls in the CTMP. Please see the <b>Statement of Common Ground with National Highways (Doc Ref. 8.3.6)</b> for more details.

Row	Provision	Change	Reasoning
		(4) For the purposes of this paragraph, “relevant highway authority” means the highway authority for the highways that are the subject of a CTMP submitted pursuant to sub-paragraph (1).	
15.	Schedule 2, Requirement 8 (landscape and biodiversity)	<p><b>Landscape and biodiversity</b></p> <p><b>8.</b> —(1) The authorised development must not commence until a biodiversity design strategy has been submitted to and approved by the local planning authority, such approval to be in consultation with Kent County Council and the relevant statutory nature conservation body.</p> <p>(2) No phase of the authorised development may commence until a LEMP covering that phase has been submitted to and approved by the local planning authority.</p> <p>(3) The LEMP for each phase of the authorised development must—</p> <p>(a) be in accordance with the outline LEMP, the biodiversity design strategy approved pursuant to sub-paragraph (1) and the design principles;</p> <p>(b) provide details of the proposed hard and soft landscape and biodiversity enhancement works including (in so far as is relevant)—</p> <p>(i) surveys, assessments and method statements;</p> <p>(ii) location, number, species, size, plant protection measures and planting density of any proposed planting and the location of areas to be seeded;</p>	This is to ensure that certain site enabling works are appropriately controlled, in accordance with the relevant guidance. This follows the precedent set in Requirement 7 in Schedule 2 to the Cottam Solar Project Order 2024.



Row	Provision	Change	Reasoning
		<p>(iii) cultivation, importing of materials and other operations to ensure plant establishment; and</p> <p>(iv) implementation timetables for all landscape and biodiversity enhancement works; and</p> <p>(c) provide details of how the landscape and biodiversity enhancement measures will be managed and maintained during the operation of the authorised development.</p> <p>(4) All landscape and biodiversity enhancement works associated with the authorised development in each phase must be carried out in accordance with the approved LEMP for that phase.</p> <p>(5) For the purposes of sub-paragraph (2), “commence” includes part (b) (site clearance and/or vegetation works) of the site enabling works.</p>	
16.	Schedule 2, Requirement 11 (operational surface water drainage strategy)	<p><b>Operational surface water drainage strategy</b></p> <p><b>11.</b>—(1) <del>Prior to the operation</del> <b>No phase</b> of the authorised development <del>an</del> <b>may commence until a</b> OSWDS for <del>the operation of the authorised development must be</del> <b>that phase has been</b> submitted to and approved by the local planning authority, such approval to be in consultation with Kent County Council.</p> <p>(2) The OSWDS must be in accordance with the outline OSWDS.</p> <p>(3) The OSWDS must be implemented as approved.</p>	Amended at the request of Ashford Borough Council. Please refer to paragraph 1.5.14 in the <b>Written Summary of Oral Submissions at Issue Specific Hearing 1 and Responses to Action Points (Doc Ref. 8.5.3).</b>
17.	Schedule 2, Requirement 14	<p><b>Decommissioning and site restoration</b></p>	Addition of new sub-paragraph (5), at the request of National Highways, to make clear that they are the relevant highway authority for

Row	Provision	Change	Reasoning
	(decommissioning and site restoration)	<p><b>14.—</b>(1) Decommissioning works must commence no later than the 40th anniversary of the first export date.</p> <p>(2) Prior to commencement of any decommissioning works for any part of the authorised development—</p> <p>(a) a DEMP for that part must be submitted to and approved by the local planning authority, such approval to be in consultation with Kent County Council; and</p> <p>(b) a DTMP for that part must be submitted to and approved by the local planning authority, such approval to be in consultation with the relevant highway authority.</p> <p>(3) The DEMP must be in accordance with the outline DEMP and the DTMP must be in accordance with the outline DTMP.</p> <p>(4) The DEMP and DTMP must be implemented as approved for the relevant part of the authorised development.</p> <p>(5) For the purposes of this paragraph, “relevant highway authority” means the highway authority for the highways that are the subject of a DTMP submitted pursuant to sub-paragraph (2)(b).</p>	any effects strategic road network which are covered by the controls in the DTMP. Please see the <b>Statement of Common Ground with National Highways (Doc Ref. 8.3.6)</b> for more details.
18.	Schedule 2, paragraph 18	<p><b>Further information regarding requirements</b></p> <p><b>18.—</b>(1) In relation to any application referred to in paragraph 17, the local planning authority may request such further information from the undertaker as it considers necessary to enable it to consider the application.</p> <p>(2) <del>If</del><b>In the event that</b> the local planning authority considers <del>that</del><b>such</b> further information <del>is</del><b>to be</b> necessary and the</p>	Amended at the request of Ashford Borough Council and the ExA following submissions in Issue Specific Hearing 1. Please refer to Further Action Point 4 from the <b>Written Summary of Oral Submissions at Issue Specific Hearing 1 and Responses to Action Points (Doc Ref. 8.5.3)</b> .

Row	Provision	Change	Reasoning
		<p><del>requirement concerned contained in Part 1 of this Schedule</del> provision governing or requiring the application does not specify that consultation with a <del>requirement</del> consultee is required, the local planning authority must, within <del>fourteen</del> 20 business days of receipt of the application, notify the undertaker in writing specifying the further information required.</p> <p>(3) If the <del>requirement concerned contained in Part 1 of this Schedule</del> provision governing or requiring the application specifies that consultation with a <del>requirement</del> consultee is required, the local planning authority must issue the <del>application</del> consultation to the <del>requirement</del> consultee within <del>seven</del> 10 business days of receipt of the application, and <del>must</del> notify the undertaker in writing specifying any further information <del>the local planning authority considers necessary or that is</del> requested by the <del>requirement</del> consultee within <del>seven</del> 10 business days of receipt of such a request and in any event within 20 business days of receipt of the application (or such other period as is agreed in writing between the undertaker and the relevant planning authority).</p> <p>(4) <del>If</del> In the event that the local planning authority does not give the notification <del>within the period</del> as specified in subparagraph (2) or (3) it <del>(and the consultee, as the case may be)</del> is deemed to have sufficient information to consider the application and is not <del>thereafter</del> entitled to request further information without the prior agreement of the undertaker.</p> <p>(5) Where further information is requested under this paragraph in relation to part only of an</p>	<p>This mirrors the drafting in Schedule 16, paragraph 3 of The Cottam Solar Project Order 2024 and Schedule 16, paragraph 3 of The Mallard Pass Solar Farm Order 2024.</p>

Row	Provision	Change	Reasoning
		application, that part is to be treated as separate from the remainder of the application for the purposes of calculating time periods in paragraphs 17 and 18.	
19.	Schedule 2, paragraph 19	<p>(d) the local planning authority and any consultee (if applicable) must submit their written representations together with any other representations to the appointed person in respect of the appeal within ten business days of the start date specified by the appointed person and must ensure that copies of their written representations and any other representations as sent to the appointed person are sent to each other and to the <del>applicant</del>undertaker on the day on which they are submitted to the appointed person;</p> <p>(e) the undertaker must make any <del>counter—submissions</del>counter-submissions to the appointed person within ten business days of receipt of written representations pursuant to paragraph (d) above; and</p> <p>...</p> <p>(10) Save where a direction is given pursuant to subparagraph (11) requiring the costs of the appointed person to be paid by the local planning authority, the reasonable costs of the appointed person are to be met by the <del>applicant</del>undertaker.</p>	Amendment to correct minor typographical inconsistencies.
20.	Schedule 13, Part 1	<p>(d) in the case of a sewerage undertaker—</p> <p>(i) any drain or <del>winks</del>works vested in the affected undertaker under the Water Industry</p>	Amendment to correct a minor typographical error.

Row	Provision	Change	Reasoning
	(protective provisions)	Act 1991; and	
21.	Schedule 14 (Documents and plans to be certified)	Not copied in full – please refer to Schedule 14 to the <b>Draft DCO (Doc Ref. 3.1(B))</b> .	Updates to the list of documents to be certified to reflect the updated versions of documents submitted into the Examination at Deadline 1.

**Table 1-2: Changes made to the Draft DCO at Deadline 2**

Row	Provision	Change	Reasoning
1.	Article 2(1) (interpretation)	“authorised development” means the development and associated development described in Schedule 1 (authorised development) and any other development authorised by this Order which is development within the meaning of section 32 (meaning of “development”) of the 2008 Act;	Amendment to correct a minor typographical inconsistency and to ensure compliance with SI drafting guidance.
2.	Article 2(1) (interpretation)	“bridleway” has the same meaning as in <a href="#">section 329 (further provision as to interpretation)</a> of the 1980 Act;	Amendment to correct a minor typographical inconsistency and to ensure compliance with SI drafting guidance.
3.	Article 2(1) (interpretation)	“carriageway” has the meaning given in section 329 (further provision as to interpretation) of the 1980 Act;	Amendment to correct a minor typographical inconsistency and to ensure compliance with SI drafting guidance.
4.	Article 2(1) (interpretation)	“commence” means to carry out any material operation, as defined in section 155 (when development begins) of the 2008 Act, forming part of the authorised development other than site enabling works (except where stated to the	Amendment to correct a minor typographical inconsistency and to ensure compliance with SI drafting guidance.

Row	Provision	Change	Reasoning
		contrary), and “commencement” and “commenced” must be construed accordingly;	
5.	Article 2(1) (interpretation)	“cycle track” has the same meaning as in <a href="#">section 329 (further provision as to interpretation)</a> of the 1980 Act;	Amendment to correct a minor typographical inconsistency and to ensure compliance with SI drafting guidance.
6.	Article 2(1) (interpretation)	“footway” and “footpath” have the same meanings as in <a href="#">section 329 (further provision as to interpretation)</a> of the 1980 Act;	Amendment to correct a minor typographical inconsistency and to ensure compliance with SI drafting guidance.
7.	Article 6 (benefit of the Order)	<b>6.</b> —(1) Subject to article 7 (consent to transfer benefit of the Order) the provisions of this Order have effect solely for the benefit of EPL 001 Limited, save for: —	Amendment to correct a minor typographical error.
8.	Schedule 2, Requirement 5 (battery safety management plan)	<b>Battery safety management plan</b> <b>5.</b> —(1) Prior to the commencement of the BESS within Work No. 2, a BSMP must be submitted to and approved by the local planning authority in consultation with <a href="#">the Environment Agency</a> and Kent Fire and Rescue Service.	Amendment made at the request of the Environment Agency as part of discussions on the <b>Statement of Common Ground with the Environment Agency (Doc Ref. 8.3.2(A))</b> .
9.	Schedule 2, Requirement 6 (construction environmental management plan)	<b>Construction environmental management plan</b> <b>6.</b> —(1) No phase of the authorised development may commence until a CEMP for that phase has been submitted to and approved by the local planning authority, such approval to be in consultation with <a href="#">the Environment Agency</a> and Kent County Council.	Amendment made at the request of the Environment Agency as part of discussions on the <b>Statement of Common Ground with the Environment Agency (Doc Ref. 8.3.2(A))</b> .
10.	Schedule 2, Requirement 8 (landscape and biodiversity)	<b>Landscape and biodiversity</b> <b>8.</b> —(1) The authorised development must not commence until a biodiversity design strategy has been submitted to and approved by the local planning authority, such approval to be in consultation with <a href="#">the Environment</a>	Amendment made at the request of the Environment Agency as part of discussions on the <b>Statement of Common Ground with</b>

Row	Provision	Change	Reasoning
		<a href="#">Agency</a> , Kent County Council and the relevant statutory nature conservation body.	<b>the Environment Agency (Doc Ref. 8.3.2(A)).</b>
11.	Schedule 2, Requirement 11 (operational surface water drainage strategy)	<b>Operational surface water drainage strategy</b> <b>11.</b> —(1) No phase of the authorised development may commence until a OSWDS for that phase has been submitted to and approved by the local planning authority, such approval to be in consultation with <a href="#">the Environment Agency</a> and Kent County Council. (2) The OSWDS <a href="#">for each phase of the authorised development</a> must be in accordance with the outline OSWDS. (3) The OSWDS <a href="#">for each phase of the authorised development</a> must be implemented as approved.	Amendment to sub-paragraph (1) made at the request of the Environment Agency as part of discussions on the <b>Statement of Common Ground with the Environment Agency (Doc Ref. 8.3.2(A)).</b>  Amendments to sub-paragraphs (2) and (3) made to make clear that if there is more than one OSWDS, the OSWDS for each phase must be in accordance with the outline OSWDS.
12.	Schedule 2, Requirement 12 (operational management plan)	<b>Operational management plan</b> <b>12.</b> —(1) Prior to the operation of the authorised development, an OMP must be submitted to and approved by the local planning authority, <a href="#">such approval to be in consultation with the Environment Agency</a> .	Amendment made at the request of the Environment Agency as part of discussions on the <b>Statement of Common Ground with the Environment Agency (Doc Ref. 8.3.2(A)).</b>
13.	Schedule 2, Requirement 14 (decommissioning and site restoration)	<b>Decommissioning and site restoration</b> <b>14.</b> —(1) Decommissioning works must commence no later than the 40th anniversary of the first export date. (2) Prior to commencement of any decommissioning works for any part of the authorised development— (a) a DEMP for that part must be submitted to and approved by the local planning authority, such approval to be in consultation with <a href="#">the Environment Agency</a> and Kent County Council; and (b) a DTMP for that part must be submitted to and approved by the local planning authority, such	Amendment to sub-paragraph (2)(a) made at the request of the Environment Agency as part of discussions on the <b>Statement of Common Ground with the Environment Agency (Doc Ref. 8.3.2(A)).</b>  Amendment to sub-paragraph (5) to correct minor typographical inconsistency.



Row	Provision	Change	Reasoning
		<p>approval to be in consultation with the relevant highway authority.</p> <p>(3) The DEMP must be in accordance with the outline DEMP and the DTMP must be in accordance with the outline DTMP.</p> <p>(4) The DEMP and DTMP must be implemented as approved for the relevant part of the authorised development.</p> <p>(5) For the purposes of this paragraph, “relevant highway authority” means the highway authority for the highways that are the subject of a DTMP submitted pursuant to <del>sub-paragraph (2)(b)</del> paragraph 14(2)(b).</p>	
14.	Schedule 13, Part 8 (protective provisions)	<p>Inclusion of new Part 8 of Schedule 13 – for the protection of High Speed 1 Limited.</p> <p>Not copied in full – please refer to Schedule 13 to the <b>Draft DCO (Doc Ref. 3.1(C))</b>.</p>	Inclusion of new protective provisions for the protection of High Speed 1 Limited. Please see the relevant row of Table 3 of the <b>Schedule of Negotiations (Doc Ref. 4.4(B))</b> for further details.
15.	Schedule 14 (Documents and plans to be certified)	Not copied in full – please refer to Schedule 14 to the <b>Draft DCO (Doc Ref. 3.1(C))</b> .	Updates to the list of documents to be certified to reflect the updated versions of documents submitted into the Examination at Deadline 2.

**Table 1-3: Changes made to the Draft DCO at Deadline 3**

Row	Provision	Change	Reasoning
<u>1.</u>	<u>Article 8 (Disapplication, application and modification of</u>	<u>(2) Regulation 6 (permitted work) of the Hedgerows Regulations 1997(b) is modified so as to read for the purposes of this Order only as if there were inserted after paragraph (1)(i) the following—</u>	<u>Amendment to correct a minor typographical error.</u>

<u>Row</u>	<u>Provision</u>	<u>Change</u>	<u>Reasoning</u>
	<u>legislative provisions)</u>	<u>(k) or for the carrying out or the maintenance of development which has been authorised by the Stonestreet Green Solar Order 202*.</u>	
<u>2.</u>	<u>Article 15 (Access to works)</u>	<u>(2) If the local planning authority receives an application for approval under paragraph 15(1)(b)(1)(b) and fails to notify the undertaker of its decision within 56 days of receiving the application, that authority will be deemed to have granted approval.</u>	<u>Amendment to correct a minor typographical inconsistency and to ensure compliance with SI drafting guidance.</u>
<u>3.</u>	<u>Article 31 (Temporary use of land for carrying out the authorised development)</u>	<u>(a) enter on and take temporary possession of any land within the Order land in respect of which no notice of entry has been served under section 11 (Powers of entry) of the 1965 Act (and no declaration has been made under section 4 (execution of declaration) of the 1981 Act(a));</u>	<u>Amendment to correct a minor typographical error.</u>
<u>4.</u>	<u>Article 36 (Recovery of costs of new connections)</u>	<u>(3) This article does not have effect in relation to apparatus to which Part 3 (street works in England and Wales) of the 1991 Act applies.</u>	<u>Amendment to correct a minor typographical inconsistency and to ensure compliance with SI drafting guidance.</u>
<u>5.</u>	<u>Article 45 (Felling or lopping of trees or removal of hedgerows)</u>	<u>45.—(1) Subject to paragraphs (2) and (6), 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—</u> <u>(a) from obstructing or interfering with the construction, maintenance operation or decommissioning of the authorised development or any apparatus used in connection with the authorised development; or</u>	<u>Removal of two erroneously placed commas.</u>

<u>Row</u>	<u>Provision</u>	<u>Change</u>	<u>Reasoning</u>
		<u>(b) from constituting a danger to persons using the authorised development.</u> <u>(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.</u>	
<u>6.</u>	<u>Schedule 2, Requirement 11 (operational surface water drainage strategy)</u>	<b><u>Operational surface water drainage strategy</u></b> <b><u>11.—(1) No phase of the authorised development may commence until a OSWDS for that phase has been submitted to and approved by the local planning authority, such approval to be in consultation with the Environment Agency and Kent County Council (as the lead local flood authority).</u></b>	<u>Amendment to clarify that Kent County Council are to be consulted on the OSWDS in its capacity as the lead local flood authority, following a request in the Examining Authority's first written question 4.1.1 that this clarification be included. Please refer to the <b>Responses to First Written Questions (ExQ1) Doc Ref. 8.11</b> for further information.</u>
<u>7.</u>	<u>Schedule 2, paragraph 18</u>	<u>(3) If the provision governing or requiring the application specifies that consultation with a requirement consultee is required, the local planning authority must issue the consultation to the requirement consultee within 10 business days of receipt of the application, and must notify the undertaker in writing specifying any further information the local planning authority considers necessary or that is requested by the requirement consultee within 10 business days of receipt of such a request and in any event within 20 business days of receipt of the application (or such other period as is agreed in writing between the undertaker and the relevant local planning authority).</u>	<u>Amendment to correct a minor typographical error.</u>
<u>8.</u>	<u>Schedule 11 (Modification of compensation</u>	<u>2. —(1) Without limiting the scope of paragraph 1, the Land Compensation Act 1973(aa) has effect subject to the modifications set out in sub-paragraph (2).</u> <u>...</u>	<u>Amendment to include missing footnote.</u>

<u>Row</u>	<u>Provision</u>	<u>Change</u>	<u>Reasoning</u>
	<u>and compulsory purchase enactments for creation of new rights and imposition of restrictive covenants)</u>	<u>(a) 1973 c. 26.</u>	
<u>9.</u>	<u>Schedule 13, Part 1 (protective provisions)</u>	<u>3. This Part of this Schedule does not apply to apparatus in respect of which the relations between the undertaker and the affected undertaker are regulated by the provisions of Part 3 (water supply) of the 1994 Water Industry Act 1991.</u>	<u>Amendment to correct referencing error.</u>
<u>10.</u>	<u>Schedule 13, Part 2 (protective provisions)</u>	<u>“electronic communications code network” means—</u> <u>(a) so much of an electronic communications network or infrastructure system provided by an electronic communications code operator as is not excluded from the application of the electronic communications code by a direction under section 106 (Application of the electronic communications code) of the 2003 Act; and</u> <u>(b) an electronic communications network which the undertaker is providing or proposing to provide.</u>  <u>“electronic communications code operator” means a person in whose case the electronic communications code is applied by a direction under section 106 (Application of the electronic communications code) of the 2003 Act;</u>	<u>Amendment to correct a minor typographical inconsistency and to ensure compliance with SI drafting guidance.</u>
<u>11.</u>	<u>Schedule 14 (Documents and</u>	<u>Not copied in full – please refer to Schedule 14 to the Draft DCO (Doc Ref. 3.1(D)).</u>	<u>Updates to the list of documents to be certified to reflect the updated versions of</u>

<u>Row</u>	<u>Provision</u>	<u>Change</u>	<u>Reasoning</u>
	<u>plans to be certified)</u>		<u>documents submitted into the Examination at Deadline 3.</u>