

SCHEDULES

SCHEDULE 2

Article 2

REQUIREMENTS

PART 1

REQUIREMENTS

Interpretation

1. In this Schedule—

“BSMP” means battery safety management plan;

“business days” means a day other than Saturday or Sunday which is not Christmas Day, Good Friday or a bank holiday under section 1 of the Banking and Financial Dealings Act 1971(1);

“CEMPs” means construction environmental management plan and construction environmental management plan for biodiversity;

“contaminated land” has the same meaning as that given in section 78A of the Environmental Protection Act 1990;

“CTMP” means construction traffic management plan;

“first export date” means the date on which the generating station first exports electricity to the Northern Powergrid network on a commercial basis;

“landowner” means the freehold owner of the land within the Order limits on which the relevant part of Work No. 5 is constructed;

“phase” means a defined section or part of the authorised development, the extent of which is shown in a scheme submitted to and approved by the local planning authority under requirement 5 (phases of authorised development); and

“substation operator” means the operator of the substation from time to time constructed as part of Work No. 4.”

Commencement Information

II Sch. 2 para. 1 in force at 27.4.2022, see [art. 1](#)

Time limit

2. The authorised development must commence no later than the expiration of five years beginning with the date on which this Order comes into force.

(1) 1971 c. 80.

Changes to legislation: There are currently no known outstanding effects for the The Little Crow Solar Park Order 2022, SCHEDULE 2. (See end of Document for details)

Commencement Information

I2 Sch. 2 para. 2 in force at 27.4.2022, see [art. 1](#)

Expiry of development consent

3.—(1) The authorised development must cease generating electricity on a commercial basis no later than the [^{F1}45th anniversary] of the first export date from Work No.1.

(2) Confirmation of the first export date for Work No.1 must be provided by the undertaker to the local planning authority within one month of its occurrence.

Textual Amendments

F1 Words in [Sch. 2 para. 3\(1\)](#) substituted (15.6.2023) by [The Little Crow Solar Park \(Amendment\) Order 2023 \(S.I. 2023/660\)](#), arts. 1, [3\(a\)](#)

Commencement Information

I3 Sch. 2 para. 3 in force at 27.4.2022, see [art. 1](#)

Decommissioning and site restoration

4.—(1) Not less than 6 months before the [^{F2}45th anniversary] of the first export date, a decommissioning and site restoration scheme must be submitted to the local planning authority for its approval. The decommissioning and site restoration scheme(s) must be in accordance with the outline decommissioning strategy.

(2) The decommissioning and site restoration scheme(s) must include provision for—

- (a) removal of all above-ground elements of the relevant part of the authorised development, with the exception of the access tracks (Work No.5) where the landowner has confirmed to the undertaker that it requires their retention and the substation (Work No. 4) where the substation operator has confirmed to the undertaker that its retention is required;
- (b) removal of any cabling which is up to five hundred millimetres below ground level; and
- (c) restoration of the areas disturbed by the relevant part of the authorised development.

(3) The decommissioning of the authorised development and the restoration of the land affected by the authorised development must be undertaken within the time period set out in accordance with the approved decommissioning and site restoration scheme(s).

Textual Amendments

F2 Words in [Sch. 2 para. 4\(1\)](#) substituted (15.6.2023) by [The Little Crow Solar Park \(Amendment\) Order 2023 \(S.I. 2023/660\)](#), arts. 1, [3\(b\)](#)

Commencement Information

I4 Sch. 2 para. 4 in force at 27.4.2022, see [art. 1](#)

Phases of authorised development

5.—(1) The authorised development must 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.

(2) The authorised development must be implemented in accordance with the approved phasing scheme.

Commencement Information

I5 Sch. 2 para. 5 in force at 27.4.2022, see [art. 1](#)

Detailed design approval

6.—(1) No phase of the authorised development is to be commenced until written details of the following for that phase have been submitted to and approved by the local planning authority—

- (a) layout;
- (b) scale;
- (c) proposed finished ground levels and elevations;
- (d) external appearance;
- (e) hard-surfacing materials;
- (f) parking and circulation areas;
- (g) refuse or other storage units, signs and lighting;
- (h) power and communications cables and pipelines;
- (i) fencing;
- (j) security measures; and
- (k) any mitigation measures necessary to address noise impacts.

(2) The details to be submitted for approval must accord with—

- (a) the principles and assessments set out in the environmental statement; and
- (b) the works plan.

(3) The authorised development must be carried out in accordance with the approved details.

Commencement Information

I6 Sch. 2 para. 6 in force at 27.4.2022, see [art. 1](#)

Battery Safety Management Plan (BSMP)

7.—(1) Prior to the commencement of either Work No. 2A or Work No. 2B as notified to the local planning authority under Article 3(4) a BSMP must be submitted to and approved by the local planning authority.

(2) The submitted BSMP must either accord with the outline BSMP or detail such changes as the undertaker considers are required.

(3) In the event that the submitted BSMP proposes changes to the outline BSMP the local planning authority must not approve the BSMP until it has consulted with the Health and Safety Executive and Humberside Fire and Rescue Service.

Commencement Information

17 Sch. 2 para. 7 in force at 27.4.2022, see [art. 1](#)

Construction Environmental Management Plans (CEMPs)

8.—(1) No phase of the authorised development is to be commenced until a CEMP for that phase has been submitted to and approved by the local planning authority. Any CEMP submitted for approval must be in accordance with the outline CEMP and any approved CEMP must be adhered to for the duration of the works in the phase of the authorised development to which the CEMP relates.

(2) The CEMP for each phase of the authorised development must provide details of—

- (a) community liaison;
- (b) complaints procedures;
- (c) nuisance management including measures to avoid or minimise the impacts of construction works (covering dust, noise and vibration);
- (d) a soil management plan which must accord with the outline soil management plan;
- (e) site waste and materials management measures;
- (f) pollution control measures to prevent the introduction of any hazardous substances;
- (g) security measures and use of artificial lighting;
- (h) a protocol requiring consultation with the Environment Agency in the event that unexpected contaminated land is identified during ground investigation or construction;
- (i) details of out of hours working procedures; and
- (j) a construction and environmental management plan for biodiversity that must accord with the outline construction and environmental management plan for biodiversity.

Commencement Information

18 Sch. 2 para. 8 in force at 27.4.2022, see [art. 1](#)

Construction Traffic Management Plan (CTMP)

9.—(1) No phase of the authorised development is to be commenced until a CTMP covering that phase and in accordance with the outline CTMP has been submitted to and approved by the local planning authority.

(2) The CTMP must include details of—

- (a) associated traffic movements; including delivery vehicles and staff/construction vehicle movements;
- (b) traffic management requirements on the adjoining public highway of the B1208, B1207 and the A18; and
- (c) a condition survey for any road which will be affected by undertaking that phase of the authorised development and a further condition survey following that phase of the construction works. In the event that any defects are identified in that condition survey that are directly attributable to that phase of the construction works of the authorised development, details of how those defects are to be remediated by the undertaker.

(3) The CTMP must be implemented as approved.

Commencement Information

I9 Sch. 2 para. 9 in force at 27.4.2022, see [art. 1](#)

Landscape and Ecological Management Plan (LEMP)

10.—(1) No phase of the authorised development is to be commenced until a LEMP covering that phase which accords with the outline LEMP has been submitted to and approved by the local planning authority.

(2) The LEMP must include—

- (a) details of the method of protection of existing landscape features and habitats during the construction, operation and decommissioning stage of the authorised development;
- (b) details of habitat creation, including new native hedgerow planting adjacent to the proposed security fencing along the line of the existing footpath, replanting of any breaks (gaps) in excess of 1 metre in existing native hedgerows within the Order limits adjacent to the footpath and sowing of wildflower seed along the margins between the footpath and the hedgerow/ security fence boundaries;
- (c) details of ongoing management including seasonal grazing regime and other measures shown in table 7.5 at chapter 7 of the environmental statement including the annual review of the need for any additional mitigation planning work, during the lifetime of the authorised development;
- (d) a timetable for the landscape management of the land within the Order limits during the lifetime of the authorised development; and
- (e) landscaping details for the area allocated for Work No.2A in the event that Work No. 2B is constructed.

(3) The LEMP must be implemented as approved.

Commencement Information

I10 Sch. 2 para. 10 in force at 27.4.2022, see [art. 1](#)

Construction hours

11.—(1) Subject to sub-paragraph (2), no construction works are to take place except between the hours of—

- (a) 07:00 and 18:00 Monday to Friday; and
- (b) 08:00 and 13:30 on Saturday.

(2) The following works are permitted outside the hours referred to in sub-paragraph (1)—

- (a) emergency works; and
- (b) works which do not cause noise that is audible at the boundary of the Order limits.

(3) Any emergency works carried out under sub-paragraph (2)(a) must be notified to the local planning authority within 72 hours of their commencement.

Commencement Information

I11 Sch. 2 para. 11 in force at 27.4.2022, see [art. 1](#)

Surface and foul water drainage

12.—(1) No phase of the authorised development is to be commenced 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.

(2) The details submitted under sub-paragraph (1) must include the plans and strategies referred to in Appendix 3.1 -flood risk assessment and drainage strategy of the environmental statement (document reference 7.3 LC TA3.1).

(3) The surface and foul water drainage system for the relevant part of the authorised development must be constructed in accordance with the approved details.

Commencement Information

I12 Sch. 2 para. 12 in force at 27.4.2022, see [art. 1](#)

Archaeology

13.—(1) The authorised development must be carried out in accordance with the archaeological management plan.

(2) No phase of the authorised development is to be commenced until the archaeological exclusion zone around Gokewell Priory shown on the Archaeological Exclusion Zone – Whole Area Plan (document reference 2.22 LC DRW) has been installed as shown on the works plan.

(3) No digging or use of piled mounting frames shall be undertaken within the archaeological “no-dig” zone identified on the Works Details – Key B2 - Sheet 5 of 7 (document reference 2.15 LC DRW).

(4) No phase within the authorised development is to be commenced until a written scheme for the investigation of areas of archaeological interest within that phase has been submitted to and approved by the local planning authority.

(5) The scheme approved under sub-paragraph (4) must be in accordance with the archaeological management plan and identify any areas where a programme of archaeological investigation is required and the measures to be taken to protect, record or preserve any significant archaeological remains that may be found.

(6) Any archaeological works or programme of archaeological investigation carried out under the approved scheme for investigation must be carried out by an organisation registered with the Chartered Institute for Archaeologists or by a member of that Institute.

(7) Any archaeological works or programme of archaeological investigation must be carried out in accordance with the scheme approved under sub-paragraph (4).

(8) Within six months of the commencement of the authorised development the undertaker must submit a scheme to the local planning authority detailing proposals for two interpretation boards explaining the significance of Gokewell Priory. The scheme shall include details of the proposed location, size, materials, content, means of fixing and maintenance of the proposed boards. The scheme shall be implemented as approved within six months following the completion of the authorised development or six months following the approval of the scheme whichever is the later.

Commencement Information

I13 Sch. 2 para. 13 in force at 27.4.2022, see [art. 1](#)

Protected Species

14.—(1) No work, including site preparation works, shall be commenced in any phase of the authorised development until final pre-construction survey work has been carried out for that phase to establish whether a protected species is present on any of the land affected, or likely to be affected, by the authorised development or in any of the trees to be lopped or felled as part of that phase.

(2) Where a protected species is shown to be present, the authorised development must not be commenced within that phase until a scheme of protection and mitigation measures has been submitted to and approved by the local planning authority in consultation with Natural England.

(3) The authorised development must be carried out in accordance with any scheme approved under sub-paragraph (2).

(4) In this requirement, “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⁽²⁾ or any species to which Part I (wildlife) and Schedule 5 (animals which are protected) of the Wildlife and Countryside Act 1981⁽³⁾ applies.

Commencement Information

I14 Sch. 2 para. 14 in force at 27.4.2022, see [art. 1](#)

Operational noise

15.—(1) No phase of the authorised development is to 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 environmental statement are to be complied with for that phase has been submitted to and approved by the local planning authority.

(2) The authorised development must be implemented and operated for its duration in accordance with the approved operational noise assessment.

Commencement Information

I15 Sch. 2 para. 15 in force at 27.4.2022, see [art. 1](#)

Temporary diversion to public footpath

16.—(1) No phase of the authorised development is to be commenced and no decommissioning will be undertaken until a public rights of way management plan for the phase incorporating any part of public footpath 214 shown to be temporarily closed and diverted on the temporary diversion of public footpath plan has been submitted to and, approved by the local planning authority.

(2) The public rights of way management plan must include details of—

- (a) measures to minimise the distance of any sections of the public right of way to be temporarily closed; and
- (b) advance publicity and signage in respect of any sections of public rights of way to be temporarily closed.

(3) Prior to the commencement of any phase of the authorised development and of any decommissioning the public rights of way management plan must be implemented as approved.

(2) [S.I. 2017/1012](#).

(3) [1981 c. 69](#).

Changes to legislation: There are currently no known outstanding effects for the The Little Crow Solar Park Order 2022, SCHEDULE 2. (See end of Document for details)

Commencement Information

I16 Sch. 2 para. 16 in force at 27.4.2022, see [art. 1](#)

Requirement for written approval

17. Where the approval, agreement or confirmation of the Secretary of State, local planning authority or another person is required under a requirement that approval or confirmation must be given in writing.

Commencement Information

I17 Sch. 2 para. 17 in force at 27.4.2022, see [art. 1](#)

Amendments to approved details

18.—(1) With respect to any requirement which requires the authorised development to be carried out in accordance with the details approved by the local planning authority, the approved details must be carried out as approved unless an amendment or variation has previously been approved in writing by the local planning authority in accordance with sub-paragraph (2).

(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 different environmental effect from those assessed in the environmental statement.

(3) The approved details must be taken to include any amendments that may subsequently be approved in writing by the local planning authority.

Commencement Information

I18 Sch. 2 para. 18 in force at 27.4.2022, see [art. 1](#)

PART 2

PROCEDURE FOR DISCHARGE OF REQUIREMENTS

Applications made under requirements

19.—(1) Where an application has been made to the local planning authority for any consent, agreement or approval required by a requirement contained in Part 1 of this Schedule, or for any consent, agreement or approval further to any document referred to in any such requirement, the local planning authority must give notice to the undertaker of its decision on the application within a period of eight weeks beginning with—

- (a) the day immediately following that on which the application is received by the local planning authority; or
- (b) where further information is requested under paragraph 20 the day immediately following that on which the further information has been supplied by the undertaker, or such longer period as may be agreed in writing by the undertaker and the local planning authority.

(2) In determining any application made to the local planning authority for any consent, agreement or approval required by a requirement contained in Part 1 of this Schedule, the local planning authority may—

- (a) give or refuse its consent, agreement or approval; or
- (b) give its consent, agreement or approval subject to reasonable conditions,

and where consent, agreement or approval is refused or granted subject to conditions the local planning authority must provide its reasons for that decision with the notice of the decision.

Commencement Information

I19 Sch. 2 para. 19 in force at 27.4.2022, see [art. 1](#)

Further information regarding requirements

20.—(1) In relation to any application referred to in paragraph 19, the local planning authority may request such further information from the undertaker as it considers necessary to enable it to consider the application.

(2) If the local planning authority considers that further information is necessary and the requirement concerned contained in Part 1 of this Schedule does not specify that consultation with a consultee is required, the local planning authority must, within fourteen days of receipt of the application, notify the undertaker in writing specifying the further information required.

(3) If the requirement concerned contained in Part 1 of this Schedule specifies that consultation with a consultee is required, the local planning authority must issue the application to the consultee within seven days of receipt of the application, and notify the undertaker in writing specifying any further information requested by the consultee within seven days of receipt of such a request.

(4) If the local planning authority does not give the notification within the period specified in sub-paragraph (2) or (3) it (and the consultee, as the case may be) is deemed to have sufficient information to consider the application and is not entitled to request further information without the prior agreement of the undertaker.

Commencement Information

I20 Sch. 2 para. 20 in force at 27.4.2022, see [art. 1](#)

Appeals

21.—(1) Where the undertaker makes an application to a local planning authority, the undertaker may appeal to the Secretary of State in the event that—

- (a) the local planning authority refuses an application for any consent, agreement or approval required by—
 - (i) a requirement contained in Part 1 of this Schedule; or
 - (ii) a document referred to in any requirement contained in Part 1 of this Schedule;
- (b) the local planning authority does not determine such an application within the time period set out in paragraph 19(1), or grants it subject to conditions;
- (c) on receipt of a request for further information pursuant to paragraph 20 of this Part of this Schedule, the undertaker considers that either the whole or part of the specified information requested by the local planning authority is not necessary for consideration of the application; or

- (d) on receipt of any further information requested, the local planning authority notifies the undertaker that the information provided is inadequate and requests additional information which the undertaker considers is not necessary for consideration of the application.
- (2) The appeal process is as follows—
- (a) any appeal by the undertaker must be made within 42 days of the date of the notice of the decision or determination, or (where no determination has been made) the expiry of the time period set out in paragraph 19(1), giving rise to the appeal referred to in sub-paragraph (1);
 - (b) the undertaker must submit the appeal documentation to the Secretary of State and must on the same day provide copies of the appeal documentation to the local planning authority and any consultee specified under the relevant requirement contained in Part 1 of this Schedule;
 - (c) as soon as is practicable after receiving the appeal documentation, the Secretary of State must appoint a person to consider the appeal (“the appointed person”) and must notify the appeal parties of the identity of the appointed person and the address to which all correspondence for the attention of the appointed person should be sent;
 - (d) the local planning authority and any consultee (if applicable) must submit their written representations together with any other representations to the appointed person in respect of the appeal within ten business days of the start date specified by the appointed person and must ensure that copies of their written representations and any other representations as sent to the appointed person are sent to each other and to the applicant on the day on which they are submitted to the appointed person;
 - (e) the undertaker must make any counter-submissions to the appointed person within ten business days of receipt of written representations pursuant to sub-paragraph (d) above; and
 - (f) the appointed person must make a decision and notify it to the appeal parties, with reasons, as soon as reasonably practicable after the end of the ten day period for counter-submissions under sub-paragraph (e).
- (3) The appointment of the appointed person pursuant to sub-paragraph (2)(c) may be undertaken by a person appointed by the Secretary of State for this purpose instead of by the Secretary of State.
- (4) In the event that the appointed person considers that further information is necessary to enable the appointed person to consider the appeal the appointed person must as soon as practicable notify the appeal parties in writing specifying the further information required, the appeal party from whom the information is sought, and the date by which the information is to be submitted.
- (5) Any further information required pursuant to sub-paragraph (4) must be provided by the party from whom the information is sought to the appointed person and to the other appeal parties by the date specified by the appointed person. The appointed person must notify the appeal parties of the revised timetable for the appeal on or before that day. The revised timetable for the appeal must require submission of written representations to the appointed person within ten business days of the date specified by the appointed person, but must otherwise be in accordance with the process and time limits set out in sub-paragraphs (2)(c) to (e).
- (6) On an appeal under this paragraph, the appointed person may—
- (a) allow or dismiss the appeal; or
 - (b) reverse or vary any part of the decision of the local planning authority (whether the appeal relates to that part of it or not),
- and may deal with the application as if it had been made to the appointed person in the first instance.

(7) The appointed person may proceed to a decision on an appeal taking into account such written representations as have been sent within the relevant time limits and in the sole discretion of the appointed person such written representations as have been sent outside of the relevant time limits.

(8) The appointed person may proceed to a decision even though no written representations have been made within the relevant time limits, if it appears to the appointed person that there is sufficient material to enable a decision to be made on the merits of the case.

(9) The decision of the appointed person on an appeal is final and binding on the parties, and a court may entertain proceedings for questioning the decision only if the proceedings are brought by a claim for a judicial review.

(10) Save where a direction is given pursuant to sub-paragraph (11) requiring the costs of the appointed person to be paid by the local planning authority, the reasonable costs of the appointed person are to be met by the applicant.

(11) On application by the local planning authority or the undertaker, the appointed person may give directions as to the costs of the appeal 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 the guidance on costs in the Planning Practice Guidance or any official circular or guidance which may from time to time replace it.

Commencement Information

I21 Sch. 2 para. 21 in force at 27.4.2022, see [art. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Little Crow Solar Park Order 2022, SCHEDULE 2.