

# Steeple Renewables Project

## Draft Development Consent Order – Schedule of Changes

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## **Draft Development Consent Order – Schedule of Changes**

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**STEEPLE RENEWABLES PROJECT**

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1 Schedule of Changes of the draft Development Consent Order following ExQ1

Table 1: Table of amendments submitted to the draft Development Consent Order (Revision 02) following ExQ1

Article/Paragraph/Schedule Number	Amendment	Reason
<b>Changes made throughout the DCO</b>	Various minor amendments have been made to the dDCO to correct punctuation and grammatical errors	For clarity and consistency.
<b>Changes made throughout the DCO</b>	Amendments have been made to correct cross-referencing errors	For clarity and consistency.
<b>Articles</b>		
<b>Preamble, Paragraph 2</b>	The following paragraph has been amended: <i>The application was examined by the Examining Authority a panel of 2 members appointed by the Secretary of State pursuant to Chapter 3 of Part 6 of the 2008 Act and carried out in accordance with Chapter 4 of Part 6 of the 2008 Act and the Infrastructure Planning (Examination Procedure) Rules 2010(c).</i>	To update for project specific information.
<b>Preamble, Paragraph 3</b>	The following paragraph has been amended: <i>The Examining Authority panel, [having considered the representations made and not withdrawn] and the application together with the accompanying documents, in accordance with section 83 of the 2008 Act, has submitted a report and recommendation to the Secretary of State.</i>	To update for project specific information.

Preamble, Paragraph 4	<p>The following paragraph has been amended:</p> <p><i>The Secretary of State, [having considered the representations made and not withdrawn], and the recommendations and report of the <a href="#">Examining Authority panel</a>, and <a href="#">has</a> taken into account the environmental information in accordance with regulation 4 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017(a) <a href="#">an, as a national policy statement has effect in relation to the proposed development, has had regard to the documents referred to in section 104(2) of the 2008 Act.</a></i></p>	To update for project specific information.
Preamble, Paragraph 5	<p>The following paragraph has been amended:</p> <p><i><a href="#">The Secretary of State</a> has decided to make an Order granting development consent for the development described in the application <a href="#">[with modifications which in the opinion of the Secretary of State do not make any substantial changes to the proposals comprised in the application.]</a></i></p>	To update for project specific information.
Preamble, Paragraph 6	<p>The following paragraph has been amended:</p> <p><i><a href="#">The Secretary of State, in exercise of the powers conferred by sections 114(b), 115(c), 117(d), 120(e), 122(f), <del>and</del> 123(g), 127(h), 138(i), 154 and 229 of, and paragraphs 1 to 5, 10 to 17, 26, 33, 36 and 37 of Part 1 of Schedule 5 to, the 2008 Act, makes the following Order—</a></i></p>	To update for project specific information.
Part 1, Preliminary, Paragraph 2, Interpretation	<p>The following definition have been inserted:</p> <p><i><a href="#">"the 1984 Act" means the Road Traffic Regulation Act 1984(n);</a></i></p>	To provide a definition for a term.
Part 1, Preliminary, Paragraph 2, Interpretation	<p>The following definition has been inserted:</p> <p><i><a href="#">"arboricultural impact assessment" means the document certified by the Secretary of State as the arboricultural impact assessment for the purposes of the Order in accordance with article 36 (certification of plans, etc);</a></i></p>	Revision made to ensure the applicable document is certified.
Part 1, Preliminary, Paragraph 2, Interpretation	<p>The following definition has been removed:</p> <p><i><del>"battery energy storage" means equipment used for the storage of electrical energy by battery;</del></i></p>	Term moved to Schedule 1.
Part 1, Preliminary, Paragraph 2, Interpretation	<p>The following definition has been amended:</p> <p><i><a href="#">"book of reference" means the document book of reference certified by the Secretary of State as the book of reference for the purposes of the Order in accordance with <del>article 34</del><a href="#">article 36</a> (certification of plans, etc);</a></i></p>	For clarity and consistency.

Part 1, Preliminary, Paragraph 2, Interpretation	The following definition has been removed: <i>"cable circuit" means an electrical conductor necessary to transmit electricity between two points within the authorised development and may include one or more auxiliary cables for the purpose of gathering monitoring data;</i>	Term not used.
Part 1, Preliminary, Paragraph 2, Interpretation	The following definition has been removed: <i>"CCTV" means a closed circuit television security system;</i>	Term moved to Schedule 1.
Part 1, Preliminary, Paragraph 2, Interpretation	The following definition has been inserted: <i>"flood risk assessment" means the document certified by the Secretary of State as the flood risk assessment for the purposes of this Order in accordance with article 36 (certification of plans, etc);</i>	For clarity and consistency and to ensure that the document is certified.
Part 1, Preliminary, Paragraph 2, Interpretation	The following definition has been amended: <i>"generating station" has the same meaning as in Part 1 of the Electricity Act 1989 Act (see section 64(1) of that Act);</i>	For clarity and consistency
Part 1, Preliminary, Paragraph 2, Interpretation	The following definition has been removed: <i>"inverter" means electrical equipment required to convert direct current power generated by the solar panels to alternating current power;</i>	Term moved to Schedule 1.
Part 1, Preliminary, Paragraph 2, Interpretation	The following definition has been amended: <i>"maintain" includes inspect, repair, adjust, alter, remove, refurbish, reconstruct, replace and improve any part of, but not remove, reconstruct or replace the whole of, the authorised development, provided these do not give rise to any materially new or materially more adverse different environmental effects compared to those identified in the environmental statement, and "maintenance" and "maintaining" are to be construed accordingly;</i>	To update definition to align with precedent.
Part 1, Preliminary, Paragraph 2, Interpretation	The following definition has been removed: <i>"mounting structure" means a frame or rack with posts made of galvanised steel or other material pushed into the ground to support the solar panels;</i>	Term moved to Schedule 1.
Part 1, Preliminary, Paragraph 2, Interpretation	The following definition has been amended: <i>"Order limits" means the limits shown on the land works plans within which the authorised development may be carried out and land acquired or used;</i>	For clarity and consistency, the works plans are the relevant plans for determining order limits, although the red line is the same across all plans.

<b>Part 1, Preliminary, Paragraph 2, Interpretation</b>	<p>The following definition has been amended:</p> <p><i>"outline DP decommissioning plan" means the document certified by the Secretary of State as the outline decommissioning plan for the purposes of the Order in accordance with article 34 article 36 (certification of plans, etc);</i></p>	For clarity and consistency.
<b>Part 1, Preliminary, Paragraph 2, Interpretation</b>	<p>The following definition has been amended:</p> <p><i>"outline OEMP" means the document certified by the Secretary of State as the outline operational environmental management plan for the purposes of this Order in accordance with article 34 article 36 (certification of plans, etc);</i></p>	For clarity and consistency.
<b>Part 1, Preliminary, Paragraph 2, Interpretation</b>	<p>The following definition has been amended:</p> <p><i>"outline skills, supply chain and employment plan" means the document certified by the Secretary of State as the outline skills, supply chain, and employment and skills plan for the purposes of this Order in accordance with article 34 article 36 (certification of plans, etc);</i></p>	For clarity and consistency.
<b>Part 1, Preliminary, Paragraph 2, Interpretation</b>	<p>The following definition has been inserted:</p> <p><i>"outline WSI" means the documents certified by the Secretary of State as the outline written scheme of investigation for pre-determination trial trenching and the outline written scheme of investigation for post consent archaeological works for the purposes of this Order in accordance with article 36 (certification of plans, etc);</i></p>	Revision made to ensure that the outline WSI as submitted is a certified document.
<b>Part 1, Preliminary, Paragraph 2, Interpretation</b>	<p>The following definition has been removed:</p> <p><i>"requirements" means those matters set out in Part 1 of Schedule 2 (requirements) and "requirement" means any one of those requirements;</i></p>	Term removed to improve comprehension throughout DCO.
<b>Part 1, Preliminary, Paragraph 2, Interpretation</b>	<p>The following definition has been inserted:</p> <p><i>"site location plan" means the plan certified by the Secretary of State as the site location plan for the purposes of the Order in accordance with article 36 (certification of plans, etc);</i></p>	Revision made to ensure this plan is certified.
<b>Part 1, Preliminary, Paragraph 2, Interpretation</b>	<p>The following definition has been removed:</p> <p><i>"solar panel" means a solar photovoltaic panel designed to convert solar irradiance to direct current electrical energy fitted to a mounted structure;</i></p>	Term moved to Schedule 1.
<b>Part 1, Preliminary, Paragraph 2, Interpretation</b>	<p>The following definition has been inserted:</p>	Revision made to ensure this plan is certified.

	<p><i>"streets, access and rights of way plan" means the plans described as the access and rights of way plans certified by the Secretary of State for the purposes of this Order in accordance with article 36 (certification of plans, etc);</i></p>	
<b>Part 1, Preliminary, Paragraph 2, Interpretation</b>	<p>The following definition has been removed:</p> <p><i>"subsidiary" has the same meaning as in section 1159 of the Companies Act 2006(d);</i></p>	Term not used.
<b>Part 1, Preliminary, Paragraph 2, Interpretation</b>	<p>The following definition has been removed:</p> <p><i>"substation" means a compound containing electrical equipment required to switch, transform, convert electricity and provide reactive power compensation with welfare facilities, means of access and other associated facilities;</i></p>	Term moved to Schedule 1.
<b>Part 1, Preliminary, Paragraph 2, Interpretation</b>	<p>The following definition has been inserted:</p> <p><i>"surface water drainage strategy" means the document certified by the Secretary of State as the surface water drainage strategy for the purposes of this Order in accordance with article 36 (certification of plans, etc)</i></p>	Revision to ensure that the document is certified.
<b>Part 1, Preliminary, Paragraph 2, Interpretation</b>	<p>The following definition has been amended:</p> <p><i>"traffic authority" has the same meaning as in section 121A (traffic authorities) of the Road Traffic Regulation Act 1984(4); Act;</i></p>	For clarity and consistency.
<b>Part 1, Preliminary, Paragraph 2, Interpretation</b>	<p>The following definition has been removed:</p> <p><i>"transformer" means a structure containing electrical switch gear serving to transform electricity generated by the solar panels and imported and exported by the batteries to a higher voltage;</i></p>	Term moved to Schedule 1.
<b>Part 1, Preliminary, Paragraph 2, Interpretation</b>	<p>The following definition has been amended:</p> <p><i>"tree retention and removal plan and protection plan" means the document plans described as the tree retention and removal plan and the tree protection plan included in the arboricultural impact assessment certified by the Secretary of State as the tree retention/removal plan and protection plan for the purposes of this Order in accordance with article 34article 36 (certification of plans, etc) as part of that arboricultural impact assessment;</i></p>	To simplify the stated term and to align with the structure of the applicable, cited documents.
<b>Part 2, Principal Powers, Article 4, Power to maintain the authorised development</b>	<p>Sub-paragraph (3) has been amended as follows:</p> <p><i>(3) This article does not authorise the carrying out of any works which are likely to give rise to any materially new or materially <del>more adverse</del><ins>different</ins> environmental effects compared to those identified in the environmental statement.</i></p>	To align with precedent drafting.

<b>Part 2, Principal Powers, Article 6, Disapplication and modification of legislative provisions</b>	<p>Sub-paragraph (2) has been amended as follows:</p> <p><i>"(k) or for the carrying out <u>development or maintenance of development</u> which has been authorised by the Steeple Renewables Project Order 202[•]."</i></p>	<p>For clarity, to ensure that the modification proposed is appropriately drafted to ensure that the Hedgerow Regulations 1997 can be read alongside the Order.</p>
<b>Part 2, Principal Powers, Article 7, Defence to proceedings in respect of statutory nuisance</b>	<p>Sub-paragraph (1) has been amended as follows:</p> <p><i>(1) Where proceedings are brought under section 82(1) (summary proceedings by a person aggrieved by statutory nuisance) of the Environmental Protection Act 1990(a) in relation to a nuisance falling within paragraph <u>(d), (fb), (g), or (ga)</u> of section 79(1) of that Act (noise emitted from premises so as to be prejudicial to health or a nuisance) no order is to be made, and no fine is to be imposed, under section 82(2) of that Act if—</i></p>	<p>To align with those potential nuisances listed in the Statement of Statutory Nuisance.</p>
<b>Part 3, Streets, Article 8, Street works</b>	<p>Sub-paragraph (3) has been amended as follows:</p> <p><i>(3) In this article "apparatus" has the same meaning as Part 3 of the 1991 Act.</i></p> <p><i>(3) Subject to article 9, where the undertaker is not the street authority, the provisions of sections 54 (notice of certain works) to 106 (index of defined expressions) of the 1991 Act apply to any street works carried out under paragraph (1).</i></p>	<p>The definition has been removed as it is unnecessary. Sub-paragraph (3) is a consequential amendment due to the inclusion of the new Article 9 (Application of the 1991 Act).</p>
<b>Part 3, Streets, Article 9, Application of the 1991 Act</b>	<p><i>The following article has been inserted:</i></p> <p><b><u>Application of the 1991 Act</u></b></p> <p><i>9.—(1) Works executed under this Order in relation to a highway which consists of or includes a carriageway are to be treated for the purposes of Part 3 (street works in England and Wales) of the 1991 Act as major highway works if they are of a description in section 86(3)(a) of the 1991 Act;</i></p> <p><i>(2) In Part 3 of the 1991 Act references to the highway authority concerned are, in relation to works which are major highway works by virtue of paragraph (1), to be construed as references to the undertaker.</i></p> <p><i>(3) The following provisions of the 1991 Act do not apply in relation to any works executed under the powers conferred by this Order—</i></p> <p><i>(a) section 56(b) (power to give directions as to timing of street works);</i></p> <p><i>(b) section 56A(c) (power to give directions as to placing of apparatus);</i></p> <p><i>(c) section 58(d) (restriction on works following substantial road works);</i></p> <p><i>(d) section 58A(e) (restriction on works following substantial street works); and</i></p>	<p>This has been added to provide a clear route to the application of the 1991 Act in favour of the Nottinghamshire County Council Permit Scheme Order 2020.</p>

(e) schedule 3A(f) (restriction on works following substantial street works).

(4) The provisions of the 1991 Act mentioned in paragraph 0 (which, together with other provisions of that Act, apply in relation to the execution of street works) and any regulations made, or code of practice issued or approved, under those provisions apply (with the necessary modifications) in relation to any stopping up, alteration or diversion of a street of a temporary nature by the undertaker under the powers conferred by article 12 (temporary stopping up and restriction of use of streets) whether or not the stopping up, alteration or diversion constitutes street works within the meaning of that Act.

(5) The provisions of the 1991 Act referred to in paragraph 0 are—

(a) section 55 (notice of starting date of works), subject to paragraph 0;

(b) section 57 (notice of emergency works);

(c) section 60 (general duty of undertakers to co-operate);

(d) section 68 (facilities to be afforded to street authority);

(e) section 69 (works likely to affect other apparatus in the street);

(f) section 76 (liability for cost of temporary traffic regulation); and

(g) section 77 (liability for cost of use of alternative route),

and all such other provisions as apply for the purposes of the provisions mentioned above.

(6) Section 55 of the 1991 Act as applied by paragraph 0 have effect as if references in section 57 of that Act to emergency works were a reference to a stopping up, alteration or diversion (as the case may be) required in a case of emergency.

(7) Any permit scheme pursuant to section 33A, and Part 3 of the 2004 Act in operation within the Order limits is disapplied in favour of the aforementioned paragraphs of this article.

**Part 3, Streets, Article 10, Power to alter layout, etc., of streets**

The following sub-paragraphs have been inserted:

(4) The powers conferred by paragraph (2)—

(a) are exercisable on the giving of not less than six weeks' notice to the street authority; and

(b) are not to be exercised without the consent of the street authority.

(5) If a street authority which received an application for consent under paragraph (4) fails to notify the undertaker of its decision before the end of the period of six

To provide a process for obtaining the applicable consent.

	<p><i>weeks beginning with the date on which the application was made, it is deemed to have granted consent.</i></p> <p><i>(6) Any application to which this article applies must include a statement that the provisions of paragraph (5) apply.</i></p> <p><i>(7) Paragraphs (4), (5) and (6) do not apply where the undertaker is the street authority for a street in which the works are being carried out.</i></p>	
<b>Part 3, Streets, Article 11, Access to works</b>	<p>Sub-paragraph (1) has been amended as follows:</p> <p><i>(a) form and lay out the permanent means of access, or improve existing means of access, in the locations specified in Part 1 (permanent <u>private</u> means of access to works) of Schedule 5 (access to works);</i></p> <p><i>(b) form and lay out the temporary means of access in the location specified in Part 2 (temporary <u>private</u> means of access to works) of Schedule 5; and</i></p>	For clarity and consistency.
<b>Part 3, Streets, Article 12, Temporary stopping up of streets and public rights of way</b>	<p>Sub-paragraph (6) has been amended as follows:</p> <p><i>(6) Any person who suffers loss by the suspension of any right of way under this article is entitled to compensation to be determined, in case of dispute, <u>as if it were a dispute</u> under Part 1 (determination of questions of disputed compensation) of the 1961 Act.</i></p>	For clarity and consistency.
<b>Part 3, Streets, Article 14, Traffic regulation measures</b>	<p>Sub-paragraph (5)(d) has been amended as follows:</p> <p><i>(d) either—</i></p> <p><i>(i) in relation to the construction of the authorised development only, have first obtained approval under <del>requirement 9</del><u>Schedule 2, Part 1, paragraph 8</u> for a construction traffic management plan for the phase of the authorised development in relation to which the power conferred by paragraph (1) or (2) is sought to be utilised; or</i></p> <p><i>(ii) in relation to the decommissioning of the authorised development only, have first obtained approval under <del>requirement 22</del><u>Schedule 2, Part 1, paragraph 21</u> for a decommissioning traffic management plan for the part of the authorised development in relation to which the power conferred by paragraph (1) or (2) is sought to be utilised.</i></p>	For clarity and consistency.
<b>Part 4, Supplemental Powers, Article 15, Discharge of water</b>	<p>Sub-paragraph (1) has been amended as follows:</p> <p><i>15.—(2) Subject to paragraphs (3), (4) and (7B) the undertaker may use any watercourse or any public sewer or drain for the drainage of water in connection with the carrying out or maintenance of the authorised development and for that purpose may lay down, take up and alter pipes and may, on any land within the</i></p>	For clarity and consistency.

	<i>Order limits, make openings into, and connections with, the watercourse, public sewer or drain.</i>	
<b>Part 4, Supplemental Powers, Article 15, Discharge of water</b>	Sub-paragraph (10) has been inserted as follows: <i>(10) An application for consent under paragraph (3) or for approval under paragraph (4)(a) must contain a written statement that the provisions of paragraph (9) apply to that application.</i>	To provide balance against the “guillotine provision”.
<b>Part 4, Supplemental Powers, Article 16, Protective works to buildings</b>	Sub-paragraph (10) has been amended as follows: <i>(10) Any compensation payable under paragraph (7) or (8) must be determined, in case of dispute, <u>as if it were a dispute</u> under Part 1 (determination of questions of disputed compensation) of the 1961 Act.</i>	For clarity and consistency.
<b>Part 4, Supplemental Powers, Article 17, Authority to survey and investigate the land</b>	Sub-paragraph (5) has been amended as follows: <i>(5) The undertaker must compensate the owners and occupiers of the land for any loss or damage arising by reason of the exercise of the authority conferred by this article, such compensation to be determined, in case of dispute, <u>as if it were a dispute</u> under Part 1 (determination of questions of disputed compensation) of the 1961 Act.</i>	For clarity and consistency.
<b>Part 4, Supplemental Powers, Article 17, Authority to survey and investigate the land</b>	Sub-paragraph (6) has been amended as follows: <i>(a) under paragraph (4)(<u>a</u><u>b</u>) in the case of a highway authority; or (b) under paragraph (4)(<u>b</u><u>e</u>) in the case of a street authority,</i>	For clarity and consistency.
<b>Part 4, Supplemental Powers, Article 17, Authority to survey and investigate the land</b>	The following sub-paragraphs have been inserted: <i>(7) Any application for consent under paragraph (4)(b) or (4)(c) must include a statement that the provisions of paragraph (6) apply to that application.</i> <i>(8) If an application for consent under paragraph (4)(b) or (4)(c) does not include the statement required under paragraph (7), then the provisions of paragraph (6) will not apply to that application.</i>	To provide balance against the “guillotine provision”.
<b>Part 5, Powers of Acquisition, Article 18, Compulsory acquisition of land</b>	Sub-paragraph (2) has been amended as follows: <i>(2) This article is subject to paragraph (2) of article 19 (time limit for exercise of authority to acquire land compulsorily) and article 19-20 (compulsory acquisition of rights). <del>and article 26 (temporary use of land for carrying out the authorised development).</del></i>	To address the precise list of articles that might restrict the general operation of article 18 (compulsory acquisition of land).

<b>Part 5, Powers of Acquisition, Article 19, Time limit for exercise of authority to acquire land compulsorily</b>	<p>Sub-paragraph (1)(a) has been amended as follows:</p> <p>(a) <i>no notice to treat is to be served under Part 1 (compulsory purchase under Acquisition of Land Act 1946) of the 1965 Act as modified by article 25 (modification of Part 1 of the 1965 Act)</i>; and</p>	For clarity and consistency.
<b>Part 5, Powers of Acquisition, Article 21, Private rights</b>	<p>Sub-paragraph (4) has been amended as follows:</p> <p>(4) <i>Any person who suffers loss by the extinguishment or suspension of any private right or restrictive covenant under this article is entitled to compensation in accordance with the terms of section 152 (compensation in case where no right to claim in nuisance)(b) of the 2008 Act to be determined, in case of dispute, as if it were a dispute under Part 1 of the 1961 Act.</i></p>	For clarity and consistency.
<b>Part 5, Powers of Acquisition, Article 22, Application of the 1981 Act</b>	<p>Sub-paragraph (6) has been amended:</p> <p>(6) <i>In section 5B(1) (extension of time limit during challenge)(b) for “section 23 of the Acquisition of Land Act 1981 (application to High Court in respect of compulsory purchase order), the three applicable period for the purposes of section 5A” substitute “section 118 (legal challenges relating to applications for orders granting development consent) of the 2008 Act, the five year period mentioned in article 18-19 (time limit for exercise of authority to acquire land compulsorily) of the Steeple Renewables Project Order 202[1].”.</i></p>	To reflect amendments made to the underlying legislation caused by Levelling Up and Regeneration Act 2023.
<b>Part 5, Powers of Acquisition, Article 25, Modification of Part 1 of the Compulsory Purchase Act 1965</b>	<p>Sub-paragraph (2) has been amended as follows:</p> <p>(2) <i>In section 4A(1) (extension of time limit during challenge) for “section 23 of the Acquisition of Land Act 1981 (application to the High Court in respect of compulsory purchase order), the three year period mentioned in applicable period for the purposes of section 4” substitute “section 118 (legal challenges relating to applications for orders granting development consent) of the 2008 Act, the five year period mentioned in article 18-19 (time limit for exercise of authority to acquire land compulsorily) of the Steeple Renewables Project Order 202[1].”.</i></p>	To reflect amendments made to the underlying legislation caused by Levelling Up and Regeneration Act 2023.
<b>Part 5, Powers of Acquisition, Article 26, Rights under or over streets</b>	<p>Sub-paragraph (4) has been amended as follows:</p> <p>(4) <i>Subject to paragraph (5), any person who is an owner or occupier of land appropriated under paragraph (1) without the undertaker acquiring any part of that person’s interest in the land, and who suffers loss as a result, is entitled to compensation to be determined, in case of dispute, as if it were a dispute under Part 1 (determination of questions of disputed compensation) of the 1961 Act.</i></p>	For clarity and consistency.

<b>Part 5, Powers of Acquisition, Article 27, Temporary use of land for carrying out the authorised development</b>	<p>Sub-paragraph (1)(b) has been amended as follows:</p> <p><i>(b) for the carrying out of site preparation works, construction and decommissioning for the authorised development.</i></p>	For clarity and consistency.
<b>Part 5, Powers of Acquisition, Article 27, Temporary use of land for carrying out the authorised development</b>	<p>Sub-paragraph (7) has been amended as follows:</p> <p><i>Any dispute as to a person's entitlement to compensation under paragraph (5), or as to the amount of the compensation, must be determined, as if it were a dispute under Part 1 (determination of questions of disputed compensation) of the 1961 Act.</i></p>	For clarity and consistency.
<b>Part 5, Powers of Acquisition, Article 27, Temporary use of land for carrying out the authorised development</b>	<p>The following sub-paragraphs have been removed:</p> <p><i>(10) The undertaker must not compulsorily acquire, acquire new rights over or impose restrictive covenants over, the land referred to in paragraph (1)(a)(i) under this Order.</i></p> <p><i>(11) Nothing in this article precludes the undertaker from—</i></p> <p><i>(a) creating and acquiring new rights or imposing restrictions over any part of the Order land identified in Schedule 7 (land in which only new rights etc. may be acquired); or</i></p> <p><i>(b) acquiring any part of the subsoil of (or rights in the subsoil of) that land under article 22 (acquisition of subsoil only) or any part of the subsoil or air space over that land under article 25 (rights under or over streets).</i></p>	To remove entries previously included in error. These entries are not required due to the undertaker not having any land which is solely listed as temporary possession land.
<b>Part 5, Powers of Acquisition, Article 28, Temporary use of land for maintaining authorised development</b>	<p>Sub-paragraph (7) has been amended as follows:</p> <p><i>(7) Any dispute as to a person's entitlement to compensation under paragraph (6), or as to the amount of the compensation, must be determined as if it were a dispute under Part 1 (determination of questions of disputed compensation) of the 1961 Act.</i></p>	For clarity and consistency.
<b>Part 5, Powers of Acquisition, Article 28, Temporary use of land for maintaining authorised development</b>	<p>Sub-paragraph (11) has been amended as follows:</p> <p><i>(11) In this article "the maintenance period" means the period of 5 years beginning with the date on which a phase of the authorised development first exports electricity to the national electricity transmission network except in relation to landscaping where "the maintenance period" means such period as set out in Schedule 2 paragraph 4(2) (implementation and maintenance of landscaping).</i></p>	To ensure period is appropriately flexible and can address the period set out in requirements.

**Part 6, Operations, Article 34, Felling or lopping of trees or removal of hedgerows**

The following article has been moved with amendments:

***Felling or lopping of trees or removal of hedgerows***

*34.—(1) The undertaker may fell or lop any tree, or shrub near any part of the authorised development, or cut back its roots, if it reasonably believes it to be necessary to do so to prevent the tree, or shrub—*

*(a) from obstructing or interfering with the construction, maintenance, operation or decommissioning of the authorised development or any apparatus used in connection with the authorised development;*

*(b) from constituting a danger to persons using the authorised development; or*

*(c) obstructing or interfering with the passage of construction vehicles to the extent necessary for the purposes of construction of the authorised development.*

*(2) In carrying out any activity authorised by paragraph (1), the undertaker must—*

*(a) do no unnecessary damage to any tree, or shrub;*

*(b) ensure all works are carried out to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other more suitable recognised codes of good practice provided these meet or exceed the appropriate British Standards; and*

*(c) pay compensation to any person for any loss or damage arising from such activity.*

*(3) Any dispute as to a person's entitlement to compensation under paragraph (2), or as to the amount of compensation, must be determined as if it were a dispute under Part 1 of the 1961 Act.*

*(4) The undertaker may, for the purposes of the authorised development—*

*(a) remove those parts of the important hedgerows within the Order limits and specified in Schedule 9 Part 1 (removal of important hedgerows); and*

*(b) remove those parts of the hedgerows as are within the Order limits and specified in Schedule 9 Part 2 (removal of hedgerows).*

*(5) The undertaker may not pursuant to paragraphs (1) fell or lop a tree or remove hedgerows or important hedgerows within the extent of the publicly maintainable highway without the prior consent of the highway authority.*

*(6) In this article "hedgerow" and "important hedgerow" have the same meaning as in the Hedgerow Regulations 1997(a).*

This has been moved from Part 7 to sit more appropriately within the Part 6 (Operations) of the Order. Sub-paragraph 4 has been added to ensure that Schedule 9 is operative.

<p><b>Part 7, Miscellaneous and general, article 36, Certification of plans, etc.</b></p>	<p>Sub-paragraph (1) has been amended as follows:</p> <p>(3) <i>The undertaker must, as soon as practicable after the making of this Order, submit to the Secretary of State copies of <del>the each of the plans and documents set out in Schedule 12 (documents to be certified) for certification that they are true copies of the plans and documents referred to in this Order.</del> —</i></p> <p><i>(a) book of reference;</i>  <i>(b) land plans;</i>  <i>(c) works plans;</i>  <i>(d) environmental statement;</i>  <i>(e) tree retention/removal plan and protection plan;</i>  <i>(f) outline construction environmental management plan;</i>  <i>(g) outline construction traffic management plan;</i>  <i>(h) outline landscape and ecological management plan;</i>  <i>(i) outline fire risk management plan;</i>  <i>(j) outline decommissioning plan; and</i>  <i>(k) streets, access and rights of way plan,</i>  <i>for certification that they are true copies of the documents referred to in this Order.</i></p>	<p>For clarity and consistency.</p>
<p><b>Part 7, Miscellaneous and general, Article 36, Felling or lopping of trees or removal of hedgerows</b></p>	<p>Article 36 has been removed as follows:</p> <p><b><del>Felling or lopping of trees or removal of hedgerows</del></b></p> <p><del>36. (1) The undertaker may fell or lop any tree, or shrub near any part of the authorised development, or cut back its roots, if it reasonably believes it to be necessary to do so to prevent the tree, or shrub —</del></p> <p><del>(a) from obstructing or interfering with the construction, maintenance, operation or decommissioning of the authorised development or any apparatus used in connection with the authorised development;</del>  <del>(b) from constituting a danger to persons using the authorised development; or</del>  <del>(c) obstructing or interfering with the passage of construction vehicles to the extent necessary for the purposes of construction of the authorised development.</del></p> <p><del>(2) In carrying out any activity authorised by paragraph (1), the undertaker must —</del></p>	<p>Consequential amendment.</p>

~~(a) do no unnecessary damage to any tree, or shrub;~~  
~~(b) ensure all works are carried out to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other more suitable recognised codes of good practice provided these meet or exceed the appropriate British Standards; and~~  
~~(c) pay compensation to any person for any loss or damage arising from such activity.~~  
~~(3) Any dispute as to a person's entitlement to compensation under paragraph (2), or as to the amount of compensation, must be determined under Part 1 of the 1961 Act.~~  
~~(4) The undertaker may not pursuant to paragraphs (1) fell or lop a tree or remove hedgerows or important hedgerows within the extent of the publicly maintainable highway without the prior consent of the highway authority.~~  
~~(5) In this article "hedgerow" and "important hedgerow" have the same meaning as in the Hedgerow Regulations 1997(a).~~

**Part 7, Miscellaneous and general,  
Article 43, Planning permissions**

Article 43 has been amended as follows:

**Inconsistent planning Planning permissions**

43—(1) If planning permission is granted under the powers conferred by the 1990 Act for development, any part of which is within the Order limits, following the coming into force of this Order that is—

(a) not itself a nationally significant infrastructure project under the 2008 Act or part of such a project; or

(b) required to complete or enable the use or operation of any part of the development authorised by this Order,

then the carrying out, use or operation of such development under the terms of the planning permission does not constitute a breach of the terms of this Order. Any planning permission which has been initiated prior to the commencement of the authorised development pursuant to this Order may continue to be lawfully implemented thereafter notwithstanding any physical incompatibility with the authorised development or inconsistency with any provision of this Order.

As from the date on which the authorised development is commenced any conditions of a planning permission granted pursuant to Part 3 (Control over Development) of the 1990 Act (whether express or otherwise) which relate to land within the Order limits or land adjacent to the Order limits cease to have

This article has been stripped back and edited as a result of ExQ1s on the topic. This was decided as a result of recent SoS decisions on similar wording.

~~effect to the extent they are inconsistent with the authorised development or with anything done or approved under the requirements in Schedule 2 (requirements).~~

~~As from the date of this Order where planning permission (whether express or otherwise) is granted (whether prior to the date of this Order or after) pursuant to Part 3 of the 1990 Act in respect of land within the Order limits for development not forming part of the authorised development, the carrying out of development pursuant to such planning permission is not to operate to prevent the undertaker from carrying out further works for the development of the authorised development pursuant to the terms of this Order.~~

~~Nothing in this Order restricts the undertaker from seeking or implementing, or the local planning authority from granting, planning permission for development within the Order limits.~~

~~Any development or any part of a development within the Order limits which is constructed or used under the authority of a planning permission pursuant to Part 3 of the 1990 Act (whether express or otherwise) following the coming into force of this Order is to be disregarded at all times for the purposes of ascertaining whether or not an offence has been committed under the provisions of section 160 (offences) or 161 (breach of terms of order granting development consent) of the 2008 Act.~~

## Schedules

Schedule 1, Authorised Development, Paragraph 1	<p>The following paragraph has been inserted:</p> <p><u>1. In this Schedule</u></p> <p><u>“balance of solar plant” means inverters, transformers, and switch gear and would be either—</u></p> <p class="list-item-l1"><u>(a) Inverter / transformer stations, each being a station comprising centralised inverters, transformers and switch gear combined as a solar conversion unit or separated with each component for each solar station either—</u></p> <p class="list-item-l2"><u>(i) a “solar station” located outside, with a concrete foundation slab or placed on metal skids for each of the inverters and transformers and switch gear; or</u></p> <p class="list-item-l2"><u>(ii) housed together within a container sitting on a concrete foundation slab or placed on metal skids; or</u></p> <p class="list-item-l1"><u>(b) string inverters attached either to mounting structures or a ground mounted frame switchgear and transformers on a concrete foundation slab or placed on metal skids;</u></p>	Terms moved, added into Schedule 1 to provide clarity and consistency.
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“battery energy storage” means equipment used for the storage of electrical energy by battery;  
“CCTV” means a closed circuit television security system;  
“electrical cables” means  
(b) cables of differing types and voltages installed for the purposes of conducting electricity, auxiliary cables, cables connecting to direct current (DC) boxes, earthing cables and optical fibre cables;  
(c) excavations to install trenching, including storage of excavated material;  
(d) provision of ducting or alternative means of conducting media including jointing pits hardstanding adjoining the jointing pits, combiner boxes, fibre bays, cable ducts, cable protections, joint protection, manholes, kiosks, marker posts, underground cable marker, tiles and tape, send and receive pits for horizontal directional drilling, trenching, lighting, and a put or container to capture fluids associated with drilling  
“inverter” means electrical equipment required to convert direct current power generated by the solar panels to alternating current power;  
“mounting structure” means a frame or rack with posts made of galvanised steel or other material pushed into the ground to support the solar panels;  
“solar panel” means a solar photovoltaic panel designed to convert solar irradiance to direct current electrical energy fitted to a mounted structure;  
“substation” means a compound containing electrical equipment required to switch, transform, convert electricity and provide reactive power compensation with welfare facilities, means of access and other associated facilities;  
“switch gear” means a combination of electrical disconnect switches, fuses or circuit breakers used to control, protect, and isolate electrical equipment; and  
“transformer” means a structure containing electrical switch gear serving to transform electricity generated by the solar panels and imported and exported by the batteries to a higher voltage.

**Schedule 1, Authorised Development,  
Paragraph 2**

Paragraph 2 has been amended as follows:

**1.2.** In the District of Bassetlaw and in the County of Nottinghamshire a nationally significant infrastructure project as defined in sections 14 and 15 of the 2008 Act and associated development under section 115(1)(b) of the 2008 Act.

The nationally significant infrastructure project authorised by this Order comprises a generating station with a gross electrical output of over 50

For clarity and consistency.

	<p><i>megawatts alternating current comprising all of any of the work numbers in this Schedule or any part of any work number in this Schedule <del>comprises the following works</del></i></p>	
<b>Schedule 1, Authorised Development, Paragraph 2, Work No. 1</b>	<p>The following sentence has been amended:</p> <p><i>and associated development within the meaning of section 115(2) (for which development consent may be granted) of the 2008 Act <del>including</del><ins>comprising</ins></i></p>	For clarity and consistency.
<b>Schedule 2, Requirements, Part 1, Paragraph 2. Phases of authorised development and date of final commissioning</b>	<p>Sub-paragraph (1) has been amended as follows:</p> <p><i>(1) The authorised development <del>may</del><ins>must</ins> not be commenced until a written scheme setting out the phases of construction of the authorised development has been submitted to and approved by the local planning authority.</i></p>	For clarity and consistency.
<b>Schedule 2, Requirements, Part 1, Paragraph 3, Detailed design approval</b>	<p>Paragraph (3) has been amended as follows:</p> <p><i>—(1) No phase of the authorised development <del>may</del><ins>can</ins> commence until details of—</i></p> <ul style="list-style-type: none"> <li><i>(a) the layout;</i></li> <li><i>(b) scale;</i></li> <li><i>(c) proposed finished ground levels;</i></li> <li><i>(d) external appearance;</i></li> <li><i>(e) hard surfacing materials;</i></li> <li><i>(f) vehicular and pedestrian access, parking and circulation areas;</i></li> <li><i>(g) refuse or other storage units, signs and lighting;</i></li> <li><i>(h) drainage, water, power and communications cables and pipelines; <ins>and</ins></i></li> <li><i>(i) programme for landscaping works; <del>and</del></i></li> <li><i>(j) <del>fencing</del>,</i></li> </ul> <p><i>relating to that phase have been submitted to and approved in writing by the local planning authority.</i></p> <p><i>(2) The details submitted must accord with the—</i></p> <ul style="list-style-type: none"> <li><i>(a) site location plan;</i></li> <li><i>(b) works plan<ins>s</ins>; and</i></li> <li><i>(c) design parameters <del>and principles</del>.</i></li> </ul> <p><i>The authorised development must be carried out in accordance with the approved details.</i></p>	For clarity and consistency.

<b>Schedule 2, Requirements, Part 1, Paragraph 5, Arboricultural method statement (AMS)</b>	<p>Paragraph (5) has been amended as follows:</p> <p>5.—(1) <i>No phase of the authorised development <del>may can</del> commence until an AMS for that phase has been submitted to and approved by the local planning authority.</i></p> <p>(2) <i>Any AMS submitted for approval must be in accordance with the tree retention and removal plan and protection plan contained within appendix 6.5 (arboricultural impact assessment) of the environmental statement and any</i></p> <p>(3) <i>Each phase of the authorised development must comply with the approved AMS approved pursuant to sub-paragraph (1) for the <del>must be adhered to for the</del> duration of the works in the phase of the authorised development to which the AMS relates</i></p>	For clarity and consistency.
<b>Schedule 2, Requirements, Part 1, Paragraph 6, Landscape and ecological management plan (LEMP)</b>	<p>Sub-paragraph (1) has been amended as follows:</p> <p>(1) <i>No phase of the authorised development <del>may can</del> commence until a LEMP covering that phase which accords with the outline LEMP has been submitted to and approved by the local planning authority in consultation with Natural England.</i></p>	For clarity and consistency.
<b>Schedule 2, Requirements, Part 1, Paragraph 6, Landscape and ecological management plan (LEMP)</b>	<p>Sub-paragraph (3) has been amended as follows:</p> <p>(3) <i>The LEMP must be implemented in accordance with the scheme as approved pursuant to sub-paragraph (1) and the implemented measures thereafter maintained throughout the operation of the relevant part of the authorised development to which the plan relates in accordance with the LEMP.</i></p>	For clarity and consistency.
<b>Schedule 2, Requirements, Part 1, Paragraph 7, Construction environmental management plan (CEMP)</b>	<p>The following sub-paragraphs have been amended:</p> <p>7.—(1) <i>No phase of the authorised development <del>may can</del> commence until a CEMP for that phase has been submitted to and approved by the local planning authority in consultation with the Environment Agency and Natural England.</i></p> <p>(2) <i>Any CEMP submitted for approval must be in accordance with the outline CEMP, and</i></p> <p>(3) <i>any All construction works associated with a relevant phase must adhere to the approved CEMP for that phase. <del>must be adhered to for the duration of the works in the phase of the authorised development to which the CEMP relates.</del></i></p>	For clarity and consistency.
<b>Schedule 2, Requirements, Part 1, Paragraph 7, Construction</b>	<p>Sub-paragraph (6) has been amended as follows:</p>	For clarity and consistency.

environmental management plan (CEMP)	(6) For the purposes of requirement 8(1) this paragraph “commence” includes any site preparation works comprising site clearance (including vegetation removal, demolition of existing buildings and structures).	
Schedule 2, Requirements, Part 1, Paragraph 8, Construction traffic management plan (CTMP)	Sub-paragraph (1) has been amended as follows: (1) No phase of the authorised development <del>can is to be</del> commenced until a CTMP covering that phase <del>and prepared</del> in accordance with the outline CTMP has been submitted to and approved by the local planning authority in consultation with the highway authority for the highway(s) to which the CTMP for that phase relates.	For clarity and consistency.
Schedule 2, Requirements, Part 1, Paragraph 8, Construction traffic management plan (CTMP)	Sub-paragraph (4) has been amended as follows: (4) For the purposes of requirement 9(1) this paragraph “commence” includes any site preparation works comprising site clearance (including vegetation removal, demolition of existing buildings and structures).	For clarity and consistency.
Schedule 2, Requirements, Part 1, Paragraph 9, Operational environmental management plan (OEMP)	Sub-paragraph (1) has been amended as follows: (1) No phase of the authorised development <del>may can</del> commence until an OEMP <del>which accords with</del> <del>prepared in accordance with</del> the outline OEMP for that phase has been submitted to and approved by the local planning authority.	For clarity and consistency.
Schedule 2, Requirements, Part 1, Paragraph 9, Operational environmental management plan (OEMP)	Sub-paragraph (3) has been amended as follows: (3) The OEMP must be implemented <u>in accordance with the scheme</u> as approved <u>pursuant to sub-paragraph (1)</u> and <u>the implemented measures thereafter</u> maintained throughout the operation of the relevant part of the authorised development to which the plan relates <u>in accordance with the OEMP</u> .	For clarity and consistency.
Schedule 2, Requirements, Part 1, Paragraph 10, Fire risk management plan (FRMP)	Paragraph (10) has been amended as follows: (10).—(1) <del>Prior to commencement of</del> Work No. 2 a <del>FRMP</del> must <u>not be commenced until a</u> <del>FRMP be is</del> submitted to and approved by the local planning authority. (2) The submitted FRMP must either <u>be in accordance</u> with the outline FRMP or <u>otherwise</u> detail such changes as the undertaker considers are required. (3) In the event that the submitted FRMP proposes <del>d</del> changes to the outline FRMP, the local planning authority must not approve the FRMP until it has consulted with the <del>Health and Safety Executive and</del> Nottinghamshire Fire and Rescue Service.	For clarity and consistency.

	<p>(4) The FRMP must be implemented <u>in accordance with the scheme</u> as approved pursuant to sub-paragraph (1) and <u>the implemented measures thereafter</u> maintained throughout the construction, maintenance, operation and decommissioning of the authorised development <u>in accordance with the FRMP</u>.</p>	
Schedule 2, Requirements, Part 1, Paragraph 11, Soil management plan (SMP)	<p>Paragraph (11) has been amended as follows:</p> <p>11.—(1) No phase of the authorised development <del>may</del><ins>can</ins> commence until an SMP <del>which accords</del><ins>prepared</ins> <u>in accordance</u> with the outline SMP for that phase has been submitted to and approved by the local planning authority <u>in consultation with Natural England</u>.</p> <p>(2) <u>The SMP must be implemented in accordance with the scheme as approved pursuant to sub-paragraph (1) and the implemented measures thereafter maintained throughout the operation of the relevant part of the authorised development to which the plan relates in accordance with the approved SMP.</u></p> <p><del>(2) The SMP must be implemented as approved.</del></p>	For clarity and consistency.
Schedule 2, Requirements, Part 1, Paragraph 12, Land contamination	<p>Sub-paragraph (1) has been amended as follows:</p> <p>(1) No phase of the authorised development, and no part of the site preparation works for the phase comprising remedial work in respect of any contamination, <del>may</del><ins>can</ins> commence until a contamination risk assessment in respect of soils has been produced which is to include details of—</p>	For clarity and consistency.
Schedule 2, Requirements, Part 1, Paragraph 12, Land contamination	<p>Sub-paragraph (3) has been amended as follows:</p> <p>(3) Where the <u>undertaker</u> <u>risk assessment</u> determines that remediation is necessary, a written scheme and programme for the remedial measures to be taken to render the land fit for its intended purpose must be prepared submitted to and approved in writing by the local planning authority in consultation with the Environment Agency.</p>	For clarity and consistency.
Schedule 2, Requirements, Part 1, Paragraph 13, Public rights of way diversions	<p>Sub-paragraph (1) has been amended as follows:</p> <p>(1) No phase of the authorised development <del>may</del><ins>can</ins> commence and no decommissioning will be undertaken until a public rights of way management plan for any sections of public rights of way shown to be temporarily closed on the streets, access and rights of way plans for that phase has been submitted to and approved by the local planning authority in consultation with the relevant highway authority.</p>	For clarity and consistency.

<b>Schedule 2, Requirements, Part 1, Paragraph 14, Operational noise</b>	<p>Sub-paragraph (1) has been amended as follows:</p> <p>(1) <i>No phase of the authorised development <del>may</del><ins>can</ins> commence until an operational noise assessment containing details of how the design of the authorised development has incorporated mitigation to ensure the operational noise rating levels as set out in the outline OEMP are to be complied with for that phase has been submitted to and approved by the local planning authority.</i></p>	For clarity and consistency.
<b>Schedule 2, Requirements, Part 1, Paragraph 15, Fencing and other means of enclosure</b>	<p>Sub-paragraph (1) has been amended as follows:</p> <p>(1) <i>No phase of the authorised development <del>may</del><ins>can</ins> commence until written details of all proposed permanent and temporary fences, walls or other means of enclosure of the connection works for that phase have been submitted to and approved by the local planning authority as part of the detailed design approval required by <del>requirement</del> <ins>paragraph 34(1) of this Schedule</ins>.</i></p>	For clarity and consistency.
<b>Schedule 2, Requirements, Part 1, Paragraph 15, Fencing and other means of enclosure</b>	<p>Sub-paragraph (2) has been amended as follows:</p> <p>(2) <i>No site preparation works <del>are to be</del><ins>can</ins> commence until written details of all proposed temporary fences, walls or other means of enclosure for the site preparation works have been submitted to and approved by the local planning authority.</i></p>	For clarity and consistency.
<b>Schedule 2, Requirements, Part 1, Paragraph 15, Fencing and other means of enclosure</b>	<p>The following sub-paragraphs have been moved/inserted:</p> <p>(4) <i>Any construction site must remain securely fenced in accordance with the approved details at all times during construction of the authorised development.</i></p> <p>(5) <i>Any approved permanent fencing must be completed before <del>completion</del> the date of final commissioning of the authorised development in accordance with the written details established by sub-paragraph (1) and thereafter maintained in accordance with the approved details:</i></p> <p>(6) <i>Any temporary fencing must be removed on completion of the phase of construction of the authorised development for which it was used.</i></p> <p>(7) <i>For the purposes of this paragraph "commence" includes any site preparation works.</i></p>	For clarity and consistency, to re-draft to be more chronological.
<b>Schedule 2, Requirements, Part 1, Paragraph 16, Surface and foul water drainage</b>	<p>Sub-paragraph (1) has been amended as follows:</p> <p>(1) <i>No phase of the authorised development <del>may</del><ins>can</ins> commence until written details of the surface and foul water drainage system for that phase have been submitted to and approved by the local planning authority.</i></p>	For clarity and consistency.

<b>Schedule 2, Requirements, Part 1, Paragraph 16, Surface and foul water drainage</b>	<p>Sub-paragraph (2) has been amended as follows:</p> <p>(2) <i>The details submitted under sub-paragraph (1) must be in accordance with and include the plans and strategies referred to in the flood risk assessment and the <del>outline drainage strategy</del><ins>surface water drainage strategy</ins>.</i></p>	To align with name of relevant document.
<b>Schedule 2, Requirements, Part 1, Paragraph 17, Archaeology</b>	<p>Sub-paragraph (1) has been amended as follows:</p> <p>(1) <i>No phase within the authorised development, and no part of the site preparation works for that phase, <del>may</del><ins>can</ins> commence until an archaeological written scheme of investigation (WSI) for that phase has been submitted to and approved by the local planning authority in consultation with the county archaeologist.</i></p>	For clarity and consistency.
<b>Schedule 2, Requirements, Part 1, Paragraph 18, Permissive path</b>	<p>Sub-paragraph (2) has been amended as follows:</p> <p>(2) <i>No phase of the authorised development which includes a permissive path <del>may</del><ins>can</ins> commence until written details of the route and maintenance provisions have been submitted to and approved by the local planning authority as part of the detailed design approval required by <del>paragraph</del><ins>requirement 34(1) of this Schedule.</ins></i></p>	For clarity and consistency.
<b>Schedule 2, Requirements, Part 1, Paragraph 19, Construction hours</b>	<p>Sub-paragraph (2)(b) has been amended as follows:</p> <p>(b) <i>works which do not cause noise that is audible at the boundary of the Order limits, and do not give rise to any materially new or materially more adverse environmental effects compared to those identified in the environmental statement.</i></p>	Removed as defunct, as explained in responses to ExQ1s.
<b>Schedule 2, Requirements, Part 1, Paragraph 19, Construction hours</b>	<p>Sub-paragraph (4) has been removed as follows:</p> <p><del>(4) Save for emergency works, works under sub-paragraph (2) must be carried out in accordance with the approved scheme.</del></p>	Removed as paragraph (2)(a) already serves to exclude emergency works from the requirement.
<b>Schedule 2, Requirements, Part 1, Paragraph 20, Protected species</b>	<p>Sub-paragraph (1) has been amended as follows:</p> <p>(1) <i>No phase of the authorised development <del>may</del><ins>can</ins> commence until protected species surveys have been carried out by a suitably qualified person. The surveys <del>shall</del><ins>will</ins> inform the mitigation measures required for the protection of such species, which <del>shall</del><ins>will</ins> be incorporated into a <del>s</del>Species <del>p</del>Protection <del>p</del>Plan that <del>shall</del><ins>will</ins> include a scheme of protection and mitigation.</i></p>	For clarity and consistency.
<b>Schedule 2, Requirements, Part 1, Paragraph 20, Protected species</b>	<p>Sub-paragraph (3) has been amended as follows</p>	For clarity and consistency.

	<p>(3) In this <del>requirement</del><a href="#">paragraph</a>, “protected species” refers to any species defined as a European Protected species in regulations 42 (European protected species of animals) and 46 (European protected species of plants) of the Conservation of Habitats and Species Regulations 2017(1) or any species to which Part 1 (wildlife) and Schedule 5 (animals which are protected) of the Wildlife and Countryside Act 1981(2) applies.</p>	
<b>Schedule 2, Requirements, Part 1, Paragraph 21, Decommissioning and restoration</b>	<p>Sub-paragraph (1) has been amended as follows:</p> <p>(1) <i>Within 3 months of the date that the undertaker decides to decommission any part of the solar farm works and grid connection works, or no later than 6 months before the 40<sup>th</sup> anniversary of the date of final commissioning of the first phase of Work No. 1 as notified by the undertaker pursuant to <del>requirement</del><a href="#">paragraph 23</a> (phasing of the authorised development and date of final commissioning) of this Schedule</i> the undertaker must submit to the local planning authority for that part (or both local planning authorises where that part falls within the administrative areas of Bassetlaw District Council and Nottinghamshire County Council) for approval a decommissioning plan and a decommissioning traffic management plan for that part. Decommissioning will commence no later than 40 years following the date of final commissioning of the first phase of Work No. 1.</p>	For clarity and consistency.
<b>Schedule 2, Requirements, Part 1, Paragraph 21, Decommissioning and restoration</b>	<p>Sub-paragraph (3)(b) has been inserted as follows:</p> <p><a href="#">(b) a waste management strategy;</a></p>	To align with the outline decommissioning plan.
<b>Schedule 2, Requirements, Part 1, Paragraph 21, Decommissioning and restoration</b>	<p>Sub-paragraph (4) has been amended as follows:</p> <p>(4) <del>No</del><a href="#">d</a> Decommissioning works <del>may</del><a href="#">must not</a> be carried out until the local planning authority or both relevant local planning authorities (as applicable) has/have approved the plans submitted in relation to such works in consultation with the Environment Agency and Natural England.</p>	For clarity and consistency.
<b>Schedule 2, Requirements, Part 1, Paragraph 22, Skills, supply chain and employment</b>	<p>Paragraph (22) has been amended as follows:</p> <p>(1) <i>No phase of the authorised development <del>may</del><a href="#">can</a> commence until a skills, supply chain and employment plan in relation to that part has been submitted to and approved by the local planning authority.</i></p> <p>(2) <i>The skills, supply chain and employment plan must be substantially in accordance with the outline <a href="#">supply chain, employment and skills plan</a> <del>skills, supply chain and employment plan</del>.</i></p>	For clarity and consistency.

	<p>(3) Any plan under this paragraph must identify opportunities for individuals and businesses to access employment and supply chain opportunities associated with that part of the authorised development and the means for publicising such opportunities.</p> <p>(4) The skills, supply chain and employment plan must be implemented <u>in accordance with the scheme</u> as approved <u>under sub-paragraph (1)</u> and <u>the implemented measures thereafter</u> maintained throughout the operation of the relevant part of the authorised development to which the plan relates.</p>	
<b>Schedule 2, Requirements, Part 1, Paragraph 24, Amendments to approval details</b>	<p>Sub-paragraph (2) has been amended as follows:</p> <p>(2) Any amendments to or variations from the approved details must be in accordance with the principles and assessments set out in the environmental statement. Such agreement may only be given in relation to immaterial changes where it has been demonstrated to the local planning authority that the subject matter of the agreement sought is unlikely to give rise to any materially new or materially <u>more adverse</u><u>different</u> environmental effects compared to those identified in the environmental statement.</p>	To align with DCO precedent examples.
<b>Schedule 2, Requirements, Part 1, Paragraph 26, Consultation</b>	<p>Paragraph 26 has been removed as follows:</p> <p><b><u>Consultation</u></b></p> <p><del>26. Where the local planning authority is required by this Order or other statute to consult with another person or body prior to discharging a requirement, the undertaker must consult with such person or body prior to making an application to discharge the requirement.</del></p>	Moved to Part 2.
<b>Schedule 2, Requirements, Part 2 Paragraph 26, Consultation</b>	<p>Paragraph 26 has been inserted as follows:</p> <p><b><u>Consultation</u></b></p> <p><b><u>26. Where the local planning authority is required by this Order or other statute to consult with another person or body prior to discharging a requirement, the undertaker must consult with such person or body prior to making an application to discharge the requirement.</u></b></p>	Paragraph relates to process and therefore sits better in Part 2.
<b>Schedule 2, Requirements, Part 2 Paragraph 27, Details of Consultation</b>	<p>Paragraph 27 has been inserted as follows:</p> <p><b><u>Details of Consultation</u></b></p> <p><b><u>(1) Where any paragraph in this Schedule requires the undertaker to consult with any person or body, the undertaker must—</u></b></p>	To provide a set procedure for details of consultation.

	<p>(a) notify the person or body of the effect of paragraph 28(3) (applications made under requirements) of this Schedule;</p> <p>(b) subject to sub-paragraph (2), provide that person or body with not less than 28 days from the provision of any documents being consulted upon for any response to the consultation;</p> <p>(c) give due consideration to any representations made by that person or body about the proposed application; and</p> <p>(d) include with its application to the Secretary of State copies of any representations made by that person or body about the proposed application, and a written account of how any such representations have been taken into account in the submitted application.</p> <p>(2) The undertaker may consent, such consent not to be unreasonably withheld, to an extension of period in sub-paragraph (1)(a) so that a person or body has not less than 42 days from provision of any documents being consulted upon to provide a response to the consultation following a request made by a person or body no later than 21 days from receipt of any documents being consulted upon.</p> <p>(3) Where sub-paragraph (2) applies a person or body must provide a response to the consultation as soon as reasonably practicable.</p>	
<b>Schedule 2, Requirements, Part 2 Paragraph 28, Applications made under requirements</b>	<p>Sub-paragraph (1) has been amended as follows:</p> <p>(1) Where an application has been made to the relevant authority for any consent, agreement or approval required by a requirement (<i>including consent, agreement, or approval in respect of part of a requirement</i>) included in this Order contained in Part 2 of this Schedule, or for any consent, agreement or approval further to any document referred to in any such requirement, the relevant authority must give notice to the undertaker of its decision on the application within a period of eight weeks beginning with—</p>	For clarity and consistency.
<b>Schedule 2, Requirements, Part 2 Paragraph 28, Applications made under requirements</b>	<p>Sub-paragraph (3) has been inserted as follows:</p> <p>(3) An application made pursuant to 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 in the environmental statement and if it will then it must be accompanied by information setting out what those effects are.</p>	Added to reflect other DCO precedent examples.
<b>Schedule 2, Requirements, Part 2 Paragraph 29, Further information regarding requirements</b>	<p>The following sub-paragraphs have been amended:</p> <p>(2) If the relevant authority considers that further information is necessary and the requirement concerned contained in Part 12 of this Schedule does not specify</p>	For clarity and consistency.

	<p><i>that consultation with a consultee is required, the relevant authority must, within ten business days of receipt of the application, notify the undertaker in writing specifying the further information required.</i></p> <p><i>(3) If the requirement concerned contained in Part 12 of this Schedule specifies that consultation with a consultee is required, the relevant authority must issue the application to the consultee within five business days of receipt of the application, and notify the undertaker in writing specifying any further information requested by the consultee within five business days of receipt of such a request.</i></p>	
<b>Schedule 2, Requirements, Part 2 Paragraph 30, Appeals</b>	<p>Sub-paragraph (1)(a) has been amended as follows:</p> <p><i>(a) the relevant authority refuses an application for any consent, agreement or approval required by—</i></p> <p><i>(i) a requirement contained in Part 12 of this Schedule; or</i></p> <p><i>(ii) a document referred to in any requirement contained in Part 12 of this Schedule;</i></p>	For clarity and consistency.
<b>Schedule 2, Requirements, Part 2 Paragraph 30, Appeals</b>	<p>Sub-paragraph (10) has been amended as follows:</p> <p><i>(10) If an approval is given by the appointed person pursuant to this Part of this Schedule, it is deemed to be an approval for the purpose of Part 21 of this Schedule as if it had been given by the relevant authority. The relevant authority may confirm any determination given by the appointed person in identical form in writing, but a failure to give such confirmation (or a failure to give it in identical form) is not to be taken to affect or invalidate the effect of the appointed person's determination.</i></p>	For clarity and consistency.
<b>Schedule 3, Streets subject to street works</b>	<p>The description of works column has been amended as follows to rows 1, 2, 3, 4, 6, 8, 9, 11, 12, 13, 14, 16, 17, 18, 21, 22</p> <p><i>Works to install buried cables</i> <u><i>Cable works</i></u> <i>between points SW[] and SW[] as shown</i> <i>on sheet [] of the streets, access and rights of way plan.</i></p>	For clarity and consistency.
<b>Schedule 3, Streets subject to street works</b>	<p>The description of works column has been amended as follows to rows 5, 7, 15, 19:</p> <p><i>Works to reinforce</i> <u><i>the</i></u> <i>existing track, if necessary, to accommodate crossing development traffic at point SW[] as shown</i> <i>on sheet [] of the streets, access and rights of way plan.</i></p>	For clarity and consistency.

<b>Schedule 3, Streets subject to street works</b>	<p>Rows 9 and 10 have been amended as follows:</p> <table> <tr> <td data-bbox="698 255 1012 335">Nottinghamshire</td><td data-bbox="1012 255 1282 335">Sturton <del>Le</del> Steeple FP<del>19</del>20</td><td data-bbox="1282 255 1641 573"> <del>Works to install buried cables across a length of 10m that is centred about point SW40 as shown</del>  <u>Cable works between points SW24 and SW20</u> on sheet 2 of the streets, access and rights of way plan         </td></tr> <tr> <td data-bbox="698 573 1012 890">Nottinghamshire</td><td data-bbox="1012 573 1282 890">Sturton <del>Le</del> Steeple FP<del>19</del>20</td><td data-bbox="1282 573 1641 890"> <del>Works to install buried cables between points SW24 and SW20 as shown</del>  <u>Cable works across a length of 10m centred at point SW40</u> on sheet 2 of the streets, access and rights of way plan         </td></tr> </table>	Nottinghamshire	Sturton <del>Le</del> Steeple FP <del>19</del> 20	<del>Works to install buried cables across a length of 10m that is centred about point SW40 as shown</del> <u>Cable works between points SW24 and SW20</u> on sheet 2 of the streets, access and rights of way plan	Nottinghamshire	Sturton <del>Le</del> Steeple FP <del>19</del> 20	<del>Works to install buried cables between points SW24 and SW20 as shown</del> <u>Cable works across a length of 10m centred at point SW40</u> on sheet 2 of the streets, access and rights of way plan	For clarity and consistency.
Nottinghamshire	Sturton <del>Le</del> Steeple FP <del>19</del> 20	<del>Works to install buried cables across a length of 10m that is centred about point SW40 as shown</del> <u>Cable works between points SW24 and SW20</u> on sheet 2 of the streets, access and rights of way plan						
Nottinghamshire	Sturton <del>Le</del> Steeple FP <del>19</del> 20	<del>Works to install buried cables between points SW24 and SW20 as shown</del> <u>Cable works across a length of 10m centred at point SW40</u> on sheet 2 of the streets, access and rights of way plan						
<b>Schedule 3, Streets subject to street works</b>	<p>The description of works column has been amended for Rows 23, 24, 25 and 26</p> <p><del>Works to reinforce <u>the</u> existing track <u>where required, if necessary</u>, to accommodate <u>crossing</u> development traffic between points SW[] and SW[] as shown</del> on sheet [] of the streets, access and rights of way plan.</p>	For clarity and consistency.						
<b>Schedule 4, Alteration of Streets, Part 1, Permanent alteration to layout</b>	<p>Row 13, column 3 has been amended as follows:</p> <p><u>Works for the provision of a permanent <u>means of</u> watercourse crossing at point AS[] as shown on sheet [] of the streets, access and rights of way plan.</u></p>	For clarity and consistency.						

<b>Schedule 4, Alteration of Streets, Part 1, Permanent alteration to layout</b>	<p>Column 3 of Row 20, 21, 22 and 23 has been amended as follows:</p> <p><i>Works to widen the existing track where required, if necessary to accommodate development traffic between points AS[] and AS[] as shown on sheet [] of the streets, access and rights of way plan.</i></p>	For clarity and consistency.
<b>Schedule 4, Alteration of Streets, Part 2, Temporary alteration to layout</b>	<p>The header of column 2 has been amended as follows:</p> <p><i>Reference as shown on the streets, access and rights of way plans (2) Street subject to street works</i></p>	For clarity and consistency.
<b>Schedule 4, Alteration of Streets, Part 2, Temporary alteration to layout</b>	<p>Column 3 of Row 1 has been amended as follow:</p> <p><i>Temporary removal of street furniture to facilitate delivery of large project components at point AS[] as shown on sheet [] of the streets, access and rights of way plan.</i></p>	For clarity and consistency.
<b>Schedule 4, Alteration of Streets, Part 2, Temporary alteration to layout</b>	<p>Column 3 of Rows 2, 3, 4, and 5 has been amended as follows:</p> <p><i>Works for the provision of a temporary public means of access to new permissive path at point AS[] as shown on sheet [] of the streets, access and rights of way plan.</i></p>	For clarity and consistency.
<b>Schedule 4, Alteration of Streets, Part 2, Temporary alteration to layout</b>	<p>Column 3 of Row 4 has been amended as follows:</p> <p><i>Works for the provision of a temporary public means of access to new permissive path at point AS[] as shown on sheet 56 of the streets, access and rights of way plan.</i></p>	For clarity and consistency.
<b>Schedule 4, Alteration of Streets, Part 2, Temporary alteration to layout</b>	<p>Column 3 of Row 6 has been amended as follows:</p> <p><i>Works for the provision of a temporary private means of crossing the street between points AS47 and AS48 as shown on sheet 5 of the streets, access and rights of way plan.</i></p>	For clarity and consistency.
<b>Schedule 5, Access to Works, Part 1, Permanent private means of access to works</b>	<p>Column 2 has been amended as follows</p> <p><i>Gainsborough Road—AC1 (sheet 2)</i></p> <p><i>Common Lane—AC2 (sheet 3) AC2</i></p>	For clarity and consistency in reference to heading of column 2.

Common Lane—AC3 (sheet 3)AC3  
Common Lane—AC4 (sheet 3)AC4  
Cross Common Lane—AC5 (sheet 3)AC5  
Upper Ings Lane—AC6 (sheet 3)  
Littleborough Road—AC7 (sheet 3)AC7  
Fenton Lane—AC8 (sheet 6)AC8  
Wheatley Road—AC9 (sheet 2)AC9  
Wheatley Road—AC10 (sheet 2)  
Station Road—AC11 (sheet 2)  
Wood Lane—AC12 (sheet 2)  
Wood Lane—AC13 (sheet 2)  
Freemans Lane—AC14 (sheet 2)  
Springs Lane—AC16 (sheet 5)AC15  
High House Road—AC15 (sheet 5)AC16  
Dog Holes Lane—AC17 (sheet 5)  
Gainsborough Road—AC1 (sheet 2)  
Common Lane—AC2 (sheet 3)AC2  
Common Lane—AC3 (sheet 3)AC3  
Common Lane—AC4 (sheet 3)AC4  
Cross Common Lane—AC5 (sheet 3)AC5  
Upper Ings Lane—AC6 (sheet 3)

	<p><i>Littleborough Road—AC7 (sheet 3)</i><a href="#">AC7</a></p> <p><i>Fenton Lane—AC8 (sheet 6)</i><a href="#">AC8</a></p> <p><i>Wheatley Road—AC9 (sheet 2)</i><a href="#">AC9</a></p> <p><i>Wheatley Road—AC10 (sheet 2)</i></p> <p><i>Station Road—AC11 (sheet 2)</i></p> <p><i>Wood Lane—AC12 (sheet 2)</i></p> <p><i>Wood Lane—AC13 (sheet 2)</i></p> <p><i>Freemans Lane—AC14 (sheet 2)</i></p> <p><i>Spring Lane—AC16 (sheet 5)</i><a href="#">AC15</a></p> <p><i>High House Road—AC15 (sheet 5)</i><a href="#">AC16</a></p> <p><i>Dog Holes Lane—AC17 (sheet 5)</i></p>	
<b>Schedule 5, Access to Works, Part 1, Permanent private means of access to works</b>	<p>Column 3 has been amended as follows:</p> <p><i>Improvement to existing access point off street.</i><a href="#">Improved permanent access, as shown on sheet 2 of the streets, access and rights of way plan</a></p> <p><i>Improvement to existing access point off street.</i><a href="#">Improved permanent access, as shown on sheet 2 of the streets, access and rights of way plan</a></p> <p><i>Provision of new access points off both sides of street.</i><a href="#">New permanent access, as shown on sheet 3 of the streets, access and rights of way plan</a></p> <p><i>Provision of new access point off street.</i><a href="#">New permanent access, as shown on sheet 3 of the streets, access and rights of way plan</a></p> <p><i>Provision of new access point off street.</i><a href="#">New permanent access, as shown on sheet 3 of the streets, access and rights of way plan</a></p>	For clarity and consistency.

~~Provision of new access point off one side of street, and improvement to existing access point off opposite side.~~ New and improved permanent access, as shown on sheet 3 of the streets, access and rights of way plan

~~Provision of new access point off one side of street, and improvement to existing access point off opposite side.~~ New and improved permanent access, as shown on sheet 3 of the streets, access and rights of way plan

~~Provision of new access point off one side of street, and improvement to existing access point off opposite side.~~ New and improved permanent access, as shown on sheet 3 of the streets, access and rights of way plan

~~Improvement to existing access point off street.~~ Improved permanent access, as shown on sheet 6 of the streets, access and rights of way plan

~~Improvement to existing access point off street.~~ Improved permanent access, as shown on sheet 2 of the streets, access and rights of way plan

~~Improvement to existing access point off street.~~ Improved permanent access, as shown on sheet 2 of the streets, access and rights of way plan

~~Provision of new access point off street.~~ New permanent access, as shown on sheet 2 of the streets, access and rights of way plan

~~Improvement to existing access point off street.~~ Improved permanent access, as shown on sheet 2 of the streets, access and rights of way plan

~~Provision of new access point off street.~~ New permanent access, as shown on sheet 2 of the streets, access and rights of way plan



	<p><i>(a) in the case of apparatus owned and operated by a lead local flood authority, so much of any work or operation authorised by this Order as is in, on, under, over or within 5 metres of a drainage work or is otherwise likely to—</i></p> <p><i>(i) affect any drainage work or the volumetric rate of flow of water in or flowing to or from any drainage work;</i></p> <p><i>(ii) affect the flow, purity, or quality of water in any watercourse; or</i></p> <p><i>(iii) affect the conservation, distribution or use of water resources.</i></p> <p><i>in the case of apparatus owned and operated by an internal drainage board so much of any work or operation authorised by this Order as is in, on, under, over or within 9 metres of a drainage work or is otherwise likely to—</i></p>	
<b>Schedule 10, Part 10</b>	A new Part 10 has been added for the protection of Railway Interests.	The Applicant's preferred form of protective provisions have been added for Railway Interests, pending agreement with Network Rail Infrastructure Limited.
<b>Schedule 11, Arbitration Rules, Paragraph 7, Confidentiality</b>	<p>Paragraph 7 has been amended as follows:</p> <p><i>7.-(1) Subject to sub-paragraphs (5)(4)(2) and (6)(5)(3), any arbitration hearing and documentation will be open s in this arbitration are to take place in private and accessible by the public.</i></p> <p><i>(2) The arbitrator may direct that the whole or part of a hearing is to be private or any documentation to be confidential where it is necessary in order to protect commercially sensitive information.</i></p> <p><i>(3) Nothing in this paragraph will prevent any disclosure of a document by a party pursuant to an order of a court in England and Wales or where disclosure is required under any enactment.-</i></p> <p><i>Materials, documents, awards, expert reports and any matters relating to the arbitration are confidential and must not be disclosed to any third party without prior written consent of the other party, save for any application to the Courts or where disclosure is required under any legislative or regulatory requirement.</i></p>	Updated to account for recent DCO precedent examples.
<b>Schedule 12, Documents to be certified</b>	<p>The following rows have been added to the list of documents to be certified:</p> <p><u>Access and rights of way plan</u></p>	Updated to account for certification list.

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<a href="#"><i>Arboricultural impact assessment</i></a>
<a href="#"><i>Book of reference</i></a>
<a href="#"><i>Environmental statement</i></a>
<a href="#"><i>Flood risk assessment</i></a>
<a href="#"><i>Land plans</i></a>
<a href="#"><i>Site location plan</i></a>
<a href="#"><i>Surface water drainage strategy</i></a>
<a href="#"><i>Outline construction environmental management plan</i></a>
<a href="#"><i>Outline construction traffic management plan</i></a>
<a href="#"><i>Outline decommissioning plan</i></a>
<a href="#"><i>Outline fire risk management plan</i></a>
<a href="#"><i>Outline landscape and ecological management plan</i></a>
<a href="#"><i>Outline operational management plan</i></a>
<a href="#"><i>Outline skills, supply chain, and employment plan</i></a>
<a href="#"><i>Outline soils management plan</i></a>
<a href="#"><i>Outline written scheme of investigation for pre-determination trial trenching</i></a>
<a href="#"><i>Outline written scheme of investigation for post consent archaeological works</i></a>
<a href="#"><i>Works plans</i></a>

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