



EAST PARK ENERGY

East Park Energy

EN010141

**Summary of outstanding matters on the draft
DCO between the Host Authorities and the
Applicant**

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1.0 INTRODUCTION

1.1 Purpose of this Document

- 1.1.1 The Applicant has prepared this summary of outstanding matters on the draft DCO to inform the ExA of the current outstanding areas of discussion between the Applicant and the Host Authorities with regard to the **draft DCO [REP5-005]**.
- 1.1.2 This document has been prepared on the basis of the Applicant's understanding of the Host Authorities' outstanding requests. It is not intended to represent, and should not be treated as representing, the definitive or final position of any Host Authority.

2.0 SUMMARY OF OUTSTANDING MATTERS

Table 1: Summary of outstanding matters between the Host Authorities and the Applicant relating to the draft DCO.

No.	Provision	Host Authority Request	Applicant Response	Current Position
Part 1 – Preliminary				
1	Article 2 (interpretation)	The Host Authorities have requested that the Applicant introduces a definition of 'replacement works' or 'replacement phase' along with a requirement to resubmit management plans for approval before carrying out replacement works. The Host Authorities have reserved their position in relation to the definition of replacement works. However, the following definition has been put to the Applicant during negotiations- <i>"replacement works" means any replacement activities which involve [replacement of more than 20% of the solar panels within the authorised development]*</i> *This request is linked to the Host Authorities request that the	The Applicant has considered the Host Authorities' request in light of the further amendments made to the outline Operational Environmental Management Plan (oOEMP) to be submitted at Deadline 6. The Applicant remains of the view that neither a new definition in Article 2 nor an amendment to Requirement 9, or a further standalone requirement requiring the resubmission of management plans before replacement activities are undertaken, is necessary or appropriate. The definition of "maintain" in Article 2 expressly includes the inspection, repair, adjustment, alteration, removal, refurbishment, reconstruction, replacement and improvement of any part of the authorised development. That power does not extend to the removal, reconstruction or replacement of the whole of the authorised development and is expressly subject to the proviso that the activities must not give rise to materially new or materially different environmental effects compared with those identified in the ES. Article 4(3) separately provides that the power to maintain does not authorise any works likely to give rise to materially new or materially different environmental effects compared with those identified in the ES. Replacement activities are therefore already expressly within the scope of the draft DCO, but only as a form of maintenance undertaken during the operational phase and only to the extent that they remain within the environmental	The Host Authorities' position is that, as a matter of principle, a "replacement phase" should be embedded within the DCO. The Host Authorities note that this is not yet common practice for DCOs, but view that this should be the case for both this DCO and future DCOs. Nonetheless, without prejudice to this in-principle position, the Host Authorities have reviewed the updated outline Operational Environmental Management Plan (oOEMP) and are content with the Applicant's approach. This includes the addition of a, distinction between, and provision for:

No.	Provision	Host Authority Request	Applicant Response	Current Position
		draft DCO is updated to require the resubmission of relevant management plans before commencement works comments (see point 5 below).	envelope assessed in the ES. They are not a separate phase of the authorised development. Introducing the concept of a “replacement phase” would risk creating uncertainty as to the relationship between replacement activities, the operational phase and the construction-related phasing provisions in Requirement 2, without providing any additional environmental control. The detailed control of replacement works is secured through Requirement 9 of the draft DCO. Requirement 9 requires the final OEMP for each relevant phase to be in substantial accordance with the certified oOEMP, to be submitted to and approved by the relevant local planning authority in consultation with the relevant statutory nature conservation body and the Environment Agency, and thereafter to be implemented as approved and maintained throughout the operation of the relevant phase. The oOEMP to be submitted at Deadline 6 expressly confirms that its controls apply to all operational maintenance, repair, renewal and replacement activities, including the replacement of solar panels, mounting structures, inverters, transformers, battery storage units, cabling, fencing and CCTV. It also provides that all approved management plans applicable to the operational phase will apply to repair, renewal and replacement activities where relevant, and that any Major Replacement Campaign Method Statement and Environmental Review must supplement, and remain consistent with, the approved OEMP and the other relevant approved management plans. These are substantive commitments within a certified control document which must be carried through into the final OEMP under Requirement 9. Section 2.4 of the oOEMP to be submitted at Deadline 6 now provides a clear distinction between Routine Replacement	a) Routine Replacement Works; and b) Planned Partial Replacement Campaign and Major Replacement Campaign Method Statement and Environmental Review. This matter is considered to be agreed.

No.	Provision	Host Authority Request	Applicant Response	Current Position
			Works, a Planned Panel Replacement Campaign and a Major Replacement Campaign. A Major Replacement Campaign is defined as one or more planned campaigns which, individually or cumulatively, would result in more than 20% of the solar panels installed within the Scheme being removed and replaced within any rolling 12-month period. The use of a rolling 12-month period avoids the potential for the threshold to be circumvented by dividing a campaign across calendar years. The 20% threshold is not relied upon as the extent of the assessed environmental envelope, nor does it mean that activities below that threshold are uncontrolled. All replacement activities remain subject to Article 4, the approved OEMP and the other applicable topic-specific management plans approved pursuant to the DCO. The threshold instead provides a conservative and readily measurable trigger at which a further, campaign-specific approval is required. The Site Operator will be required to establish the number and mapped location of panels installed at final commissioning and to maintain a Replacement Register recording the date, number, type and location of all components replaced. For solar panels, the register will record the cumulative number and percentage replaced in each rolling 12-month period. All panel replacements will count towards the threshold, including Routine Replacement Works and replacements undertaken under separate contracts or programmes. No replacement work may be authorised where it would cause the cumulative total to exceed 20% unless the required Major Replacement Campaign approval has first been obtained. The narrowly defined exception for emergency works requires notification to the relevant local planning authority and prevents any	

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			further non-emergency replacement work from proceeding pending approval. The updated oOEMP to be submitted at Deadline 6 no longer relies upon a simple notification process. Paragraph 2.4.40 provides that no Major Replacement Campaign may commence until a Major Replacement Campaign Method Statement and Environmental Review has been submitted to and approved in writing by the relevant local planning authority or authorities. The submission must identify the scale, location, duration and phasing of the campaign, working hours, workforce and crew deployment, vehicle movements, routes and accesses, temporary laydown and reinstatement arrangements, and the measures required in relation to public rights of way, ecology, soils, drainage, flood risk, pollution prevention, noise, vibration, dust, air quality, lighting, landscape and visual amenity, archaeology, heritage and local residents. It must also address pre-works surveys and licences, stakeholder liaison, monitoring, reporting, corrective action, stop-work arrangements, changes in the environmental baseline or regulatory context and the cumulative effects of other repair, maintenance or replacement activities anticipated during the same period. The approval of the Major Replacement Campaign Method Statement and Environmental Review is a formal process. Part 2 of Schedule 2 of the draft DCO defines the “relevant authority” to include a body responsible for giving an approval further to a document referred to in a requirement. The procedure for the discharge of requirements applies to an application for an approval further to such a document. It provides for the relevant authority to determine the application, to seek further information and, where appropriate, to approve, refuse or impose reasonable conditions with reasons. The Major Replacement Campaign	

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			approval contained in the final OEMP is therefore an approval operating within the DCO's formal discharge procedure. A Major Replacement Campaign commenced without that approval, or undertaken otherwise than in accordance with the approved Method Statement and Environmental Review would also amount to a failure to implement the final OEMP as approved and would therefore constitute non-compliance with Requirement 9. The Host Authorities will consequently have a clear and enforceable basis on which to prevent a campaign from commencing, require sufficient information to assess it and ensure that appropriate campaign-specific controls are imposed. The updated oOEMP to be submitted at Deadline 6 also secures parameters governing how replacement activities will be undertaken. Replacement works will not involve new permanent accesses or tracks, the re-establishment of construction compounds, new areas of permanent hardstanding or staff parking, an expansion of the panel-support footprint, new below-ground cable routes, significant earthworks or vegetation clearance to create access or working areas. Any departure from such parameters will require express prior approval from the relevant local planning authority. Requirement 21 provides a further safeguard in relation to amendments or variations to approved details. Such amendments require prior written approval and may only be approved where they remain in substantial accordance with the principles and assessments in the ES and are unlikely to give rise to materially new or materially different environmental effects.	

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			The final OEMP will also be subject to annual review and issue-specific review. Monitoring, inspections and audits will be documented, and records relating to the OEMP must be made available to a local planning authority or relevant regulatory body on request. This gives the Host Authorities an auditable means of monitoring the Replacement Register, campaign approvals, implementation and corrective action throughout the operational life of the Scheme. Aside from the specific procedure set out in the oOEMP, Article 4(3) remains an overriding limitation on the scope of the DCO. Approval of a Method Statement and Environmental Review cannot increase the powers granted by the DCO. If a proposed replacement campaign would be likely to give rise to materially new or materially different environmental effects compared with those identified in the ES, it would not be authorised by Article 4 and could not lawfully proceed under the DCO. A separate consent or other appropriate authorisation would be required. The Secretary of State's decision on the Springwell Solar Farm provides direct support for this approach. At paragraph 4.16 of the decision letter, the Secretary of State concluded that the materially new or materially different effects restriction in Article 5(3), together with the procedure for the discharge of requirements, gave the local planning authorities sufficient control over panel replacement, including cumulative effects, and that a specific requirement restricting panel replacement was therefore unnecessary. While each DCO must be considered on its own terms, the same essential safeguards are present for the Scheme. For those reasons, the Applicant maintains that the existing draft DCO, read together with the updated and certified oOEMP to be submitted at Deadline 6 provides a	

No.	Provision	Host Authority Request	Applicant Response	Current Position
			comprehensive, precise and enforceable framework for the control of replacement activities. The Applicant therefore does not consider that a new definition in Article 2, an amendment to Requirement 9 or a separate replacement works requirement is necessary.	
Part 2 – Principal Powers				
2	Article 15 Temporary stopping up closure of streets and public rights of way	The Host Authorities have requested that the Applicant introduces an additional paragraph to Article 15 to require that all public rights of way ("PRoW") used as temporary works sites are restored to the satisfaction of the street authority. The Host Authorities have proposed the following wording is used- <i>"(8) The undertaker must restore any public right of way that has been temporarily altered under this Order to the reasonable satisfaction of the street authority."</i>	The Applicant is content with the principle of reinstating temporary working areas but is seeking to secure this through a separate side agreement with the Host Authorities. Restoration of any PRoW is also already secured through Requirement 11 and the final Public Rights of Way Management Plan (PROWMP) approval process. The updated outline PROWMP [as updated alongside this submission] contains enforceable provisions governing the condition and reinstatement of affected PRoWs. It requires the final PROWMP to identify the existing surface and condition of each directly affected PRoW and the proposed reinstatement standard. A condition survey must be undertaken before Scheme works or traffic first directly affect a PRoW, followed by a further survey on completion. Any damage clearly attributable to the Scheme must be repaired so that the route is returned to no worse than its pre-work functional condition, unless an alternative specification involving agreed betterment has been approved. Where surfacing is affected, the final PROWMP must also specify the location, extent, specification, method and timing of the surfacing and reinstatement works, for approval by the relevant planning authority in consultation with the relevant highway authority.	Remains under discussion with an agreed or disagreed position to be set out at Deadline 7, noting the Applicant's proposed amendments to Article 15 to the dDCO [as updated alongside this submission] .

No.	Provision	Host Authority Request	Applicant Response	Current Position
			The Applicant considers that the process secured through Requirement 11 provides a clearer and more proportionate mechanism, while ensuring that the relevant highway authority has a direct role in agreeing the applicable reinstatement standard. The Applicant therefore does not propose to amend Article 15. The Applicant would also note that it has updated Part 2 of Schedule 6 to the draft DCO [as updated alongside this submission] to remove the word “permanent” from the title to the Schedule. The Applicant has also updated column (3) of the table (measures) to make it clear that the authorisation of the use of any motor vehicles on the PRow listed in that table must relate to the purposes of constructing or maintaining the authorised development.	
Schedule 1 – Authorised Development				
3	Permanent / Temporary Works	The Host Authorities have requested that the Applicant updates Schedule 1 to the draft DCO to clarify what works are permanent and what works are temporary in the context of the Application.	The Applicant considers that it is inappropriate to circumscribe the duration of works through the DCO itself. Instead, the Applicant's preferred approach is for clarification as to the temporary/permanent nature of works to be provided through the management plans. The Applicant has updated the relevant management plans at Deadline 6 accordingly, and awaits feedback from the Host Authorities as to whether this resolves their outstanding concern.	Remains under discussion with an agreed or disagreed position to be set out at Deadline 7.
4	Work No. 8	The Host Authorities have requested additional information in respect of PRow and permissive paths, including	The Applicant's position is that these amendments are not necessary as this information is set out in the relevant management plan and, to some extent, in the relevant DCO schedules.	Remains under discussion with an agreed or disagreed position to be set out at Deadline 7.

No.	Provision	Host Authority Request	Applicant Response	Current Position
		details of temporary / permanent works.	Work No. 8 of Schedule 1 to the draft DCO [EN010141/DR/3.1] already includes for the creation of permissive paths, together with associated fencing, gates, boundary treatments, signage, information boards and other supporting works. In addition, the Applicant considers that the requested information is provided through the updated oPROWMP and oLEMP [both as updated alongside this submission]. The temporary works, as set out in the oPROWMP, principally comprise those required to manage interactions between the Scheme and existing PRoW during construction, decommissioning and, where necessary, operational maintenance or replacement activities. The updated oPROWMP [as updated alongside this submission] identifies the anticipated interaction with each affected route and the applicable route-specific measures which will include construction crossing points, localised diversions, temporary fencing, signage, managed crossings and, where justified, temporary closures and diversion. The Applicant has provided a response above with reference to point 2 in relation to the monitoring and restoration of temporarily affected PRoW. In relation to works that will remain during the operational phase, no permanent closure or diversion of an existing statutory PRoW is proposed. Existing routes will remain on their current alignments and their definitive widths will be maintained. The Scheme will additionally provide approximately 5.3km of permissive paths for its operational lifetime. The routes, intended users, minimum widths and outline surfacing are specified in Table 2 of the updated oLEMP [as updated	

No.	Provision	Host Authority Request	Applicant Response	Current Position
			alongside this submission]. The final LEMP will define the exact alignments, access points, gates and any localised surface preparation, while the final PROWMP will establish the associated signage, waymarking, inspection, maintenance and corrective-action arrangements. These works are secured by Requirement 4, which requires the approved LEMP to be implemented and maintained throughout the operation of the relevant part of the Scheme, and Requirement 11 which requires the PROWMP to be implemented and maintained throughout the operation of the relevant part of the Scheme. The Applicant therefore considers that the temporary and longer-term works affecting PRoW and permissive paths are sufficiently identified and controlled, and that no further amendment to Work No. 8 is required.	
Schedule 2 – Requirements				
5	Various Requirements	The Host Authorities have requested that the Applicant updates the following management plans to require the resubmission of updated plans before carrying out any replacement works: • Construction Environmental Management Plan, • Waste Management Plan • Construction Traffic Management Plan	The Applicant's position in respect of replacement works is set out at point 1 above. The Applicant has updated the respective management plans at Deadline 6 to align them with the updated approach to replacement works. This includes incorporating a definition of replacement works linked to the oOEMP and reviewing the commitments within each plan to ensure that they adequately address operational, maintenance and replacement activities.	As set out at Row 1 of this table, the Host Authorities' in-principle position is that the "replacement phase" should be embedded within the DCO. Nonetheless, without prejudice to this in-principle position, the Host Authorities accept the Applicant's approach and changes made to the oLEMP. This includes the addition of, a distinction

No.	Provision	Host Authority Request	Applicant Response	Current Position
		- Battery Safety Management Plan - Public Rights of Way Management Plan - Operational Environmental Management Plan - Soil Management Plan The Host Authorities have provided the following suggested drafting in the context of Requirement 4 (LEMP): <i>"([2]) No replacement works shall commence until a LEMP covering the proposed replacement works which is in substantial accordance with the outline LEMP to the extent that it is applicable to those works (and to accord with policies, practices and guidance prevailing at the time of the replacement) has been submitted to and approved by the local planning authority."</i> This request is linked to the Host Authorities request that the draft DCO is updated to include a definition of "replacement works"		between, and provision for: a) Routine Replacement Works; and b) Planned Partial Replacement Campaign and Major Replacement Campaign Method Statement and Environmental Review. This matter is considered to be agreed.

No.	Provision	Host Authority Request	Applicant Response	Current Position
		or “replacement phase” (see point 1 above]).		
6	Requirement 4 (LEMP)	The Host Authorities have requested that the Applicant introduces a new sub-paragraph to Requirement 4 (LEMP) to ensure that the plan would secure biodiversity net gain (“BNG”). The Host Authorities have provided the following suggested drafting for inclusion in a new sub-paragraph to Requirement 4- <i>(3) The LEMP must include details of—</i> <i>(a) how the plan will secure a minimum of 10% biodiversity net gain during the operation of the authorised development using the Department for Environment, Food and Rural Affairs’ 4.0 metric to calculate; and</i> <i>(b) how the landscaping and ecological measures will be managed and maintained during the operational life of the authorised development to the date on which the decommissioning environmental</i>	The Applicant does not agree that it is necessary to secure BNG by way of requirement when it is not a statutory requirement for the Scheme. Moreover, the commitment to BNG is already secured by the outline LEMP. Nonetheless, the Applicant has prepared an updated requirement on a without prejudice basis, which sets out the wording that the Applicant would propose is used in the event that the Secretary of State is minded to include a requirement securing BNG on the face of the DCO.	Remains under discussion with an agreed or disagreed position to be set out at Deadline 7. The Host Authorities have however expressed support for the without prejudice text proposed by the Applicant.

No.	Provision	Host Authority Request	Applicant Response	Current Position
		<i>management plan is implemented pursuant to Requirement 18 (decommissioning and restoration).</i>		
7	Requirement 10 Battery Safety Management Plan	The Host Authorities have requested that the Applicant updates Requirement 10(1) and (2) as follows- <i>"10.—(1) Prior to the commencement of Work No. 2 a battery safety management plan (BSMP) (which must be in substantial accordance with the outline BSMP to the extent that it is applicable to that phase) (to include an Emergency Response Plan) must be submitted to and approved by the local planning authority in consultation with Cambridgeshire Fire and Rescue Service and the Environment Agency.</i> <i>(2) The BSMP must prescribe measures to facilitate safety during the construction, operation and decommissioning of Work No. 2 including the transportation of new, used and replacement battery cells both to</i>	The Applicant's position is that these amendments are not required as they would duplicate measures that are already covered in the outline BSMP, which is secured by Requirement 10. The oBSMP [as updated alongside this submission] confirms that the approved BSMP will apply to construction, commissioning, operation, maintenance, repair, renewal, replacement and decommissioning of the BESS. It also provides that the Emergency Response Plan (ERP) will form part of, or be appended to, the final BSMP and will include phase-specific procedures for construction and commissioning, operation and maintenance, and decommissioning. The oBSMP [as updated alongside this submission] also contains specific controls relating to transportation. Battery equipment delivered to the Scheme must be certified for transport in accordance with UN 38.3 and transported in accordance with the applicable dangerous-goods requirements. It additionally provides for the safe isolation, risk assessment, storage and removal of defective battery components, and requires the arrangements for replacement or augmentation campaigns to be reviewed with Cambridgeshire Fire and Rescue Service and, where relevant, the Environment Agency.	Remains under discussion with an agreed or disagreed position to be set out at Deadline 7.

No.	Provision	Host Authority Request	Applicant Response	Current Position
		<i>and from the authorised development."</i>		
8	Requirement 11 (PROW)	The Host Authorities have requested that the Applicant updates this requirement to make it clear that the management plan would apply to permissive paths. The Host Authorities also request that the outline PROWMP is updated to delineate between permanent and temporary works to PROWs and permissive paths, and to clarify permissive path references.	The Applicant's position is that this does not require amendments to be made to the draft DCO. The oPROWMP [as updated alongside this submission] sets out commitments for the management of permissive paths. Section 7.2 consolidates the relevant commitments and identifies approximately 5.3 km of additional access to be provided and maintained for the operational lifetime of the Scheme. Table 2 identifies each permissive path by reference number and sets out its route, length, intended access rights, minimum width and outline surfacing. The final LEMP will define the exact alignments, access points, gates and any localised surface preparation, while the final PROWMP will provide the associated access-management, signage, waymarking, inspection and corrective-action arrangements. This allocation ensures that the two plans are complementary without duplicating their respective functions. The oPROWMP [as updated alongside this submission] also now distinguishes clearly between temporary and operational phase works. Temporary works affecting existing PROWs include crossings, temporary use by Scheme vehicles, managed closures, diversions, fencing, signage, surface protection or strengthening and subsequent reinstatement. The final PROWMP must identify the nature and duration of each interaction and the applicable reinstatement standard. There will be no permanent closure or diversion of any existing PROW. Existing PROWs will remain on their current alignments, while the permissive paths will comprise	Remains under discussion with an agreed or disagreed position to be set out at Deadline 7.

No.	Provision	Host Authority Request	Applicant Response	Current Position
			additional access maintained for the operational lifetime of the Scheme rather than routes retained in perpetuity. The Applicant therefore considers that the updated oPROWMP [as updated alongside this submission] provides the requested clarification and delineation, and that an amendment to Requirement 11 is neither necessary nor appropriate.	
9	Requirement 11 (PROW)	The Host Authorities have requested that the Applicant updates Requirement 11 to include the following provisions relating to pre-condition surveys- <i>"11 (1) The undertaker must not exercise the power conferred by 15 (temporary stopping up of public rights of way) of this Order in relation to a public right of way until the scope of the pre-commencement condition surveys for the extents of that public right of way have been submitted to and approved by the relevant county authority, or where the extents of the relevant public right of way falls within the administrative areas of both Bedford Borough Council and Cambridgeshire County Council.</i> <i>(2) The condition survey must be carried out substantially in accordance with the scope</i>	The Applicant does not consider the additional provisions proposed by the Host Authorities to be necessary. The substance of the requested controls is already secured through Requirement 11 and Article 15 of the draft DCO [REP5-005], as well as the updated oPROWMP [as updated alongside this submission], without the need for a separate series of approvals before the Article 15 powers may be exercised. Requirement 11 already prevents the relevant phase from commencing until a final PROWMP, in substantial accordance with the oPROWMP, has been approved by the local planning authority in consultation with the relevant highway authority. The approved PROWMP must then be implemented and maintained throughout the relevant phase. The oPROWMP [as updated alongside this submission] requires the final PROWMP to include a schedule for every PRoW directly affected by Scheme works or traffic. That schedule must identify the existing surface and condition, the nature and duration of the proposed interaction, any surfacing or other route works, and the proposed reinstatement standard. Before Scheme works or traffic first directly affect a PRoW, a condition survey must be undertaken recording the route alignment, width, surface type and condition, drainage, rutting, ponding, vegetation,	Remains under discussion with an agreed or disagreed position to be set out at Deadline 7.

No.	Provision	Host Authority Request	Applicant Response	Current Position
		<i>approved pursuant to sub-paragraph (1) and the outcomes of the survey must be submitted to the relevant county authority, or where the relevant public right of way falls within the administrative areas of both the county of Suffolk and the county of Cambridgeshire, both relevant county authorities.</i> <i>(3) The undertaker must not exercise the powers conferred by article 15 (temporary stopping up of public rights of way) of this Order until a scope of the reinstatement plan for the extents of the public rights of way in relation to which the undertaker proposes to exercise the powers conferred by article 15 within the pre-commencement surveys approved pursuant to sub-paragraph (1) and a timeline for the reinstatement works has been submitted to and approved by the relevant county authority, or where the extents of the relevant public right of way in relation to which the undertaker proposes to exercise the powers conferred by article 11(1) or 11(3) falls within the</i>	signage, waymarking and route furniture, supported by dated photographs. A further survey must be undertaken following completion of the works, and any damage attributable to the Scheme must be repaired so that the route is returned to no worse than its pre-work functional condition, unless an alternative approved specification has been agreed. The Host Authorities' proposed drafting would create a separate approval process running in parallel with the final PROWMP and the Article 15 consultation or consent process. It could also prevent the exercise of the Article 15 powers until three distinct submissions had been approved, notwithstanding that the same information would already have been considered through the final PROWMP. This would be unnecessarily duplicative and could impede the proportionate management of short-term or localised PROW interactions. The Applicant therefore does not propose to amend Requirement 11 as requested.	

No.	Provision	Host Authority Request	Applicant Response	Current Position
		<i>administrative areas of both Bedford Borough Council and Cambridgeshire County Council."</i>		
10	Requirement 18 (decommissioning and restoration)	The Host Authorities have requested that the Applicant update sub-paragraph (1) of requirement 18 in one of the following ways - <i>"(1) Unless otherwise agreed with the relevant planning authority, no later than 12 months prior to the date the undertaker intends to decommission any part of the authorised development, the undertaker must notify the relevant planning authority of the intended date of decommissioning for that part of the authorised development and the undertaker must submit a decommissioning environmental management plan and a decommissioning traffic management plan for that part "</i> OR <i>"Within 12 months of the date that the undertaker decides to decommission any part of the authorised development, or no</i>	The Applicant notes the Host Authorities comments and has updated requirement 18(1) (decommissioning and restoration) of the draft DCO [as updated alongside this submission] to reflect the Host Authorities second suggestion. However, the Applicant has omitted the words "whichever is earlier" as it is considered that this has the potential to make the 6 month timescale redundant. Requirement 18(1) reads as follows- <i>"Within 12 months of the date that the undertaker decides to decommission any part of the solar farm works and grid connection works, or no later than 6 months before the 40th anniversary of the date of final commissioning of the each phase of Work No. 1 as notified by the undertaker pursuant to requirement 2(4) (phases of authorised development and date of final commissioning), the undertaker must submit a decommissioning environmental management plan and a decommissioning traffic management plan for that part to the local planning authority for approval."</i> The Applicant hopes that this resolves the Host Authorities' concerns regarding this requirement.	Remains under discussion with an agreed or disagreed position to be set out at Deadline 7.

No.	Provision	Host Authority Request	Applicant Response	Current Position
		<i>later than 6 months before the 40th anniversary of the date of final commissioning, whichever is the earlier, the undertaker must submit...</i>		
Schedule 13 – Protective Provisions				
11	Part 3 For the protection of the drainage authorities	The Host Authorities have requested that, if a deemed approval mechanism is to apply to the LLFA's consent, then there should be a reasonable limit on the number of submissions that can be submitted at any one time.	The Applicant's position remains that a deemed approval mechanism is appropriate as set out in previous submissions, including the Applicant's response to CCC-D2-12 (see the Applicant Response to Deadline 2 Submissions - Host Authorities and Statutory Environmental Bodies P01 [REP3-073]). In summary, a deemed consent mechanism is appropriate to ensure that the carrying out of the authorised development, as critical national priority infrastructure, is not delayed. The baseline position under section 23 of the Land Drainage Act 1991 (Prohibition on obstructions etc. in watercourses) is that an application to a drainage board under the section must be determined by that drainage board within two months, with consent being deemed to be granted if no decision is notified to the applicant in this timeframe. While section 23 would not apply to the authorised development due to its disapplication under Article 8 of the draft DCO [as updated alongside this submission] it shows that the Applicant is not seeking to alter the baseline position and that a deemed consent mechanism is reasonable. This is further reinforced by the use of deemed consent mechanisms in protective provisions for drainage authorities included in previous solar DCOs such as the Byers Gill Solar Order 2025.	Remains under discussion with an agreed or disagreed position to be set out at Deadline 7.

No.	Provision	Host Authority Request	Applicant Response	Current Position
			Notwithstanding the above, the Applicant is open to further discussion with the Host Authorities to consider alternative means of resolving the Host Authorities' concerns.	
12	Part 6	The Host Authorities have requested that the Applicant include protective provisions for Bedford Borough Council and Cambridgeshire County Council as local highway authorities. The Host Authorities have suggested that the Cambridge Waste Water Treatment Plant Relocation Order 2025 as a basis for these protective provisions.	The Applicant maintains that it is not appropriate to include protective provisions for the protection of the local highway authorities in the draft DCO given the existing measures that are built into the draft DCO and the management plans. However, the Applicant is in discussion with the Host Authorities regarding a separate side agreement, which it is hoped would resolve the Host Authorities concerns.	Remains under discussion with an agreed or disagreed position to be set out at Deadline 7.

