

**Tillbridge Solar Project
EN010142**

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

**February 2025
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tillbridgesolar.com

Schedule of Changes to the draft DCO

NB: Where changes made within Order are only grammatical / amendments to correct typos or drafting style then these are not included in the below Schedule of Changes. For example, changing “paragraph” to “sub-paragraph”, corrections to cross references or fixing spelling errors.

Reference	Change	Reason for Change	Deadline
Table of Contents	Deletion of Articles 18 and 45 and Schedule 16. 18. Removal of human remains [Article deleted] 45. Deemed marine licence [Article deleted] SCHEDULE 16 — DEEMED MARINE LICENCE UNDER THE 2009 ACT [Schedule deleted] PART 1 — LICENSED MARINE ACTIVITIES PART 2 — CONDITIONS	Articles deleted in Order (see discussion below)	1
Preamble	Amendment to Planning Act 2008 section referred to: [...] 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(e) and has had regard to the documents and matters referred to in section 105 104 (2)(a c) of the 2008 Act.	Amendment to correct section of 2008 Act (now that NPS EN-3 in force, the decision is made with referral to s 104 not 105).	5
Article 2 (Interpretation)	Deletion of definition “the 2009 Act” means the Marine and Coastal Access Act 2009(a);	Definition no longer required as marine licence article deleted.	1
Article 2 (Interpretation)	Addition of definition “archaeological mitigation strategy” means the plans of that name identified in the table at Schedule 12 (documents and plans to be certified), including Part 1 and Part 2, and which are certified by the Secretary of State as the archaeological mitigation strategy for the purposes of this Order;	New definition to align with updated Archaeology Requirement 11. Aligns with definition in Gate Burton Energy Park Order 2024	1

Reference	Change	Reason for Change	Deadline
Article 2 (Interpretation)	Amendment to definition “commence” means beginning to carry out a material operation, as defined in section 56(4) of the 1990 Act^(a) (which explains 155 (when development begins) of the 2008 Act , comprised in or carried out or for the purposes of the authorised development other than the permitted preliminary works (except where stated to the contrary) and the words “commencement”, “commenced” and cognate expressions are to be construed accordingly;	Amendment from change made by Secretary of State in West Burton Decision letter (page 79) to refer to relevant clause within Planning Act 2008 instead of TCPA 1990.	5
Article 2 (Interpretation)	Amendment to definition “Cottam undertaker” means the undertaker for the purposes of the Cottam Solar Project Order 202[*] 2024 ;	To reflect the Cottam Solar Project Order 2024 has now been made.	1
Article 2 (Interpretation)	Addition of definition “date of decommissioning” means in respect of each part of the authorised development, the date that that part of the authorised development has permanently ceased to generate electricity on a commercial basis;	Definition added per comments by West Lindsey District Council at ISH1. Aligns with decommissioning requirement to ensure both the existing 60 year limit within Requirement 20 and a trigger for decommissioning to commence from the period when electricity generation ceases permanently. The same definition was used in the Cottam Solar Project Order 2024 to achieve this purpose.	1
Article 2 (Interpretation)	Amendment to definition “Gate Burton undertaker” means the undertaker for the purposes of the Gate Burton Energy Park Order 202[*] 2024 ;	To reflect the Gate Burton Energy Park Order 2024 has now been made.	1
Article 2 (Interpretation)	Deletion of definition “MMO” means the Marine Management Organisation, Lancaster House, Hampshire Court, Newcastle upon Tyne, NE4 7YH;	Definition no longer required as marine licence article deleted.	1
Article 2 (Interpretation)	Amendment to definition “permitted preliminary works” means all or any of—	Definition amended to enable advanced landscape planting, in order to maximise screening prior to commencement of construction works.	1

Reference	Change	Reason for Change	Deadline
	(a) environmental surveys, geotechnical surveys, intrusive archaeological surveys and other investigations for the purpose of assessing ground conditions; (b) removal of plant and machinery; (c) above ground site preparation for temporary facilities for the use of contractors; (d) remedial work in respect of any contamination or other adverse ground conditions; (e) diversion and laying of apparatus; (f) the provision of temporary means of enclosure and site security for construction; (g) the temporary display of site notices or advertisements; (h) site clearance (including vegetation removal, demolition of existing buildings and structures); or (i) advanced planting to allow for an early establishment of protective screening;		
Article 2 (Interpretation)	Addition of definition “relevant permit scheme” means the Lincolnshire Permit Scheme for Road Works and Street Works Order 2016 or the Nottinghamshire County Council Permit Scheme Order 2020 which are made under Part 3 of the Traffic Management Act 2004, as applicable for the location of the relevant street works;	Definition added to align with new permitting clause 8A (see below)	4
Article 2 (Interpretation)	Amendment to definition “West Burton undertaker” means the undertaker for the purposes of the West Burton Solar Project Order 20242025;	Amendment to reflect West Burton Solar Project Order 2025 as made.	5
Article 2 (Interpretation)	Addition to clarifying clauses for definitions (9) References in this Order to any statute, order, regulation or similar instrument are to be construed as a reference to the statute, order, regulation or instrument	Addition adopted per the made Gate Burton Energy Park Order 2024 – adopted to provide clarification as to references to Acts within the Order.	1

Reference	Change	Reason for Change	Deadline
	as amended by any subsequent statute, order, regulation or instrument or as contained in any subsequent re-enactment.		
Article 5 (Power to maintain the authorised development)	Amendment to article 5.—(1) The undertaker may at any time maintain the authorised development. (2) This article only authorises the carrying out of maintenance works within the Order limits. (3) This article does not authorise the carrying out of any maintenance works which are likely to give rise to any materially new or materially different effects that have not been assessed in the environmental statement.	Amendment from West Burton Solar Project Order 2025 – for clarification that works only relate to maintenance given context of Article.	5
Article 6 (Application and modification of statutory provisions)	Deletion of drafting in footnote (d) within Article ⁽¹⁾ Paragraph 5 was amended by section 100 of the Natural Environment and Rural Communities Act 2006 (c. 16), section 84 of, and paragraph 3 of Schedule 11 to the 2009 Act and S.I. 2013/755. Paragraph 6 was amended by section 105 of, and paragraph 26 of Schedule 15 to, the Environment Act 1995, sections 224, 233 and 321 of and paragraphs 20 and 24 of Schedule 16 and Part 5(B) of Schedule 22 to the 2009 Act and S.I. 2013/755. Paragraph 6A was inserted by section 103(3) of the Environment Act 1995.	Amendment to align with Secretary of State in West Burton Solar Project Decision Letter to remove references to 2009 Act throughout the Order (given the Order no longer seeks a marine licence).	5
Article 6 (Application and modification of statutory provisions)	Addition to Article (6) If planning permission is granted under the powers conferred by the 1990 Act for development, any part of which is within the Order limits following the coming into force of this Order, that is— (a) not itself a development for which development consent is required under the 2008 Act or part of such a development; or (b) required to complete or enable the maintenance, use or operation of any part of the development authorised by this Order; then the construction, maintenance, use or operation of that development under the terms of the planning permission does not constitute a breach of the terms of this Order. (7) To the extent that any development carried out or used— (a) pursuant to a planning permission granted under section 57 (requirement of planning permission) or section 73 (determination of applications to develop land without compliance with conditions previously attached) of the 1990 Act, including if changed by a determination by the local planning authority under	Amendment to align with evolving good practice in DCO drafting and with a view to managing the implications if there are overlapping permissions in the future in light of case law in recent years and experiences from other schemes which are now being implemented, the Applicant has added additional drafting to this Article at Deadline 4. This drafting is intended to clarify, in particular for the local planning authority as well as applicants, the situation where there is more than one consent or planning permission in the same area.	4

Reference	Change	Reason for Change	Deadline
	<u>section 96A (power to make non-material changes to planning permission or permission in principles) of the 1990 Act, or compliance with any conditions of that permission;</u> <u>(b) pursuant to any development consent order granted under section 114 (grant or refusal of development consent) of the 2008 Act, including any corrections or amendments to that development consent order made under section 119 (correction of errors in development consent decisions) or section 152 (changes to, and revocation of, orders granted development consent) of the 2008 Act, or compliance with the terms of that development consent order; or</u> <u>(c) pursuant to a consent granted by the Secretary of State pursuant to section 36 (consent required for construction etc of generation stations) of the 1989 Act, including any variation to that consent made under section 36C (variation of consents under section 36) of that Act;</u> <u>is inconsistent with the exercise of any power, right or obligation under this Order or the authorised development, then that inconsistency is to be disregarded for the purposes of establishing whether any development which is the subject matter of that planning permission or development consent order is capable of physical implementation, and no enforcement action under the 1989 Act, 1990 Act or the 2008 Act may be taken in respect of that inconsistency, whether it relates to land inside or outside the Order limits.</u> <u>(8) Any development or any part of a development within the Order limits which is constructed or used under the authority of any permission falling under sub-paragraphs (6) or (7) is deemed not to be a breach of, or inconsistent with, this Order and does not prevent the authorised development being carried out or used or any other power or right under this Order being exercised.</u> <u>(9) In paragraph (7) “enforcement action” means any enforcing action under Part 7 (enforcement) of the 1990 Act or Part 8 of the 2008 Act, as relevant.</u>		
Article 7 (Defence to proceedings in respect of statutory nuisance)	Amendment to cross reference to external Act (2) Section 61(9) (prior consent for work on construction sites to include statement that it does not of itself constitute a defence to proceedings under section 82 of the Environmental Protection Act 1990) of the Control of Pollution Act 1974, does not apply where the consent relates to the use of the premises by the undertaker for purposes of the authorised development, or in connection with the authorised development.	Change made to align with correct cross reference to Control of Pollution Act 1974.	1

Reference	Change	Reason for Change	Deadline
Article 8A (Application of the relevant permit scheme)	Addition of new article <u>8A.—(1)The relevant permit scheme applies with the modifications set out in this article to street works carried out under the power conferred by article 8 (street works) of this Order.</u> <u>(2) For the purposes of this Order—</u> <u>(a) a permit may not be refused or granted subject to conditions which relate to the imposition of a moratoria; and</u> <u>(b) a permit may not be granted subject to conditions where compliance with those conditions would constitute a breach of this Order or where the undertaker would be unable to comply with those conditions pursuant to the powers conferred by this Order.</u> <u>(3) References to moratoria in sub-paragraph (2) mean restrictions imposed under section 58 (restrictions on works following substantial road works) or section 58A (restrictions on works following substantial street works) of the 1991 Act.</u> <u>(4) Without restricting the undertaker’s recourse to any alternative appeal mechanism which may be available under the relevant permit scheme or otherwise, the undertaker may appeal any decision to refuse to grant a permit or to grant a permit subject to conditions pursuant to the permit scheme in accordance with the mechanism set out in Schedule 17 (procedure for discharge of requirements) of this Order.</u>	New article added per agreement with local highways authorities (Lincolnshire County Council and Nottinghamshire County Council) to ensure appropriate alignment between the street works articles of the made Order and operation of permitting schemes.	4
Article 10 (Construction and maintenance of altered streets)	Amendment to article [...] (3) In any action against the undertaker in respect of loss or damage resulting from any failure by it to maintain <u>alterations to</u> a street under this article, it is a defence (without prejudice to any other defence or the application of the law relating to contributory negligence) to prove that the undertaker had taken such care as in all the circumstances was reasonably required to secure that the part of the street to which the action relates was not dangerous to traffic.	Amendment per request by local highways authorities to ensure clarity that responsibility for maintenance held by undertaker relates to alterations to streets only.	4
Article 15 (Agreements with street authorities)	Amendment to Article:	Amendment from West Burton Solar Project Order - to reflect that not seeking any permanent closure of roads, just temporary prohibitions/restrictions.	5

Reference	Change	Reason for Change	Deadline
	15.—(1) A street authority and the undertaker may enter into agreements with respect to— [...] (b) any closure, prohibition, restriction, alteration or diversion of a street authorised by this Order;		
Article 16 (Traffic regulation measures)	Amendment to notice provisions for exercise of traffic regulation powers (5) The undertaker must not exercise the powers in paragraph (1) or (2) unless it has— (a) given not less than 4 weeks’ notice in writing of its intention so to do to the chief officer of police and to the traffic authority in whose area the road is situated; and (b) not less than 7 days before the provision is to take effect published the undertaker’s intention to make the provision in one or more newspapernewspapers circulating in the area in which any road to which the provision relates is situated; and (c) displayed a site notice containing the same information at each end of the length of road affected.	Amendments in line with changes made in Cottam Solar Project and Gate Burton Energy Park Orders. Ensures sufficient notice is provided.	1
Article 17 (Discharge of water)	Deletion to references to public sewers, and cross reference to external act definition 17.—(1) Subject to paragraphs (3) and (4) the undertaker may use any watercourse or any public sewer or drain for the drainage of water for the purposes of the authorised development or in connection with the authorised development, and for that purpose may lay down, take up and alter pipes and may, on any land within the Order limits, make openings into, and connections with, the watercourse, public sewer or drain. (2) Any dispute arising from the making of connections to or the use of a public sewer or drain by the undertaker under paragraph (1) is to be determined as if it were a dispute under section 106 (right to communicate with public sewers) of the Water Industry Act 1991(a). (3) The undertaker must not discharge any water into any watercourse, public sewer or drain except with the consent of the person to whom it belongs whose consent may be given subject to terms and conditions as that person may reasonably impose.	References to public sewer removed in response to concerns raised in the Anglian Water relevant representation. There is no requirement by the Scheme to connect into a public sewer so this power is not needed. Reference to Water Resources Act added to provide clarity as to what constitutes controlled waters – in line with Cottam Solar Project Order.	1

Reference	Change	Reason for Change	Deadline
	(4) The undertaker must not make any opening into any public sewer or drain except— (a) in accordance with plans approved by the person to whom the sewer or drain belongs; and (b) where that person has been given the opportunity to supervise the making of the opening. (5) Where the undertaker discharges water into, or makes any opening into, a watercourse, public sewer or drain belonging to or under the control of a drainage authority (as defined in Part 3 of Schedule 15 (protective provisions)), the provisions of Part 3 of Schedule 15 (protective provisions) apply in substitution for the provisions of paragraphs (3) and (4). (6) The undertaker must take such steps as are reasonably practicable to secure that any water discharged into a watercourse or public sewer or drain pursuant to this article is as free as may be practicable from gravel, soil or other solid substance, oil or matter in suspension. (7) This article does not authorise the entry into controlled waters (within the meaning given by section 104 of the Water Resources Act 1991) of any matter whose entry or discharge into controlled waters requires a licence pursuant to the Environmental Permitting (England and Wales) Regulations 2016(b). (8) In this article— (a) “public sewer or drain” means a sewer or drain which belongs to Homes England, the Environment Agency, an internal drainage board, a joint planning board, a local authority, a National Park Authority, a sewerage undertaker or an urban development corporation; and (b) other expressions, excluding watercourse, used both in this article and in the Water Resources Act 1991(a) have the same meaning as in that Act.		
Article 18 (Removal of human remains)	Article deleted Removal of human remains 18.—(1) Before the undertaker constructs any part of the authorised development or carries out works which will or may disturb any human remains in the Order limits it must remove those human remains from the Order limits;	Deleted as indicated at ISH1, and per similar deletions within Cottam Solar Project and Gate Burton Energy Park Orders. As the Scheme has confirmed there are no known burial grounds within the Order limits, provision for any	1

Reference	Change	Reason for Change	Deadline
	or cause them to be removed, in accordance with the following provisions of this article. (2) Before any such remains are removed from the Order limits the undertaker must give notice of the intended removal, describing the Order limits and stating the general effect of the following provisions of this article, by— (a) publishing a notice once in each of two successive weeks in a newspaper circulating in the area of the authorised development; and (b) displaying a notice in a conspicuous place on or near the Order limits. (3) As soon as reasonably practicable after the first publication of a notice under paragraph (2) the undertaker must send a copy of the notice to the relevant planning authority. (4) At any time within 56 days after the first publication of a notice under paragraph (2) any person who is a personal representative or relative of any deceased person whose remains are interred in the Order limits may give notice in writing to the undertaker of that person's intention to undertake the removal of the remains. (5) Where a person has given notice under paragraph (4), and the remains in question can be identified, that person may cause such remains to be— (a) removed and reinterred in any burial ground or cemetery in which burials may legally take place; or (b) removed to, and cremated in, any crematorium, and that person must, as soon as reasonably practicable after such reinterment or cremation, provide to the undertaker a certificate for the purpose of enabling compliance with paragraph (10). (6) If the undertaker is not satisfied that any person giving notice under paragraph (4) is the personal representative or relative as that person claims to be, or that the remains in question cannot be identified, the question is to be determined on the application of either party in a summary manner by the county court, and the court may make an order specifying who is to remove the remains and as to the payment of the costs of the application. (7) The undertaker must pay the reasonable expenses of removing and reintering or cremating the remains of any deceased person under this article. (8) If—	accidental discovery of remains within the written scheme of investigations is considered sufficient.	

Reference	Change	Reason for Change	Deadline
	(a) within the period of 56 days referred to in paragraph (5) no notice under that paragraph has been given to the undertaker in respect of any remains in the Order limits; or (b) such notice is given and no application is made under paragraph (6) within 56 days after the giving of the notice but the person who gave the notice fails to remove the remains within a further period of 56 days; or (c) within 56 days after any order is made by the county court under paragraph (6) any person, other than the undertaker, specified in the order fails to remove the remains; or (d) it is determined that the remains to which any such notice relates cannot be identified, subject to paragraph (10) the undertaker must remove the remains and cause them to be reinterred in such burial ground or cemetery in which burials may legally take place as the undertaker thinks suitable for the purpose; and, so far as possible, remains from individual graves must be reinterred in individual containers which must be identifiable by a record prepared with reference to the original position of burial of the remains that they contain. (9) If the undertaker is satisfied that any person giving notice under paragraph (4) is the personal representative or relative as that person claims to be and that the remains in question can be identified, but that person does not remove the remains, the undertaker must comply with any reasonable request that person may make in relation to the removal and reinterment or cremation of the remains. (10) On the reinterment or cremation of any remains under this article — (a) a certificate of reinterment or cremation must be sent by the undertaker to the Registrar General by the undertaker giving the date of reinterment or cremation and identifying the place from which the remains were removed and the place in which they were reinterred or cremated; and (b) a copy of the certificate of reinterment or cremation and the record mentioned in paragraph (8) must be sent by the undertaker to the relevant planning authority mentioned in paragraph (3). (11) No notice is required under paragraph (2) before the removal of any human remains where the undertaker is satisfied —		

Reference	Change	Reason for Change	Deadline
	(a) that the remains were interred more than 100 years ago; and (b) that no relative or personal representative of the deceased is likely to object to the remains being removed in accordance with this article. (12) In the case of remains in relation to which paragraph (11) applies, the undertaker— (a) may remove the remains; (b) must apply for direction from the Secretary of State under paragraph (14) as to their subsequent treatment; and (c) must deal with the remains in such manner, and subject to such conditions, as the Secretary of State directs. (13) In this article references to personal representative of the deceased are to a person or persons who— (a) is the lawful executor of the estate of the deceased; or (b) is the lawful administrator of the estate of the deceased. (14) The removal and subsequent treatment of the remains of any deceased person under this article must be carried out in accordance with any directions which may be given by the Secretary of State. (15) Any jurisdiction or function conferred on the county court by this article may be exercised by the district judge of the court. (16) Section 25 (offence of removal of body from burial ground) of the Burial Act 1857(a) is not to apply to a removal carried out in accordance with this article.}		
Article 19 (Protective works to buildings)	Amendment to article (8) Where— (a) protective works are carried out under this article to a building; and (b) within the period of five years beginning with the date of final commissioning of the relevant part of the authorised development it appears protective works are inadequate to protect the building against damage caused by the construction or use of that part of the authorised development,	Amendment made by Secretary of State in West Burton Decision letter to clarify the development will reach final commissioning at different times.	5

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

Reference	Change	Reason for Change	Deadline
Article 21 (Compulsory acquisition of land)	Amendment to cross references to other dDCO articles within Article (3) This article is subject to article 22 (time limit for exercise of authority to acquire land compulsorily), article 23 (compulsory acquisition of rights), article 26 (acquisition of subsoil only) , article 29 (rights under or over streets) , article 30 (temporary use of land for constructing the authorised development) and Schedule 15 (protective provisions) article 44 (statutory undertakers) .	Amendments to align with update to appropriate cross referral in Cottam Solar Project Order 2024. The reasoning for this is that only the articles listed limit the application of the general power in Article 21, whilst the other articles (that have been removed) are all specific use cases of the general power rather than imposing limits on it.	1
Article 21 (Compulsory acquisition of land)	Amendments to article: 21. (1) The undertaker may — (a) — (1) The undertaker may acquire compulsorily so much of the Order land as is required for the authorised development or to facilitate, or as is incidental, to it; and (b) use any land so acquired for the purpose authorised by this Order or for any other purposes in connection with or ancillary to the undertaking. (2) As from the date on which a compulsory acquisition notice is served or the date on which the Order land, or any part of it, is vested in the undertaker, whichever is the later, that land or that part of it which is vested (As the case may be) is discharged from all rights, trusts and incidents (including restrictive covenants) to which it was previously subject. (2) (3) This article is subject to article 22 (time limit for exercise of authority to acquire land compulsorily), article 23 (compulsory acquisition of rights), article 30 (temporary use of land for constructing the authorised development) and article 44 (statutory undertakers) and article 50 (Crown rights) .	Amendments from West Burton Solar Project Order 2025, specifically these reflect: - Deletion of 1(b), as this sub paragraph is not required given the undertaker would automatically be able to use the land for these purposes once acquired under the Article. - Deletion of (2), as this sub paragraph is not required given the same rights are provided for under Article 24 (private rights) - Addition of article 50 to new sub paragraph (2), per amendment by Secretary of State in West Burton Solar Decision Letter.	5
Article 22 (Time limit for exercise of authority to acquire land compulsorily)	Amendment to article to align with legislative compulsory acquisition changes 22.—(1) After the end of the period of The applicable period for the purposes of section 4 of the 1965 Act (time limit for giving notice to treat) and section 5A of the 1981 Act (time limit for general vesting declaration) is five years beginning on the day on which this Order comes into force — is made. (2) (a) no No notice to treat is to be served under Part 1 (compulsory purchase under Acquisition of Land Act 1946) of the 1965 Act; and	Updates to article to align with associated changes to compulsory acquisition acts by way of amendments under the Levelling-up and Regeneration Act 2023. These ensure correct references to the appropriate legislation and their updated functions. Other than amendments to update references to the relevant Acts, the predominant change by this amendment is to enable an extension of the time limit where the Order is subject to legal challenge under section 118 of the Planning Act	1

Reference	Change	Reason for Change	Deadline
	i. (b) no declaration is to be executed under section 4 (execution of declaration) of the 1981 Act as applied by article 25 (application of the 1981 Act) <u>after the end of the applicable period, including any extension to the applicable period pursuant to those Acts.</u> <u>(3) The authority conferred by article 30 (temporary use of land for constructing the authorised development) ceases at must not be used after the end of the applicable period referred to in sub-paragraph (1), except that nothing in this paragraph save that if an application is made under section 118 of the 2008 Act (legal challenges relating to applications for orders granting development consent) the applicable period is to be extended by—</u> <u>(a) a period equivalent to the period beginning on the day the application is made and ending on the day it is withdrawn or finally determined; or</u> <u>(b) if shorter, one year.</u> <u>(4) An application is not finally determined for the purposes of sub-paragraph 3(a) if an appeal in respect of the application—</u> <u>(a) could be brought (ignoring any possibility of an appeal out of time with permission); or</u> <u>(b) has been made and not withdrawn or finally determined.</u> <u>(5) Nothing in sub-paragraph (3) prevents the undertaker remaining in possession of land after the end of that period, if the land was entered and possession was taken before the end of that period.</u>	2008. This allows for the time limit to extend for a period equivalent to the period whereby the Order is subject to legal challenge (including appeals), or if shorter, one year.	
Article 22 (Time limit for exercise of authority to acquire land compulsorily)	Amendment to Article [...] (2) No notice to treat is to be served under Part 1 (compulsory purchase under Acquisition of Land Act 1946<u>1981</u>) of the 1965 Act and no declaration is to be executed under section 4 (execution of declaration) of the 1981 Act as applied by article 25 (application of the 1981 Act) after the end of the applicable period, including any extension to the applicable period pursuant to those Acts.	Minor amendment per Secretary of State West Burton Solar Decision Letter to update reference to relevant Act.	5
Article 23 (Compulsory acquisition of rights)	Amendment to Article 23. [...]	Minor amendment per Secretary of State West Burton Solar Decision Letter to ensure appropriate cross reference to table within Schedule 9.	5

Reference	Change	Reason for Change	Deadline
	(2) Subject to the provisions of this paragraph, article 24 (private rights) and article 32 (statutory undertakers), in the case of the Order land specified in column 1 of the table in Schedule 9 (land in which only new rights etc. may be acquired) the undertaker's powers of compulsory acquisition are limited to the acquisition of existing rights and benefit of restrictive covenants over that land and the creation and acquisition of such new rights and the imposition of restrictive covenants for the purpose specified in relation to that land in column 2 of the table in that Schedule.		
Article 24 (Private rights)	Amendments to Article to align with private rights articles in recently made DCOs 24.—(1) Subject to the provisions of this article, all private rights and restrictive covenants over land subject to compulsory acquisition under this Order are extinguished— (a) from the date of acquisition of the land, whether compulsorily or by agreement or through the grant of a lease of the land by agreement; or (b) on the date of entry on the land by the undertaker under section 11(1) (power of entry) of the 1965 Act; or (c) on commencement of any activity authorised by this Order which interferes with or breaches those rights, whichever is the earliest. (2) Subject to the provisions of this article, all private rights or restrictive covenants over land subject to the compulsory acquisition of rights or the imposition of restrictive covenants under article 23 (compulsory acquisition of rights) cease to have effect in so far as their continuance would be inconsistent with the exercise of the right or compliance with the restrictive covenant— (a) as from the date of the acquisition of the right or imposition of the restrictive covenant by the undertaker (whether the right is acquired compulsorily, by agreement or through the grant of a lease of the land by agreement); or (b) on the date of entry on the land by the undertaker under section 11(1) (power of entry) of the 1965 Act in pursuance of the right, whichever is the earliest.	Paragraphs considered superfluous as activities would only commence after either acquisition of the land or the date of entry by the undertaker. Drafting removed to be consistent with Gate Burton Energy Park Order 2024 and Cottam Solar Project Order 2024.	1

Reference	Change	Reason for Change	Deadline
	(3) Subject to the provisions of this article, all private rights and restrictive covenants over land owned by the undertaker within the Order land are extinguished on commencement of any activity authorised by this Order which interferes or breaches such rights.		
Article 25 (Application of the 1981 Act)	Amendments to Article to align with legislative compulsory acquisition changes 25.—(1) The 1981 Act applies as if this Order were a compulsory purchase order. (2) The 1981 Act, as applied by paragraph (1), has effect with the following modifications. (3) In section 1 (application of the Act), for subsection 2 substitute— “(2) This section applies to any Minister, any local or other public authority or any other body or person authorised to acquire land by means of a compulsory purchase order.”. (4) In section 5(2) (earliest date for execution of declaration) omit the words from “and this subsection” to the end. (5) Section 5A (time limit for general vesting declaration)(a) is omitted. (5) (6) In section 5B(1) (extension of time limit during challenge) for “section 23 of the Acquisition of Land Act 1981 (application to High Court in respect of compulsory purchase order), the three year period mentioned in 5A” substitute “section 118 of the 2008 Act (legal challenges relating to applications for orders granting development consent) of the 2008 Act, the five year period mentioned in article 22 (time limit for exercise of authority to acquire land compulsorily) of the Tillbridge Solar Order 202[*].”. (6) (7) In section 6 (notices after extension of declaration), in subsection (1)(b) for “section 15 of, or paragraph 6 of Schedule 1 to, the Acquisition of Land Act 1981” substitute “section 134 (notice of authorisation of compulsory acquisition) of the Planning Act 2008”. (7) (8) In section 7 (constructive notice to treat), in subsection (1)(a) omit the words “(as modified by section 4 of the Acquisition of Land Act 1981)”.	Updates to article to align with associated changes to compulsory acquisition acts by way of amendments under the Levelling-up and Regeneration Act 2023. These ensure correct references to the appropriate legislation and their updated functions, as well as alignment with the amended Article 22.	1

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

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

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

“PART 4

INTERPRETATION

30. In this Schedule, references to entering on and taking possession of land do not include doing so under article 19 (protective works to

Reference	Change	Reason for Change	Deadline
	buildings), article 30 (temporary use of land for constructing the authorised development) or article 31 (temporary use of land for maintaining the authorised development) of the Tillbridge Solar Order 202[*].”.		
Article 31 (Temporary use of land for maintaining the authorised development)	Amendment to article to clarify drafting [...] (11) In this article “the maintenance period” means the period of five years beginning with the date of final commissioning of the part of the authorised development for which temporary possession is required under this article except in relation <u>where maintenance relates</u> to landscaping or ecological works wherein which case “the maintenance period” means such period as set out in the landscape and ecological management plan which is approved by the relevant planning authority pursuant to requirement 7 beginning with the date on which that part of the landscaping is completed.	Amendment for clarity per drafting in West Burton Solar Project Order	5
Article 36 (Consent to transfer the benefit of the Order)	Amendments to notification provisions to Secretary of State in any transfer of Order 36.—(1) Subject to the powers of this Order, the undertaker may— (a) transfer to another person (“the transferee”) any or all of the benefit of the provisions of this Order and such related statutory rights as may be agreed between the undertaker and the transferee; and (b) grant to another person (“the lessee”) for a period agreed between the undertaker and the lessee any or all of the benefit of the provisions of this Order and such related statutory rights as may be so agreed. (2) Where a transfer or grant has been made references in this Order to the undertaker, except in paragraph (8), are to include references to the transferee or lessee. (3) The consent of the Secretary of State is required for the exercise of the powers of paragraph (1) except where— (a) the transferee or lessee is the holder of a licence under section 6 (licences authorising supply etc.) of the 1989 Act; (b) the transfer or grant relates to Work No. 4C to 4E and the transferee or lessee (as relevant) is the Cottam undertaker; or	• Sub-paragraph (3)(e) deleted per similar amendment in Gate Burton Energy Park and Cottam Solar Project Orders. In line with expectation set out by the Secretary of State in those decisions that if the applicant is to transfer the benefit of the Order to a holding company or subsidiary, the Secretary of State would expect that company to be holder of a licence under section 6 of the Electricity Act 1989, and therefore considers this additional exemption from the need for consent to be unnecessary. • Deletion of sub-paragraph (4) as no longer seeking deemed marine licence (as indicated at ISH1). • Addition of sub-paragraph (5)(f) adopted per Gate Burton Energy Park Order – minor requirement to ensure evidence of transfer is provided to the Secretary of State. • Amendment to sub-paragraph (6) to expand response time provided for the Sectary of State in line with the Gate Burton Energy Park Order.	1

Reference	Change	Reason for Change	Deadline
	(c) the transfer or grant relates to Work No. 4E and the transferee or lessee (as relevant) is the Gate Burton undertaker; or (d) the transfer or grant relates to Work No. 4D and 4E and the transferee or lessee (as relevant) is West Burton undertaker; or (e) the transferee or lessee is a holding company or subsidiary of the undertaker; or <u>(e)</u> (f) the time limits for claims for compensation in respect of the acquisition of land or effects upon land under this Order have elapsed and— (i) no such claims have been made; (ii) any such claim has been made and has been compromised or withdrawn; (iii) compensation has been paid in full and final settlement of any such claim; (iv) payment of compensation into court has taken place in lieu of settlement of any such claim; or (v) it has been determined by a tribunal or court of competent jurisdiction in respect of any such claim that no compensation is payable. (4) The Secretary of State must consult the MMO before giving consent to the transfer or grant to another person of the whole or part of the benefit of the provisions of the deemed marine licence. <u>(4)</u> (5) Where the consent of the Secretary of State is not required, the undertaker must notify the Secretary of State in writing before transferring or granting a benefit referred to in paragraph (1). (5) (6) The notification referred to in paragraph (5) <u>(4)</u> must state— (a) the name and contact details of the person to whom the benefit of the powers will be transferred or granted; (b) subject to paragraph (7) <u>(6)</u>, the date on which the transfer will take effect; (c) the powers to be transferred or granted;		

Reference	Change	Reason for Change	Deadline
	(d) pursuant to paragraph (9)(8), the restrictions, liabilities and obligations that will apply to the person exercising the powers transferred or granted; and <u>(e) where relevant, a plan showing the works or areas to which the transfer or grant relates; and</u> <u>(f) a copy of the document effecting the transfer or grant.</u> (6) (7)The date specified under paragraph (5)(b) must not be earlier than the expiry of five<u>ten</u> working days from the date of the receipt of the notification. (7) (8)The notification given must be signed by the undertaker and the person to whom the benefit of the powers will be transferred or granted as specified in that notification. (8) (9)Where the undertaker has transferred any benefit, or for the duration of any period during which the undertaker has granted any benefit— (a) the benefit transferred or granted (“the transferred benefit”) must include any rights that are conferred, and any obligations that are imposed, by virtue of the provisions to which the benefit relates; (b) the transferred benefit will reside exclusively with the transferee or, as the case may be, the lessee and the transferred benefit will not be enforceable against the undertaker; and (c) the exercise by a person of any benefits or rights conferred in accordance with any transfer or grant is subject to the same restrictions, liabilities and obligations as would apply under this Order if those benefits or rights were exercised by the undertaker.		
Article 36 (Consent to transfer the benefit of the Order)	Amendments to article 36. [...] (4) Where the consent of the Secretary of State is not required, the undertaker must notify the Secretary of State <u>and the relevant planning authorities</u> in writing before transferring or granting a benefit referred to in paragraph (1). (5) The notification referred to in paragraph (4) must state— (a) the name and contact details of the person to whom the benefit of the powers will be transferred or granted; (b) subject to paragraph (6), the date on which the transfer will take effect;	Amendments from Secretary of State West Burton Solar Decision Letter, to ensure relevant planning authorities are also notified of a transfer in the benefit of the Order, so they can work with the appropriate party. Amendment also made per West Burton Solar Project Order 2025 to delete 5(f), on basis if the transfer notification is being circulated more widely, the transfer document may not be suitable to share given it may be commercially confidential.	5

Reference	Change	Reason for Change	Deadline
	(c) the powers to be transferred or granted; (d) pursuant to paragraph (8), the restrictions, liabilities and obligations that will apply to the person exercising the powers transferred or granted; and (e) where relevant, a plan showing the works or areas to which the transfer or grant relates; and. (f) a copy of the document effecting the transfer or grant.		
Article 39 (Felling or lopping of trees and removal of hedgerows)	Amendments to adjust extent of vegetation and hedgerow removal powers 39—(1) The undertaker may fell or lop any tree or shrub near any part of the authorised development <u>within or overhanging land within the Order limits</u> or cut back its roots, if it reasonably believes it to be necessary to do so to prevent the tree or shrub from— (a) obstructing or interfering with the construction, maintenance or operation of the authorised development or any apparatus used in connection with the authorised development; (b) constituting a danger to persons using the authorised development; or (c) obstructing or interfering with the passage of vehicles to the extent necessary for the purposes of construction or decommissioning of the authorised development. (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. (3) Any dispute as to a person’s entitlement to compensation under paragraph (2), or as to the amount of compensation, is to be determined under Part 1 (determination of questions of disputed compensation) of the 1961 Act. <u>(4) The undertaker may, for the purposes of the authorised development and subject to paragraph (2), remove any hedgerows within the Order limits that may be required for the purposes of constructing the authorised development.</u> (5) (4) The <u>Without prejudice to the generality of paragraph (4), the</u> undertaker may, for the purposes of the authorised development or in connection with the authorised development and subject to paragraph (2), remove part of the	- Amendment to sub-paragraph (1) made as indicated in the ISH1. Have proposed to adopt per amendment made to Gate Burton Energy Park Order, as fair restriction on extent of powers compared to “near” Order limits. - Addition of sub-paragraph (4) proposed in line with drafting in Gate Burton Energy Park Order. Enables sufficient flexibility in respect of hedgerow loss to account for detailed design.	1

Reference	Change	Reason for Change	Deadline
	hedgerows specified in column 2 of the table in part 1 and column 2 of the table in part 2 of Schedule 12 (hedgerows to be removed) and shown on the hedgerow removal plan. (6) (5) The undertaker may not pursuant to paragraphs (1) and (4) <u>or (5)</u> fell or lop a tree or remove hedgerows within the extent of the publicly maintainable highway without the prior consent of the highway authority. (7) (6) In this article “hedgerow” has the same meaning as in the Hedgerows Regulations 1997.		
Article 40 (Trees subject to tree preservation order)	Amendment to restrict undertaker ability to impact existing trees subject to tree protection orders within the Order limits <u>40.—(1) Subject to paragraph (2), the undertaker must not under the powers of this article fell, lop, prune, or cut back the roots of any tree which is the subject of a tree preservation order.</u> <u>(2) (1)</u> The undertaker may fell or lop any tree that is subject to a tree preservation order <u>which was made after 10 April 2024</u> within or overhanging land within the Order limits or cut back its roots, if it reasonably believes it to be necessary to do so in order to prevent the tree from obstructing or interfering with the construction, maintenance or operation of the authorised development or any apparatus used in connection with the authorised development. (3) (2) In carrying out any activity authorised by paragraph (1)— the undertaker must do no unnecessary damage to any tree and must pay compensation to any person for any loss or damage arising from such activity; and the duty contained in section 206(1) (replacement of trees) of the 1990 Act does not apply. (4) (3) The authority given by paragraph (1) constitutes a deemed consent under the relevant tree preservation order. (5) (4) Any dispute as to a person’s entitlement to compensation under paragraph (3), or as to the amount of compensation, is to be determined under Part 1 (determination of questions of disputed compensation) of the 1961 Act.	Amended to commit the project to not impacting existing trees subject to tree protection orders within the Order limits, being those trees identified within the Cable Route Corridor. Ability to impact trees which may have future tree protection orders applied to them within the Order limits is retained to avoid risk that such an order could restrict the undertaker from maintaining vegetation as necessary to operate the Scheme (eg where vegetation blocks solar panels, or interferes with infrastructure).	1
Article 45 (Deemed marine licence)	Deletion of article <u>45. [Article no longer used]</u>	Deletion as indicated at ISH1, as no longer seeking deemed marine licence on the basis MMO has agreed an exemption will apply to the Scheme.	1

Reference	Change	Reason for Change	Deadline
	Deemed marine licence 45. The marine licence set out in Schedule 16 (deemed marine licence under the 2009 Act) is deemed to have been issued under Part 4 of the 2009 Act (marine licensing) for the licensable marine activities (as defined in section 66 of the 2009 Act) set out in Part 1, and subject to the conditions set out in Part 2 of the licence.		
Schedule 1, Definitions	Addition of definitions to align with updated Work No 2 and Outline Design Principles “battery energy storage systems (BESS) <u>modules</u>” means equipment used for the storage of electrical energy; <u>“battery energy storage systems” (BESS) means all components within Work No. 2;</u> <u>“BESS Enclosure” means the components detailed within Work No 2(a) and (b);</u> <u>“BESS-Solar Station Compound” means all components within Work No 2(a) – (e) and Work No 1(b);</u>	Addition of definitions to align with updated Work No 2 and Outline Design Principles	4
Schedule 1, Work No 2 (battery energy storage systems)	<u>Amendments to Work No 2</u> Work No. 2— battery energy storage systems including— (a) BESS <u>battery modules</u>; (b) a structure <u>an enclosure</u> protecting the BESS <u>battery modules</u> comprised in Work No. 2 (a) and ancillary equipment <u>including liquid cooling systems and explosion prevention systems, being either one container or multiple containers within a larger building or buildings laid on a concrete slab or raft foundation located alongside Work No. 1(b);</u> (c) heating, ventilation and air conditioning (HVAC) or liquid cooling systems either housed within the containers <u>enclosures</u> comprised in Work No. 2(b), attached to the side or top of each of the containers <u>enclosures</u>, or located separately from but near to each of the containers <u>enclosures</u>; (d) monitoring and control systems housed within the containers with the HVAC or liquid cooling systems in <u>enclosures for</u> Work No. 2(eb) or located separately in its own container <u>enclosure</u> or control room;	Amendments to Work No 2 to clarify BESS provisions per 4 questions raised by Examining Authority and align with updated Outline Design Principles. Full explanation of Changes provided within [Appendix A to the Written Summary of the Applicants Oral Submissions at ISH3 [EN010142/APP/9.34].]	4

Reference	Change	Reason for Change	Deadline
	(e) battery management system to monitor and control the stage of charge, temperature, and the overall health of the batteries; (e)(+) DC/DC converter; (f)(+) fire safety infrastructure, mitigation and control measures including: (i) fire service access, (ii) fire compartmentation measures, (iii) water storage tanks and hydrants, (iv) impermeable membrane surrounding the BESSWork No 2(b) which directs fire water to a swale for containment and a sump and drain valve to allow the extraction of contaminated fire water, (v) hard standing to accommodate emergency vehicles, (vi) parking spaces; and (g)(+) electrical cables connecting to Work No. 1(b), and Work No. 3.		
Schedule 2, Requirement 6 (Battery safety management)	Amendment to add consultee (4) The relevant planning authority must consult with West Lindsey District Council, Lincolnshire Fire and Rescue and, Nottinghamshire Fire and Rescue Service and the Environment Agency before determining an application for approval of the battery safety management plan.	Amendment to add the Environment Agency (EA) as a consultee for the Battery Safety Management Plan per relevant representation / Statement of Common Ground agreement with EA.	1
Schedule 2, Requirement 6 (Battery safety management)	Amendment to ensure maintenance of plan (5) The battery safety management plan must be implemented as approved and maintained throughout the operation of the relevant part of the authorised development to which the plan relates.	Amendment to ensure it is clear that plans remain live through operation where relevant. Amendment made per alignment with Gate Burton Energy Park and Cottam Solar Project Orders.	1
Schedule 2, Requirement 7 (Landscape and ecological management plan)	Amendment to add consultees 7.—(1) No part of the authorised development may commence until a written landscape and ecological management plan has been submitted to and approved by the relevant planning authority for that part, or where the part falls within the administrative areas of multiple planning authorities, each of the relevant	Amendment to add the EA and Lincolnshire County Council (LCC) as consultees for the landscape and ecological management plan per relevant representations / Statements of Common Ground.	1

Reference	Change	Reason for Change	Deadline
	planning authorities, following consultation with the Environment Agency and where the part falls within its administrative area, Lincolnshire County Council.		
Schedule 2, Requirement 7 (Landscape and ecological management plan)	Amendment to ensure maintenance of plan (3) The landscape and ecological management plan must be implemented as approved and maintained throughout the operation of the relevant part of the authorised development to which the plan relates.	Amendment to ensure it is clear that plans remain live through operation where relevant. Amendment made per alignment with Gate Burton Energy Park and Cottam Solar Project Orders.	1
Schedule 2, Requirement 7 (Landscape and ecological management plan)	Amendment to ensure LEMP is in place prior to advance planting (4) For the purposes of sub-paragraph (1), “commence” includes part (h) site clearance (including vegetation removal, demolition of existing buildings and structures) and part (i) (advanced planting to allow for an early establishment of protective screening) of permitted preliminary works.	Amendment to ensure LEMP is in place prior to advance planting enabled as a permitted preliminary work.	1
Schedule 2, Requirement 8 (Biodiversity net gain)	Amendment to add consultee 8. (1) No part of the authorised development may commence until a biodiversity net gain strategy has been submitted to and approved by the relevant planning authority, in consultation with the Environment Agency and any other relevant statutory nature conservation body.	Amendment to add the EA as a consultee for the biodiversity net gain strategy per relevant representation / Statement of Common Ground.	1
Schedule 2, Requirement 8 (Biodiversity net gain)	Amendment to ensure maintenance of strategy (2) The biodiversity net gain strategy must be substantially in accordance with the outline landscape and ecological management plan and , must be implemented as approved and maintained throughout the operation of the relevant part of the authorised development to which the plan relates.	Amendment to ensure it is clear that the strategy remains live through operation where relevant. Amendment made per alignment with Gate Burton Energy Park and Cottam Solar Project Orders.	1
Schedule 2, Requirement 8 (Biodiversity net gain)	Amendment to add consultee 8.(1) No part of the authorised development may commence until a biodiversity net gain strategy has been submitted to and approved by the relevant planning authority, in consultation with the Environment Agency, Lincolnshire County Council and any other relevant statutory nature conservation body.	Amendment to add Lincolnshire County Council as a consultee for biodiversity net gain as per representations at ISH3 / Statement of Common Ground.	4
Schedule 2, Requirement 11 (Archaeology)	Amendment to incorporate new approval process for archaeological mitigation strategy	Replacement of Requirement 11 per relevant representations and SOCG with Historic England, which	1

Reference	Change	Reason for Change	Deadline
	11.—(1) No part of the authorised development may commence, and no part of the permitted preliminary works relating to Work Nos 1, 2, 3, 4A, 6, 7, 8 and 10 may commence until an archaeological mitigation strategy has been submitted to and approved in writing by the relevant planning authority. The authorised development will<u>must</u> be implemented in accordance with the approved archaeological mitigation strategy. (2) No part of the authorised development relating to Work Nos 4C to 4E, and no part of the permitted preliminary works for the Works Nos 4C to 4E may commence until a Written Scheme of Investigation<u>written scheme of archaeological investigation (which must accord with the archaeological mitigation strategy)</u> for that part or parts has been submitted to and approved in writing by the relevant planning authority. The archaeological investigation relating to the Works Nos 4C to 4E must be completed in accordance with the approved Written Scheme of Investigation and implemented prior to the commencement of preliminary works or the authorised development. Following the completion of the archaeological investigation, an archaeological mitigation strategy must be submitted to and approved in writing by the relevant planning authority. The authorised development must be implemented in accordance with the approved archaeological mitigation strategy. <u>(3) For the purposes of sub-paragraph (1), “commence” includes any permitted preliminary works, excluding part (i) (advanced planting to allow for an early establishment of protective screening).</u> <u>(4) Any archaeological works or archaeological monitoring and recording must be carried out in accordance with the approved scheme</u>	preferred the drafting for this Requirement as captured within the Gate Burton Energy Park Order 2024.	
Schedule 2, Requirement 12 (Construction environmental management plan)	Amendment to add consultee 12.—(1) No part of the authorised development may commence until a construction environmental management plan for that part has been submitted to and approved by the relevant planning authority or, where the part falls within the administrative area of multiple relevant planning authorities, each of the relevant planning authorities, in consultation with the relevant highway authority and, the Environment Agency <u>and where the part falls within its administrative area, Lincolnshire County Council.</u>	Amendment to add LCC as consultee for construction environmental management plan per relevant representation / Statement of Common Ground.	1

Reference	Change	Reason for Change	Deadline
Schedule 2, Requirement 13 (Operational environmental management plan)	Amendment to add consultee 13. —(1) Prior to the date of final commissioning for any part of the authorised development, an operational environmental management plan for that part must be submitted to and approved by the relevant planning authority or, where the part falls within the administrative area of multiple relevant planning authorities, each of the relevant planning authorities, in consultation with the relevant highway authority, the relevant waste authority and , the Environment Agency <u>and where the part falls within its administrative area, Lincolnshire County Council.</u>	Amendment to add LCC as consultee for operational environmental management plan per relevant representation / Statement of Common Ground.	1
Schedule 2, Requirement 13 (Operational environmental management plan)	Amendment to ensure maintenance of plan (3) The operational environmental management plan must be implemented as approved <u>and maintained throughout the operation of the relevant parts of the authorised development to which the plan relates.</u>	Amendment to ensure it is clear that plans remain live through operation where relevant. Amendment made per alignment with Gate Burton Energy Park and Cottam Solar Project Orders.	1
Schedule 2, Requirement 13 (Operational environmental management plan)	Amendment to provide for approval of waste management strategy [...] (2) The operational environmental management plan must be substantially in accordance with the framework operational environmental management plan <u>and must include a waste management strategy that has been submitted to and approved by the relevant waste planning authority.</u>	Amendment to provide for waste planning authority approval of waste management strategy per discussions with Lincolnshire County Council and in alignment with West Burton Solar Project Order 2025.	5
Schedule 2, Requirement 16 (Public rights of way)	Amendment to ensure maintenance of plan (4) The public rights of way management plan must be implemented as approved <u>and maintained throughout the operation of the relevant parts of the authorised development to which the plan relates.</u>	Amendment to ensure it is clear that plans remain live through operation where relevant. Amendment made per alignment with Gate Burton Energy Park and Cottam Solar Project Orders.	1
Schedule 2, Requirement 17 (Operational noise)	Amendment to ensure maintenance of noise mitigation (2) The mitigation measures described in the operational noise assessment for each part of the authorised development must be implemented as approved <u>and maintained throughout the operation of the relevant parts of the authorised development to which the plan relates.</u>	Amendment to ensure it is clear that mitigation applied under the operational noise assessment remains live through operation where relevant. Amendment made per alignment with Gate Burton Energy Park and Cottam Solar Project Orders.	1

Reference	Change	Reason for Change	Deadline
Schedule 2, Requirement 17 (Operational noise)	Amendment to add reference to table of noise levels within ES 17. (1) No part of Work No. 1, Work No. 2 or Work No. 3 may commence until an operational noise assessment containing details of how the design of the authorised development has incorporated mitigation to ensure the operational noise rating levels as set out within Table 13-17 in Chapter 13 of the environmental statement are to be complied with for that part has been submitted to and approved by the relevant planning authority for that part.	Amendment to ensure the location within the ES of the noise rating levels referred to in the Article is clear, per discussion at ISH3	4
Schedule 2, Requirement 18 (Soils management)	Amendment to ensure maintenance of plan (3) The soil management plan must be implemented as approved and maintained throughout the operation of the relevant parts of the authorised development to which the plan relates .	Amendment to ensure it is clear that plans remain live through operation where relevant. Amendment made per alignment with Gate Burton Energy Park and Cottam Solar Project Orders.	1
Schedule 2, Requirement 19 (Skills, supply chain and employment)	Amendment to ensure maintenance of plan (4) The skills, supply chain and employment plan must be implemented as approved and maintained throughout the operation of the relevant parts of the authorised development to which the plan relates .	Amendment to ensure it is clear that plans remain live through operation where relevant. Amendment made per alignment with Gate Burton Energy Park and Cottam Solar Project Orders.	1
Schedule 2, Requirement 20 (Decommissioning and restoration)	Amendment to align timeframes (3) Unless otherwise agreed with the relevant planning authority, no later than ten eight weeks prior to the intended date of decommissioning of any part of the authorised development notified pursuant to sub-paragraph (2), the undertaker must submit to the relevant planning authority for that part a decommissioning environmental management plan for approval.	Per comments from West Lindsey District Council at the ISH1, the timeframes have been amended for this requirement to align with those in Schedule 17 of the Order.	1
Schedule 2, Requirement 20 (Decommissioning and restoration)	Amendment to add consultee (3) Where the undertaker decides to decommission a part of the authorised development that falls within the administrative areas of multiple planning authorities, the decommissioning environmental management plan must be submitted to each relevant planning authority, following consultation with the Environment Agency , and the approval of all relevant planning authorities is required for the purposes of this paragraph.	Amendment to add the EA as a consultee for the decommissioning environmental management plan per relevant representation / Statement of Common Ground.	1

Reference	Change	Reason for Change	Deadline
Schedule 2, Requirement 20 (Decommissioning and restoration)	Amendment to article (6) The decommissioning <u>environmental management</u> plan must be implemented as approved.	Amendment per request by WLDC to make it clear this Requirement is referring to the DEMP.	5
Schedule 13 (Documents and Plans to be Certified)	Various updates to listed documents to align with latest versions as at Deadline 5	To ensure up to date Schedule as at Deadline 5	5
Schedule 15 (Protective Provisions), Part 4 (For the protection of the Canal and River Trust)	Deletions of references to deemed marine license 28. [...] (5)The consent of the Canal & River Trust pursuant to sub-paragraphs (1) to (5) must not be unreasonably withheld or delayed but may be given subject to reasonable terms and conditions provided that it will not be reasonable for the Canal & River Trust to withhold or delay consent or impose terms and conditions that would prevent the undertaker from complying with the protective provisions in this Part of this Schedule or any condition contained in Schedule 2 (requirements) or Part 2 of Schedule 16 (deemed marine licence conditions) to this Order. 31. [...] (4)The withholding of an approval of the engineer under this paragraph 31 will be deemed to be unreasonable if it would prevent the undertaker from complying with any condition contained in Schedule 2 (requirements) or Part 2 of Schedule 16 (deemed marine licence conditions) to this Order.	Consequential deletions to removal of deemed marine licence article	1
Schedule 15 (Protective Provisions), Part 5 (For the protection of the Cottam Solar Project Limited)	Amendments to Works No. Reference (throughout Part of Schedule)	Minor amendments to reflect final works numbers relevant for references, as agreed with Cottam Solar Park Limited. <i>[NB: Deletion of specific changes made at Deadline 5 to simplify this document, please refer to Deadline 1 tracked dDCO to review]</i>	1
Schedule 15 (Protective Provisions), Part 6	Amendment to Works No. Reference 68.(1)After the purpose of any temporary works has been accomplished, the undertaker must with all reasonable dispatch, or after a reasonable period of	Minor amendment to correct relevant works no. reference, as agreed with Gate Burton Energy Park Ltd.	1

Reference	Change	Reason for Change	Deadline
(For the protection of the Gate Burton Energy Park Limited)	notice in writing from Gate Burton requiring the undertaker to do so, remove the temporary works in, on, under, over, or within the Gate Burton Work No. 6B <u>4B</u> Area.		
Schedule 15 (Protective Provisions, Part 9 (For the protection of Cadent Gas Limited))	Various amendments per final negotiations – see Schedule for drafting.	Amendments to reflect finalised negotiations between Cadent Gas and the Applicant.	3
Schedule 15 (Protective Provisions), Part 10 (For the protection of the Environment Agency)	Addition of definition to 111. (1) In this part of this Schedule— <u>“emergency” means an occurrence which presents a risk of—</u> <u>(a) serious flooding;</u> <u>(b) serious detrimental impact on drainage; or</u> <u>(c) serious harm to the environment.</u>	Addition to bring in definition of emergency as brought across from the Environmental Permitting Regulations 2016, per relevant representation from / SOCG with EA.	1
Schedule 15 (Protective Provisions), Part 10 (For the protection of the Environment Agency)	Various amendments to reflect final agreed form of protective provisions	Various amendments made throughout the protective provisions to reflect their final agreed form with the Environment Agency.	5
Schedule 111 (Protective Provisions), Part 10 (For the protection of the Northern Powergrid (Yorkshire) Plc)	Various amendments to reflect final agreed form of protective provisions	Various amendments made throughout the protective provisions to reflect their final agreed form with Northern Powergrid.	5

Reference	Change	Reason for Change	Deadline
Schedule 15 (Protective Provisions), Part 12 (For the protection of railway interests)	Various amendments per ongoing negotiations	Various amendments per ongoing negotiations with Network Rail in respect of protective provisions. <i>[NB: Deletion of specific changes made at Deadline 5 to simplify this document, please refer to Deadline 1 tracked dDCO to review]</i>	1
Schedule 15, Part 15 (For the protection of Exolum Pipeline System Ltd)	Insertion of final agreed protective provisions.	Insertion of protective provisions to reflect their final agreed form with Exolum.	5
Schedule 15, Part 15 (For the protection of Uniper)	Insert of agreed protective provisions	Full set of protective provisions included as per agreement with Uniper	4
Schedule 16 15, Part 17 (For the protection of National Grid Electricity Transmission)	Insert of placeholder PART 17 FOR THE PROTECTION OF NATIONAL GRID ELECTRICITY TRANSMISSION [Protective Provisions under negotiation].	Placeholder included to indicate that protective provisions are under negotiation between the Applicant and National Grid Electricity Transmission.	3
Schedule 16 (Deemed Marine Licence)	Deletion of entire draft marine licence.	Deletion as indicated at ISH1, as no longer seeking deemed marine licence on the basis MMO has agreed an exemption will apply to the Scheme.	1
Schedule 17 (Procedure for discharge of requirements)	Amendment to ensure notice and provision of application to consultees 2.—(1) Where an application has been made to the relevant planning authority for any consent, agreement or approval required by a requirement, the undertaker must also submit a copy of that application to any requirement consultee. (2) Where an application has been made to the relevant planning authority for any consent agreement or approval required by a requirement the relevant planning authority must give notice to the undertaker of its decision on the application within a period of eight weeks beginning with the later of—	Amendment made in alignment with Gate Burton Energy Park Order. Ensures that the applicant is responsible to provide copies to those bodies required to be consulted with under the wording of the requirements, removing any onerous requirement on the local authorities to consult with those bodies.	1

Reference	Change	Reason for Change	Deadline		
	the day immediately following that on which the application is received by the authority; the day immediately following that on which further information has been supplied by the undertaker under paragraph Error! Reference source not found.; or such longer period that is agreed in writing by the undertaker and the relevant planning authority.				
Schedule 17 (Procedure for discharge of requirements)	Amendment to capture appeals timeframes 4. [...] (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 determination, or (where no determination has been made) the expiry of the time period set out in paragraph 2(2), giving rise to the appeal referred to in sub-paragraph (1);	Amendment to align with Gate Burton Energy Park Order, ensuring statutory process is fully captured in Order.	1		
Schedule 17 (Procedure for discharge of requirements)	Amendment to reflect decision maker discretion 4. [...] (6) The appointed person may proceed to a decision on an appeal taking into account only such written representations as have been sent within the relevant time limitsand in the sole discretion of the appointed person such written representations as have been sent outside of the relevant time limits.	Amendment per Gate Burton Energy Park Order, ensuring existing discretion is reflected in Schedule.	1		
Schedule 17 (Procedure for discharge of requirements)	Addition of fees provision Fees 5.—(1) Where an application is made to the relevant planning authority for a discharge, a fee is to apply and must be paid to the relevant planning authority for each application as follows— <table><tr><th>Application</th><th>Fee payable</th></tr></table>	Application	Fee payable	Fees clause added as indicated at ISH1, and per representations by local authorities. Amendment as per wording in Cottam Solar Project Order 2024, but adapted into table format per request from local authorities.	1
Application	Fee payable				

Reference	Change	Reason for Change	Deadline
	<u>First application for the discharge of each of the requirements 5 (Detailed design approval), 6 (Battery safety management), 7 (Landscape and ecological management plan), 8 (Biodiversity net gain), 10 (Surface and foul water drainage), 12 (Construction environmental management plan), 13 (Operational environmental management plan), 14 (Construction traffic management plan), 16 (Public rights of way), 18 (Soils management), and 20 (Decommissioning and restoration).</u> <u>Each subsequent application for the discharge of each of the requirements listed in Row 1.</u> <u>Any application under requirement 5 (Detailed design approval) in respect of the requirements listed in Row 1.</u> <u>Any application for the discharge of any other requirements not listed in Row 1.</u> <u>Any application under requirement 3 (Approved details and amendments to them) in respect of requirements not listed in not listed in Row 1.</u> <u>Any approval required by a document referred to by any requirement or a document approved pursuant to any requirement.</u>	<u>£2,535</u> <u>£578</u> <u>£578</u> <u>£145</u> <u>£145</u> <u>£145</u>	
	<u>(2) Any fee paid under this Schedule must be refunded to the undertaker within four weeks of—</u> <u>(a) the application being rejected as invalidly made; or</u> <u>(b) the relevant planning authority failing to determine the application within the relevant period in paragraph 2(2) unless—</u> <u>(i) within that period the undertaker agrees, in writing, that the fee is to be retained by the relevant planning authority and credited in respect of a future application; or</u> <u>(ii) a longer period of time for determining the application has been agreed pursuant to paragraph 2(2) of this Schedule, as applicable.</u>		

Reference	Change	Reason for Change	Deadline
Schedule 17 (Procedure for discharge of requirements)	Addition of sub paragraph Fees 5. [...] (2) Where an application under sub-paragraph (1) is made and a fee payable on or after 1 April 2025, then section 18A of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (as amended by the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Amendment Regulations 2023) will apply as modified by this Order, so that “the relevant amount” means the fee payable under this sub paragraph (2)(a), 2(b) or 2(c) above.	New sub paragraph added per Secretary of State Decision Letter for West Burton Solar Project 2024. Ensures fees captured within the Schedule are updated to increase in line with inflation, as per the regulatory approach.	5