



Frodsham Solar

Schedule of Changes to the Draft Development Consent Order

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**The Infrastructure Planning (Examination Procedure Rules)
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Prepared For:
Frodsham Solar Ltd

Prepared By:



Schedule of Changes to the draft DCO (“dDCO”)

The table below details the changes made to the dDCO since its submission. The table below does not detail minor changes made in relation to typographical errors, consistency checks and updates in cross-referencing.

ARTICLE	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
Articles			
Article 2	Insertion of definition of ‘outline written scheme of archaeological investigation’.	Change made in response to s.51 advice	Procedural Deadline A
	Insertion of definition of ‘the 1988 Act’	As now referred to in Article 13.	Procedural Deadline B
	Insertion of definition of ‘the 2000 Act’	As now referred to in Article 13.	Procedural Deadline B
	Insertion of definition of ‘outline flood warning and evacuation plan’	Added a definition to reflect the fact that this document is now a standalone document.	Procedural Deadline B
	Insertion of definition of ‘Canal and River Trust’	As now referred to in Article 12(4).	Deadline 1
	Amendment to the definition of ‘commence’: “commence” means beginning to carry out a material operation, as defined in section 155 56(4) of the 2008 1990 Act (which explains when development begins), comprised in, carried out, or for the purposes of, the authorised development other than the permitted preliminary works (except where stated to the contrary) and “commencement”, “commenced” and cognate expressions are to be construed accordingly;	Change made in response to the Examining Authority’s (“ExA”) request at Issue Specific Hearing 1 (“ISH1”) that the reference to section 56 of the Town and Country Planning Act 1990	Deadline 1

		be changed to refer to section 155 of the Planning Act 2008.	
	Insertion of definition of “group company”	As now referred to in Article 36 (as discussed below).	Deadline 1
	Deletion of definition of “holding company”	As now removed from Article 36.	Deadline 1
	Amendment of the definition of ‘maintain’: “maintain” includes inspect, repair, adjust, alter, remove, refurbish, reconstruct, replace and improve any part of the authorised development, to the extent that such works do not give rise to any materially new or materially different environmental effects <u>to</u> those identified in the environmental statement for the operation of the authorised development and “maintenance” and “maintaining” are to be construed accordingly;	Correcting typographical error	Deadline 1
	Insertion of definition of “parent company”	As now referred to in the definition of ‘group company’ added above.	Deadline 1
	Amendment of the definition of “permitted preliminary works”: “permitted preliminary works” means all or any of— <u>a) environmental surveys to be carried out pursuant to the construction environmental management plan approved under requirement 12;</u> <u>b) (a) environmental surveys, geotechnical surveys, intrusive archaeological surveys and other investigations for the purpose of assessing ground conditions to be carried out pursuant to the ground conditions investigations and assessments strategy approved under requirement 17;</u> <u>c) intrusive archaeological surveys to be carried out pursuant to the written scheme of archaeological investigation (or multiple written schemes of archaeological investigation) approved under requirement 18;</u> <u>d) (b) receipt and erection of construction plant and equipment;</u>	Change made in response to the comments raised by the Examining Authority at ISH1.	Deadline 1

	<p>e) (e) removal of plant and machinery;</p> <p>f) (d) above ground site preparation for temporary facilities for the use of contractors;</p> <p>g) (e) remedial work in respect of any contamination or other adverse ground conditions <u>to be carried out pursuant to the ground conditions investigations and assessments strategy approved under requirement 17;</u></p> <p>h) (f) diversion and laying of apparatus;</p> <p>i) (g) the provision of temporary means of enclosure and site security for construction;</p> <p>j) (h) the temporary display of site notices or advertisements;</p> <p>k) (i) site clearance (<u>including comprising</u> vegetation removal and demolition of existing buildings and structures); or</p> <p>(j) Work No. 8. <u>access and highway improvements and use, comprising works to create, improve, repair or maintain streets, roads, haul roads and access points within the limits of deviation for Work No. 8 shown on the Works Plans.</u></p>		
	<p>Insertion of sub-paragraph (9):</p> <p><u>(1) In this Order, references to materially new or materially different environmental effects to those identified in the environmental statement are not to be construed so as to include the avoidance, removal or reduction of an assessed adverse environmental effect or a positive environmental effect, or the increase of an assessed positive environmental effect.</u></p>	<p>Change made in response to the comments raised by the Examining Authority at ISH1 to ensure that positive changes to the environmental effects of the scheme can be made</p>	<p>Deadline 1</p>
	<p>Insertion of definition of “application document tracker”</p> <p><u>“application document tracker” means the document of that name identified in the table at Schedule 10 (documents and plans to be certified) and which is certified by the Secretary of State as the application document tracker for the purposes of this Order;</u></p>	<p>Change made to reflect certified documents in Schedule 10,</p>	<p>Deadline 3</p>
	<p>Amendment to the definition of “design principles”</p>	<p>Change made as document no</p>	<p>Deadline 3</p>

<p><u>"design principles" means the document of that name identified in the table at Schedule 10 and which is certified by the Secretary of State as the design principles for the purposes of this Order;</u> means appendix A of the design approach document;</p>	<p>longer appears as an appendix to the design approach document and is now a standalone document certified by Schedule 10 of the Order.</p>	
<p>Insertion of definition of "outline drainage strategy"</p> <p><u>"outline drainage strategy" means the document of that name identified in the table at Schedule 10 and which is certified by the Secretary of State as the outline drainage strategy for the purposes of this Order;</u></p>	<p>Change made as document no longer appears as an appendix to the flood risk assessment and is now a standalone document certified by Schedule 10 of the Order.</p>	<p>Deadline 3</p>
<p>Amendment to the definition of "bridleway"</p> <p>"bridleway" has the same meaning as in section 3269(1) (further provisions as to interpretation) of the 1980 Act and, in the relation to the authorised development, includes the right provided by section 30 (riding of pedal bicycles on bridleways) of <u>the</u> Countryside Act 1968(k);</p>	<p>To correct a typo</p>	<p>Deadline 4</p>
<p>Insertion of definition of "cycle track":</p> <p>"cycle track" has the same meaning as in section 329(1) (further provisions as to interpretation) of the 1980 Act;</p>	<p>As a consequence of the changes to article 13 discussed below</p>	<p>Deadline 4</p>
<p>Removal of definition of "design approach document"</p> <p>"design approach document" means the document of that name identified in the table at Schedule 10 and which is certified by the Secretary of State as the design parameters statement for the purposes of this Order;</p>	<p>As this term is no longer used in the DCO.</p>	<p>Deadline 4</p>
<p>Insertion of definition of "restricted byway"</p> <p><u>"restricted byway" has the same meaning as in section 329(1) (further provisions as to interpretation) of the 1980 Act;</u></p>	<p>As a consequence of the changes to article 13 discussed below</p>	<p>Deadline 4</p>

<p>Article 6</p>	<p>Amendment to sub-paragraph (3):</p> <p>(3) This article does not authorise the carrying out of any works which are likely to give rise to any materially new or materially different <u>environmental</u> effects that have not been assessed to those identified in the environmental statement for the operation of the authorised development.</p>	<p>Change made to ensure wording related to 'materially new or materially different' is consistently applied across the DCO</p>	<p>Deadline 1</p>
<p>Article 7</p>	<p>Insertion of sub-paragraph (5):</p> <p><u>Any details of the establishment, maintenance, management and monitoring regime for Work No. 6C that are approved under requirement 9(2)(i) which relate to land within the boundary of the Mersey Estuary SSSI shall, on the date of approval, form part of the management scheme of the Mersey Estuary SSSI for the purposes of section 28J of the Wildlife and Countryside Act 1981(b).</u></p>	<p>Added following consideration of Natural England's comments on the HRA and discussions with them.</p>	<p>Procedural Deadline B</p>
	<p>Amendment to subparagraph (1)</p> <p>7.—(1) The following provisions do not apply in relation to the construction of any work or the carrying out of any operation required for the purposes of the authorised development, or in connection with the construction, operation or maintenance of any part of the authorised development—</p> <p>(a) section 23 (prohibition of obstructions, etc. in watercourses) of the Land Drainage Act 1991(a);</p> <p>(b) section 32 (variation of awards)() of the Land Drainage Act 1991;</p> <p>(c) the provisions of any byelaws made under section 66(c) (powers to make byelaws) of the Land Drainage Act 1991;</p> <p>(d) the provisions of any byelaws made under, or having effect as if made under, paragraphs 5, 6 or 6A of Schedule 25 (byelaw making powers of authority) to the Water Resources Act 1991(d);</p> <p>(e) regulation 12 (requirement for environmental permit) of the Environmental Permitting (England and Wales) Regulations 2016(e) in respect of a flood risk activity only;</p> <p>(f) section 28E (duties to sites of scientific interest) of the Wildlife and Countryside Act 1981(); and</p> <p>(g) the provisions of the Neighbourhood Planning Act 2017(f) insofar as they relate to the temporary possession of land under articles 30 (temporary use of land for</p>	<p>As a result of no section 150 consent being provided by the Environment Agency and the removal of the Environment Agency Protective Provisions.</p>	<p>Deadline 6</p>

	constructing the authorised development) and 31 (temporary use of land for maintaining the authorised development) of this Order.		
Article 8	<p>Amendments made to article 8:</p> <p>8.—(1) Where proceedings are brought under section 82(1) (summary proceedings by a person aggrieved by statutory nuisance) of the Environmental Protection Act 1990() in relation to a nuisance falling within paragraph (g) of section 79(1) (noise emitted from premises so as to be prejudicial to health or a nuisance) of that Act no order may be made, and no fine may be imposed, under section 82(2) of that Act <u>if the defendant shows that the nuisance</u> —</p> <p>a) relates to premises used by the undertaker for the purposes of the authorised development or in connection with the construction, or maintenance <u>or decommissioning</u> of the authorised development and that the nuisance is attributable to the construction, maintenance, operation, use or decommissioning of the authorised development in accordance with a notice served under section 60 (control of noise on construction site) of the Control of Pollution Act 1974, or a consent given under section 61 (prior consent for work on construction site) of that Act, or any document approved under the provisions of Schedule 2 of the Order; or</p> <p>b) is a consequence of the construction, maintenance or decommissioning of the authorised development and that it cannot reasonably be avoided; or</p> <p>c) the nuisance is a consequence of the use of the authorised development and that it cannot be reasonably avoided.</p> <p>(2) Section 61(9) (<u>prior</u> 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 the for purposes of the authorised development, or in connection with the construction, or maintenance <u>or decommissioning</u> of the authorised development.</p>	Change was made to include decommissioning of the authorised development to reflect s158 of the Planning Act 2008.	Deadline 3
	<p>Amendment made to Article 8:</p> <p>8.—(1) Where proceedings are brought under section 82(1) (summary proceedings by a person aggrieved by statutory nuisance) of the Environmental Protection Act 1990(c) in relation to a nuisance falling within paragraph (g) of section 79(1) (noise emitted from premises so as to be prejudicial to health or a nuisance) of that Act no order may be made, and no fine may be imposed, under section 82(2) of that Act if the defendant shows that the nuisance—</p> <p>(a) relates to premises used by the undertaker for the purposes of the authorised development or in connection with the construction, maintenance or decommissioning of the authorised development and that the nuisance is attributable to the construction, maintenance, operation, use or decommissioning of the authorised development in accordance with a notice served under section 60 (control of noise on construction site) of the Control of</p>	Change made following the discussions at ISH2.	Deadline 4

	<p>Pollution Act 1974, or a consent given under section 61 (prior consent for work on construction site) of that Act, or any document approved under the provisions of Schedule 2 (requirements) of the Order; or</p> <p>(b) is a consequence of the construction, maintenance or decommissioning of the authorised development and that it cannot reasonably be avoided; or</p> <p>(c) is a consequence of the use of the authorised development and that it cannot be reasonably avoided.</p> <p>(2) Section 61(9) (prior consent for work on construction sites) of the Control of Pollution Act 1974, does not apply where the consent relates to the use of the premises by the undertaker the for <u>the</u> purposes of the authorised development, or in connection with the construction, maintenance or decommissioning of the authorised development.</p>		
Article 10	<p>Insertion of sub-paragraph (4):</p> <p><u>The undertaker must restore any street that has been temporarily altered under paragraph (2) to the reasonable satisfaction of the street authority.</u></p>	<p>Added following consideration of the ExA's comments on Article 10 during ISH1.</p>	<p>Deadline 1</p>

<p>Article 12</p>	<p>Amendment made to Article 12:</p> <p><u>9.</u>—(1) The<u>Subject to paragraph 2(4) and 2(7), the</u> undertaker, may, for the purposes of the authorised development temporarily alter, divert, prohibit the use of or restrict the use of, any street or public right of way and may for any reasonable time—</p> <ul style="list-style-type: none"> (a) divert the traffic or a class of traffic from the street or public right of way; and (b) subject to paragraph (3), prevent all persons from passing along the street or public right of way. <p>(2) Without prejudice to the scope of paragraph (1), the undertaker may use any street or public right of way where the use has been prohibited or restricted under the powers conferred by this article and within the Order limits as a temporary working site.</p> <p>(3) The undertaker must provide reasonable access for non-motorised users (including pedestrians) and vehicles going to or from premises abutting a street or public right of way affected by the temporary alteration, diversion, prohibition or restriction, of a street or public right of way under this article if there would otherwise be no such access.</p> <p><u>(4) The undertaker must ensure vehicular access to Marsh Lock is available to the Canal & River Trust at all times.</u></p> <p><u>(5) (4)</u>—Without prejudice to the generality of paragraph (1), the undertaker may, <u>subject to paragraph (7)</u>—</p> <ul style="list-style-type: none"> (a) temporarily close the streets or public rights of way specified in column (2) in the table in Part 1 (streets and public rights of way subject to temporary closure) of Schedule 5 (temporary prohibition or restriction of use of streets and public rights of way, and authorising vehicular use on public rights of way) to the extent specified in column (3) of that table; (b) temporarily alter, divert, prohibit the use of or restrict the use of the streets or public rights of way specified in column (2) of the table in Part 2 (temporary alteration, prohibition, diversion or restriction of use of streets and public rights of way) of Schedule 5 (temporary prohibition or restriction of use of streets and public rights of way, and authorising vehicular use on public rights of way) to the extent specified in column (3) of that table; and (c) authorise the temporary use of motor vehicles on the public rights of way specified in column (2) of the table in Part 3 (temporary use of motor vehicles on public rights of way) of Schedule 5 (temporary prohibition or restriction of use of streets and public rights of way, and authorising vehicular use on public rights of way) to the extent specified in column (3) of that table. <p><u>(6) (5)</u> Paragraph (4)(c), and any authorisation given by the undertaker under it constitutes lawful authority for the purposes of section 34 (prohibition on driving mechanically propelled vehicles elsewhere than on roads) of the 1988 Act.</p>	<p>Article 12 (4) added following consideration of Canal & River Trust's Relevant Representation. "Subject to paragraph (7)" wording added following consideration of the ExA's comments during ISH1.</p>	<p>Deadline 1</p>
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(7) ~~(6)~~ The undertaker must not temporarily close, alter, divert, prohibit the use of or restrict the use of any street or public right of way or authorise the temporary use of motor vehicles on public rights of way pursuant to paragraphs (1) or (4) in part of the authorised development, without first having the public rights of way management plan for that part of the authorised development approved under requirement 15 (public rights of way).

(8) ~~(7)~~ Any person who suffers loss by the suspension of any private right of way under this article is entitled to compensation to be determined, in case of dispute, under Part 1 (determination of questions of disputed compensation) of the 1961 Act.

(9) ~~(8)~~ In this article expressions used in this article and in the 1984 Act have the same meaning.

Article 13	<p>Insertion of sub- paragraph (9):</p> <p>(9) <u>If a landscape and ecology management plan approved by the relevant planning authority under requirement 9 of this Order includes provision for a car park, then from the date that such car park is constructed until the date that such car park is no longer available for public use—</u></p> <p>(a) <u>Notwithstanding section 48 (restricted byways rights) of the 2000 Act, the use of motor and mechanically propelled vehicles by the public is authorised on Frodsham RB98 (Brook Furlong) and Frodsham RB98 (Moorditch Lane) to enable public access to and from the car park only; and</u></p> <p>(b) <u>The use of motor vehicles authorised pursuant to sub-paragraph (a) will not be an offence for the purposes of section 34 of the 1988 Act.</u></p>	Added following consideration of National Highways' Relevant Representation.	Procedural Deadline B
	<p>Insertion of sub-paragraph (13):</p> <p><u>(10) Without prejudice to any of the provisions of this article or of article 12, and pursuant to section 34 of the 1988 Act, it is not an offence for the emergency services to use motorised vehicles on Frodsham FP81 (Weaver Lane), Frodsham RB98 (Moorditch Lane) or Frodsham RB98 (Brook Furlong), Frodsham RB99, (Brook Furlong) and Frodsham RB108 (Brook Furlong).</u></p>	Added following consideration of National Highways' Relevant Representation.	Procedural deadline B
	<p>Amendments to Article 13:</p> <p>13.—(1) Subject to paragraph (2) the undertaker may, for the purposes of the authorised development, permanently stop up Frodsham RB1028 within the administrative borough of Cheshire West and Chester Council, shown as a dark brown line between the points M and N on the street works, public rights of way, vehicular usage and access plans.</p> <p>(2) The undertaker must not permanently stop up the public right of way referred to in paragraph (1) until—</p> <p>(a) the relevant highway authority has agreed the route for a substitute <u>restricted byway</u> public right of way shown as a light brown line between points M1 and N1 on the street works, public rights of way, vehicular usage and access plans; and</p> <p>(b) the undertaker has provided a substitute restricted byway along the route agreed by the relevant highway authority under sub-paragraph (a).</p> <p>(3) Subject to paragraph (4) the undertaker may, for the purposes of the authorised development, permanently stop Frodsham FP81 within the administrative borough of Cheshire West and Chester Council, shown as a dark brown line between points P and <u>T</u>Q on the street works, public rights of way, vehicular usage and access plans.</p> <p><u>(4) The undertaker must not permanently stop up the public right of way referred to in paragraph (3) until the undertaker has provided a bridleway along the route shown as a light</u></p>	Changes made following discussions at ISH2, consistency checks with plans, and discussions with National Highways.	Deadline 4

	<p>brown line between points P1 and QT1 on the street works, public rights of way, vehicular usage and access plans.</p> <p><u>(5) Subject to paragraph (6) the undertaker may, for the purposes of the authorised development, permanently stop up Frodsham FP81 within the administrative borough of Cheshire West and Chester Council, shown as a dark brown line between points T and Q on the street works, public rights of way, vehicular usage and access plans.</u></p> <p>(4)<u>(6) The undertaker must not permanently stop up the public right of way referred to in paragraph (5) until the undertaker has provided a cycle track along the route shown as a light brown line between points T1 and Q1 on the street works, public rights of way, vehicular usage and access plans.</u></p> <p>(5)<u>(7) Subject to paragraph (6) the undertaker may, for the purposes of the authorised development, permanently stop up Frodsham FP93 within the administrative borough of Cheshire West and Chester Council, shown as a dark brown line between points R and S on the street works, public rights of way, vehicular usage and access plans.</u></p> <p>(6)<u>(8) The undertaker must not permanently stop up the public right of way referred to in paragraph (5) until the undertaker has provided a bridleway along the route shown as a light brown line between points R1 and S1 on the street works, public rights of way, vehicular usage and access plans.</u></p> <p>(7)<u>(9) The undertaker may authorise the use of motor vehicles on—</u></p> <ul style="list-style-type: none"> a) Ellesmere Port and Neston RB40 / Frodsham RB106 and National Cycle Network Route 5 shown shaded light green between points PMV-1 and PMV-2 on the street works, public rights of way, vehicular usage and access plans; b) Frodsham RB103 / Frodsham RB98 shown shaded light green between points PMV-3 and PMV-4 on the street works, public rights of way, vehicular usage and access plans; c) Frodsham RB108 (Alder Lane) shown shaded light green between points PMV-5 and PMV-6 on the street works, public rights of way, vehicular usage and access plans; and d) Frodsham RB108 (Brook Furlong) shown shaded light green between points PMV-7 and PMV-8 on the street works, public rights of way, vehicular usage and access plans. <p>(8)<u>(10) Paragraph (7), and any authorisation given by the undertaker under it constitutes lawful authority for the purposes of section 34 (prohibition on driving mechanically propelled vehicles elsewhere than on roads) of the 1988 Act.</u></p> <p>(9)<u>(11) If a <u>car park is to be provided pursuant to a</u> landscape and ecology management plan approved by the relevant planning authority under requirement 9 (landscape and ecology</u></p>		
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	<p>management plan) includes provision for a car park, then from the date that such car park is constructed until the date that such car park is no longer available for public use—</p> <p>a) nNotwithstanding section 48 (restricted byways rights) of the 2000 Act, the use of motor and mechanically propelled vehicles by the public is authorised on Frodsham RB98 (Brook Furlong) and Frodsham RB98 (Moorditch Lane) to enable public access to and from the car park only; and</p> <p>b) tThe use of motor vehicles authorised pursuant to sub-paragraph (a) will not be an offence for the purposes of section 34 of the 1988 Act.</p> <p>(10)(12) Following the opening for public use of a public right of way that has been constructed, permanently altered or permanently diverted under the powers conferred by this Order, the undertaker must supply the surveying authority with plans showing that public right of way as constructed, permanently altered or permanently diverted together with a statement of the modifications required to the definitive map and statement.</p> <p>(11)(13) The plans and statement of modifications to the definitive statement referred to in paragraph (10) are deemed to be an order modifying the definitive map and statement made under section 53(3)(a)(a) (duty to keep definitive map and statement under continuous review) of the Wildlife and Countryside Act 1981.</p> <p>(12) Without prejudice to any of the provisions of this article or of article 12 (temporary prohibition or restriction of use of streets and public rights of way, and authorising vehicular use on public rights of way), and pursuant to section 34 of the 1988 Act, it is not an offence for the emergency services to use motorised vehicles on Frodsham FP81 (Weaver Lane), Frodsham RB98 (Moorditch Lane) or Frodsham RB98 (Brook Furlong), Frodsham RB99, (Brook Furlong) and Frodsham RB108 (Brook Furlong).</p> <p>(13)(14) In this article—</p> <p>a) “definitive map and statement” has the meaning given to it by section 53(1) (duty to keep definitive map and statement under continuous review) of the Wildlife and Countryside Act 1981; and</p> <p>b) ”surveying authority” has the meaning given to it by section 66(1) (interpretation of Part III)(b) of the Wildlife and Countryside Act 1981.</p>		
<p>Article 16</p>	<p>Amendments to Article 16 (5) (Traffic regulation measures)</p> <p>(5) The undertaker must not exercise the powers in paragraph (1) unless it has—</p> <p>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;</p>	<p>Added to refer to site notices and to set out that the powers in this article cannot be used unless a construction traffic</p>	<p>Deadline 3</p>

	<p>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 newspaper circulating in the area in which any road to which the provision relates is situated; and</p> <p>c) <u>displayed a site notice containing the same information at each end of the length of road affected; and</u></p> <p>d) <u>either—</u></p> <p><u>(i) in relation to the construction of the authorised development only, have first obtained approval under requirement 14 (construction traffic management plan) for a construction traffic management plan for the phase of the authorised development in relation to which the power conferred by paragraph (1) is sought to be utilised; or</u></p> <p>(i)<u>(ii) in relation to the decommissioning of the authorised development only, have first obtained approval under requirement 20 (decommissioning) for a decommissioning environmental management plan for the part of the authorised development in relation to which the power conferred by paragraph (1) is sought to be utilised.</u></p>	<p>management plan for the authorised development has been approved following consideration of ExA's first written questions.</p>	
<p>Article 17</p>	<p>Deletion of subparagraph 17 (5):</p> <p>Where the undertaker discharges water into, or makes any opening into, a watercourse, public sewer or drain belonging to or under the control of the Environment Agency, the provisions of Schedule 23 (protective provisions for the protection of the Environment Agency) apply in substitution for the provisions of paragraphs (3) and (4).</p>	<p>As a result of no section 150 consent being provided by the Environment Agency and the removal of the Environment Agency Protective Provisions.</p>	<p>Deadline 6</p>
<p>Article 20</p>	<p>Amendments to Article 20:</p> <p>Temporary suspension of navigation</p> <p>20.—(1) Regardless of any other enactment or in any rule of law, the undertaker may—</p> <p>(a) temporarily close; or</p> <p>(b) temporarily restrict the passage of vessels in any way, in any part of the river Weaver within the Order limits that the undertaker deems necessary or expedient for the purposes of constructing, inspecting, maintaining, operating or decommissioning the authorised development.</p> <p>(2) In exercise of the powers conferred by paragraph (1)—</p> <p>(a) the undertaker must execute such works or do such things as may be required to ensure—</p>	<p>Changes made following ExA questions at ISH2.</p>	<p>Deadline 4</p>

	<p><u>(i)</u> that at any time no more of that part of the river Weaver which is within the Order limits is closed than is reasonably necessary in all the circumstances; and</p> <p>(ii)<u>(ii)</u> <u>that the works do not close any part of the river Weaver for longer than is reasonably necessary to complete those works.</u></p> <p>(b) should it be necessary to close that part of the river Weaver that is within the Order limits to navigation, the undertaker must use its best endeavours to ensure that the minimum obstruction delay or interference is caused to vessels which may be using or intending to use the <u>remaining part of the</u> river Weaver <u>that remains open</u> for navigation.</p>		
Part 4	<p>Amendment to sub-paragraph (3):</p> <p>(3) No later than two<u>three</u> months before the date when a closure or restriction is due to commence the undertaker must</p>	Change made in response to s.51 advice	Procedural deadline A
	<p>Amendment made to sub-paragraph (12) of Article 18:</p> <p><u>(12) In this article -</u></p> <p><u>(a) “emergency” means a situation where, if the relevant action is not taken, there will be adverse health, safety, security or environmental consequences that in the reasonable opinion of the undertaker would outweigh the adverse effects to the public (whether individual classes or generally as the case may be of taking that action).</u></p> <p><u>(b) (11) In this article “protective works” in relation to a building means—</u></p> <p><u>(i) (a)</u> underpinning, strengthening and any other works the purpose of which is to prevent damage which may be caused to the building by the construction, maintenance, decommissioning or use of the authorised development; and</p> <p><u>(ii) (b)</u> any works the purpose of which is to remedy any damage which has been caused to the building by the construction, maintenance, decommissioning or use of the authorised development.</p>	Change made in response to ExA comments during ISH1 which asked for a definition of “emergency”.	Deadline 1
	<p>Amendment made to sub-paragraph (1)(c) of Article 19:</p> <p>(c) without prejudice to the generality of sub-paragraph (a), carry out ecological and archaeological investigations on such land, including the digging of trenches; and</p>	Change made in response to ExA comments during ISH1.	Deadline 1
Part 5	Amendment made to sub-paragraph (2) of Article 21:	Change made to include reference to article 26 which	Deadline 1

	<p>(13) This article is subject to article 23 (compulsory acquisition of rights), article 23(9) (acquisition of subsoil only), and article 44 (crown rights).</p>	<p>was originally omitted in error.</p>	
	<p>Amendment made to Article 23:</p> <p>23.—(1) Subject to paragraph (5)23(1) and article 30 (temporary use of land for constructing the authorised development), the undertaker may acquire compulsorily such rights over the Order land or impose such restrictive covenants over the Order land as may be required for any purpose for which that land may be acquired under article 21 (compulsory acquisition of land), by creating them as well as by acquiring rights already in existence.</p> <p>(1) 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 Schedule 8 (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 that Schedule.</p> <p>(2) (1) The powers ofin paragraph (1) and (1) may also be exercised by a statutory undertaker in any case where the undertaker, with the consent of the Secretary of State, transfers the power to a statutory undertaker pursuant to article 36 (consent to transfer the benefit of this Order).</p> <p>(3) (2) The powers ofin paragraph (1) and (1) may also be exercised by a party who has the benefit of the protective provisions in Schedules 13 to 27 in any case where the undertaker transfers the power to a party with the benefit of the protective provisions in Schedules 13 to 27 and the consent of the Secretary of State is not required pursuant to article 36(3) and the undertaker has notified the Secretary of State.</p> <p>(4) (3) Where, in consequence of paragraph (2)or (3) or (3) a statutory undertaker or a party with the benefit of the protective provisions in Schedules 13 to 27 exercises the powers in paragraph (4)(1) and (1) in place of the undertaker, except in relation to the payment of compensation the liability for which must remain with the undertaker, the statutory undertaker or party with the benefit of the protective provisions in Schedules 13 to 27 is to be treated for the purposes of this Order, and by any person with an interest in the land affected, as being the undertaker in relation to the acquisition of the rights in question.</p> <p>(4) 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 Schedule 8 (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</p>	<p>Following discussion of this article at ISH1 the Applicant noted that there needed to be re-ordering of this article.</p>	<p>Deadline 1</p>

<p>restrictive covenants for the purpose specified in relation to that land in column 2 of that Schedule.</p> <p>(5) Subject to section 8 (other provisions as to divided land) and Schedule 2A (counter-notice requiring purchase of land) of the 1965 Act (as substituted by paragraph 5(8) of Schedule 9 (modification of compensation and compulsory purchase enactments for the creation of new rights and imposition of new restrictive covenants)), where the undertaker creates or acquires an existing right over land or the benefit of a restrictive covenant under paragraph (1) or (2), the undertaker is not required to acquire a greater interest in that land.</p> <p>(6) Schedule 9 (modification of compensation and compulsory purchase enactments for the creation of new rights and imposition of new restrictive covenants) has effect for the purpose of modifying the enactments relating to compensation and the provisions of the 1965 Act in their application in relation to the compulsory acquisition under this article of a right over land by the creation of a new right or the imposition of restrictive covenants.</p> <p>(7) In any case where the acquisition of new rights or imposition of a restriction under paragraph (1) or (2) is required for the purpose of diverting, replacing or protecting apparatus of a statutory undertaker, the undertaker may, with the consent of the Secretary of State, transfer the power to acquire such rights to the statutory undertaker in question.</p> <p>(8) The exercise by a statutory undertaker of any power in accordance with a transfer under paragraph (5)(1) is subject to the same restrictions, liabilities and obligations as would apply under this Order if that power were exercised by the undertaker.</p>		
<p>Amendments made to Article 23(3), (4) and removal of (10)</p> <p>(3) The powers in paragraph (1) and (2) may also be exercised by a statutory undertaker in any case where the exercise of those powers is required for the purpose of diverting, replacing or protecting apparatus of a statutory undertaker and where the undertaker, with the consent of the Secretary of State, transfers the power to a statutory undertaker pursuant to article 36 (consent to transfer the benefit of this Order).</p> <p>(4) The powers in paragraph (1) and (2) may also be exercised by a party who has the benefit of the protective provisions in Schedules 13 to 27 in any case where the exercise of those powers is required for the purpose of diverting, replacing or protecting apparatus of the party with the benefit of the protective provisions in Schedule 13 to 27 and where the undertaker transfers the power to a party with the benefit of the protective provisions in Schedules 13 to 27 and the consent of the Secretary of State is not required pursuant to article 36(3) and the undertaker has notified the Secretary of State.</p> <p>(10) In this article, “access rights”, “cable rights” and “vegetation maintenance rights” have the same meaning as they are defined in Schedule 8 (land in which only new rights etc. may be acquired).</p>	<p>Updated following consideration of ExA’s first written questions.</p>	<p>Deadline 3</p>

	<p>Amendment made to Article 26:</p> <p>Acquisition of subsoil <u>or airspace</u> only</p> <p>26.—(9) The undertaker may acquire compulsorily so much of, or such rights, <u>and impose such restrictions</u>, in— the subsoil of 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 or for which rights over or under the land may be acquired under those provisions instead of acquiring the <u>rights or imposing restrictions over the</u> whole of the land.</p> <p>(10) Where the undertaker acquires any part of, or rights in, <u>or imposes any restrictions in</u> the subsoil of, <u>or airspace over</u>, land <u>under paragraph (9)</u>, the undertaker is not required to acquire an interest in any other part of the land.</p> <p>(11) The following do not apply in connection with the exercise of the power under paragraph (1) in relation to subsoil <u>or airspace</u> only—</p>	<p>Following the discussion at ISH1 on article 23 and the principle of the DCO enabling lesser powers to be used, the Applicant has reviewed this article in light of its proposals including overhead lines.</p>	<p>Deadline 1</p>
<p>Part 6</p>	<p>Amendment made to sub-paragraph (3)(c) of Article 36:</p> <p>(c) the transferee or lessee is a holding<u>an entity (whether that entity is a group company or subsidiary—of the undertaker—</u><u>or any other entity) that is responsible for the on-going management of any part of Work No. 6, the identity of which has been agreed by the local planning authority following approvals given under Requirement 9;</u></p>	<p>Change made in response to ExAs comments raised during ISH1 to allow for transfers to entities who may be appointed to manage the NBBMA, skylark mitigation area or green infrastructure more generally.</p>	<p>Deadline 1</p>
	<p>Amendment made to sub-paragraph (3)(c) of Article 36:</p> <p>(c) the transferee or lessee is an entity (whether that entity is a group company of the undertaker or any other entity) that is responsible for the on-going management of any part of Work No. 6, the identity of which has been agreed by the local planning <u>authority in consultation with Natural England</u>, following approvals given under requirement 9 (landscape and ecology management plan); or</p>	<p>Change made following comments made by CWaCC at Deadline 3.</p>	<p>Deadline 4</p>

Schedules

<p>Schedule 1 (Authorised Development)</p>	<p>Change made to Work No.2A:</p> <p>(a) Work No. 2A— BESS A: works in connection with a battery energy storage system including—</p> <ul style="list-style-type: none"> (i) battery storage units (BSU); (ii) transformer / power conversion system (PCS) units and ancillary equipment; (iii) switchgear and control room; (iv) reinforced concrete foundation slab; (v) concrete piling; (vi) car parking and access roads; (vii) works for the provision of security and monitoring measures such as CCTV columns, cameras, lighting columns and lighting, weather stations, communication infrastructure, perimeter fencing; and (viii) drainage infrastructure including bunds and firewater storage and suppression systems. 	<p>Change made to correct inconsistencies in descriptions of drainage infrastructure between Work 2A (viii) and Work 2B(viii).</p>	<p>Deadline 1</p>
	<p>Change made to Work No. 3B:</p> <p>(b) Work No. 3B— Substation B: an onsite substation compound including—</p> <ul style="list-style-type: none"> (i) substation; (ii) switch room buildings; (iii) electrical control equipment; (iv) control building; (v) storage areas; (vi) welfare facilities; (vii) offices; (viii) workshop; (ix) store; (x) car parking and access roads (xi) works for the provision of security and monitoring measures such as CCTV columns, cameras, lighting columns and lighting, weather stations, communication infrastructure, perimeter fencing; and (xii) drainage infrastructure including bunds. 	<p>Change made to correct inconsistencies in descriptions of drainage infrastructure between Work CA (Xiii) and Work 3B (xii).</p>	<p>Deadline 1</p>

	<p>Change made to Work No. 6:</p> <p>Work No. 6—works to create, enhance and maintain green infrastructure, comprising—</p> <p>(a) Work No. 6A— green infrastructure works including—</p> <ul style="list-style-type: none"> (i) planting of native species hedgerows, individual trees and grassland; (ii) creation of open water habitats and reedbeds; (iii) improvements to existing public rights of way; (iv) creation of skylark habitat; (v) creation of permissive paths; (vi) fencing, gates, boundary treatment and other means of enclosure; (vii) laying down of internal access tracks; (viii) improvement, maintenance repair and use of existing streets and private tracks; (ix) car park; (x) signage and information boards; (xi) bird hides and screens; (xii) benches; (xiii) viewing areas; and (xiv) bike stands. <p>(b) Work No. 6B— works to create and maintain skylark habitat; and</p> <p>(c) Work No. 6C— works to create and maintain a Non-Breeding Bird Mitigation Area including—</p> <ul style="list-style-type: none"> (i) earthworks including bunds, embankments, ground reprofiling, infilling of voids; (ii) scrapes and waterbodies; (iii) water level management systems including sluices, pipework, pumps and associated control equipment; (iv) use of geotextiles or clay liners water retention; and (v) installation of predator control fencing. 	<p>Change made to ensure drafting consistency following the discussion at ISH1.</p>	<p>Deadline 1</p>
	<p>Change made to Work No. 8:</p> <p>Ancillary Works</p> <p>In connection with and in addition to Work Nos. 1 to 8, further ancillary development comprising such other works or operations for the purposes of or in connection with the construction, operation, maintenance and decommissioning of the authorised development but only insofar</p>	<p>Changes made to ensure consistent formulation of the 'materially new or materially different' test and to add a heading</p>	<p>Deadline 1</p>

	<p>as they are unlikely to give rise to any materially new or materially different environmental effects which are worse thanto those assessedidentified in the environmental statement, including—</p> <ul style="list-style-type: none"> (a) laying down of internal access tracks; (b) temporary footpath diversions; (c) ramps, means of access, carparks; (d) crossings of watercourses and roads; (e) improvement, maintenance, repair and use of existing streets, private tracks, public rights of way and access roads; (f) sustainable drainage systems including runoff outfalls, attenuation areas, general drainage and irrigation infrastructure, systems and improvements or extensions to existing drainage and irrigation systems; (g) works for the provision of security and monitoring measures such as CCTV columns, cameras, lighting columns and lighting, weather stations, communication infrastructure, perimeter fencing; (h) construction and decommissioning compounds, including site and welfare offices and areas to store materials and equipment; (i) joint bays, link boxes, cable ducts, cable protection, joint protection, manholes, marker posts, underground cable markers, tiles and tape, communications chambers, fibre optic cables and other works associated with cable laying; (j) foundations for structures, buildings, plant and machinery; (k) works to alter the course of, or otherwise interfere with, non-navigable rivers, streams or watercourses; (l) electrical, gas, water, foul water drainage and telecommunications infrastructure connections, diversions and works to, and works to alter the position of, such services and utilities connections; and (m) earthworks, site establishments and preparation works including site clearance (including vegetation removal, demolition of existing buildings and structures); earthworks (including soil stripping and storage and site levelling) and excavations; <p>and further ancillary or related development comprising such other works or operations as may be necessary or expedient for the purposes of or in connection with the construction, operation, maintenance and decommissioning of the authorised development but only within the Order limits and insofar as they are unlikely to give rise to any materially new or materially different environmental effects fromto those assessedidentified in the environmental statement.</p>	<p>to the ancillary works for clarity (and in line with precedent)</p>	
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<p>Schedule 1 - Archaeological mitigation strategy (18)</p>	<p>Amendment made:</p> <p>(1) No phase of the authorised development may commence until an archaeological mitigation strategy, including any required written scheme of archaeological investigation (or multiple written schemes of archaeological investigation) which must be in substantial accordance with the outline written scheme of archaeological investigation, for that phase has been submitted to and approved by the relevant planning authority, in consultation with Cheshire Archaeology Planning Advisory Service and Historic England.</p>	<p>Change made in response to s.51 advice</p>	<p>Procedural deadline A</p>
<p>Schedule 2 (interpretation)</p>	<p>Amendment made to paragraph 1.</p> <p>Interpretation</p> <p>1. In this Schedule—</p> <p>“ground conditions investigations and assessments strategy” means a strategy setting out the undertaker’s proposals for investigating, assessing, and where necessary, remediating ground conditions, contamination and ground stability matters as they pertain to the phase of the authorised development to which the strategy relates, including in respect of—</p> <ol style="list-style-type: none"> a) unexploded ordnance assessment; b) ground investigations; c) remediation strategies and verification reports; d) materials management; e) piling risk assessment; and f) approach to be taken for dealing with ground conditions in respect of Work No. 6C; and g) earthworks specifications; and (h) peat investigations. <p>“required decommissioning timing provisions” means the provisions set out in section 2.4 of the outline operational environmental management plan; and</p> <p>“decommissioning timing provisions” means the provisions relating to the timing for decommissioning works to take place as included in the operational environmental management plan approved under requirement 13.</p>	<p>Change made to align with changes to Requirement 20 to deal with the discussion at ISH1 in respect of decommissioning timing.</p>	<p>Deadline 1</p>
	<p>Amendment made to paragraph 1.</p> <p>Interpretation</p> <p>1. In this Schedule—</p>	<p>Change made following discussion at ISH2.</p>	<p>Deadline 4</p>

	<p>“ground conditions investigations and assessments strategy” means a strategy setting out the undertaker’s proposals for investigating, assessing, <u>monitoring,</u> and where necessary, remediating ground conditions, contamination and ground stability matters as they pertain to the phase of the authorised development to which the strategy relates, including in respect of—</p> <ul style="list-style-type: none"> (a) unexploded ordnance assessment; (b) ground investigations; (c) remediation strategies and verification reports; (d) materials management; (e) piling risk assessment; (f) approach to be taken for dealing with ground conditions in respect of Work No. 6C; (g) earthworks specifications; and (h) peat investigations. <p>“required decommissioning timing provisions” means the provisions set out in section 2.5 of the outline operational environmental management plan; and</p> <p>“decommissioning timing provisions” means the provisions relating to the timing for decommissioning works to take place as included in the operational environmental management plan approved under requirement 13 (operational environmental management plan).</p>		
	<p>Amendment made to paragraph 1.</p> <p>Interpretation</p> <p>1. In this Schedule—</p> <p>“ground conditions investigations and assessments strategy” means a strategy setting out the undertaker’s proposals for investigating, assessing, monitoring, and where necessary, remediating ground conditions, contamination and ground stability matters as they pertain to the phase of the authorised development to which the strategy relates, including in respect of—</p> <ul style="list-style-type: none"> (a) unexploded ordnance assessment; (b) ground investigations; (c) remediation strategies and verification reports; (d) materials management; (e) piling risk assessment; (f) approach to be taken for dealing with ground conditions in respect of Work No. 6C; (g) earthworks specifications; and (h) peat investigations; and. (i) <u>soil sampling and investigations.</u> 		Deadline 6

<p>Schedule 2 (requirement 6)</p>	<p>Detailed design approval</p> <p>6.—(1) No phase of the authorised development may commence until details of—</p> <ul style="list-style-type: none"> 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; and g) refuse or other storage units, signs and lighting. <p>relating to that phase have been submitted and approved in writing by the relevant planning authority.</p> <p>(2) The authorised development must be designed and constructed in accordance with the design parameters statement.</p> <p>(3) The authorised development must be designed and constructed in accordance with the design principles and the details submitted under sub-paragraph (1) must include a statement to confirm how the design principles have been complied with in the details that have been submitted.</p> <p>(4) Any part of the authorised development may be designed and constructed to deviate from the design parameters set out in the design parameters statement if the undertaker has first sought and obtained approval for such deviations from the relevant planning authority (who must be satisfied that the deviations will not lead to materially new or materially different <u>environmental</u> effects which are worse than those identified in the environmental statement) prior to the commencement of that part of the authorised development.</p>	<p>Change made for drafting consistency.</p>	<p>Deadline 1</p>
	<p>Amendment made to schedule 1 requirement 6.</p> <p>Detailed design approval</p> <p>6.—(1) No phase of the authorised development may commence until details of—</p> <ul style="list-style-type: none"> (a) the layout; (b) scale; (c) proposed finished ground levels; (d) external appearance; (e) hard surfacing materials; 	<p>Change made following discussion at ISH2.</p>	<p>Deadline 4</p>

	<p>(f) vehicular and pedestrian access, parking and circulation areas; and</p> <p>(g) refuse or other storage units, signs and lighting; and;</p> <p>(h) (g) the anti-reflective coating to be used on the solar modules in Work No. 1,</p> <p>relating to that phase have been submitted and approved in writing by the relevant planning authority and, in relation to the anti-reflective coating to be used on the solar modules in Work No. 1 only, Natural England.</p>		
<p>Schedule 2 (requirement 7)</p>	<p>Amendments made to schedule 1 requirement 7:</p> <p>Battery safety management</p> <p>7.—(1) Work No. 2 must not commence until a battery safety management plan has been submitted to and approved by the relevant planning authority, such approval to be in consultation with Cheshire Fire and Rescue Service, Cheshire West and Chester Council's Emergency Planning Team, National Highways and the Environment Agency.</p> <p>(2) The battery safety management plan submitted under sub-paragraph (1) must—</p> <ul style="list-style-type: none"> a) prescribe measures to facilitate safety during the construction, operation and decommissioning of Work No. 2 including the transportation of new, used and replacement battery cells both to and from the authorised development; b) be accompanied by an emergency response plan; and c) be substantially in accordance with the outline battery safety management plan. <p>(3) The battery safety management plan must be implemented as approved and maintained throughout the construction, operation and decommissioning of the authorised development.</p>		

<p>Schedule 2 (requirement 9)</p>	<p>Landscape and ecology management plan</p> <p>9.—(1) No phase of the authorised development may commence, and no part of the permitted preliminary works for that phase comprising vegetation removal may start, until a landscape and ecology management plan (which must be substantially in accordance with the outline landscape and ecology management plan) for that phase has been submitted to and approved by the relevant planning authority in consultation with Natural England.</p> <p>(2) The landscape and ecology management plan submitted under sub-paragraph (1) must include details of all proposed hard and soft landscaping works and ecological mitigation and enhancement measures (as applicable for the relevant numbered work) for that phase and where applicable include for that part—</p> <ul style="list-style-type: none"> (a) the location, number, species, size and planting density of any proposed planting including details of any proposed tree and hedgerow planting and the proposed times of such planting; (b) any hedgerows proposed for removal; (c) cultivation, importing of materials and other operations to ensure plant establishment; (d) existing trees to be retained; (e) an implementation timetable; (f) how the landscaping and ecological measures proposed in the plan will be managed and maintained during the operational life of the authorised development to the date on which the decommissioning environmental management plan is implemented pursuant to requirement 20 (decommissioning and restoration); (g) the ecological surveys required to be carried out prior to commencement of a numbered work, or following completion of a numbered work in order to monitor the effect of, or inform, the ecological mitigation measures and the monitoring regime to be taken forward following those initial surveys; (h) the final routing, specification and maintenance regime (including a programme) for each permissive path; (i) details of the establishment and management regime (including a programme) for Work No.6B; and (j) details of the establishment, maintenance, management and monitoring regime for Work No. 6C (which must be substantially in accordance with the non-breeding bird mitigation strategy) which must include a New Zealand pygmyweed control and management strategy, which must be prepared following consultation by the undertaker with Natural England and the Royal Society for the Protection of Birds. <p>(3) Any hedgerow, shrub or tree planted as part of the approved plan that, within a period of five years after planting, is removed, dies or becomes, in the opinion of the relevant planning</p>	<p>Change made in response to comments raised by ExA during ISH1</p>	<p>Deadline 1</p>
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	<p>authority, seriously damaged or diseased, must be replaced in the first available planting season with a specimen of a species and size agreed with the relevant planning authority.</p> <p>(4) Each phase of the authorised development must be carried out in accordance with the landscape and ecology management plan approved under sub-paragraph (1) for phase.</p>		
	<p>Amendment to Requirement 9 (2):</p> <p>Landscape and ecology management plan</p> <p>9.—(1) No phase of the authorised development may commence, and no part of the permitted preliminary works for that phase comprising vegetation removal may start, until a landscape and ecology management plan (which must be substantially in accordance with the outline landscape and ecology management plan) for that phase has been submitted to and approved by the relevant planning authority in consultation with Natural England.</p> <p>(2) The landscape and ecology management plan submitted under sub-paragraph (1) must include details of all proposed hard and soft landscaping works and ecological mitigation and enhancement measures (as applicable for the relevant numbered work) for that phase and where applicable include for that part—</p> <ul style="list-style-type: none"> (a) the location, number, species, size and planting density of any proposed planting including details of any proposed tree and hedgerow planting and the proposed times of such planting; (b) any hedgerows proposed for removal (and confirmation of hedgerows to be retained); (c) cultivation, importing of materials and other operations to ensure plant establishment; (d) existing trees to be retained; (e) an implementation timetable; (f) how the landscaping and ecological measures proposed in the plan will be managed and maintained during the operational life of the authorised development to the date on which the decommissioning environmental management plan is implemented pursuant to requirement 20 (decommissioning); 	<p>Updated following consideration of ExA first written questions and to correct a typographical error.</p>	<p>Deadline 3</p>

	<p>(g) the ecological surveys required to be carried out prior to commencement of a numbered work, or following completion of a numbered work in order to monitor the effect of, or inform, the ecological mitigation measures and the monitoring regime to be taken forward following those initial surveys;</p> <p>(h) the final routing, specification and maintenance regime (including a programme) for each permissive path;</p> <p>(i) details of the establishment and management regime (including a programme) for Work No.6B; and</p> <p>(j) details of the establishment, maintenance, management and monitoring regime <u>(including a programme)</u> for Work No. 6C (which must be substantially in accordance with the non-breeding bird mitigation strategy) which must include a New Zealand pygmyweed control and management strategy, which must be prepared following consultation by the undertaker with Natural England and the Royal Society for the Protection of Birds.</p> <p>(3) Any hedgerow, shrub or tree planted as part of the approved plan that, within a period of five years after planting, is removed, dies or becomes, in the opinion of the relevant planning authority, seriously damaged or diseased, must be replaced in the first available planting season with a specimen of a species and size agreed with the relevant planning authority.</p> <p><u>(4)</u> Each phase of the authorised development must be carried out in accordance with the landscape and ecology management plan approved under sub-paragraph (1) for that phase.</p> <p><u>(5)</u> (4) <u>The permission for the public to make use of any permissive path listed within the landscape and ecology management plan ceases on the date of decommissioning for that phase of the authorised development.</u></p>		
	<p>Amendment made to requirement 9(1):</p> <p><u>10.</u>Landscape and ecology management plan</p> <p><u>11.9.</u>—(1) No phase of the authorised development may commence, and no part of the permitted preliminary works for that phase comprising vegetation removal may start, until a landscape and ecology management plan (which must be substantially in accordance with the outline landscape and ecology management plan) for that phase has been submitted to and approved by the relevant planning authority in consultation with Natural England.</p> <p><u>12.</u> (2) The landscape and ecology management plan submitted under sub-paragraph (1) must include details of all proposed hard and soft landscaping works and ecological mitigation and enhancement measures (as applicable for the relevant numbered work) for that phase and where applicable include for that phase <u>part</u>—</p>	<p>Changes made for consistency and following comments by CWaCC at Deadline 3.</p>	<p>Deadline 4</p>

	<ul style="list-style-type: none"> (a) the location, number, species, size and planting density of any proposed planting including details of any proposed tree and hedgerow planting and the proposed times of such planting; (b) any hedgerows proposed for removal (and confirmation of hedgerows to be retained); (c) cultivation, importing of materials and other operations to ensure plant establishment; (d) existing trees to be retained; (e) an implementation timetable, including details of the phasing of delivery of landscaping measures; (f) how the landscaping and ecological measures proposed in the plan will be managed and maintained during the operational life of the authorised development to the date on which the decommissioning environmental management plan is implemented pursuant to requirement 20 (decommissioning); (g) the ecological surveys required to be carried out prior to commencement of a numbered work, or following completion of a numbered work in order to monitor the effect of, or inform, the ecological mitigation measures and the monitoring regime to be taken forward following those initial surveys; (h) the final routing, specification and maintenance regime for each permissive path; (i) details of the establishment and management regime (including a programme) for Work No.6B; and (j) details of the establishment, maintenance, management and monitoring regime (including a programme) for Work No. 6C (which must be substantially in accordance with the non-breeding bird mitigation strategy) which must include a New Zealand pygmyweed control and management strategy, which must be prepared following consultation by the undertaker with Natural England and the Royal Society for the Protection of Birds. <p>13. (3) Any hedgerow, shrub or tree planted as part of the approved plan that, within a period of five years after planting, is removed, dies or becomes, in the opinion of the relevant planning authority, seriously damaged or diseased, must be replaced in the first available planting season with a specimen of a species and size agreed with the relevant planning authority.</p> <p>14. (4) Each phase of the authorised development must be carried out in accordance with the landscape and ecology management plan approved under sub-paragraph (1) for that phase.</p> <ul style="list-style-type: none"> (a) (5) The permission for the public to make use of any permissive path listed within the landscape and ecology management plan ceases on the date of decommissioning for that phase of the authorised development. 		
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	<p>Amendment made to requirement 9(1):</p> <p>Landscape and ecology management plan</p> <p>9—(1) No phase of the authorised development may commence, and no part of the permitted preliminary works for that phase comprising vegetation removal may start, until a landscape and ecology management plan (which must be substantially in accordance with the outline landscape and ecology management plan) for that phase has been submitted to and approved by the relevant planning authority in consultation with Natural England.</p> <p>(2) The landscape and ecology management plan submitted under sub-paragraph (1) must include details of all proposed hard and soft landscaping works and ecological mitigation and enhancement measures (as applicable for the relevant numbered work) for that phase and where applicable include for that phase—</p> <ul style="list-style-type: none"> (a) the location, number, species, size and planting density of any proposed planting including details of any proposed tree and hedgerow planting and the proposed times of such planting; (b) any hedgerows proposed for removal (and confirmation of hedgerows to be retained); (c) cultivation, importing of materials and other operations to ensure plant establishment; (d) existing trees to be retained and trees to be removed; (e) an implementation timetable, including details of the phasing of delivery of landscaping measures; (f) how the plan proposals will contribute to the achievement of a net gain in biodiversity of a minimum of 20% in habitat units and 75% in hedgerow units for the authorised development as a whole during the operation of the authorised development; (g) how the landscaping and ecological measures proposed in the plan will be managed, monitored and maintained during the operational life of the authorised development to the date on which the decommissioning environmental management plan is implemented pursuant to requirement 20 (decommissioning); (h) the ecological surveys required to be carried out prior to commencement of a numbered work within that phase, or following completion of a numbered work within that phase, in order to monitor the effect of, or inform, the ecological mitigation, net gain in biodiversity measures and the associated monitoring regime to be taken forward within that phase, following those initial surveys; (i) the final routing, specification and maintenance regime for each permissive path; (j) details of the establishment and management regime (including a programme) for Work No.6B; and 	<p>Changes made for consistency, to action a commitment made in response to the ExA's First Written Questions, and following comments by CWaCC at Deadline 4.</p>	<p>Deadline 5</p>
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	<p>(k) details of the establishment, maintenance, management and monitoring regime (including a programme) for Work No. 6C (which must be substantially in accordance with the outline non-breeding bird mitigation strategy) which must include a New Zealand pygmyweed control and management strategy, which must be prepared following consultation by the undertaker with Natural England and the Royal Society for the Protection of Birds.</p>		
<p>Schedule 2 (requirement 9)</p>	<p>Landscape and ecology management plan</p> <p>9.(1) No phase of the authorised development may commence, and no part of the permitted preliminary works for that phase comprising vegetation removal may start, until a landscape and ecology management plan (which must be substantially in accordance with the outline landscape and ecology management plan) for that phase has been submitted to and approved by the relevant planning authority in consultation with Natural England and National Highways.</p> <p>(2) The landscape and ecology management plan submitted under sub-paragraph (1) must include details of all proposed hard and soft landscaping works and ecological mitigation and enhancement measures (as applicable for the relevant numbered work) for that phase and where applicable include for that phase—</p> <ul style="list-style-type: none"> (a) the location, number, species, size and planting density of any proposed planting including details of any proposed tree and hedgerow planting and the proposed times of such planting; (b) any hedgerows proposed for removal (and confirmation of hedgerows to be retained); (c) cultivation, importing of materials and other operations to ensure plant establishment; (d) existing trees to be retained and trees to be removed; (e) an implementation timetable, including details of the phasing of delivery of landscaping measures; (f) how the plan proposals will contribute to the achievement of a net gain in biodiversity of a minimum of 20% in habitat units and 75% in hedgerow units for the authorised development as a whole during the operation of the authorised development; how the plan proposals will contribute to the achievement of a quantified uplift of a minimum of 20% in habitat units (excluding reedbeds), 10% in watercourse units and 75% in hedgerow units for the authorised development as a whole during the operation of the 		<p>Deadline 6</p>

	<p>authorised development, to be quantified using the statutory biodiversity metric calculation tool published by DEFRA;</p> <ul style="list-style-type: none"> (g) how the landscaping and ecological measures proposed in the plan will be managed, monitored and maintained during the operational life of the authorised development to the date on which the decommissioning environmental management plan is implemented pursuant to requirement 20 (decommissioning); (h) the ecological surveys required to be carried out prior to commencement of a numbered work within that phase, or following completion of a numbered work within that phase, in order to monitor the effect of, or inform, the ecological mitigation, net gain in biodiversity measures and associated monitoring regime to be taken forward within that phase, following those initial surveys; (i) the final routing, specification and maintenance regime for each permissive path; (j) details of the establishment and management regime (including a programme) for Work No.6B; and (k) details of the establishment, maintenance, management and monitoring regime (including a programme) for Work No. 6C (which must be substantially in accordance with the outline non-breeding bird mitigation strategy) which must include a New Zealand pygmyweed control and management strategy, which must be prepared following consultation by the undertaker with Natural England and the Royal Society for the Protection of Birds. <p>(3) Any hedgerow, shrub or tree planted as part of the approved plan that, within a period of five years after planting, is removed, dies or becomes, in the opinion of the relevant planning authority, seriously damaged or diseased, must be replaced in the first available planting season with a specimen of a species and size agreed with the relevant planning authority.</p> <p>(4) Each phase of the authorised development must be carried out in accordance with the landscape and ecology management plan approved under sub-paragraph (1) for that phase.</p> <p>(5) The permission for the public to make use of any permissive path listed within the landscape and ecology management plan ceases on the date of decommissioning for that phase of the authorised development.</p>		
	<p>Amendment made to requirement 9</p> <p>9 – (1) No phase of the authorised development may commence, and no part of the permitted preliminary works for that phase comprising vegetation removal may start, until a landscape and ecology management plan (which must be substantially in accordance with the outline landscape and ecology management plan) for that phase has been submitted to and approved by the relevant planning authority in consultation with Natural England and National Highways.</p>		

	<p>(2) The landscape and ecology management plan submitted under sub-paragraph (1) must include details of all proposed hard and soft landscaping works and ecological mitigation and enhancement measures (as applicable for the relevant numbered work) for that phase and where applicable include for that phase—</p> <ul style="list-style-type: none"> (a) the location, number, species, size and planting density of any proposed planting including details of any proposed tree and hedgerow planting and the proposed times of such planting; (b) any hedgerows proposed for removal (and confirmation of hedgerows to be retained); (c) cultivation, importing of materials and other operations to ensure plant establishment; (d) existing trees to be retained and trees to be removed; (e) an implementation timetable, including details of the phasing of delivery of landscaping measures; (f) how the plan proposals will contribute to the achievement of a quantified uplift of a minimum of 20% in habitat units (excluding reedbeds), 10% in watercourse units and 75% in hedgerow units for the authorised development as a whole during the operation of the authorised development, to be quantified using the statutory biodiversity metric calculation tool published by DEFRA; (g) how the landscaping and ecological measures proposed in the plan will be managed, monitored and maintained during the operational life of the authorised development to the date on which the decommissioning environmental management plan is implemented pursuant to requirement 20 (decommissioning); (h) the ecological surveys required to be carried out prior to commencement of a numbered work within that phase, or following completion of a numbered work within that phase, in order to monitor the effect of, or inform, the ecological mitigation, net gain in biodiversity measures and associated monitoring regime to be taken forward within that phase, following those initial surveys; (i) the final routing, specification and maintenance regime for each permissive path; (j) details of the establishment and management regime (including a programme) for Work No.6B; and (k) details of the design, establishment, maintenance, management and monitoring regime (including a programme) for Work No. 6C (which must be substantially in accordance with the outline non-breeding bird mitigation strategy) which must include a New Zealand pygmyweed control and management strategy, which must be prepared following consultation by the undertaker with Natural England and the Royal Society for the Protection of Birds. 		
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	<p>(3) Any hedgerow, shrub or tree planted as part of the approved plan that, within a period of five years after planting, is removed, dies or becomes, in the opinion of the relevant planning authority, seriously damaged or diseased, must be replaced in the first available planting season with a specimen of a species and size agreed with the relevant planning authority.</p> <p>(4) Each phase of the authorised development must be carried out in accordance with the landscape and ecology management plan approved under sub-paragraph (1) for that phase.</p> <p>(5) The permission for the public to make use of any permissive path listed within the landscape and ecology management plan ceases on the date of decommissioning for that phase of the authorised development.</p>		
Schedule 2 (requirement 10)	<p>Amendment made to paragraph 10:</p> <p>10.—(1) No phase of the authorised development may commence, and no part of the permitted preliminary works for that phase comprising the provision of temporary means of enclosure may start, until written details of all proposed temporary fences, walls or other means of enclosure, including those set out in the construction environmental management plan, for that phase have been submitted to and approved by the relevant planning authority in consultation with the Environment Agency.</p>	Added following discussions with the Environment Agency.	Procedural Deadline B
	<p>Amendment made to paragraph 10 (2):</p> <p>11.—(2) No phase of the authorised development may commence until written details of all permanent fences, walls or other means of enclosure for that phase have been submitted to and approved by the relevant planning authority in consultation with the Environment Agency.</p>	Added following discussions with the Environment Agency.	Procedural Deadline B
	<p>Amendment to Requirement 10 (7):</p> <p>(7) Any permanent fencing, walls or other means of enclosure must be carried out in accordance with the details approved under sub-paragraph (2) and properly maintained for the operational lifetime of the phase of the authorised development.</p>	Updated following consideration of ExA first written questions.	Deadline 3
Schedule 2 (Requirement 11)	<p>Amendment made to sub-paragraph 11(1):</p> <p>11. (1) No phase of the authorised development may commence until details of the surface water drainage strategy (which must be substantially in accordance with section 11 of the flood risk assessment and drainage strategy) for that phase has been submitted to and approved by the relevant planning authority such approval to be in consultation with the lead local flood authority and the Environment Agency.</p>	Added following discussions with the Environment Agency.	Procedural Deadline B

	<p>Amendment made to sub-paragraph 11(2):</p> <p>(1) No phase of the authorised development may commence until a construction ground water and surface water management plan (which must include measures in relation to ground and surface water monitoring during construction and one year after construction) for that phase has been submitted to and approved by the relevant planning authority, such approval to be in consultation with the lead local flood authority and the Environment Agency.</p>	<p>Added following discussions with the Environment Agency.</p>	<p>Procedural Deadline B</p>
	<p>Amendment made to sub-paragraph 11(1):</p> <p>Surface and ground water management</p> <p>(1) No phase of the authorised development may commence until details of the surface water drainage strategy (which must be substantially in accordance with section 11 of the flood risk assessment and drainage strategy) for that phase has been submitted to and approved by the relevant planning authority, such approval to be in consultation with the lead local flood authority and the Environment Agency and, in respect of a phase that involves Work No. 4A(iii) only, the Canal and River Trust.</p>	<p>Added following discussions with the Canal and River Trust</p>	<p>Deadline 3</p>
	<p>Amendment made to sub-paragraph 11(3)</p> <p>(3) No phase of the authorised development may commence until a construction ground water and surface water management plan (which must include measures in relation to ground and surface water monitoring during construction and one year after construction) for that phase has been submitted to and approved by the relevant planning authority, such approval to be in consultation with the lead local flood authority, the Canal and River Trust and the Environment Agency.</p>	<p>Changes made following discussion with Canal and River Trust</p>	<p>Deadline 5</p>
	<p>Amendment made to sub-paragraph 11(3)</p> <p>(3) No phase of the authorised development may commence until a construction ground water and surface water management plan (which must include measures in relation to ground and surface water monitoring during construction and one year after construction) for that phase has been submitted to and approved by the relevant planning authority, such approval to be in consultation with the lead local flood authority, the Canal and River Trust and the Environment Agency, and in respect of Work No. 4A only, the Canal and River Trust.</p>	<p>Changes made following discussion with Canal and River Trust</p>	<p>Deadline 6</p>

Schedule 2 (Requirement 12)	Amendment made to sub-paragraph 12(4): (4) For the purposes of this requirement 12 only, “commence” includes any permitted preliminary works comprising above ground site preparation for temporary facilities for the use of contractors and site clearance (including vegetation removal and demolition of existing buildings and structures), receipt and erection of construction plant and equipment to be utilised for Work No. 6C , and remedial work in respect of any contamination or other adverse ground conditions where this relates to Work no. 6C.	Added following the Applicant reviewing the treatment of PPWs in Schedule 2 following the discussion on this point at ISH1.	Deadline 1
	Amendment to sub-paragraph 12(1); 12. No phase of the authorised development may commence until a construction environmental management plan (including, or accompanied by, the plans listed in sub-paragraph (2)) for that phase has been submitted to and approved by the relevant planning authority, such approval to be in consultation with the Environment Agency, National Highways and- (a) in respect of any a construction environmental management plan which relates to Work No. 6C only, Natural England; and- (b) (a) In respect of any construction environmental management plan which relates to Work No. 4A(iii) only, the Canal and River Trust.	Amended following consideration of the ExA’s first written questions, representations from National Highways and discussions with the Canal and River Trust.	Deadline 3
	Amendment made to schedule 2(12): construction environmental management plan 12.—(1) No phase of the authorised development may commence until a construction environmental management plan (including, or accompanied by, the plans listed in sub-paragraph (2)) for that phase has been submitted to and approved by the relevant planning authority, such approval to be in consultation with the Environment Agency, National Highways and— (a) in respect of any construction environmental management plan which relates to Work No. 6C only, Natural England; and (b) in respect of any construction environmental management plan which relates to Work No. 4A(iii) only, the Canal and River Trust. (2) The construction environmental management plan submitted for approval under sub-paragraph (1) must be substantially in accordance with the outline construction environmental management plan to the extent that it is applicable to that phase and must be accompanied by, or include, the following, where applicable to that phase —	Changes made following discussions at ISH2.	Deadline 4

	<p>(a) an invasive non-native species management plan;</p> <p>(b) an environmental incident management and pollution prevention plan;</p> <p>(c) an unexpected contamination protocol;</p> <p>(d) a flood warning and evacuation plan (which must be substantially in accordance with the outline flood warning and evacuation plan);</p> <p>(e) an unexploded ordnance management plan;</p> <p>(f) a construction noise management plan;</p> <p>(g) fish rescue plan;</p> <p>(h) a construction dust management plan;and</p> <p><u>(i) a construction waste management plan; and-</u></p> <p><u>(j) (i) a stakeholder communication plan.</u></p> <p>(3) The construction of any phase of the authorised development must be carried out in accordance with the approved construction environmental management plan for that phase.</p> <p>(4) For the purposes of this requirement 12 only, “commence” includes any permitted preliminary works comprising above ground site preparation for temporary facilities for the use of contractors and site clearance (including vegetation removal and demolition of existing buildings and structures), receipt and erection of construction plant and equipment to be utilised for Work No. 6C, and remedial work in respect of any contamination or other adverse ground conditions where this relates to Work No. 6C.</p>		
	<p>Amendment to Requirement 12(4):</p> <p>(4)For the purposes of this requirement 12 only—</p> <p>(a) “commence” includes any permitted preliminary works comprising above ground site preparation for temporary facilities for the use of contractors and site clearance (including vegetation removal and demolition of existing buildings and structures), receipt and erection of construction plant and equipment to be utilised for Work No. 6C, and remedial work in respect of any contamination or other adverse ground conditions where this relates to Work No. 6C; <u>and</u></p> <p>(b) <u>“phase” includes any permitted preliminary works comprising above ground site preparation for temporary facilities for the use of contractors and site clearance (including vegetation removal and demolition of existing buildings and structures), receipt and erection of construction plant and equipment to be utilised for Work No.</u></p>	<p>Changes made for consistency and following comments by CWaCC at Deadline 4.</p>	<p>Deadline 5</p>

	6C, and remedial work in respect of any contamination or other adverse ground conditions where this relates to Work No. 6C within a phase.		
	<p>Amendment to requirement 12(4):</p> <p>(4) For the purposes of this paragraph only—</p> <p>(a) “commence” includes—</p> <ul style="list-style-type: none"> (i) any permitted preliminary works comprising above ground site preparation for temporary facilities for the use of contractors and ; (ii) site clearance (including vegetation removal and demolition of existing buildings and structures); (iii) receipt and erection of construction plant and equipment to be utilised for Work No. 6C, or where such receipt and erection is to take place within 110 metres of the limits of deviation of Work No. 6C in the period November to February inclusive; and (iv) remedial work in respect of any contamination or other adverse ground conditions where this relates to Work No. 6C. ; and <p>(b) “phase” includes—</p> <ul style="list-style-type: none"> (i) any permitted preliminary works comprising above ground site preparation for temporary facilities for the use of contractors and; (ii) site clearance (including vegetation removal and demolition of existing buildings and structures); (iii) receipt and erection of construction plant and equipment to be utilised for Work No. 6C, or where such receipt and erection is to take place within 110 metres of the limits of deviation of Work No. 6C in the period November to February inclusive; and (iv) remedial work in respect of any contamination or other adverse ground conditions where this relates to Work No. 6C within a phase. 		Deadline 6
Schedule 2 (Requirement 13)	<p>Amendment to sub-paragraph 13(1):</p> <p>(1) The operational environmental management plan submitted for approval under sub-paragraph (1) must be include decommissioning timing provisions that are consistent with the required decommissioning timing provisions and be otherwise substantially in accordance with the outline operational environmental management plan to the extent that it is applicable to that phase and must be accompanied by, or include the following—</p>	Added following the Applicant reviewing the treatment of PPWs in Schedule 2 following the	Deadline 1

	<ul style="list-style-type: none"> (a) an invasive non-native species management plan; (b) a flood warning and evacuation plan (which must be substantially in accordance with the outline flood warning and evacuation plan); (c) an environmental incident management and pollution prevention plan; (d) an unexpected contamination protocol; (e) measures in relation to environmental and traffic management to be undertaken during replacement activities; and (f) waste management plan. 	discussion on this point at ISH1.	
Schedule 2 (Requirement 13)	<p>Amendment made to sub-paragraph 13</p> <p>13.—Prior to the date of final commissioning for any phase of the authorised development, an operational environmental management plan for that phase must be submitted to and approved by the relevant planning authority, such approval to be in consultation with the Environment Agency and National Highways.</p>	Amended following consideration of National Highways' Relevant Representation.	Procedural Deadline B
Schedule 2 (Requirement 13)	<p>Amendment to Requirement 13(1)</p> <p>13.—(1) Prior to the date of final commissioning for any phase of the authorised development, an operational environmental management plan (including, or accompanied by, the plans listed in sub-paragraph (2)) for that phase must be submitted to and approved by the relevant planning authority, such approval to be in consultation with the Environment Agency and National Highways.</p>	Amended following consideration of the ExA's first written questions.	Deadline 3
Schedule 2 (Requirement 14)	<p>Amendment to Requirement 14 (1):</p> <p>(1) No phase of the authorised development may commence until a construction traffic management plan (which must be substantially in accordance with the outline construction traffic management plan) for that phase has been submitted to and approved by the relevant planning authority, such approval to be, in consultation with National Highways and the relevant highways authority and, in respect of any construction traffic management plan which relates to Work No. 4A(iii) only, the Canal and River Trust.</p>	Added following discussions with the Canal and River Trust.	Deadline 3
Schedule 2 (Requirement 15)	<p>Amendment to requirement 15:</p> <p>Public rights of way</p> <p>15—(1) No phase of the authorised development may commence until a public rights of way management plan (which must be substantially in accordance with the outline public rights of way management plan) for that phase has been submitted to and approved by the relevant planning authority, in consultation with the relevant highway authority and National Highways.</p>	Changes made following discussion with National Highways	Deadline 5

	<p>(2) Before approving the public rights of way management plan the relevant planning authority must consult with the relevant highway authority.</p> <p>(3) The public rights of way management plan must be implemented as approved.</p>		
Schedule 2 (Requirement 16)	<p>Amendment to Requirement 16(2)</p> <p>Soil management plan</p> <p>16—(1) No phase of the authorised development may commence until a soil management plan for that phase has been submitted to and approved by the relevant planning authority for that phase in consultation with Natural England and the Environment Agency.</p> <p>(2) The soil management plan must be substantially in accordance with the outline soil management plan and consistent with, <u>and, where they are available, taking account of the results of, the ground conditions investigations and assessments strategy.</u></p> <p>(3) The construction of any phase of the authorised development must be carried out in accordance with the approved soil management plan for that phase.</p>		Deadline 6
Schedule 2 (Requirement 17)	<p>Amendment to requirement 17:</p> <p><u>17.—(1) No phase of the authorised development may commence, and no part of the permitted preliminary works for that phase comprising demolition or decommissioning of existing structures, intrusive environmental surveys, geotechnical surveys and other investigations for the purpose of assessing ground conditions only, <u>diversions and laying of apparatus, and remedial work in respect of any contamination or other adverse ground conditions</u> may start until a ground conditions investigations and assessments strategy for that phase has been submitted to and approved by the relevant planning authority, such approval to be in consultation with the Environment Agency.</u></p>	Added following the Applicant reviewing the treatment of PPWs in Schedule 2 following the discussion on this point at ISH1.	Deadline 1
	<p>Amendments made to schedule(2) requirement 17:</p> <p>Ground conditions</p> <p>17.—(1) No phase of the authorised development may commence, and no part of the permitted preliminary works for that phase comprising demolition or decommissioning of existing structures, intrusive environmental surveys, geotechnical surveys and other investigations for the purpose of assessing ground conditions only, diversion and laying of apparatus, and remedial work in respect of any contamination or other adverse ground conditions, may start until a ground conditions investigations and assessments strategy for that phase has been submitted to and approved by the relevant planning authority, such approval to be in consultation with the Environment Agency.</p>	Change made in response to CWaCC's Deadline 3 submissions.	Deadline 4

	<p>(2) The carrying out of any phase of the authorised development must be undertaken in accordance with the ground conditions investigations and assessments strategy approved pursuant to sub-paragraph (1) for that phase.</p> <p>Amendments to Requirement 17(1)</p> <p>Ground conditions</p> <p>17—(2) No phase of the authorised development may commence, and no part of the permitted preliminary works for that phase comprising demolition or decommissioning of existing structures, intrusive environmental surveys, geotechnical surveys and other investigations for the purpose of assessing ground conditions, diversion and laying of apparatus, and remedial work in respect of any contamination or other adverse ground conditions, may start until a ground conditions investigations and assessments strategy for that phase has been submitted to and approved by the relevant planning authority, such approval to be in consultation with the Environment Agency and, in respect of Work No. 4A(iii) only, the Canal and River Trust.</p>	Changes made following discussion with Canal and River Trust'	Deadline 5
Schedule 2 (Requirement 18)	<p>Amendment to requirement 18 (2)</p> <p>(3) Any archaeological mitigation strategy submitted under sub-paragraph (1), to the extent that it is applicable to that phase of the authorised development, must include details of the measures set out in section 11.9 of chapter 11 of the environmental statement.</p>	Amended to provide clarity following consideration of the ExA's first written questions.	Deadline 3
	<p>Amendment to requirement 18 (4):</p> <p>Archaeological mitigation strategy</p> <p>18.—(1) No phase of the authorised development may commence until an archaeological mitigation strategy, including any required written scheme of archaeological investigation (or multiple written schemes of archaeological investigation) which must be in substantial accordance with the outline written scheme of archaeological investigation, for that phase has been submitted to and approved by the relevant planning authority, in consultation with Cheshire Archaeology Planning Advisory Service and Historic England.</p> <p>(2) Any archaeological mitigation strategy submitted under sub-paragraph (1), to the extent that it is applicable to that phase of the authorised development, must include details of the measures set out in section 11.9 of chapter 11 of the environmental statement.</p> <p>(3) The authorised development must be implemented in accordance with the archaeological mitigation strategy approved pursuant to paragraph (1).</p> <p>(4) For the purposes of this paragraph, "commence" includes archaeological surveys and investigations, geotechnical surveys and other investigations for the purposes of assessing ground condition, remedial work in respect of any contamination or other adverse ground</p>	Change made in response to CWaCC's Deadline 3 submissions.	Deadline 4

	conditions, diversion and laying of apparatus and demolition of existing buildings and structures.		
	<p>Amendments to Requirement 18(4)</p> <p>Archaeological mitigation strategy</p> <p>18.—(1) No phase of the authorised development may commence until an archaeological mitigation strategy, including any required written scheme of archaeological investigation (or multiple written schemes of archaeological investigation) which must be in substantial accordance with the outline written scheme of archaeological investigation, for that phase has been submitted to and approved by the relevant planning authority, in consultation with Cheshire Archaeology Planning Advisory Service and Historic England.</p> <p>(2) Any archaeological mitigation strategy submitted under sub-paragraph (1), to the extent that it is applicable to that phase of the authorised development, must include details of the measures set out in section 11.9 of chapter 11 of the environmental statement.</p> <p>(3) The authorised development must be implemented in accordance with the archaeological mitigation strategy approved pursuant to paragraph (1).</p> <p>(4) For the purposes of this paragraph <u>only</u>—</p> <p>(a) “commence” includes archaeological surveys and investigations, geotechnical surveys and other investigations for the purposes of assessing ground condition, remedial work in respect of any contamination or other adverse ground conditions, diversion and laying of apparatus and demolition of existing buildings and structures; <u>and</u></p> <p>(b) “phase” includes <u>any permitted preliminary works comprising archaeological surveys and investigations, geotechnical surveys and other investigations for the purposes of assessing ground condition, remedial work in respect of any contamination or other adverse ground conditions, diversion and laying of apparatus and demolition of existing buildings and structures.</u></p>	Changes made for consistency and following comments by CWaCC at Deadline 4.	Deadline 5
Schedule 2 (Requirement 20)	<p>Decommissioning</p> <p>20.—(1) Decommissioning works must commence no later than <u>the earlier of—</u></p> <p>(c) <u>in respect of all of the authorised development,</u> 40 years following the date of the final commissioning of Work No. 1 that is the subject of the last notice given by the undertaker pursuant to requirement 3(4) (phasing of the authorised development and date of final commissioning); <u>or</u></p> <p>(d) <u>in respect of any phase of the authorised development, prior to the end of the timeframes set out in the decommissioning timing provisions where those provisions are engaged in respect of that phase.</u></p>	Amended in response to the comments raised by ExA (following comments by CWaCC) during ISH1 about securing the delivery of decommissioning within a specific	Deadline 1

	<p>(2)(4) Prior to the commencement of any part of any decommissioning works the undertaker must submit to the relevant planning authority for approval, in consultation with the Environment Agency, National Highways and the relevant highway authority, a decommissioning environmental management plan for that part.</p> <p>(5)(2) The plan submitted and approved under sub-paragraph (2) must be substantially in accordance with the relevant part of the outline decommissioning environmental management plan, <u>include a programme for the decommissioning works that are the subject of the plan</u> and must be accompanied by, or include the following—</p> <ul style="list-style-type: none"> (a) measures to manage impacts to public rights of way; (b) a decommissioning traffic management plan; (c) a decommissioning groundwater and surface water management plan; (d) an invasive non-native species management plan; (e) an environmental incident management and pollution prevention plan; (f) an unexpected contamination protocol; (g) a flood warning and evacuation plan; (h) a skills, supply chain and employment plan for the decommissioning works; (i) a decommissioning noise management plan; (j) a decommissioning dust management plan; and (k) a decommissioning waste management plan. <p>(6)(3) The plan submitted to and approved pursuant to sub-paragraph (2) must be implemented as approved for the works required to decommission that phase of the authorised development <u>decommissioning works to which it relates</u>.</p> <p>(7)(4) This requirement is without prejudice to any other consents or permissions which may be required to decommission any part of the authorised development.</p>	<p>timeframe, and in accordance with an agreed programme.</p>	
	<p>Amendment to Requirement 20 (2)</p> <p>(8) Prior to the commencement of any part of any decommissioning works the undertaker must submit to the relevant planning authority for approval, in consultation with the Environment Agency, National Highways and the relevant highway authority, a decommissioning environmental management plan <u>(including, or accompanied by, the plans listed in sub-paragraph (3) for that part)</u>.</p>	<p>Amended following consideration of the ExA's first written questions.</p>	<p>Deadline 3</p>
	<p>Amendment to schedule 20 (3)</p> <p>(3) The plan submitted and approved under sub-paragraph (2) must be substantially in accordance with the relevant part of the outline decommissioning environmental management plan, include a programme for the decommissioning works that are the subject of the plan and must be accompanied by, or include the following, <u>where applicable to that phase</u>—</p>	<p>Added for consistency.</p>	<p>Deadline 4</p>

	<ul style="list-style-type: none"> (a) measures to manage impacts to public rights of way; (b) a decommissioning traffic management plan; (c) a decommissioning groundwater and surface water management plan; (d) an invasive non-native species management plan; (e) an environmental incident management and pollution prevention plan; (f) an unexpected contamination protocol; (g) a flood warning and evacuation plan; (h) a skills, supply chain and employment plan for the decommissioning works; (i) a decommissioning noise management plan; (j) a decommissioning dust management plan; and (k) a decommissioning waste management plan. 		
Schedule 5 (Part 3)	Amendment to Part 3: Public Right of Way –Frodsham FP94 FP81 (Weaver Lane)	Added to correct a typographical error.	Procedural Deadline B
	Amendments made to table in part 3, temporary use of motor vehicles on public rights of way.	Changes made following Applicant consideration of matters discussed at ISH2.	Deadline 4
Schedule 7	Insertion of new category of rights: 'non-motorised (and motorised when authorised) access use rights' Re-allocation of plots within the table to reflect those plots subject to this new category of right.	Added following consideration of National Highways' Relevant Representation.	Procedural Deadline B
Schedule 7	Insertion of new plot reference number on the Land and Crown Land Plans	Change made following discussions with National Highways	Deadline 1
	Removal of definition of "non-motorised (and motorised where authorised access use rights"	Changes made following	Deadline 4

	<p>“non-motorised (and motorised where authorised) access use rights” means rights over land to, for the purposes of the authorised development and in connection with the authorised development, pass and repass on foot and cycle, or pass by motor and mechanically propelled vehicles where such use of land is authorised by article 13(9) (permanent stopping up of, and creation of new public right of way and authorising vehicular use on public rights of way) of the Order; and to temporarily remove impediments to such passage.</p> <p>And subsequent removal of associated plots</p> <table border="1" data-bbox="412 464 1509 536"> <tr> <td data-bbox="412 464 958 536">4-17, 4-19, 4-20, 4-21, 4-22, 4-23, 5-08a, 5-10, 5-11, 5-12</td> <td data-bbox="958 464 1509 536">non-motorised (and motorised where authorised) access use rights.</td> </tr> </table>	4-17, 4-19, 4-20, 4-21, 4-22, 4-23, 5-08a, 5-10, 5-11, 5-12	non-motorised (and motorised where authorised) access use rights.	discussions with National Highways	
4-17, 4-19, 4-20, 4-21, 4-22, 4-23, 5-08a, 5-10, 5-11, 5-12	non-motorised (and motorised where authorised) access use rights.				
Schedule 10	Amendments made to the table in Schedule 10: Updates to document references, revision numbers and dates of latest documents.	This version of Schedule 10 reflects updates to revision numbers for documents submitted as part of Procedural Deadline A.	Procedural Deadline A		
	Insertion of flood warning and evacuation plan and general updates to document references, revision numbers and dates of latest documents.	Inclusion of the flood warning and evacuation plan as a certified document. General updates to reflect latest documents submitted and revision numbers for documents submitted.	Procedural Deadline B		
	Amendments made to the table in Schedule 10: Updates to document references, revision numbers and dates of latest documents.	This version of Schedule 10 reflects updates to revision numbers for documents	Deadline 1		

		submitted as part of Deadline 1.	
	Amendments made to the table in Schedule 10: Updates to document references, revision numbers and dates of latest documents.	This version of Schedule 10 reflects updates to revision numbers for documents submitted as part of Deadline 3.	Deadline 3
	Amendments made to the table in Schedule 10: Updates to document references, revision numbers and dates of latest documents.	This version of Schedule 10 reflects updates to revision numbers for documents submitted as part of Deadline 4.	Deadline 4
Schedule 12	<p>Amendment made to requirement (2):</p> <p>Applications made under requirement</p> <p>2.—(1) Where an application has been made to the relevant planning authority for any discharge, 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—</p> <ul style="list-style-type: none"> (a) the day immediately following that on which the application is received by the authority; (b) the day immediately following that on which further information has been supplied by the undertaker under paragraph 3; or (c) such longer period that is agreed in writing by the undertaker and the relevant planning authority. <p>(2) Subject to paragraph 4, in the event that the relevant planning authority does not determine an application within the period set out in sub-paragraph (1) the relevant planning authority is to be taken to have granted all parts of the application (without any condition or qualification) at the end of that period.</p> <p>(3) Any application made to the relevant planning authority pursuant to sub-paragraph (1) must include a statement to confirm whether it is likely that the subject matter of the application will give rise to any materially new or materially different environmental effects compared to those identified in the environmental statement and if it will then it must be accompanied by information setting out what those effects are.</p> <p>(4) Where an application has been made to the relevant planning authority for any discharge consent, agreement or approval required by a requirement included in this Order and</p>	Added following discussion at ISH1 – following review by the Applicant of Schedule 12 to seek to improve clarity.	Deadline 1

	<p>the relevant planning authority does not determine the application within the period set out in sub-paragraph (1) —</p> <p>(a) and the application is accompanied by a report pursuant to sub-paragraph (3) which states that the subject matter of such application is likely to give rise to any materially new or materially different environmental effects compared to those <u>identified</u> in the environmental statement; or</p> <p>(b) the relevant planning authority considers that the subject matter of such applications will give rise to any materially new or materially different environmental effects compared to those in the environmental statement,</p> <p>then the application is to be taken to have been refused by the relevant planning authority at the end of that period.</p> <p>(5) Where an application has been made to the relevant planning authority for any discharge, the undertaker will also submit a copy of that application to any requirement consultee.</p>		
Schedule 12	<p>Amendment made to sub-paragraph (2) of requirement 4:</p> <p>(2) The steps to be followed in the appeal process are as follows—</p> <p>(a) any appeal by the undertaker must be made within six months <u>42 days</u> of the date of the notice of the decision or the determination, or (where no determination has been made) the expiry of the time period set out in paragraph 2(1), giving rise to the appeal referred to in sub-paragraph (1);</p>	Amendment made following comments raised by the ExA at ISH1.	Deadline 1
Schedule 12	<p>Amendment made to sub-paragraph (3) of requirement 4:</p> <p>(3) In the event that the appointed person considers that further information is necessary to enable the appointed person to consider the appeal they must, within five working days of the appointed person's appointment, notify the appeal parties in writing specifying the further information required, <u>the appeal party from whom the information is sought, and the date by which the information is to be submitted.</u></p>	Added following discussion at ISH1 – following review by the Applicant of Schedule 12 to seek to improve clarity.	Deadline 1
Schedule 15	Various amendments made in the Protective Provisions for the Protection of Cadent Gas Limited.	Changes made following discussions with Cadent Gas Limited. Discussions regarding the insurance and security provisions suggested by	Procedural Deadline B

		Cadent in their Relevant Representation are ongoing.	
	Various amendments made in the Protective Provisions for the Protection of Cadent Gas Limited.	Changes made following discussions with Cadent Gas Limited.	Deadline 6
Schedule 16	Various amendments made in the Protective Provisions for the Protection of National Gas Transmission Plc	Changes made following discussions with National Gas – this provides for all of the changes that NGT have sought and should enable them to withdraw their representation. A change has also been made to the NGET Protective Provisions to reflect a consistent position.	Procedural Deadline B
	Various amendments made in the Protective Provisions for the Protection of National Gas Transmission Plc	Changes made following discussions with National Gas Transmission.	Deadline 1
Schedule 18	Various amendments made in the Protective Provisions for SP Manweb	Changes made following discussions with SP Manweb	Deadline 4
Schedule 19	Various amendments made in the Protective Provisions for Shell	Changes made to refer to the relevant Shell entity referred to in	Deadline 1

		the Book of Reference	
Schedule 21	Various amendments made in the Protective Provisions for National Grid Electricity Transmission PLC	Changes made following discussions with National Grid Electricity Transmission PLC	Deadline 6
	Various amendments made in the Protective Provisions for National Grid Electricity Transmission PLC	Changes made following discussions with National Grid Electricity Transmission PLC	Deadline 7
Schedule 22	Various amendments made in the Protective Provisions for United Utilities	Changes made following discussions with United Utilities	Deadline 5
Schedule 23	Various amendments made in the Protective Provisions for the Environment Agency	Changes made following discussions with the Environment Agency	Deadline 4
	Removal of Protective Provisions for the Environment Agency	As a result of no section 150 consent being provided by the Environment Agency.	Deadline 6
Schedule 24 (previously Schedule 25)	Various amendments made in the Protective Provisions for the Drainage Authority	Changes made following discussions with the Drainage Authority.	Deadline 3
Schedule 26	Various amendments made in the Protective Provisions for the Protection of National Highways Limited	Added following consideration of National Highways'	Procedural Deadline B

(previously Schedule 27)		Relevant Representation.	
	<p>Amendment made to paragraph 3:</p> <p>Works</p> <p><u>3.</u>—(1) Subject to sub-paragraphs 2 and 3 and, the undertaker must not exercise the powers conferred by—</p> <ul style="list-style-type: none"> (a) article 9 (street works); (b) article 10 (power to alter layout, etc. of streets); (c) article 11 (construction and maintenance of altered streets); (d) article 12 (temporary prohibition or restriction of use of streets and public rights of way, and authorising vehicular use of public rights of way); (e) article 13 (permanent stopping up, and creation of new public right of way and authorising vehicular use of public rights of way); <u>(e)</u> (f) article 14 (access to works); <u>(f)</u> (g) article 16 (traffic regulation measures); and <u>(g)</u> (h) article 17 (discharge of water); <p>within or on the strategic road network.</p> <p>(2) Sub-paragraph (d) does not apply to article 2(5)(c) and article 2(6).</p> <p>(3) Sub-paragraph 0 does not apply to article Error! Reference source not found. to (9) and article Error! Reference source not found..</p>	Changes made following review of this wording following ISH1	Deadline 1
	<p>Amendments made to paragraph 3:</p> <p>Works</p> <p><u>3.</u>—(1) Subject to sub-paragraphs 2 and 3, the <u>The</u> undertaker must not exercise the powers conferred by—</p> <ul style="list-style-type: none"> (a) article 9 (street works); (b) article 10 (power to alter layout, etc. of streets); (c) article 11 (construction and maintenance of altered streets); (d) article 12 (temporary prohibition or restriction of use of streets and public rights of way, and authorising vehicular use <u>on</u>of public rights of way); 	Changes made following review of this wording following consideration of NH's representations.	Deadline 3

	<p>(e) article 14 (access to works);</p> <p>(f) article 16 (traffic regulation measures); and</p> <p>(g) article 17 (discharge of water);</p> <p>within or on the strategic road network.</p>		
	<p>Amendments made to paragraph 4:</p> <p>Land</p> <p>4.—(1) The undertaker must not exercise the powers conferred by —</p> <p>(a) article 18(4) (protective works to buildings);</p> <p>(b) article 19 (authority to survey and investigate the land);</p> <p>(c) article 21 (compulsory acquisition of land);</p> <p>(d) article 23 (compulsory acquisition of rights);</p> <p>(e) article 26 (acquisition of subsoil or airspace only);</p> <p>(f) article 27 (power to override easements and other rights);</p> <p>(g) article 29 (rights under or over streets);</p> <p>(h) article 30 (temporary use of land for constructing the authorised development); and</p> <p>(i) article 31 (temporary use of land for maintaining the authorised development);</p> <p>over any part of the strategic road network or in respect of any existing rights or apparatus of National Highways in respect of any third party property, except with the consent of National Highways by written request to legalservicesinbox@nationalhighways.co.uk.</p> <p>(2) Article 24 (private rights) and article 27 (power to override easements and other rights) do does not apply to the strategic road network, unless requested to and approved by National Highways.</p>	Changes made following review of this wording following consideration of NH's representations	Deadline 3
Schedule 26 (previously Schedule 27)	Various updates to the Protective Provisions for National Highways	Changes made following discussions with National Highways	Deadline 4
	Various updates to the Protective Provisions for National Highways	Changes made following discussions with National Highways	Deadline 5

	Various updates to the Protective Provisions for National Highways	Changes made following discussions with National Highways	Deadline 6
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