



# Fosse Green Energy

EN010154

9.7 Schedule of Changes to the Draft DCO  
(Clean)

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Planning Act 2008 (as amended)

Regulation 5(2)(q)

Infrastructure Planning (Examination Procedure)

Rules 2010

12 May 2026

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## Planning Act 2008

### The Infrastructure Planning (Examination Procedure) Rules 2010

#### Fosse Green Energy Development Consent Order 202[ ]

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### 9.7 Schedule of Changes to the Draft DCO

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Planning Inspectorate Scheme Reference	EN010154
Application Document Reference	EN010154/EXAM/9.7
Author	Fosse Green Energy Limited

Version	Date	Issue Purpose
Rev 1	24 March 2026	Deadline 1
Rev 2	06 February 2026	Deadline 2
Rev 3	24 March 2026	Deadline 3A
Rev 4	12 May 2026	Deadline 5A

# 1. Schedule of Changes to the draft Development Consent Order [EN010154/APP/3.1]

1.1 The following table has been prepared by Fosse Green Energy Limited (the Applicant) to set out the changes made to the draft Development Consent Order from that submitted with the application to the Planning Inspectorate on 18 July 2025. The table below does not detail minor changes in relation to typographical errors and updates in cross-referencing.

**Table 1.1. Schedule of Changes to the draft Development Consent Order**

Reference	Change	Reason for Change	Deadline
Article 2 (Interpretation)	Article 2(1) "date of final commissioning" means <del>in respect of each part of the authorised development</del> the date on which <del>each part of</del> the authorised development commences operation by generating electricity on a commercial basis but excluding the generation of electricity during commissioning and testing;	Amendment made to provide clarity with regards to the date of decommissioning in relation to Requirement 20 (Decommissioning) of Schedule 2. Consequential amendments have also been made to Articles 29 and 30, Requirements 5, 9, 13 and 17 and paragraph 18 of Part 3 of Schedule 14.	Deadline 2
Article 2 (Interpretation)	<del>"holding company" has the same meaning as in section 1159 of the Companies Act 2006(b);</del>  <del>"subsidiary" has the same meaning as in section 1159 of the Companies Act 2006(d);</del>	The Applicant reviewed the draft Order and noted that neither "holding company" nor "subsidiary" are used. The Applicant has therefore deleted these definitions from Article 2.	Deadline 3A

<p>Article 2 (Interpretation)</p>	<p>"Permitted preliminary works" means all or any of—</p> <p>(a) environmental surveys, <del>geotechnical surveys, intrusive archaeological surveys and other investigations for the purpose of assessing ground conditions;</del></p> <p>(b) removal of plant and machinery;</p> <p>(c) above ground site preparation for temporary facilities for the use of contractors;</p> <p>(d) <u>the temporary display of site notices or advertisements;</u></p> <p>(e) <u>site clearance (including vegetation removal, demolition of existing buildings and structures);</u></p> <p>(f) <u>geotechnical surveys and other investigations for the purpose of assessing ground conditions;</u></p> <p><del>(d)</del>(g) remedial work in respect of any contamination or other adverse ground conditions;</p> <p><del>(e)</del>(h) diversion of existing apparatus and laying of temporary apparatus;</p> <p><del>(f)</del>(i) the provision of temporary means of enclosure and site security for construction; <u>or</u></p> <p><del>(g)</del> <u>the temporary display of site notices or advertisements;</u></p> <p><del>(h)</del> <u>site clearance (including vegetation removal, demolition of existing buildings and structures); or</u></p> <p><del>(i)</del>(j) advanced planting to allow for early establishment of protective screening;</p>	<p>Amendment to re-order the definition of permitted preliminary works so they are grouped into non-intrusive ((a)-(e)) and intrusive ((f)-(j)) works. This is to make cross referencing in the requirements easier.</p>	<p>Deadline 3A</p>
<p>Article 2 (Interpretation)</p>	<p>Insert a new definition</p> <p><u>"permitted preliminary works environmental management plan" means the document of that name identified in the table at Schedule 12 (documents and plans to be certified) and which is certified by the Secretary of State as the permitted preliminary works</u></p>	<p>The Applicant has inserted a new definition for "permitted preliminary works environmental management plan" in line with updates proposed at Deadline 3.</p>	<p>Deadline 3A</p>

[environmental management plan for the purposes of this Order;](#)

Article 2 (Interpretation)	<p>“commissioning” means the process of testing all systems and components of Work No. 1, <a href="#">Work No. 4</a>, <a href="#">Work No. 5A</a>, <a href="#">Work No. 5B</a> and <a href="#">Work No. 6</a> in order to ensure that they, and the authorised development as a whole, function in accordance with plant design specifications and the undertaker’s operational and safety requirements;</p>	Amendment made to address the Examining Authority's written question DCO.3.02 <b>[PD-021]</b> .	Deadline 5A
Article 2 (Interpretation)	<p>Insert a new definition</p> <p><a href="#">"National Grid Electricity Transmission Plc" means National Grid Electricity Transmission Plc (Company Number 2366977) whose registered office is at 1-3 Strand, London, WC2N 5EH or any successor as a licence holder within the meaning of Part 1 of the 1989 Act;</a></p>	The Applicant has inserted a new definition for "National Grid Electricity Transmission Plc" and subsequently removed the same definition from Part 8 of Schedule 14 in line with the Examining Authority's Schedule of Proposed Changes to the draft DCO <b>[PD-022]</b> .	Deadline 5A
Article 2 (Interpretation)	<p>“permitted preliminary works” means all or any of—</p> <ul style="list-style-type: none"> <li>(a) environmental surveys;</li> <li>(b) removal of plant and machinery;</li> <li>(c) above ground site preparation for temporary facilities for the use of contractors;</li> <li>(d) the temporary display of site notices or advertisements;</li> <li>(e) site clearance (including vegetation removal, demolition of existing buildings and structures);</li> <li>(f) geotechnical surveys and other investigations for the purpose of assessing ground conditions;</li> </ul>	The definition of "permitted preliminary works" has been amended to ensure that the undertaker has the necessary powers to carry out restoration works should the permitted preliminary works be undertaken on an abortive basis, as set out in the Permitted Preliminary Works Environmental Management Plan <b>[REP5-026]</b> .	Deadline 5A

	<p>(g) remedial work in respect of any contamination or other adverse ground conditions;</p> <p>(h) diversion of existing apparatus and laying of temporary apparatus;</p> <p>(i) the provision of temporary means of enclosure and site security for construction; <del>or</del></p> <p>(j) advanced planting to allow for early establishment of protective screening; <u>and</u></p> <p><u>(k) restoration works in accordance with paragraph 3.14.1 of the permitted preliminary works environmental management plan;</u></p>	
Article 6 (Application and modification of statutory provisions)	Article 6(1) " <del>(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;</del> "	This wording has been removed as Deadline 1 the Applicant has now agreed with the Environment Agency that it will not be seeking to disapply the requirement to obtain an environmental permit under Regulation 12 of the Environmental Permitting (England and Wales) Regulations 2016.
Article 17 (Discharge of water)	Article 17(8) "If a person who receives an application for consent or approval fails to notify the undertaker of a decision within 28 days of receiving an application for consent under paragraph (3) or approval under paragraph (4)(a) that person is deemed to have granted consent <u>or</u> given approval, as the case may be."	Correction of a minor typographical error. Deadline 2
Article 40 (Trees subject to tree preservation orders)	Article 40(1) "The undertaker may fell or lop any tree within or overhanging land within the Order limits subject to a tree preservation order which was made after <del>30</del> <u>June 2025</u> if the undertaker reasonably believes it to be necessary to do so to prevent the tree or shrub—"	The placeholder in this Article has been removed and the 30 June 2025 inserted. The provision is intended to deal with any TPOs which have been made since the submission of the application for development consent. This Deadline 2

		approach mirrors that of the Springwell Solar Farm (EN010149).	
Article 40 (Trees subject to tree preservation orders)	Article 40(1) "The undertaker may fell or lop any tree within or overhanging land within the Order limits subject to a tree preservation order which was made after <del>10 April 30 June</del> 2025 if the undertaker reasonably believes it to be necessary to do so to prevent the tree or shrub—"	Amendment of the date to refer to 10 April 2025 which is the date when the statutory designation searches were undertaken, as set out in Section 5.2.1 of the Arboricultural Impact Assessment Report <b>[APP-155]</b> .	Deadline 3A
Article 40 (Trees subject to tree preservation orders)	Article 40(1) "The undertaker may fell or lop any tree within or overhanging land within the Order limits subject to a tree preservation order which was made after <del>18 July 10 April</del> 2025 if the undertaker reasonably believes it to be necessary to do so to prevent the tree or shrub—"	Amendment made in line with the Examining Authority's Schedule of Proposed Changes to the draft DCO <b>[PD-022]</b> .	Deadline 5A
Article 40 (Trees subject to tree preservation orders)	Article 40(1)(c) "the undertaker must <del>give consult</del> the relevant planning authority <u>14 days' notice</u> prior to that activity taking place <u>except in relation to dead or dangerous trees, where only 5 days' notice is required.</u> "	Amendment made in response to submissions from North Kesteven District Council.	Deadline 2
Article 47 (Guarantees in respect of payment of compensation)	Article 47(2) "(2) The provisions are— (a) article 19 (compulsory acquisition of land); (b) article 22 (compulsory acquisition of rights); (c) article 23 (private rights); <del>(e)</del> (d) <u>article 26 (power to override easements and other rights);</u> "	Amendment made to address a comment from NKDC as compensation is payable under Article 26(4).	Deadline 2

<p>Schedule 1 (Authorised development) paragraph 2 (Authorised development)</p>	<p>" <b>Work No. 5A</b>— works to lay <a href="#">underground</a> high voltage electrical cables, access and temporary construction compound laydown areas for the electrical cables, to connect to the National Grid Navenby substation including—"</p>	<p>Amendment made to address the Examining Authority's written question DCO.1.13 <b>[PD-011]</b>.</p>	<p>Deadline 2</p>
<p>Schedule 1 (Authorised development) paragraph 2 (Authorised development)</p>	<p>" <b>Work No. 6</b>— works to lay <a href="#">underground</a> electrical cables up to 33 kV connecting Work No. 1 to Work No. 2 or Work No. 3 and Work No. 4 <a href="#">including—</a> "</p>	<p>Amendment made to address the Examining Authority's written question DCO.1.13 <b>[PD-011]</b>.</p>	<p>Deadline 2</p>
<p>Schedule 1 (Authorised development) paragraph 2 (Authorised development)</p>	<p>Paragraph 2, "In connection with and in addition to Work Nos. 1 to 9 further associated development within the Order limits comprising such other works or operations as may be necessary or expedient for the purposes of or in connection with the authorised development and insofar as they do not give rise to any materially new or materially different environmental effects from those assessed in the environmental statement, including— (a) fencing, gates, boundary treatments and other means of enclosure; (b) bunds, embankments, trenching and swales; (c) works, improvements or extensions to the existing drainage and irrigation system and works to alter the position and extent of such irrigation system; (d) irrigation infrastructure, surface water drainage systems, runoff outfalls, SuDs Ponds, storm water attenuation systems including storage basins, oil water separators, including channelling and culverting and works to existing drainage networks;</p>	<p>This text has been removed as it duplicates the provision at the start of the list of associated development.</p>	<p>Deadline 2</p>

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- (e) 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;
  - (f) works to alter the course of, or otherwise interfere with, non-navigable rivers, streams or watercourses;
  - (g) works for the provision of security and monitoring measures such as CCTV columns, lighting columns and lighting, cameras, lightning protection masts, weather stations, storage containers, communication infrastructure, and perimeter fencing;
  - (h) improvement, maintenance, repair and use of existing streets, private tracks and access roads;
  - (i) laying down, maintenance and repair of new internal access tracks, ramps, means of access, footpaths, permissive paths, cycle routes and roads, signage and information boards;
  - (j) temporary footpath diversions and closures;
  - (k) landscaping;
  - (l) temporary storage of materials prior to installation;
  - (m) 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; the alteration of the position of services and utilities; and works for the protection of buildings and land; and
  - (n) tunnelling, boring and drilling works.

~~and further associated development comprising such other works or operations as may be necessary or expedient for the purposes of or in connection with the~~

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~~construction, operation and maintenance of the authorised development which are within the Order limits and fall within the scope of work assessed in the environmental statement."~~

<p>Schedule 1 (Authorised development) paragraph 2 (Authorised development)</p>	<p>"In connection with and in addition to Work Nos. 1 to 9 further associated development within the Order limits comprising such other works or operations as may be necessary or expedient for the purposes of or in connection with the authorised development and insofar as they do not give rise to any materially new or materially different environmental effects from those assessed in the environmental statement, including— ... (f) works to alter the course of, or otherwise interfere with, <del>non-navigable rivers</del>, streams or watercourses;"</p>	<p>Amended to remove a work type not required for the purposes of the Proposed Development.</p>	<p>Deadline 3A</p>
<p>Schedule 1 (Authorised development) paragraph 2 (Authorised development)</p>	<p>"In connection with and in addition to Work Nos. 1 to 9 further associated development within the Order limits comprising such other works or operations as may be necessary or expedient for the purposes of or in connection with the authorised development and insofar as they do not give rise to any materially new or materially different environmental effects from those assessed in the environmental statement, including— ... (m) 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; the alteration of the position of services and utilities; <del>and</del> works for the protection of buildings and land; <u>and restoration works in accordance with</u></p>	<p>This wording has been amended in line with the amended definition of "permitted preliminary works" to ensure that the undertaker has the necessary powers to carry out restoration works should the permitted preliminary works be undertaken on an abortive basis, as set out in the Permitted Preliminary Works Environmental Management Plan <b>[REP5-026]</b>.</p>	<p>Deadline 5A</p>

[paragraph 3.14.1 of the permitted preliminary works environmental management plan](#); and..."

Schedule 2 (Requirements), 1 (Interpretation)	<del>""date of final commissioning" means in respect of each part of the authorised development the date on which each part of the authorised development commences operation by generating electricity on a commercial basis but excluding the generation of electricity during commissioning and testing."</del>	This wording has been removed as Deadline 2 it duplicates the definition at Article 2.
Schedule 2 (Requirements), 1 (Interpretation)	Insert a new definition  <a href="#">"part" means a part of the authorised development as set out in the written scheme submitted to the relevant planning authority and Lincolnshire County Council pursuant to requirement 6(7)</a>	In line with discussions during ISH3, the Applicant has inserted a new definition for "part" for the purposes of Schedule 2 to provide clarity in the interpretation of the requirements. Deadline 3A
Schedule 2 (Requirements), 1 (Interpretation)	Insert a new definition  <a href="#">"National Highways Consultation Zone" means the area shown cross hatched in purple on the plan included at Appendix B of the framework landscape and ecological management plan;</a>	The Applicant has inserted a new definition for the "National Highways Consultation Zone" to provide clarity as to the extent to which National Highways will be consulted on the LEMP. Deadline 5A
Schedule 2 (Requirements), 4 (Approved details and amendments to them)	Insert a new paragraph (2)  <a href="#">" (2) In determining whether to approve any amendments to any of the approved Documents, Plans, Details or Schemes, the relevant planning authority must re-consult all consultees that were required to be consulted on those Documents, Plans, Details or Schemes when those Documents, Plans, Details or Schemes were originally approved. "</a>	Included in response to National Highways' relevant representation [RR-201]. Deadline 1

<p>Schedule 2 (Requirements), 5 (Community Liaison Group)</p>	<p>Insert a new paragraph (4) <u>"(4) For the purposes of sub-paragraph (1), "commence" includes the permitted preliminary works."</u></p>	<p>Amendment made in line with the Examining Authority's Schedule of Proposed Changes to the draft DCO <b>[PD-022]</b>.</p>	<p>Deadline 5A</p>
<p>Schedule 2 (Requirements), 6 (Detailed design approval)</p>	<p>(1) "No part of the authorised development <del>may</del> <u>is to be</u> commenced until details of— (a) the layout; (b) scale; (c) proposed finished ground levels; (d) external appearance; (e) hard surfacing materials; (f) drainage, water, electrical, power and communication cables and pipelines; (g) vehicular and pedestrian access, parking and circulation areas, junction improvements and passing places; and (h) refuse or other storage units, signs and lighting, relating to that part have been submitted to and approved in writing by the relevant planning authority such approval to be in consultation with Lincolnshire County Council as local highway authority in relation to sub-paragraph (1)(g)."</p>	<p>Amended in response to ExQ2 DCO.2.11(a) <b>[PD-016]</b>.</p>	<p>Deadline 3A</p>
<p>Schedule 2 (Requirements), 6 (Detailed design approval)</p>	<p>(1) "No part of the authorised development is to be commenced until details of— (a) the layout; (b) scale; (c) proposed finished ground levels; (d) external appearance; (e) hard surfacing materials; (f) drainage, water, electrical, power and communication cables and pipelines;</p>	<p>Amendment made in line with the Examining Authority's Schedule of Proposed Changes to the draft DCO <b>[PD-022]</b>.</p>	<p>Deadline 5A</p>

	<p>(g) vehicular and pedestrian access, parking and circulation areas, junction improvements and passing places; and</p> <p>(h) refuse or other storage units, signs and lighting, relating to that part have been submitted to and approved <del>in writing</del> by the relevant planning authority such approval to be in consultation with Lincolnshire County Council as local highway authority in relation to sub-paragraph (1)(g)."</p>		
Schedule 2 (Requirements), 6 (Detailed design approval)	<p>(6) "The Battery and Energy Storage System works in either Work No. 2 or Work No. 3 must not commence <del>until written notification explanation of the choice of a Centralised Battery and Energy Storage System or a Distributed Battery and Energy Storage System</del> has been provided in writing to the relevant planning authority <u>that the authorised development is to be implemented with either Work No. 2 or Work No. 3.</u>; <del>either before, or at the same time as, the details referred to in sub-paragraph (1).</del>"</p>	Amended in response to ExQ2 DCO.2.11(b) <b>[PD-016]</b> .	Deadline 3A
Schedule 2 (Requirements), 6 (Detailed design approval)	<p>(6) "The Battery and Energy Storage System works <u>authorised by</u> <del>in</del> either Work No. 2 or Work No. 3 must not <u>be commenced</u> until written notification has been provided to the relevant planning authority that the authorised development is to be implemented with either Work No. 2 or Work No. 3."</p>	Amendment made in line with the Examining Authority's Schedule of Proposed Changes to the draft DCO <b>[PD-022]</b> .	Deadline 5A
Schedule 2 (Requirements), 6 (Detailed design approval)	<p>Insert new paragraph (7):</p> <p><u>"(7) The authorised development must not be commenced until a written scheme setting out the parts in which the authorised development is to be constructed has been submitted to the relevant planning authority and Lincolnshire County Council."</u></p>	Inserted to provide a mechanism for North Kesteven District Council and Lincolnshire County Council to be provided with written notification of the parts in which the Proposed Development is to be constructed.	Deadline 3A

Schedule 2 (Requirements), 6 (Detailed design approval)	Insert new paragraph (8):  " <u>(8) The permitted preliminary works must be carried out in accordance with the provisions of the permitted preliminary works environmental management plan.</u> "	Inserted to ensure the permitted preliminary works are undertaken in accordance with the permitted preliminary works environmental management plan.	Deadline 3A
Schedule 2 (Requirements), 7 (Battery safety management)	(1) "Work No. 2 or Work No. 3 must not <u>be</u> commenced until a battery safety management plan has been submitted to and approved by the relevant planning authority."  (5) "The battery safety management plan must be implemented as approved <u>throughout the operation of Work No. 2 or Work No. 3.</u> "	Amendment made in line with the Examining Authority's Schedule of Proposed Changes to the draft DCO <b>[PD-022]</b> .	Deadline 5A
Schedule 2 (Requirements), 8 (Landscape and ecological management plan)	(1) "No part of the authorised development, <u>including any preliminary vegetation clearance works for that part, is to be commenced</u> <del>may commence, and no part of the permitted preliminary works for that part comprising vegetation removal, may start</del> until a landscape and ecological management plan has been submitted to and approved by the relevant planning authority, following consultation with Lincolnshire County Council, Natural England, <del>and</del> the Environment Agency <u>and, in respect of landscaping and ecological mitigation within 15 metres of the A46, with National Highways.</u> "	Amended in response to ExQ2 DCO.2.12 and DCO.2.13 <b>[PD-016]</b> and in response to National Highways <b>[REP2-052]</b> .	Deadline 3A
Schedule 2 (Requirements), 8 (Landscape and ecological management plan)	(1) "No part of the authorised development, including any preliminary vegetation clearance works for that part, is to be commenced until a landscape and ecological management plan has been submitted to and approved by the relevant planning authority, following consultation with Lincolnshire County Council, Natural England, the Environment Agency and, in respect of landscaping and ecological mitigation within <u>the National Highways</u>	Amendment made to provide clarity as to the extent to which National Highways will be consulted on the LEMP.	Deadline 5A

Consultation Zone, ~~15 metres of the A46~~, with National Highways."

<p>Schedule 2 (Requirements), 9 (Fencing and other means of enclosure)</p>	<p>(1) "No part of the authorised development, <del>may commence, and no part of the permitted</del> <u>including any</u> preliminary works for that part comprising the provision of temporary means of enclosure, <u>is to be commenced</u> <del>may begin</del> 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 part have been submitted to and approved by the relevant planning authority."</p>	<p>Amended in response to ExQ2 DCO.2.14 <b>[PD-016]</b>.</p>	<p>Deadline 3A</p>
	<p>(2) "No part of the authorised development <del>may</del> <u>is to be commenced</u> until written details of all permanent fences, walls or other means of enclosure for that part have been submitted to and approved by the relevant planning authority."</p>		
<p>Schedule 2 (Requirements), 9 (Fencing and other means of enclosure)</p>	<p>(4) "<del>All</del> <u>Any</u> construction sites must remain securely fenced in accordance with the approved details under sub-paragraph (1) at all times during the <u>period they are being used for the purposes of constructing</u> <del>construction</del> <u>of</u> the authorised development."</p>	<p>Amendment made in line with the Examining Authority's Schedule of Proposed Changes to the draft DCO <b>[PD-022]</b>.</p>	<p>Deadline 5A</p>
	<p>(7) "Any permanent fencing, walls or other means of enclosure must be <del>properly</del> <u>retained and</u> maintained for the operational lifetime of the part of the authorised development to which it relates."</p>		

Schedule 2 (Requirements), 10 (Surface and foul water drainage)	(1) "No part of the authorised development may commence until written details of the surface water drainage scheme and (if any) foul water drainage system has been submitted to and approved by the lead local flood authority and the relevant planning authority, <a href="#">in consultation with Anglian Water and the Environment Agency.</a> "	In response to a request from the Environment Agency in <b>[RR-089]</b> and Anglian Water in <b>[RR-024]</b> .	Deadline 1
Schedule 2 (Requirements), 10 (Surface and foul water drainage)	(1) "No part of the authorised development <del>may</del> <a href="#">is to be commenced</a> until written details of the surface water drainage scheme and (if any) foul water drainage system have been submitted to and approved by the lead local flood authority and the relevant planning authority, in consultation with Anglian Water and the Environment Agency."	Amended in response to ExQ2 DCO.2.16 <b>[PD-016]</b> .	Deadline 3A
Schedule 2 (Requirements), 10 (Surface and foul water drainage)	(3) "Any scheme approved under sub-paragraph (1) must be implemented as approved <a href="#">for the operational lifetime of the authorised development.</a> "	Amendment made in line with the Examining Authority's Schedule of Proposed Changes to the draft DCO <b>[PD-022]</b> .	Deadline 5A
Schedule 2 (Requirements), 11 (Archaeology)	(1) " <del>The</del> <a href="#">No part of the</a> authorised development <del>may not</del> <a href="#">is to be commenced</a> until— (a) a scheme for additional trial trenching <a href="#">for that part</a> has been submitted to and approved by the relevant planning authority, in consultation with Historic England; (b) additional trial trenching has been carried out <a href="#">for that part</a> in accordance with the scheme approved under sub-paragraph (a); and (c) updates are made to the framework written scheme of investigation to account for the results of the additional trial trenching carried out and the updated framework written scheme of investigation is submitted to and approved in writing by the relevant planning authority in consultation with Historic England."	Amended in response to ExQ2 DCO.2.17 <b>[PD-016]</b> and consequential amendments following the amendments to the definition of "permitted preliminary works".	Deadline 3A

(2) "The [relevant part of the](#) authorised development must be carried out in accordance with the written scheme of investigation approved under sub-paragraph 1(c)."

(3) "For the purposes of sub-paragraph (1), "commence" includes any [activities within paragraphs \(f\) to \(j\) of the](#) permitted preliminary works [unless otherwise agreed with the relevant planning authority.](#)"

Schedule 2 (Requirements), 11 (Archaeology)	<p>(1) "No part of the authorised development is to be commenced until—</p> <p>(a) a scheme for additional trial trenching for that part has been submitted to and approved by the relevant planning authority, in consultation with Historic England;</p> <p>(b) additional trial trenching has been carried out for that part in accordance with the scheme approved under sub-paragraph (a); and</p> <p>(c) updates <a href="#">have been</a> <del>are</del> made to the framework written scheme of investigation to account for the results of the additional trial trenching carried out and the updated framework written scheme of investigation is submitted to and approved in writing by the relevant planning authority in consultation with Historic England."</p>	Amendment made in line with the Deadline 5A Examining Authority's Schedule of Proposed Changes to the draft DCO <b>[PD-022]</b> .
Schedule 2 (Requirements), 12 (Construction environmental management plan)	<p>(1) "No part of the authorised development may commence until a construction environmental management plan for that part has been submitted to and approved by the relevant planning authority such approval to be in consultation with Lincolnshire County Council (as the local highway authority and waste planning authority), <a href="#">National Highways</a> and the Environment Agency."</p>	Amendment made in response to Deadline 1 request from National Highways in <b>[RR-201]</b> .

	<u>"(4) for the purposes of sub-paragraph (1), "commence" includes remedial work in respect of any contamination."</u>	Amendment made in response to a Deadline 1 request from the Environment Agency at <b>[RR-089]</b> .	
Schedule 2 (Requirements), 12 (Construction environmental management plan)	(1) "No part of the authorised development <del>may</del> <u>is to be commenced</u> until a construction environmental management plan for that part has been submitted to and approved by the relevant planning authority such approval to be in consultation with Lincolnshire County Council (as the local highway authority and waste planning authority), National Highways and the Environment Agency."	Amended in response to ExQ2 DCO.2.18 <b>[PD-016]</b> .	Deadline 3A
Schedule 2, (Requirements), 13 (Operational environmental management plan)	(1) "Prior to the date of final commissioning for any part of the authorised development, an operational environmental management plan for that part must be submitted to and approved by the relevant planning authority such approval to be in consultation with Lincolnshire County Council (as the local highway authority and waste planning authority), <u>National Highways</u> and the Environment Agency."	Amendment made in response to request from National Highways in <b>[RR-201]</b> .	Deadline 1
Schedule 2, (Requirements), 13 (Operational environmental management plan)	(3) "The <del>operation of the</del> authorised development must be <del>carried out</del> <u>operated</u> and maintained in accordance with the approved operational environmental management plan."	Amendment made in line with the Examining Authority's Schedule of Proposed Changes to the draft DCO <b>[PD-022]</b> .	Deadline 5A
Schedule 2, (Requirements), 14 (Construction traffic management plan)	(1) "No part of the authorised development may commence until a construction traffic management plan for that part has been submitted to and approved by the relevant planning authority <u>in consultation with National Highways</u> ."	Amendment made in response to request from National Highways in <b>[RR-201]</b> .	Deadline 1

Schedule 2 (Requirements), 14 (Construction traffic management plan)	(1) "No part of the authorised development <del>may</del> <u>is to be</u> commenced until a construction traffic management plan for that part has been submitted to and approved by the relevant planning authority in consultation with National Highways."	Amended in response to ExQ2 DCO.2.20 <b>[PD-016]</b> .	Deadline 3A
Schedule 2, (Requirements), 15 (Soil management plan)	(1) "No part of the authorised development may commence until a soil management plan for that part has been submitted to and approved by the relevant planning authority, in consultation with Lincolnshire County Council <u>and Natural England</u> ."	Amendment made in response to request from Natural England in <b>[RR-202]</b> .	Deadline 1
Schedule 2 (Requirements), 15 (Soil management plan)	(1) "No part of the authorised development <del>may</del> <u>is to be</u> commenced until a soil management plan for that part has been submitted to and approved by the relevant planning authority, in consultation with Lincolnshire County Council and Natural England."	Amended in response to ExQ2 DCO.2.22 <b>[PD-016]</b> .	Deadline 3A
Schedule 2 (Requirements), 16 (Operational noise)	(1) "No part of the authorised development <u>which emits operational noise is to be brought into use</u> until an operational noise assessment <u>for that part has been submitted to and approved by the relevant planning authority. The operational noise assessment(s) to be submitted for the approval of the relevant planning authority must demonstrate</u> <del>containing details of</del> how the design of the <u>relevant part of the</u> authorised development <del>for that part</del> has incorporated mitigation to ensure that the <u>relevant</u> operational noise rating levels set out in Table 11-21 of Chapter 11 of the environmental statement <u>have been</u> <del>are to be</del> compiled with <del>for that part has been submitted to and approved by the relevant planning authority.</del> "	Amended in response to ExQ2 DCO.2.23 <b>[PD-016]</b> .	Deadline 3A

Schedule 2, (Requirements), 17 (Permissive paths)	"(1) Prior to the construction of a permissive path, the undertaker must submit details of that permissive path to the relevant planning authority <a href="#">for approval in consultation with North Kesteven District Council.</a> "	To reflect agreement with North Kesteven District Council.	Deadline 2
Schedule 2, (Requirements), 17 (Permissive paths)	<p>"(1) <a href="#">No part of the authorised development is to be commenced until details of—</a></p> <p><del>(a) — Prior to the construction of a permissive path, the undertaker must submit details of that permissive path to the relevant planning authority for approval in consultation with North Kesteven District Council.</del></p> <p><del>(4) The details to be submitted for approval under sub-paragraph (1) must include—</del></p> <p>(a) the final routing of the permissive path(s) to be provided, such routing to be substantially in accordance with the routing as shown on the streets, rights of way and access plans;</p> <p>(b) the specification of the permissive path(s); and</p> <p>(c) the maintenance regime for the permissive path(s),</p> <p><a href="#">relating to that part have been submitted to and approved in writing by the relevant planning authority in consultation with North Kesteven District Council.</a></p> <p>(2) <del>On the day following The permissive paths must be provided and open to the public prior to</del> the date of final commissioning of the authorised development, <a href="#">the permissive paths approved under sub-paragraph (1) must be made open to the public.</a></p> <p>(3) <a href="#">Until the commencement of any decommissioning works for the authorised development pursuant to requirement 20 (decommissioning), the approved</a></p>	Amended for clarification in line with Deadline 3 responses and in response to ExQ2 DCO.2.24 [PD-016].	Deadline 3A

~~permissive paths must be—The permissive paths must be provided and~~

(a) maintained in accordance with the details approved under sub-paragraph (1); and  
(b) kept open to the public in accordance with the details approved under section 6 'Permissive Paths' of the landscape and ecological management plan in accordance with requirement 8 (landscape and ecological management plan). ~~retained until the authorised development is decommissioned pursuant to requirement 20 (decommissioning)~~

Schedule 2, (Requirements), 17 (Permissive paths)	<p>"(1) No part of the authorised development is to be commenced until details of—</p> <p>(a) the final routing of the permissive path(s) to be provided, such routing to be substantially in accordance with the routing as shown on the streets, rights of way and access plans;</p> <p>(b) the specification of the permissive path(s); and</p> <p>(c) the maintenance regime for the permissive path(s), relating to that part have been submitted to and approved <del>in writing</del> by the relevant planning authority in consultation with North Kesteven District Council.</p> <p>(2) <del>On</del> <u>No later than</u> the day following the date of final commissioning of the authorised development, <u>all of</u> the permissive paths approved under sub-paragraph (1) must be <del>made</del> open <del>to</del> <u>for use by</u> the public."</p> <p>(3) Until the commencement of any decommissioning works for the authorised development pursuant to requirement 20 (decommissioning), the approved permissive paths must be—</p>	Amended in line with the Examining Authority's Schedule of Proposed Changes to the draft DCO <b>[PD-022]</b> and for clarity.	Deadline 5A
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	(a) maintained in accordance with the details approved under sub-paragraph (1); and (b) kept open to the public in accordance with the details approved under <del>section 6</del> <u>the</u> 'Permissive Paths' <u>section</u> of the landscape and ecological management plan)."		
Schedule 2, (Requirements), 18 Public rights of way)	"(1) No part of the authorised development may commence until a public rights of way management plan for any sections of public rights of way shown to be <u>permanently or</u> temporarily closed on the streets, rights of way and access plans for that part has been submitted to and approved by the relevant planning authority <u>in consultation with North Kesteven District Council</u> ."	To reflect agreement with North Kesteven District Council.	Deadline 2
Schedule 2 (Requirements), 18 Public rights of way)	(1) "No part of the authorised development <del>may</del> <u>is to be</u> commenced until a public rights of way management plan for any sections of public rights of way shown to be permanently or temporarily closed on the streets, rights of way and access plans for that part has been submitted to and approved by the relevant planning authority in consultation with North Kesteven District Council."	Amended in response to ExQ2 DCO.2.25 <b>[PD-016]</b> .	Deadline 3A
Schedule 2 (Requirements), 19 (Employment, skills and supply chain)	(1) " <del>The No part of the</del> authorised development <del>may</del> <u>must not be</u> commenced until an employment, skills and supply chain plan <del>in relation to that part</del> has been submitted to and approved by the relevant planning authority in consultation with Lincolnshire County Council."  (4) " <del>The Any</del> employment, skills and supply chain plan approved under sub-paragraph (1) must be implemented as approved."	Amended in response to ExQ2 DCO.2.26 <b>[PD-016]</b> and to provide for the delivery of a single employment, skills and supply chain plan for the Proposed Development.	Deadline 3A

<p>Schedule 2 (Requirements), 19 (Employment, skills and supply chain)</p>	<p>(4) "The employment, skills and supply chain plan approved under sub-paragraph (1) must be implemented as approved <a href="#">throughout the construction and operation of the authorised development.</a>"</p>	<p>Amended in line with the Examining Authority's Schedule of Proposed Changes to the draft DCO <b>[PD-022]</b>.</p>	<p>Deadline 5A</p>
<p>Schedule 2, (Requirements), 20 (Decommissioning)</p>	<p>(2) "(2) Prior to the commencement of any decommissioning works for any part of the authorised development, the undertaker must submit to the relevant planning authority for approval, in consultation with Lincolnshire County Council (in its capacity as the local highway authority and waste planning authority), <a href="#">National Highways</a> and the Environment Agency, a decommissioning environmental management plan for that part."</p>	<p>Amendment made in response to request from National Highways in <b>[RR-201]</b>.</p>	<p>Deadline 1</p>
<p>Schedule 2 (Requirements), 20 (Decommissioning)</p>	<p>" (2) Prior to the commencement of any decommissioning works for <del>any part of</del> the authorised development, the undertaker must submit to the relevant planning authority for approval, in consultation with Lincolnshire County Council (in its capacity as the local highway authority and waste planning authority), National Highways and the Environment Agency, a decommissioning environmental management plan <del>for that part.</del></p> <p>(3) The decommissioning environmental management plan submitted and approved under sub-paragraph (2) must be substantially in accordance with the <del>relevant part of</del> the framework decommissioning environmental management plan.</p>	<p>Consequential amendments following the amendments to the definition of "date of final commissioning" at Deadline 2 to provide clarity that there will be one date for the commencement of decommissioning works.</p>	<p>Deadline 2</p>

	(4) No decommissioning works must be carried out until the relevant planning authority has approved the plan submitted in relation to such works.	
	(5) The plan submitted and approved pursuant to sub-paragraph (2) must be implemented as approved for the works required to decommission <del>that part of</del> the authorised development.	
	(6) This requirement is without prejudice to any other consents or permissions which may be required to decommission <del>any part of</del> the authorised development. "	
Schedule 2 (Requirements), 20 (Decommissioning)	(3) The decommissioning environmental management plan submitted and approved under sub-paragraph (2) must be substantially in accordance with the framework decommissioning environmental management plan <u>and</u> <u>must include a timetable for the completion of decommissioning.</u>	Amended in line with the Examining Authority's Schedule of Proposed Changes to the draft DCO <b>[PD-022]</b> .
Schedule 3 (Legislation to be disapplied)	1. The following provisions do not apply in so far as they relate to activities or development carried out for the purposes of the authorised development, or in connection with the authorised development— (a) Anglian Water Authority Act 1977; (b) Lincoln Waterworks Act 1846; (c) Great Northern Railway (Junctions) Act 1865; (d) Great Northern Railway (Spalding to Lincoln) Act 1878; (e) Great Northern and Great Eastern Railway Companies Act 1879; <del>(f) The Land Drainage Supplemental Act 1871;</del> <del>(g) Lincolnshire Courthouse Act 1809;</del> <del>(h)</del> <u>(f)</u> Lincolnshire Drainage Act 1840; <del>(i)</del> <u>(g)</u> Trent and Lincolnshire Water Authority Act 1971;	Amendment made following review of the legislation sought for disapplication to address the Examining Authority's written question DCO.3.06 <b>[PD-021]</b> .

~~(j)(h)~~ River Witham Drainage and Navigation Act 1808;  
and  
~~(k)(i)~~ Witham Drainage Act 1762.;  
~~(l)~~ ~~Upper Witham Internal Drainage Board byelaws;~~  
and  
~~(m)~~ ~~Trent Valley Internal Drainage Board byelaws.~~

Schedule 4 (Streets subject to street works)

<a href="#">Lincolnshire County Council</a>	<a href="#">Those parts of the A46 that are within the limits of deviation of Work No. 6</a>	<a href="#">Street works to facilitate underground cable installation works for the length of the A46 shown in green patterned hatching on Sheet 4 of the streets, rights of way and access plans.</a>
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The inclusion of this new row has been agreed with National Highways. The **Streets, Rights of Way and Access Plans [EN010154/APP/2.3]** have been updated accordingly. Deadline 1

Schedule 6 (Streets "Articles ~~12 and 13~~" and public rights of way)

The reference to Article 13 has been removed as Schedule 6 does not relate to this article. Deadline 2

<p>Schedule 6 (Streets Deletion of "LL " for all references to Public Rights of way), Part 2          (Temporary closure of public rights of way with diversions), Part 3          (Permanent use of motor vehicles on public rights of way), Part 4          (Temporary management of public rights of way), and Part 5          (Temporary use of motor vehicles on public rights of way)</p>				<p>Amended in line with the Examining Authority's Schedule of Proposed Changes to the draft DCO <b>[PD-022]</b>.</p>	<p>Deadline 5A</p>
<p>Schedule 6 (Streets and public rights of way), Part 3          (Permanent use of motor vehicles on public rights of way)</p>	<p>Lincolnshire County Council</p>	<p>LL NoDi 4/4</p>	<p>Permanent use of motor vehicles under the direction of the undertaker between PRow 09/02 and PRow 09/04 as shown on Sheet 9 of the streets, rights of way and</p>	<p>Updated to address discrepancies identified in ExQ1 DCO.1.09 <b>[EN010154/PD/0.11]</b> and reflect amendments to updated plans.</p>	<p>Deadline 2</p>

			access plans to facilitate the construction of the authorised development."	
Schedule 6 (Streets and public rights of way), Part 4 (Temporary management of public rights of way)	Lincolnshire County Council	LL ThuN 1/1	Public Right of Way between points P <del>RoW</del> 07/07 and P <del>RoW</del> 07/08 as shown on Sheet 7 of the streets, rights of way and access plans to be managed during construction of the authorised development.	Updated to address discrepancies identified in ExQ1 DCO.1.09 [EN010154/PD/0.11] and reflect amendments to updated plans. Deadline 2
	Lincolnshire County Council	LL ThuN 5/1	Public Right of Way between points P <del>RoW</del> 07/09 and P <del>RoW</del> 09/01 as shown on	

			Sheets 7 and 9 of the streets, rights of way and access plans to be managed during construction of the authorised development.
	Lincolnshire County Council	LL NoDi 4/1	Public Right of Way between points PRow 09/02 and PRow 09/04 as shown on Sheet 9 of the streets, rights of way and access plans to be managed during construction of the authorised development.
	Lincolnshire County Council	LL NoDi 1/2	Public Right of Way between

			<p>points P<del>R</del>oW 09/01<del>3</del> and P<del>R</del>oW 09/02<del>4</del> as shown on Sheet 9 of the streets, rights of way and access plans to be managed during construction of the authorised development.</p>
	<p>Lincolnshire County Council</p>	<p>LL NoDi 1/1</p>	<p><del>Public Right of Way between points P<del>R</del>oW 09/04 and P<del>R</del>oW 09/05 as shown on Sheet 9 of the streets, rights of way and access plans to be managed during construction of the authorised development.</del></p>

Schedule 6 (Streets and public rights of way), Part 5 (Temporary use of motor vehicles on public rights of way)	Lincolnshire County Council	LL TOTH 6A/2	Temporary use of motor vehicles under the direction of the undertaker between PRow 02/09 and PRow 02/11 as shown on Sheet 2 of the streets, rights of way and access plans to facilitate the construction of the authorised development.	Updated to address discrepancies identified in ExQ1 DCO.1.09 [EN010154/PD/0.11] and reflect amendments to updated plans. Deadline 2
	<del>Lincolnshire County Council</del>	<del>LL ThuN 1/1</del>	<del>Temporary use of motor vehicles under the direction of the undertaker between PRow 07/07 and PRow 07/08 as</del>	

			shown on Sheets 7 and 9 of the streets, rights of way and access plans to facilitate the construction of the authorised development.
	Lincolnshire County Council	LL ThuN 5/1	Temporary use of motor vehicles under the direction of the undertaker between PRow 07/09 and PRow 09/01 as shown on Sheets 7 and 9 of the streets, rights of way and access plans to facilitate the construction of the

			<b>authorised development.</b>		
Schedule 11 (Hedgerows to be removed), Part 4 (Hedgerows which require removal)	<b>North Kesteven District Council</b>	<b>Removal of up to 15m of Hedgerow No.1a within the Order Limits as shown approximately edged in pink within Sheet 2 of 16 of Vol 2.9 Hedgerow Plans [EN010154/APP/2.9].</b>	<b>To facilitate the construction of the authorised development</b>		To reflect amendments to the Hedgerow Plans. <span style="float: right;">Deadline 5A</span>
	<u>North Kesteven District Council</u>	<u>Removal of up to 19m of Hedgerow No.8 within the Order Limits as shown approximately edged in pink within Sheet 2 of 16 of Vol 2.9 Hedgerow Plans [EN010154/APP/2.9].</u>	<u>To facilitate the construction of the authorised development</u>		
Schedule 12 (Documents and plans to be certified)	<i>(1)</i> <i>Document name</i>	<i>(2)</i> <i>Document reference</i>	<i>(3)</i> <i>Revision number</i>	<i>(4)</i> <i>Date</i>	Amended to reflect the insertion of a new definition at Article 2(1). <span style="float: right;">Deadline 3A</span>
	<u>Permitted preliminary works environmental management plan</u>	<u>EN010154/EXAM/9.[**]</u>	<u>1</u>	<u>[**]</u>	

	(1) <i>Document name</i>	(2) <i>Document reference</i>	(3) <i>Revision number</i>	(4) <i>Date</i>	
Schedule 12 (Documents and plans to be certified)	<a href="#">P66 outline specification</a>	<a href="#">EN010154/EXAM/9.[**]</a>	<a href="#">1</a>	<a href="#">[**]</a>	Amended to reflect the insertion of Deadline 5A a new definition in Part 9 of Schedule 15.
Schedule 14 (Protective Provisions)	Protective provisions included for Lincolnshire Fire and Rescue at Part 3 of Schedule 14.				The Applicant has included protective provisions for Lincolnshire Fire and Rescue. Deadline 1
Schedule 14 (Protective Provisions)	Protective provisions included for Cadent Gas Limited at Part 4 of Schedule 14.				The Applicant has included agreed protective provisions for Cadent Gas Limited. The latest status of negotiations between the Applicant and statutory undertakers can be found in the Schedule of Negotiations and Powers Sought <b>[EN010154/EXAM/9.6]</b> Deadline 2
Schedule 14 (Protective Provisions)	<a href="#">Protective provisions included for National Highways Limited at Part 5 of Schedule 14.</a>				The Applicant has included agreed protective provisions for National Highways Limited. Deadline 3A
Schedule 14 (Protective Provisions)	<a href="#">Protective provisions included for Anglian Water Services Limited at Part 6 of Schedule 14.</a>				The Applicant has included partially agreed protective provisions for Anglian Water Services Limited. The areas of ongoing negotiation are set out in the cover letter submitted at Deadline 3A. Deadline 3A

Schedule 14 (Protective Provisions)	<a href="#">Protective provisions included for National Grid Electricity Distribution (East Midlands) plc at Part 7 of Schedule 14.</a>	The Applicant has included agreed protective provisions for National Grid Electricity Distribution (East Midlands) plc.	Deadline 3A
Schedule 14 (Protective Provisions)	<a href="#">Protective provisions included for National Grid Electricity Transmission plc at Part 8 of Schedule 14.</a>	The Applicant has included partially agreed protective provisions for National Grid Electricity Transmission plc. The areas of ongoing negotiation are set out in the cover letter submitted at Deadline 3A.	Deadline 3A
Schedule 14 (Protective Provisions)	<a href="#">Protective provisions included for Prax Lindsey Oil Refinery Limited (in liquidation) and Prax Downstream UK Limited (in liquidation) at Part 9 of Schedule 14.</a>	The Applicant has included protective provisions for Prax Lindsey Oil Refinery Limited (in liquidation) and Prax Downstream UK Limited (in liquidation). These reflect the Applicant's preferred position and negotiations are ongoing as set out in the cover letter submitted at Deadline 3A.	Deadline 3A
Schedule 14 (Protective Provisions), Part 5 (For the protection of National Highways Limited)	<a href="#">37(3) – Insert a new definition</a>  <a href="#">"road space" refers to space on the strategic road network made available to the undertaker to undertake activities on, in, under, or over the strategic road network. Activities may include, but are not limited to, excavations, installation of utility apparatus, construction or maintenance works, and the implementation of temporary traffic management measures</a>	Amendment made to address the Examining Authority's written question DCO.3.10 <b>[PD-021]</b> .	Deadline 5A

Schedule 14 (Protective Provisions), Part 5 (For the protection of National Highways Limited)	<del>37(3) "References to any standards, manuals, contracts, regulations and directives including to specific standards forming part of the DMRB are, for the purposes of this Part of this Schedule, to be construed as a reference to the same as amended, substituted or replaced, and with such modifications as are required in those circumstances."</del>	Amendment made to remove duplication in line with the Examining Authority's Schedule of Proposed Changes to the draft DCO <b>[PD-022]</b> .	Deadline 5A
Schedule 14 (Protective Provisions), Part 5 (For the protection of National Highways Limited)	42(1)(f) " (f) National Highways has approved the audit brief and <a href="#">Curriculum Vitae CVs</a> for all road safety audits and exceptions to items raised in accordance with the road safety audit standard;"	Amended for clarity in line with the Examining Authority's Schedule of Proposed Changes to the draft DCO <b>[PD-022]</b> .	Deadline 5A
Schedule 14 (Protective Provisions), Part 5 (For the protection of National Highways Limited)	42(2)(d) "article <a href="#">12 (temporary prohibition or restriction of the use of streets and public rights of way)</a> <del>13 (stopping up of public rights of way)"</del>  42(2)(e) "article <a href="#">13 (stopping up of public rights of way)</a> <del>12 (temporary prohibition or restriction of the use of streets and public rights of way)"</del>	Amended for clarity in line with the Examining Authority's Schedule of Proposed Changes to the draft DCO <b>[PD-022]</b> .	Deadline 5A
Schedule 14 (Protective Provisions), Part 5 (For the protection of National Highways Limited)	49(4) "When National Highways is satisfied that: (a) any defects or damage arising from defects during the defects period and any defects notified to the undertaker pursuant to sub-paragraph 49(2) and any remedial works required as a result of the stage 4 road safety audit have been made good to the reasonable satisfaction of National Highways; and (b) the <a href="#">National Highways</a> costs have been paid <del>to National Highways</del> in full; <del>(c)</del> —National Highways must issue the final certificate after which the bond sum and cash surety shall be released in full provided that in the event any claim or claims have been made against the undertaker or	Amended for clarity in line with the Examining Authority's Schedule of Proposed Changes to the draft DCO <b>[PD-022]</b> .	Deadline 5A

	liability on its part has arisen under the bond sum and/or cash surety (which here shall also include any claim or claims to which National Highways are joined howsoever they arise) National Highways will be at liberty to retain a sufficient sum to ensure it does not have to meet any costs for and/or arising from and/or in connection with the specified works."		
Schedule 14 (Protective Provisions), Part 5 (For the protection of National Highways Limited)	50(b) "the undertaker has provided the cash surety which may be utilised by National Highways in the event of the undertaker failing to meet its obligations to make payments under paragraph <del>44</del> 44 or to carry out works the need for which arises from a breach of one or more of the obligations of the undertaker under the provisions of this Part of this Schedule."	Amendment made to address the Examining Authority's written question DCO.3.10 <b>[PD-021]</b> .	Deadline 5A
Schedule 14 (Protective Provisions), Part 5 (For the protection of National Highways Limited)	51(1) "National Highways must provide to the undertaker an estimate of the commuted sum, calculated in accordance with <a href="#">Financial Services Guidance S278 Commuted Lump Sum Calculation Method</a> dated 18 January 2010 or any successor guidance, prior to the commencement of the specified works."	Amendment made to address the Examining Authority's written question DCO.3.10 <b>[PD-021]</b> .	Deadline 5A
Schedule 14 (Protective Provisions), Part 5 (For the protection of National Highways Limited)	54(3) "The undertaker must comply with any requirements that National Highways may notify to the undertaker, such requirements to be notified to the undertaker not less than 7 days' in advance of the planned commencement date of the maintenance works <a href="#">of the specified works</a> ."	Amended for clarity in line with the Examining Authority's Schedule of Proposed Changes to the draft DCO <b>[PD-022]</b> .	Deadline 5A

<p>Schedule 14 (Protective Provisions), Part 6 (For the protection of Anglian Water Services Limited)</p>	<p><del>"1991 Act" means the New Roads and Street Works Act 1991;</del></p>	<p>This wording has been removed as Deadline 5A it duplicates the definition at Article 2.</p>
<p>Schedule 14 (Protective Provisions), Part 6 (For the protection of Anglian Water Services Limited)</p>	<p>"apparatus" means: (a) works, mains, pipes or other apparatus belonging to or maintained by Anglian Water for the purposes of water supply and sewerage; (b) any drain or works vested in Anglian Water under the Water Industry Act 1991; (c) any sewer which is so vested or is the subject of a notice of intention to adopt given under section 102(4) of <del>that</del> <a href="#">the Water Industry Act 1991</a> or an agreement to adopt made under section 104 of that Act, (d) any drainage system constructed for the purpose of reducing the volume of surface water entering any public sewer belonging to Anglian Water; and (e) includes a sludge main, disposal main or sewer outfall and any manholes, ventilating shafts, pumps or other accessories forming part of any such sewer, drain or works, and includes any structure in which apparatus is or is to be lodged or which gives or will give access to apparatus; and for the purpose of this definition, where words are defined by section 219 of <del>that</del> <a href="#">the Water Industry Act 1991</a>, they shall be taken to have the same meaning;</p>	<p>Amended for clarity in line with the Deadline 5A Examining Authority's Schedule of Proposed Changes to the draft DCO <b>[PD-022]</b>.</p>
<p>Schedule 14 (Protective Provisions), Part 7 (For the protection of National Grid</p>	<p>77(5) "If the undertaker or NGED <a href="#">require the diversion or removal of</a> <del>requires to remove or divert</del> any apparatus placed within the Order land and alternative apparatus is to be constructed in land not owned or controlled by the undertaker as a consequence of the removal or</p>	<p>Amended for clarity in line with the Deadline 5A Examining Authority's Schedule of Proposed Changes to the draft DCO <b>[PD-022]</b>.</p>

Electricity Distribution (East Midlands) Plc)	diversion of apparatus then NGED shall use its reasonable endeavours to obtain alternative rights in the land in which the alternative apparatus is to be constructed."		
Schedule 14 (Protective Provisions), Part 7 (For the protection of National Grid Electricity Distribution (East Midlands) Plc)	79(8) "The undertaker is not required to comply with sub-paragraph (1) in a case of emergency but in that case it must give to NGED notice as soon as is reasonably practicable and a plan of those works as soon as reasonably practicable subsequently and must comply with any reasonable requirements stipulated by NGED under sub-paragraph (2) and with sub-paragraphs (5) and (6) in so far as is reasonably practicable in the circumstances. Nothing in this sub-paragraph prevents NGED from exercising its rights under <a href="#">paragraph 78 sub-paragraph (7)</a> ."	Amended to rectify a typographical error with regards to cross-referencing.	Deadline 5A
Schedule 14 (Protective Provisions), Part 8 (For the protection of National Grid Electricity Transmission Plc)	(3) Sub-paragraph (2) does not apply where the benefit of the Order is transferred or granted to National Grid Electricity Transmission Plc (but without prejudice to <a href="#">sub-paragraph 95(4)(b)</a> <del>11(3)(b)</del> ).	Amendment made to address the Examining Authority's written question DCO.3.13 <b>[PD-021]</b> .	Deadline 5A
Schedule 14 (Protective Provisions), Part 8 (For the protection of National Grid Electricity Transmission Plc)	86 <del>"National Grid Electricity Transmission Plc" means National Grid Electricity Transmission Plc (Company Number 2366977) whose registered office is at 1-3 Strand, London, WC2N 5EH or any successor as a licence holder within the meaning of Part 1 of the 1989 Act;</del>	Deletion of this definition subsequent to the insertion of the same definition for "National Grid Electricity Transmission Plc" at Article 2 in line with the Examining Authority's Schedule of Proposed Changes to the draft DCO <b>[PD-022]</b> .	Deadline 5A

<p>Schedule 14 (Protective Provisions), Part 8 (For the protection of National Grid Electricity Transmission Plc)</p>	<p>86 “Navenby Project” means the proposed construction of the Navenby substation and associated overhead electricity lines to be undertaken by National Grid Electricity Transmission Plc <a href="#">the subject of a planning application submitted on [**] by North Kesteven District Council with planning application reference [**]</a>;</p>	<p>Amended to provide further clarity following the submission of the planning application for the Navenby substation.</p>	<p>Deadline 5A</p>
<p>Schedule 14 (Protective Provisions), Part 8 (For the protection of National Grid Electricity Transmission Plc)</p>	<p>86 “Navenby Site” <a href="#">means the land shown edged red and purple on drawing reference [**] in connection with planning application reference [**] in respect of the Navenby Project; includes—</a> <del>(a) — land on which any Navenby Project apparatus is situated;</del> <del>(b) — land on which Navenby Project apparatus is anticipated to be situated (in so far as the same has been notified by National Grid Electricity Transmission Plc in writing to the undertaker); and</del> <del>(c) — land on which any rights associated with the Navenby Project are anticipated (in so far as the same has been notified by National Grid Electricity Transmission Plc in writing to the undertaker);</del></p>	<p>Amended to provide further clarity as to the extent of the Navenby Site following the submission of the planning application for the Navenby substation.</p>	<p>Deadline 5A</p>
<p>Schedule 14 (Protective Provisions), Part 8 (For the protection of National Grid Electricity Transmission Plc)</p>	<p>86 “NGESO” means <a href="#">National Energy System Operator</a> as defined in the STC;</p>	<p>Amendment made to address the Examining Authority's written question DCO.3.13 <b>[PD-021]</b>.</p>	<p>Deadline 5A</p>
<p>Schedule 14 (Protective Provisions), Part 8 (For the protection of National Grid Electricity Transmission Plc)</p>	<p>88 “Except for paragraphs 89 (apparatus of National Grid Electricity Transmission Plc in affected streets), 93 (retained apparatus: protection), 94 (expenses) and 95 (indemnity) of this <a href="#">Part of this</a> Schedule which will apply in respect of the exercise of all or any powers under the</p>	<p>Amended for clarity in line with the Examining Authority's Schedule of Proposed Changes to the draft DCO <b>[PD-022]</b>.</p>	<p>Deadline 5A</p>

Electricity Transmission Plc)	Order affecting the rights and apparatus of National Grid Electricity Transmission Plc, the other provisions of this Schedule do not apply to apparatus in respect of which the relations between the undertaker and National Grid Electricity Transmission Plc are regulated by the provisions of Part 3 of the 1991 Act."		
Schedule 14 (Protective Provisions), Part 8 (For the protection of National Grid Electricity Transmission Plc)	90(2) " <del>Regardless of any provision in this Order or anything shown on the land plans, the undertaker must not unless otherwise agreed in writing acquire any land forming part of the Navenby Site.</del> "	Deletion as this wording was included in error and reflects the preferred position of NGET and has not been agreed between the parties.	Deadline 5A
Schedule 14 (Protective Provisions), Part 8 (For the protection of National Grid Electricity Transmission Plc)	95(2) "If as a result of the authorised development National Grid Electricity Transmission Plc's access to the Navenby Project <del>or to any Navenby Site</del> is materially obstructed, the undertaker must provide such alternative means of access that will allow National Grid Electricity Transmission Plc to maintain apparatus or use apparatus no less efficiently than was possible before the obstruction."	Amendment to reflect the recent submission of the planning application for the Navenby substation by NGET.	Deadline 5A
Schedule 14 (Protective Provisions), Part 8 (For the protection of National Grid Electricity Transmission Plc)	95(3) "The fact that any act or thing may have been done by National Grid Electricity Transmission Plc on behalf of the undertaker or in accordance with a plan approved by National Grid Electricity Transmission Plc or in accordance with any requirement of National Grid Electricity Transmission Plc or under its supervision will not (unless sub-paragraph <del>(3)</del> (4) applies), excuse the undertaker from liability under the provisions of this sub-paragraph (1) unless National Grid Electricity Transmission Plc fails to carry out and execute the works properly with due care and attention and in a	Amendment made to address the Examining Authority's written question DCO.3.13 <b>[PD-021]</b> .	Deadline 5A

skilful and workmanlike manner or in a manner that does not accord with the approved plan."

Schedule 14 (Protective Provisions), Part 8 (For the protection of National Grid Electricity Transmission Plc)	95(4)(b) "any authorised works and/or any other works authorised by this Part of this Schedule carried out by National Grid Electricity Transmission Plc as an assignee, transferee or lessee of the undertaker with the benefit of the Order pursuant to section 156 of the Planning Act 2008 or article <del>34</del> <b>35</b> ( <del>consent to transfer the</del> benefit of the Order) subject to the proviso that once such works become apparatus ("new apparatus"), any authorised works yet to be executed and not falling within this sub-section <del>34</del> (b) will be subject to the full terms of this Part of this Schedule including this paragraph 95; and/or"	Amendment made to address the Examining Authority's written question DCO.3.13 <b>[PD-021]</b> .	Deadline 5A
Schedule 14 (Protective Provisions), Part 8 (For the protection of National Grid Electricity Transmission Plc)	95(8) " <del>The undertaker shall not</del> <b>Not to</b> commence construction (and not to permit the commencement of such construction) of the authorised works on any land owned by National Grid Electricity Transmission Plc or in respect of which National Grid Electricity Transmission Plc has an easement or wayleave for its apparatus or any other interest or to carry out any works within 15 metres of National Grid Electricity Transmission Plc's apparatus until the following conditions are satisfied—"	Amended for clarity in line with the Examining Authority's Schedule of Proposed Changes to the draft DCO <b>[PD-022]</b> .	Deadline 5A
Schedule 14 (Protective Provisions), Part 9 (For the protection of Phillips 66 Limited)	Protective provisions included for Prax Lindsey Oil Refinery Limited (in liquidation) and Prax Downstream UK Limited (in liquidation) at Part 9 of Schedule 14 replaced by protective provisions for the protection of Phillips 66 Limited.	The Applicant has inserted revised protective provisions following Phillips 66 Limited's acquisition of the assets formerly owned by Prax Lindsey Oil Refinery Limited (in liquidation) and Prax Downstream	Deadline 5A

UK Limited (in liquidation). These are partially agreed.

<p>Schedule 15 (Procedure for discharge of requirements), 2 (Application made under requirement)</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 <u>and the requirement consultee will be given no less than 15 working days in which to respond to the relevant planning authority.</u>"</p>	<p>Additional wording included in response to a request from the Environment Agency <b>[RR-089]</b>.</p>	<p>Deadline 1</p>
<p>Schedule 15 (Procedure for discharge of requirements), 2 (Applications made under requirement)</p>	<p>"(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 ten weeks beginning with the later of— (a) The <u>working</u> day immediately following <u>the day that</u> on which the application is received by the authority; (b) the <u>working</u> day immediately following <u>the day that</u> 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>	<p>Amended in line with the Examining Authority's Schedule of Proposed Changes to the draft DCO <b>[PD-022]</b>.</p>	<p>Deadline 5A</p>
<p>Schedule 15 (Procedure for discharge of requirements), 2 (Applications made under requirement)</p>	<p>"(5) <u>At the same time as submitting</u> <del>Where</del> an application has been made to the relevant planning authority for any discharge, the undertaker <u>must also give notification of such application, and provide a copy of the application electronically via email (unless otherwise agreed between the parties), will also submit a copy of that application</u> to any requirement consultee, <del>and the requirement consultee will be given no less than 15 working days in which to respond to the relevant</del></p>	<p>Amended in response to the Examining Authority's Schedule of Proposed Changes to the draft DCO <b>[PD-022]</b>.</p>	<p>Deadline 5A</p>



<p>Schedule 15          (Procedure for discharge of requirements), 3          (Further information and consultation)</p>	<p>(1) In relation to any application to which this Schedule applies, the relevant planning authority may request such reasonable further information from the undertaker as is necessary to enable it to consider the application.</p> <p>(2) In the event that the relevant planning authority considers such further information to be necessary and the provision governing or requiring the application does not specify that consultation with a requirement consultee is required, the relevant planning authority must, within 20 working days of receipt of the application, notify the undertaker in writing specifying the further information required.</p> <p>(3) If the provision governing or requiring the application specifies that consultation with a requirement consultee is required, the relevant planning authority must <del>issue the consultation to the requirement consultee within 10 working days of receipt of the application, and must</del> notify the undertaker in writing specifying any further information the relevant planning authority considers necessary <del>or of</del> that is requested by the requirement consultee <del>within 10 working days of receipt of such a request and in any event</del> within <del>20</del> 25 working days of receipt of the application (or such other period as is agreed in writing between the undertaker and the relevant planning authority).</p> <p>(4) In the event that the relevant planning authority does not give notification as specified in sub-paragraph (2) or (3) it is deemed to have sufficient information to consider the application and is not thereafter entitled to request</p>	<p>Amended in response to the Examining Authority's Schedule of Proposed Changes to the draft DCO <b>[PD-022]</b>.</p>	<p>Deadline 5A</p>
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further information without the prior agreement of the undertaker.

(5) Where further information is requested under this paragraph in relation to part only of an application, that part is to be treated as separate from the remainder of the application for the purposes of calculating time periods in paragraph (2)(1) and (3).

(6) Where further information is requested under this paragraph and provided by the undertaker, any notification reasonably given by the relevant planning authority that the information provided is inadequate and requesting additional information must be received by the undertaker within five working days, or such longer period as is agreed (including where the quantity of information is substantial or requirement consultees are involved) of the day on which the undertaker has provided the further information in response to the original request, and where no such notification is received the relevant planning authority is deemed to have sufficient information to consider the application and is not thereafter entitled to request further information without the prior agreement of the undertaker.

(7) If the provision governing or requiring the application specifies that consultation with a requirement consultee is required—

(a) a requirement consultee is required to notify the relevant planning authority in writing specifying any reasonable further information it considers necessary in

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order to comment on the application within 15 working days of receipt of the application pursuant to paragraph 2(5);

(b) If a requirement consultee does not give notification as specified in sub-paragraph (a) it is deemed to have sufficient information to comment on the application and is not thereafter entitled to request further information without the prior agreement of the undertaker and relevant planning authority;

(c) At the same time as providing any further information to the relevant planning authority pursuant to a request under paragraph 2, if the undertaker has been notified of further information requested by a requirement consultee, the undertaker must also give any further information to the requirement consultee;

(d) A requirement consultee is required to notify the relevant planning authority in writing of any comments on the application within 15 working days of receipt of the application from the undertaker pursuant to paragraph 2(5), or the receipt of any further information pursuant to sub-paragraph (c) (where further information has been requested); and

(e) If a requirement consultee does not give notification as specified in sub-paragraph (d) it is deemed to have no comments on the application.

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<p>Schedule 15 (Procedure for discharge of requirements), 4 (Appeals)</p>	<p>(11) "On application by the relevant planning authority or the undertaker, the appointed person may give directions as to the costs of the appeal parties and as to the parties by whom the costs of the appeal are to be paid. In considering whether to make any such direction and the terms on which it is to be made, the appointed person must have regard to advice on planning appeals and award costs published in Planning Practice Guidance: Appeals (<del>April 2024</del> <del>March 2014</del>) or any circular or guidance which may from time to time replace it."</p>	<p>To refer to the latest Planning Practice Guidance.</p>	<p>Deadline 2</p>
<p>Schedule 15 (Procedure for discharge of requirements), 4 (Appeals)</p>	<p>(3) "In the event that the appointed person considers that further information is necessary to <del>the appointed person to consider</del> <del>the appeal,</del> <del>the appointed person</del> <del>they</del> must within 10 working days of <del>the appointed person's</del> <del>their</del> appointment, notify the appeal parties in writing specifying the further information required."</p>	<p>Amended for clarity in line with the Examining Authority's Schedule of Proposed Changes to the draft DCO [PD-022].</p>	<p>Deadline 5A</p>
<p>Schedule 15 (Procedure for discharge of requirements), 5 (Fees)</p>	<p>"(2) The fee payable for each application under sub-paragraph (1) is as follows—</p> <p>(a) a fee of <del>£2,676</del> <del>£2,535</del> for the first application for the discharge of each of the requirements 6, <del>7</del>, 8, <del>9</del>, <del>10</del>, <del>11</del>, 12, 13, <del>14</del>, <del>15</del> and 20;</p> <p>(b) a fee of <del>£610</del> <del>£578</del> for each subsequent application for the discharge of each of the requirements listed in paragraph (a) and any application under requirement 4 in respect of the requirements listed in paragraph (a); and</p> <p>(c) a fee of <del>£309</del> <del>£145</del> for any application for the discharge of—</p>	<p>Amended in line with the planning fee schedule which came into force on 1 April 2026.</p>	<p>Deadline 5A</p>

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- (i) any other requirements not listed in paragraph (a);
  - (ii) any application under requirement 4 in respect of requirements not listed in paragraph (a); and
  - (iii) any approval required by a document referred to by any requirement or a document approved pursuant to any requirement."
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