



BEACON FEN ENERGY PARK

Planning Inspectorate Reference: EN010151

Schedule of Changes to the Draft Development Consent Order

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Quality information

Prepared by	Checked by	Verified by	Approved by
HSF Kramer			

Revision History

Revision	Revision date	Details	Authorised	Name	Position
1	July 2025	Version submitted in response to s51 advice	HSF Kramer		
2	October 2025	Deadline 2	HSF Kramer		
3	November 2025	Deadline 4	HSF Kramer		
4	December 2025	Deadline 5	HSF Kramer		
5	January 2026	Deadline 6 (incorporating Change Request changes)	HSF Kramer		
6	February 2026	Deadline 7	HSF Kramer		

1. Introduction

1.1 Purpose of this Schedule

1.1.1 The table below sets out the changes made to **the Draft Development Consent Order (Document Ref: 3.1)** in response to the post-acceptance section 51 advice received. This Schedule is provided by the Applicant to aid the ExA in understanding the changes made.

Table 1: Changes made to the Draft DCO in response to section 51 advice

ROW	PROVISION	CHANGE	REASONING
1.	Article 2(1) (interpretation)	"the 2015 Regulations <u>Order</u> " means the Town and Country Planning (General Permitted Development) (England) Order 2015;	Amendment to reflect that the statutory instrument is an Order, rather than regulations. References to "the 2015 Regulations" in Article 9 (planning permission) have also been amended.
2.	Article 2(1) (interpretation)	Addition of: <u>"National Grid 2005 permission" means planning permission B/05/0046 granted by Boston Borough Council on 20 April 2005 (and any variation thereof);</u>	Additional definition added as a result of addition of new Article 48 (see row 3 below).
3.	Article 48 (National Grid extension works)	<u>National Grid extension works</u> <u>48.—(1) If National Grid elects to undertake any elements of the works described in Work No.5 pursuant to planning permission granted under Part 3 of the 1990 Act or Article 3 of the 2015 Order then the requirements contained in Part 1 of Schedule 2 (requirements) will not have effect in so far as they relate to those works and National Grid will</u>	New article added following further engagement during the pre-examination period between the Applicant and National Grid Electricity Transmission plc. Please refer to paragraphs 8.1.26 - 8.1.30 of the Explanatory Memorandum (Document Ref: 3.2) for the full explanation of why this article has been added and where it is preceded.

ROW	PROVISION	CHANGE	REASONING
		<u>serve written notice of the same on the relevant planning authority.</u> <u>(2) As from the date on which Work No.5 is commenced any conditions of the National Grid 2005 permission that relate to the land at plot 18-19 cease to have effect to the extent they are inconsistent with the authorised development or with anything done or approved under the requirements in Part 1 of Schedule 2 (requirements).</u>	
4.	Schedule 1 (authorised development)	Amendment to Work No.5A: Work No. 5- works to the existing substation including— (a) Work No. 5A— creation of a new generation bay and associated works at the existing substation including— (i) an electrical bay to connect into the existing network at Work No. 5B, including associated outdoor air insulated switchgear (AIS) or indoor gas insulated switchgear (GIS) and electrical apparatus, circuit breakers, disconnectors and earth switches;	The Applicant identified that the deleted wording was a minor error in the description of Work No.5A, because it is not factually correct that the electrical bay is to connect into the existing network at Work No. 5B.

Table 2: Changes made to the Draft DCO for Deadline 2

ROW	PROVISION	CHANGE	REASONING
1	Article 2(1) Interpretation	“maintain” includes inspect, upkeep, repair, refurbish, adjust, alter, remove, reconstruct and replace in relation to <u>the authorised development, but not remove, reconstruct or replace the whole of,</u> the authorised development, provided such works do not give rise to any materially new or materially	Wording added to the definition of "maintain" to reflect recent precedent.

ROW	PROVISION	CHANGE	REASONING
		different environmental effects to those identified in the environmental statement; and any derivative of “maintain” must be construed accordingly;	
2	Article 2(1) Interpretation	<u>“outline public rights of way management plan” means the document of that name identified in the table at Schedule 12 (documents and plans to be certified) and which is certified by the Secretary of State as the outline public rights of way management plan for the purposes of this Order;</u>	Definition added as a result of there being a new management plan.
3	Article 2(1) Interpretation	<u>“the permit scheme” means the Lincolnshire Permit Scheme for Road Works and Street Works Order 2016, which scheme is made under Part 3 of the Traffic Management Act 2004;</u>	Definition added as a result of new Article 12.
4	Article 2(9) Interpretation	<u>(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 as amended by any subsequent statute, order, regulation or instrument or as contained in any subsequent re-enactment.</u>	Provision added for successor legislation to ensure that any reference to statute includes successor and amendment legislation.
5	Article 12 (Application of the permit scheme)	<u>Application of the permit scheme</u> <u>12.—(1) — The permit scheme applies with the modifications set out in this article to street works carried out under the power conferred by article 11 (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 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</u>	This article has been added to clarify the interaction between the street works articles of the Order and the application of the relevant permitting schemes of the local highways authority. The Article clarifies that the permit scheme continues to apply, but cannot be refused or granted subject to conditions which would effect refusal, and that conditions for a permit must be consistent with the Order and its powers. These clarifications ensure certainty that the street works for the authorised development can proceed in accordance with the made Order. The Article also ensures that an appeal process

ROW	PROVISION	CHANGE	REASONING
		<u>unable to comply with those conditions pursuant to the powers conferred by this Order.</u> <u>(3) References to moratoria in paragraph (2) mean restrictions imposed under 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 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 Part 2 of Schedule 2 (procedure for discharge of requirements).</u>	remains open to the undertaker to any decisions under permitting scheme, in order to enable the undertaker to appropriately align any conditions for the schemes with the requirements of the made Order.
6	14(1) Construction and maintenance of altered streets	The permanent alterations to each of the streets specified in Part 1 (permanent alteration of layout) of Schedule 4 (alteration of streets) to this Order must be completed to the reasonable satisfaction of the highway authority where applicable and, unless otherwise agreed by the highway <u>street</u> authority, the alterations must be maintained by and at the expense of the undertaker for a period of 12 months from their completion and from the expiry of that period by and at the expense of the highway <u>street</u> authority.	Amended to correct drafting error as the relevant authority for alterations to the streets is the street authority.
7	21(1) Protective works to buildings	Subject to the following provisions of this article, the undertaker may at its own expense carry out such protective works to any building lying within the Order limits <u>land</u> as the undertaker considers necessary or expedient.	Protective works to buildings do not relate to the use of powers of compulsory acquisition so the defined term has been corrected from 'Order land' to 'Order limits'.
8	22(7)	<u>(7) Section 13 (refusal to give possession to acquiring authority) of the 1965 Act applies to the entry onto, or possession of, land under this article to the same extent as it applies to the compulsory acquisition of land under this</u>	Paragraph added to ensure that section 13 of the Compulsory Purchase Act 1965 applies to the power granting authority to survey and investigate the land.

ROW	PROVISION	CHANGE	REASONING
	Authority to survey and investigate the land	Order by virtue of section 125 (application of compulsory acquisition provisions) of the 2008 Act.	
9	28(1) Private rights	(1) Subject to the provisions of this article, all private rights or restrictive covenants over land subject to compulsory acquisition under this Order will be extinguished—	Amended to ensure land is taken free of restrictive covenants, so it can be used as necessary for delivery of the Proposed Development.
10	30(1) Acquisition of subsoil and airspace only	(1) The undertaker may acquire compulsorily so much of, or such rights in, the subsoil of and the airspace over the land referred to in paragraph 22 (1) of article 23	Typographical correction.
11	44(5)(a)-(b) 44(11) Felling or lopping of trees or removal of hedgerows	(5) Without prejudice to the generality of paragraph (4), the undertaker may, for the purposes of the authorised development and subject to paragraph (2)— (a) remove those parts of the important hedgerows within the Order limits and specified in Part 1 (removal of important hedgerows) of Schedule 13 (hedgerows) as shown on the vegetation removal plan ; and (b) remove those parts of the hedgerows as are within the Order limits and specified in Part 2 (removal of hedgerows) of Schedule 13 (hedgerows) as shown on the vegetation removal plan (11) Paragraphs (1) to (10) are subject to paragraphs 7, 8 and 12 of Part 1 (requirements) of Schedule 2.	Addition of cross references to the vegetation removal plan and relevant requirements to make the constraints on the powers provided by article 44 clearer.

ROW	PROVISION	CHANGE	REASONING
12	Schedule 2, Part 1, paragraph 1 (Interpretation)	In this Schedule— “relevant planning authority” means— (a) Lincolnshire County Council for the purposes of— (i) requirement 6 (battery safety management); (ii) requirement 10 (surface and foul water drainage); (iii) requirement 11 (archaeology); (iv) requirement 13 (construction traffic management plan); and (v) requirement 16 (soils management); <u>and</u> <u>(vi) requirement 18 (public rights of way);</u>	Drafting updated to reflect inclusion of a new requirement 18.
13	Schedule 2, Part 1, paragraph 5(1) (Detailed design approval)	5. —www) (1) No part of the authorised development may commence until details of— (a) the layout; (b) scale; (c) proposed finished ground levels; (d) external appearance; (e) hard surfacing materials; (f) vehicular and pedestrian access, parking and circulation areas; (g) refuse or other storage units, signs and lighting; (h) drainage, water, power and communications cables and pipelines; (i) landscaping works, planting works and programme for implementation; (j) fencing; (k) security measures; and (l) any mitigation measures necessary to address noise impacts, relating to that part have been submitted to and approved in writing by the relevant planning authority for that part or, where the part falls within the administrative areas of multiple relevant planning	Addition of Lincolnshire County Council as a named consultee following engagement between the Applicant and the Council.

ROW	PROVISION	CHANGE	REASONING
		authorities, each of the relevant planning authorities, <u>such approval to be in consultation with Lincolnshire County Council as local highway authority in relation to paragraph (f).</u>	
14	Schedule 2, Part 1, paragraph 7(1) (Landscape and ecological management plan)	Landscape and ecological management plan 7. —yy (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 relevant planning authorities, each of the relevant planning authorities, <u>in consultation with Lincolnshire County Council</u>	Addition of Lincolnshire County Council as a named consultee following engagement between the Applicant and the Council.
15	Schedule 2, Part 1, paragraph 10(1) (Surface and foul water drainage)	No part of the authorised development may commence until written details of the surface water drainage scheme and (if any) foul water drainage system (both of which must be substantially in accordance with the principles in the outline drainage strategy) have been submitted to and approved by the relevant planning authority <u>for that part</u> , such approval to be in consultation with Anglian Water Services Limited.	Drafting correction updated for clarity.
16	Schedule 2, Part 1, paragraph 12(1) (Construction environmental management plan)	Construction environmental management plan 12.—ddd (1) No part of the authorised development may commence until a construction environmental management plan (which must be substantially in accordance with the outline 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 areas of multiple relevant planning	Addition of Lincolnshire County Council as a named consultee following engagement between the Applicant and the Council.

ROW	PROVISION	CHANGE	REASONING
		authorities, each of the relevant planning authorities, in consultation with Lincolnshire County Council .	
17	Schedule 2, Part 1, paragraph 18 (public rights of way)	Public rights of way 18.—(1) No part of the authorised development may commence until a public rights of way management plan for any sections of public rights of way shown to be temporarily closed on the streets, rights of way and access plans for that part has been submitted to and approved by the relevant planning authority. (2) The public rights of way management plan must be substantially in accordance with the outline public rights of way management plan. (3) The public rights of way management plan must be implemented as approved unless otherwise agreed with the relevant planning authority.	This requirement has been added into the Draft DCO (Document Ref: 3.1) at Deadline 2, following discussions relating to the management of PRow affected by the construction of the Proposed Development during Issue Specific Hearing 1. This requirement provides that the authorised development may not commence until a public rights of way management plan ('PRowMP') for any sections of public rights of way shown to be temporarily closed on the Streets, Rights of Way and Access Plans (Document Ref: 2.5) have been submitted to and approved by the relevant planning authority. The PRowMP must be substantially in accordance with the Outline Public Rights of Way Management Plan (Document Ref: 9.5) and must be implemented as approved.
18	Schedule 2, Part 1, paragraph 19 (decommissioning and restoration)	Decommissioning and restoration 19.18.— jjj (1) Decommissioning of Work Nos. 1, 2 and 3 of the authorised development must commence no later than 40 years following the date of final commissioning of the authorised development. (2) 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. (3) Within 12 months of the date notified pursuant to sub-paragraph (2), the undertaker must submit to the relevant planning authority for that part a decommissioning	Addition of Lincolnshire County Council as a named consultee following engagement between the Applicant and the Council.

ROW	PROVISION	CHANGE	REASONING
		environmental management plan for approval (following consultation with the Environment Agency and Lincolnshire County Council) which must include a decommissioning traffic management plan and site waste management plan.	
19	Schedule 2, Part 2, paragraph 24 (Fees)	Fees 24.23. —nnn (1) Where an application is made to the relevant planning authority for any consent, agreement or approval required by a requirement, a fee is to apply and must be paid to the relevant planning authority for each application. (2) The fee payable for each application under sub-paragraph (1) is as follows— (a) a fee of £2982,578 for anthe first application pursuant to a requirement expressed as able to be discharged in respect of a “part” of the authorised development, where that application relates to a part of the full extent of the authorised development that is comprised within that relevant planning authority’s area;for the discharge of each of the requirements 5 (detailed design approval), 6 (battery safety management), 8 (landscape and ecological management plan), 10 (surface and foul water drainage), 12 (construction environmental management plan), 13 (construction traffic management plan), 16 (soils management) and 19 (decommissioning and restoration); (b) a fee of £894 for an588 for each subsequent application pursuant to afor the discharge of each of the requirements listed in paragraph (a) and any application under requirement expressed as able to be discharged5 in respect of a “part” of the authorised development, where that application relates to the full	Edits made in line with the agreed position with the local authorities as documented in each Statement of Common Ground with relevant local authorities.

ROW	PROVISION	CHANGE	REASONING
		extent of the authorised development that is comprised within that relevant planning authority's area <u>the requirements listed in paragraph (a); and</u> (c) a fee of £ 894 <u>298</u> for an <u>any</u> application pursuant to any other requirement for the discharge of— <u>(i) any other requirements not listed in paragraph (a);</u> <u>(ii) any application under requirement 3 (approved details and amendments to them) in respect of requirements not listed in paragraph (a); and</u> <u>(iii) any approval required by a document referred to by any requirement or a document approved pursuant to any requirement.</u>	
20	Schedule 8 (Land in which only new rights etc. may be acquired)	18-15, 18-18 To construct, operate, maintain and use Work No. 5E, and to construct, operate, maintain, use, inspect and alter any protective works, access works, utility apparatus or other ancillary or related development (as set out in Schedule 1 (authorised development)) in connection therewith.	Removal of line of table in Schedule 8 to reflect updates to the Land Plans (Document Ref: 2.2) .
21	Schedule 12 (Documents and plans to be certified)	Not copied in full – please refer to Schedule 12 to the Draft DCO (Document Ref: 3.1) .	Updates to the list of documents to be certified to reflect the updated versions of documents submitted into the Examination at Deadlines 1 and 2.

Table 3: Changes made to the Draft DCO for Deadline 4

ROW	PROVISION	CHANGE	REASONING
1	Article 46(4)	(4) Save for applications made pursuant to Part 2 of Schedule 2 (procedure for discharge of requirements) and where stated to the contrary if, within eight <u>ten</u> weeks (or such longer period as may be agreed between the	The decision-making time period has been updated from an eight week time period to a ten week time period following a request for this change during Issue Specific Hearing 3. to bring it in line with the time period for

		undertaker and the relevant consenting authority in writing) after the application or request has been submitted to a consenting authority it has not notified the undertaker of its disapproval and the grounds of disapproval, it is deemed to have approved the application or request.	discharge requirements pursuant to Part 2 of Schedule 2 to the Order.
2	Schedule 2, Part 1 (Requirements), paragraph 1 (Interpretation)	“relevant planning authority” means— (a) Lincolnshire County Council for the purposes of— (i) requirement 6 (battery safety management); (ii) requirement 10 (surface and foul water drainage); (iii) requirement 11 (archaeology); (iv) requirement 13 (construction traffic management plan); <u>and</u> (v) requirement 16 (soils management); and <u>(v)</u> (vi) requirement 18 (public rights of way); (b) North Kesteven District Council and Boston Borough Council for the purposes of— (i) requirement 3 (approved details and amendments to them); (ii) requirement 4 (community liaison group); (iii) requirement 5 (detailed design approval); (iv) requirement 7 (landscape and ecological management plan); (v) requirement 8 (biodiversity net gain); (vi) requirement 9 (fencing and other means of enclosure); (vii) requirement 12 (construction environmental management plan); (viii) requirement 14 (operational noise); <u>(ix) requirement 16 (soils management);</u> <u>(x)</u> (ix) requirement 17 (skills, supply chain and employment); and <u>(xi)</u> (x) requirement 19 (decommissioning and restoration), and	Amendment to the discharging authority for requirement 16 following discussion and agreement with Lincolnshire County Council, North Kewstven District Council and Boston Borough Council.

		“relevant planning authorities” means Lincolnshire County Council, North Kesteven District Council and Boston Borough Council, as applicable.	
3	Schedule 2, Part 1 (Requirements), Requirement 8(2) (Biodiversity net gain)	(2) The biodiversity net gain strategy must include details of how the strategy will secure a minimum of 30% biodiversity net gain in area-based habitat units, a minimum of 10% biodiversity net gain in hedgerow units, and 10% biodiversity net gain in watercourse units for all of the authorised development during the operation of the authorised development, using the Department of Environment, Food and Rural Affairs’ Statutory Metric (February 2024).	Following comments from the host local authorities and the Examining Authority, the drafting of requirement 8 was updated to include this additional sub-paragraph to make it clear, on the face of the DCO, what the minimum biodiversity net gain percentages are that the undertaker is committed to delivering.
4	Schedule 2, Part 1 (Requirements), Paragraph 24(2)(a) (Fees)	(2) The fee payable for each application under sub paragraph (1) is as follows— (a) a fee of £2,578 for the first application for the discharge of each of the requirements 5 (detailed design approval), 6 (battery safety management), 8 7 (landscape and ecological management plan), 8 (biodiversity net gain) 10 (surface and foul water drainage), 12 (construction environmental management plan), 13 (construction traffic management plan), 16 (soils management), requirement 17 (skills, supply chain and employment) and 19 (decommissioning and restoration);	Following comments from Boston Borough Council at Deadline 3, paragraph 24(2)(a) has been updated to include requirement 8 (biodiversity net gain) and requirement 17 (skills, supply chain and employment) within the list of first applications for discharge that incur a fee of £2,578.
5	Schedule 11, Part 11 (Protective Provisions)	Not copied in full – please refer to Schedule 11, Part 11 to the Draft DCO (Document Ref: 3.1) .	An additional set of draft protective provisions have been included for the protection of Cadent Gas Limited as gas undertaker, following further discussions between the Cadent and the Applicant.
6	Schedule 12 (Documents and plans to be certified)	Not copied in full – please refer to Schedule 12 to the Draft DCO (Document Ref: 3.1) .	Updates to the list of documents to be certified to reflect the updated versions of documents submitted into the Examination at Deadlines 3 and 4.

Table 4: Changes made to the Draft DCO in support of the Change Request

ROW	PROVISION	CHANGE	REASONING
1	Schedule 1 (Authorised development)	(c) Work No. 5C— cabling works <u>and overhead line works</u> in connection with the extension to the existing substation including— (i) a cable sealing end compound and construction of a new circuit bay connecting into the existing substation; and <u>(ii) installation of a new 400 kV transmission tower to be located between an existing tower which will link into the new electrical bay comprising part of Work 5B; and</u> (iii) (iii) underground and above ground electrical cables and electrical conductors, connecting the <u>to an</u> existing <u>400kV transmission tower</u>, the new 400kV transmission tower and the new feeder <u>electrical</u> bay.	Amendments made to the wording of Work No.5C to reflect changes to the infrastructure required to facilitate the extension of Bicker Fen substation.
2	Schedule 8 (Land in which only new rights etc. may be acquired)	48-47 <u>18-57</u> To construct, operate, maintain and use Work No. 5G4A, Work No. 5D5C and Work No. 5E, and to construct, operate, maintain, use, inspect and alter any protective works, access works, utility apparatus or other ancillary or related development (as set out in Schedule 1 (authorised development)) in connection therewith. 18-57 To construct, operate, maintain and use Work No. 5C and Work No. 5E, and to construct, operate, maintain, use, inspect and alter any protective works,	Amendments made to reflect minor changes to the land plots over which the Applicant is seeking powers to compulsorily acquire rights and impose restrictive covenants.

		access works, utility apparatus or other ancillary or related development (as set out in Schedule 1 (authorised development)) in connection therewith.	
3	Schedule 13 (Hedgerows)	Boston Borough Council Removal of part of the hedgerow (approximately 30m), as shown within the area identified by yellow shading on the vegetation removal plan (Sheet 25 of 26), reference H1125. To facilitate construction of Work No. 4.	Amendment to reflect that powers to remove hedgerow reference H1125 are no longer required.

Table 5: Changes made to the Draft DCO for Deadline 5

ROW	PROVISION	CHANGE	REASONING
1	Article 2(1) Interpretation	Addition of: <u>"flood risk assessment conclusions" means the document of that name identified in the table at Schedule 12 (documents and plans to be certified) and which is certified by the Secretary of State as the flood risk assessment conclusions for the purposes of this Order;</u>	Definition added as a result of the inclusion of new requirement 20 (flood risk) and new addition to certified documents listed in Schedule 12. Please see paragraph 9.1.30 of the Explanatory Memorandum (Document Ref: 3.2) for further details.
2	Article 2(1) Interpretation	Addition of: <u>"flood risk operational mitigation" means the document of that name identified in the table at Schedule 12 (documents</u>	Definition added as a result of the inclusion of new requirement 20 (flood risk) and new addition to certified documents listed in Schedule 12. Please see paragraph

		and plans to be certified) and which is certified by the Secretary of State as the flood risk operational mitigation for the purposes of this Order;	9.1.30 of the Explanatory Memorandum (Document Ref: 3.2) for further details.
3	Article 2(1) Interpretation	Addition of: “waste and recycling strategy” means the document of that name identified in the table at Schedule 12 (documents and plans to be certified) and which is certified by the Secretary of State as the waste and recycling strategy for the purposes of this Order;	Definition added as a result of the inclusion of new requirement 22 (operational waster) and new addition to certified documents listed in Schedule 12. Please see paragraph 9.1.32 of the Explanatory Memorandum (Document Ref: 3.2) for further details.
4	Schedule 2, Part 1 (Requirements), Paragraph 1(a) (Interpretation)	Addition of: (vi) requirement 20 (flood risk); and	Addition a result of the new requirement, confirming that LCC are the relevant planning authority for the discharging of this requirement.
5	Schedule 2, Part 1 (Requirements), Paragraph 1(a) (Interpretation)	Addition of: (vii) requirement 22 (operational waste);	Addition a result of the new requirement, confirming that LCC are the relevant planning authority for this requirement.
6	Schedule 2, Part 1 (Requirements), Paragraph 1(b) (Interpretation)	Addition of: (xii) requirement 21 (contaminated land and groundwater). and	Addition a result of the new requirement, confirming that NKDC/BBC are the relevant planning authority for the discharging of this requirement.
7	Schedule 2, Part 1 (Requirements), Paragraph 6(2) (Battery Safety Management)	Removal of: including the transportation of new, used and replacement battery cells both to and from the authorised development.	Following further consideration of the content of the Outline Battery Safety Management Plan (Document Ref: 7.2) , it was concluded by the Applicant that this wording did not need to be included in the requirement drafting.
8	Schedule 2, Part 1 (Requirements), Paragraph 6(4)	The relevant planning authority must consult with the Environment Agency , North Kesteven District Council and Lincolnshire Fire and Rescue	The Environment Agency requested to be added as a named consultee for the purposes of discharge of this

	(Battery Safety Management)		requirement, specifically in relation to the firewater management strategy.
9	Schedule 2, Part 1 (Requirements), Paragraph 7(2) (Landscape and ecological management plan)	The landscape and ecological management plan must be substantially in accordance with the outline landscape and ecological management plan <u>and must include—</u> <u>(a) terms of reference for the ecological steering group, including details for the group's membership which is to include a representative from each of the relevant planning authorities; and</u> <u>(b) details of how the plan will secure funding for both the ecological steering group and provision of ecology and planting in Boston Borough Council's administrative area.</u>	The requirement has been amended in light of ongoing discussions with the Councils as to the provision of mitigation measures connected to ecology. The amendments align with amendments made at this Deadline 5 to the Outline Landscape and Ecological Management Plan (Document Ref: 6.3, ES Vol.2, Appendix 6.7, 6.3.19) , and make clear that any detailed LEMP submitted for approval must include terms of reference for the ecological steering group (ESG), and funding by the undertaker for the Councils' involvement in the ESG and offsite planting in Boston Borough Council. The Applicant has shared the updated drafting with the Councils and this is the subject of ongoing discussion. The Applicant considers that the approach taken to securing these commitments by way of requirement is appropriate for the reasons set out in paragraph 9.1.16 the Explanatory Memorandum (Document Ref: 3.2) .
10	Schedule 2, Part 1 (Requirements), Paragraph 8(1) (Biodiversity net gain)	Removal of: in consultation with the relevant statutory nature conservation body.	This wording was removed following confirmation from Natural England that the body did not need to be a named consultee for the purpose of discharge of the requirement.
11	Schedule 2, Part 1 (Requirements), Paragraph 10(1) (Surface and foul water drainage)	such approval to be in consultation with Anglian Water Services Limited <u>and the Environment Agency</u> .	The Environment Agency were added as a named consultee following a request from this body that they be added.
12	Schedule 2, Part 1 (Requirements),	Addition of:	This has been added into the Order following further discussions between the Applicant and the Environment

	Paragraph 20 (Flood risk)	<u>Flood risk</u> <u>20.—(1) No part of the authorised development may commence until for that part, a flood mitigation strategy has been submitted to and approved by the relevant planning authority in consultation with the Environment Agency.</u> <u>(2) The flood risk mitigation strategy submitted pursuant to sub-paragraph (1) must set out the flood risk mitigation incorporated in the detailed design for the part of the authorised development which is the subject of the strategy; and—</u> <u>(a) confirm that such mitigation accords with the flood risk operational mitigation; or</u> <u>(b) to the extent such mitigation does not accord with the flood risk operational mitigation, demonstrate how the mitigation proposed does not give rise to impacts on flood risk that are worse than those set out in the flood risk assessment conclusions; and</u> <u>(c) include details of the design of any floodplain compensation scheme required for that part based on the flood risk operational mitigation and which does not give rise to impacts on flood risk and floodplain storage that are worse than those set out in the flood risk assessment conclusions.</u> <u>(3) The authorised development must be carried out and maintained in accordance with the approved strategy.</u>	Agency in relation to mitigating flood risk during the lifetime of the authorised development. Please see paragraph 9.1.30 of the Explanatory Memorandum (Document Ref: 3.2) for further details.
13	Schedule 2, Part 1 (Requirements), Paragraph 21 (Contaminated land and groundwater)	Addition of: <u>Contaminated land and groundwater</u> <u>21. If, during the carrying out of any part of the authorised development, contamination not previously identified is found to be present within such part, no further development (unless otherwise agreed in writing with the relevant planning authority) must be carried out on the part on which the contamination has been found until the</u>	This has been added into the Order following further discussions between the Applicant and the Environment Agency in relation to contaminated land and groundwater, and particularly the management of any unexpected contamination finding. Please see paragraph 9.1.31 of the Explanatory Memorandum (Document Ref: 3.2) for further details.

		process set out at section 11.7 of ES chapter 11 (under the heading “operation phase”) has been followed.	
14	Schedule 2, Part 1 (Requirements), Paragraph 22 (Operational waste)	Addition of: Operational waste 22.—(1) Prior to the date of final commissioning of any part of Work Nos. 1, 2 and 3 an operational site waste management plan for that part must be submitted to and approved by the relevant planning authority. (2) The operational site waste management plan must be substantially in accordance with the waste and recycling strategy (as appropriate to the operation of the authorised development). (3) The operational site waste 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.	This has been added into the Order following further discussions between the Applicant and LCC, as well as concerns raised by the other host local authorities, regarding the management of waste from panel degradation and other sources during the operational phase of the authorised development. Please see paragraph 9.1.32 of the Explanatory Memorandum (Document Ref: 3.2) for further details.
15	Schedule 2, Part 2 (Procedure for discharge of requirements), Paragraph 27 (Fees)	Fees 27.24. (1) Where an application is made to the relevant planning authority for any consent, agreement or approval required by a requirement, a fee is to apply and must be paid to the relevant planning authority for each application. (2) The fee payable for each application under sub-paragraph (1) is as follows— (a) a fee of £2,578 for the 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 (construction traffic management plan), 16 (soils management), requirement 17 (skills, supply chain and employment) and, 19 (decommissioning and restoration), requirement 20 (flood risk) and requirement 22 (operational waste);	Updates reflect the additional requirements added to Part 1 of Schedule 2.

16	Schedule 11, Part 4 (For the protection of National Gas Transmission PLC as Gas Undertaker)	Not copied in full – please refer to Part 4 of Schedule 11 to the Draft DCO (Document Ref: 3.1)	Updates made to the protective provisions to reflect progress in negotiations between the parties. Please refer to the relevant row of the Land and Rights Negotiations Tracker (Document Ref: 4.4) for further details.
17	Schedule 11, Part 5 (For the protection of National Grid Viking Link Limited)	Not copied in full – please refer to Part 5 of Schedule 11 to the Draft DCO (Document Ref: 3.1)	Updates made to the protective provisions to reflect progress in negotiations between the parties. Please refer to the relevant row of the Land and Rights Negotiations Tracker (Document Ref: 4.4) for further details.
18	Schedule 11, Part 10 (For the protection of railway interests)	Not copied in full – please refer to Part 10 of Schedule 11 to the Draft DCO (Document Ref: 3.1)	Updates made to the protective provisions to reflect progress in negotiations between the parties. Please refer to the relevant row of the Land and Rights Negotiations Tracker (Document Ref: 4.4) for further details.
19	Schedule 12 (Documents and Plans to be Certified)	Not copied in full – please refer to Schedule 12 to the Draft DCO (Document Ref: 3.1) .	Updates to the list of documents to be certified to reflect the updated versions of documents submitted into the Examination at Deadline 5.

Table 6: Changes made to the Draft DCO for Deadline 7

ROW	PROVISION	CHANGE	REASONING
1	Article 38 (Removal of human remains)	Removal of Article 38. Not copied in fully – please refer to Draft DCO (Document Ref: 3.1) submitted at Deadline 7 (tracked changes version).	In response to comments made by the Examining Authority.

2	Article 50 (Funding contributions)	Addition of new article: <u>Funding contributions</u> <u>50.—(1) Prior to the commencement of the authorised development the undertaker must make funding contributions—</u> <u>(a) to North Kesteven District Council in the sum of £118,000;</u> <u>(b) to Lincolnshire County Council in the sum of £13,500;</u> <u>(c) to Boston Borough Council in the sum of £13,500; and</u> <u>(d) to North Kesteven District Council in the sum of £1,470.</u> <u>(2) Each of the relevant planning authorities is to allocate the funding contributions referred to in paragraphs (1)(a) to (c) to the reasonable costs of their representatives in being part of the Beacon Fen ecological steering group pursuant to the landscape and ecological management plan approved pursuant to requirement 7.</u> <u>(3) North Kesteven District Council is to allocate the funding contribution referred to in paragraph (1)(d) to officer time and materials for publicising its Stepping Out (or successor) programme including taking photography of the path, creating a PDF map available for public download and installing wayfinding signage, rubbish bins, and footfall counter.</u> <u>(4) The funding contributions referred to paragraph (1) shall be adjusted on each anniversary of the date this Order comes into force up until the point of payment by a percentage equal to the index value of the Consumer Price Index (CPI) most recently published prior to that anniversary, provided that in no event shall any annual adjustment exceed 5%.</u>	This article has been added to the draft DCO to secure financial contributions, in agreement with the three host local authorities.
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3	Article 51 (Ecology and planting contribution)	Addition of new article: <u>Ecology and planting contribution</u> <u>51.-(1) The undertaker must allocate the ecology and planting contribution to the ecology purpose as follows-</u> (a) <u>From commencement of any part of Work No. 4A within the administrative area of Boston Borough Council the undertaker must offer relevant landowners the ecology and planting contribution and provide to Boston Borough Council:</u> (i) <u>confirmation that agreement has been reached with relevant landowners to allocate part or all of the ecology and planting contribution for the ecology purpose; and</u> (ii) <u>evidence of the payment of part or all of the ecology and planting contribution to such relevant landowners or the expenditure of part or all of the ecology and planting contribution for the ecology purpose;</u> (b) <u>If the undertaker has not provided confirmation to Boston Borough Council as required by paragraph (1)(a) in relation to the full amount of the ecology and planting contribution prior to the date of final commissioning of the final part of the authorised development the undertaker must allocate the remaining unallocated ecology and planting contribution to:</u> (i) <u>provide the ecology purpose and confirm details in writing to Boston Borough Council; or</u>	This article has been added to the draft DCO to secure financial contributions, in agreement with Boston Borough Council.
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		(ii) <u>Boston Borough Council.</u> <u>(2) If the undertaker has allocated all or part of the ecology and planting contribution to Boston Borough Council in accordance with paragraph (1)(b)(ii), Boston Borough Council is to allocate such funding to the ecology purpose.</u> <u>(3) The ecology and planting contribution shall be adjusted on each anniversary of the date this Order comes into force up until the point of payment by a percentage equal to the index value of the Consumer Price Index (CPI) most recently published prior to that anniversary, provided that in no event shall any annual adjustment exceed 5%.</u> <u>(4) In this article –</u> (a) <u>"ecology and planting contribution" means a funding contribution in the sum of £15,000, and for the avoidance of doubt where the ecology and planting contribution is allocated to multiple relevant landowners the total amount allocated for all landowners combined will not exceed £15,000;</u> (b) <u>"ecology purpose" means the provision of hedgerow planting, gapping up of existing hedgerows or another improvement to connectivity for biodiversity between natural habitats within the administrative area of Boston Borough Council; and</u> (c) <u>"relevant landowners" means one or more landowners of land within the administrative area of Boston Borough Council and also either within Work No. 4A or within the highway.</u>	
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4	Schedule 2, Part 1 (Requirements), Paragraph 7(1) and (2) (Landscape and ecological management plan)	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 relevant planning authorities, each of the relevant planning authorities, in consultation with Lincolnshire County Council and the Environment Agency. (2) The landscape and ecological management plan must be substantially in accordance with the outline landscape and ecological management plan and must include— (a) terms of reference for the ecological steering group which is to be known as the Beacon Fen ecological steering group, including details for the group's membership which is to include a representative from each of the relevant planning authorities; and. (b) details of how the plan will secure funding for both the ecological steering group and provision of ecology and planting in Boston Borough Council's administrative area.	Amendments made in response to request from the Environment Agency to add it as a consultee, and to reflect agreement reached with the host local authorities as to the ecological steering group and the mechanism by which to secure financial contributions.
5	Schedule 2, Part 1 (Requirements), Paragraph 12(1) (Construction environmental management plan)	12.—(1) No part of the authorised development may commence until a construction environmental management plan (which must be substantially in accordance with the outline 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 areas of multiple relevant planning authorities, each of the relevant planning authorities, in consultation with Lincolnshire County Council and the Environment Agency.	Amendments made in response to request from the Environment Agency to add it as a consultee.
6	Schedule 2, Part 1 (Requirements),	(3) TheAny strategy approved pursuant to this requirement must be implemented as approved and	Amendments made in response to request from the Environment Agency.

	Paragraph 20(3) (Flood risk)	maintained throughout the construction and operation of the authorised development must be carried out and maintained in accordance with the approved strategy.	
7	Schedule 11 (Protective provisions)	Not copied in full – please refer to Schedule 11 to the Draft DCO (Document Ref: 3.1) .	Updates made to the protective provisions to reflect progress in negotiations between the parties. Please refer to the relevant row of the Land and Rights Negotiations Tracker (Document Ref: 4.4) for further details.
8	Schedule 12 (Documents and Plans to be Certified)	Not copied in full – please refer to Schedule 12 to the Draft DCO (Document Ref: 3.1) .	Updates to the list of documents to be certified to reflect the updated versions of documents submitted into the Examination at Deadline 7.