

## Tween Bridge Solar Farm

### 8.7 Schedule of Changes to the draft DCO

Planning Act 2008

Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

Document Reference: 8.7

Deadline 2 May 2026

Revision 2

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# 1 Introduction

1.1.1 This document sets out RWE Renewables UK Solar and Storage Limited’s (the Applicant’s) schedule of changes to the draft Development Consent Order. It includes changes made during the pre-examination phase.

# 2 Applicant’s schedule of changes to draft DCO

Provision	Change made to the draft DCO	Explanation for change
<b>Deadline 1 (5 May 2006) Changes made in Draft Development Consent Order [Document Reference 3.1 Revision 3]</b>		
Article 2(1) Interpretation	“apparatus” has the same meaning as in Part 3 (street works in England and Wales) of the 1991 Act except that, unless otherwise provided, it further includes pipelines (and parts of them), aerial markers, cathodic protection test posts, field boundary markers, transformer rectifier kiosks, electricity cables <del>(but excluding the electrical cables as defined in this article)</del> , telecommunications equipment and electricity cabinets;	Words deleted as not considered appropriate to exclude electricity cables from the definition, since it will, for example, be necessary to lay electrical cables in streets under article 11.
Article 2(1) Interpretation	“commence” means beginning to carry out a material operation, as defined in section 155 (when development begins) of the 2008 Act, comprised in or carried out for the purposes of the authorised development other than the permitted preliminary works (except where stated to the contrary) and “commencement” and “commenced” are to be construed accordingly;	Typographical error corrected.

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Article 2(1) Interpretation	“NGET” means National Grid Electricity Transmission Plc (company number 2366977) whose registered office is at 1 to 3 Strand, London WC2N 5EH <del>or any successor as a licence holder within the meaning of Part 1 of the 1989 Act</del>	Amendment made to future-proof the provisions of the Order. This definition is widely precedented as per article 2(1) of The Springwell Solar Farm Order 2026 and article 2(1) of The Fenwick Solar Farm Order 2026.
Article 2(1) Interpretation	“NGET substation” means <del>a 400kV the</del> substation to be <del>de-</del> signed, constructed, <del>owned</del> and operated by NGET <del>connecting the electricity generated by the authorised development to the National Electricity Transmission System and which does not form part of the authorised development;</del>	Amendment made to clarify the function of this substation and its relationship to the Scheme.
Article 2(1) Interpretation	“Order land” means the land which is within the Order limits <del>shown on the land plans</del> and is described in the book of reference;	Deletion made to ensure that this definition aligns with of the definition of the “Order limits”
Article 2(1) Interpretation	“Order limits” means the limits shown on the <del>land plans and</del> works plans within which the authorised development may be carried out;	Addition made to aid readability.
Article 2(1) Interpretation	Deletion of definitions of management plans.	These definitions have been moved to the beginning of Schedule 2 as the terms are only used in that schedule.
Article 2(1) Interpretation	<del>“relevant highway authority” means in any provision of this Order the highway authority for any area of land to which that provisions relates;</del>	Definition considered unnecessary and reference to “relevant” accordingly removed throughout the Order. The term “highway authority” is defined in article 2 by reference to the Highways Act 1980. Section 1 of the Highways Act 1980 confirms the identity of the highway authority in any given context. Accordingly, this is sufficient

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		to clarify the identify the identity of the highway authority for the purposes of this Order.
Article 2(1) Interpretation	“works plans” means the plans of that name identified in the table at Schedule 121 (documents and plans to be certified) and which <del>are</del> certified by the Secretary of State as the works plans for the purposes of this Order.	Typographical error corrected.
Article 2(3) Interpretation	In this Order, reference to the purposes of the authorised development, <del>or in connection with the authorised development</del> , includes the construction, maintenance, operation and decommissioning of the authorised development.	Amendment made to clarify interpretation of the phrase “in connection with the authorised development”.
Article 4(2) (Operation of generating station)	<del>Except as set out in this Order, this</del> article does not relieve the undertaker of any requirement to obtain any permit or licence under any other legislation that may be required from time to time to authorise the operation of an electricity generating station.	Amendment made to ensure that this power does not conflict with Article 9 (Application and modification of statutory provisions).
Article 6(1) (Maintenance of drainage works)	<del>Nothing</del> in this Order, or the construction, maintenance, operation or decommissioning of the authorised development under it, affects any responsibility for the maintenance of any works connected with the drainage of land, whether that responsibility is imposed or allocated by or under any enactment, or otherwise, unless otherwise agreed in writing between the undertaker and the person having such responsibility.	Amendment made to ensure that the Order powers are appropriately controlled by the protective provisions set out in Schedule 14.

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Article 8(1)(a) (Consent to transfer benefit of the Order)	transfer to another person (“the transferee”) any or all of the benefit of the provisions of this Order (including any part of the authorised development) and such related statutory rights as may be agreed between the undertaker and the transferee; <del>and</del>	Drafting error corrected.
Article 8(3)(vi) (Consent to transfer benefit of the Order)	<del>the transfer or grant is made to Northern Powergrid Holding Company (company registration number 03476201) whose registered office is at Lloyds Court, 78 Grey Street, Newcastle Upon Tyne, NE1 6AF for the purposes of undertaking Works Nos. 4A, 4B, 4C, 4D, 4E, 4F, 4G and 4H and any part of Work No. 2 comprising electrical cables connecting Works Nos. 4A, 4B, 4C, 4D, 4E, 4F and 4G to Work No. 4H and connecting Work No. 4H to the NGET substation.</del>	Drafting error corrected. The benefit of these works is not intended to transfer to Northern Powergrid.
Article 9(1) (Application and modification of statutory provisions)	The following provisions do not apply in relation to the construction of any work or the carrying out of any operation required for the purposes of, or in connection with, the <del>construction, operation, maintenance or decommissioning of any part of the</del> authorised development—	Amendment made to align with Article 2(3) Interpretation.
Article 9(1)(h) (Application and modification of statutory provisions)	the legislation listed in Schedule 3 (legislation to be disapplied) in so far as the provisions still in force are incompatible with the powers contained within this Order <del>and do not have a materially adverse impact on the operation or maintenance of the Stainforth and Keadby Canal</del> ; and	Amendment made at the request of Canal and River Trust, as per their relevant representation <b>[RR-003]</b> .

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Article 10(1) (Defence to proceedings in respect of statutory nuisance)	Where proceedings are brought under section 82(1) (summary proceedings by a person aggrieved by statutory nuisance) of the Environmental Protection Act 1990( ) in relation to a nuisance falling within paragraph (d) or (g) of	Omission corrected to align with position in <b>Statement of Statutory Nuisance [APP-029]</b> .
Article 10(1) (Defence to proceedings in respect of statutory nuisance)	section 79(1) ( <del>noise emitted from premises so as to be prejudicial to health or a nuisance</del> statutory nuisances and inspections therefor) of that Act no order may be made, and no fine may be imposed, under section 82(2) of that Act if—	Drafting error corrected.
Article 10(1)(a)(i) (Defence to proceedings in respect of statutory nuisance)	relates to premises used by the undertaker for the purposes of or in connection with <del>the construction, maintenance or decommissioning of</del> the authorised development and that the nuisance is attributable to the <del>purposes construction, maintenance or decommissioning</del> of the authorised development in accordance with a notice served under section 60 (control of noise on construction site), or a consent given under	Amendments made to align with Article 2(3) Interpretation. This amendment has been made throughout the draft DCO as follows <ul style="list-style-type: none"> <li>• Article 10(1)(a)(ii), (3) (Defence to proceedings in respect of statutory nuisance)</li> <li>• Article 17(1) Use of private roads)</li> <li>• Article 18(1), (2) (Traffic regulation measures)</li> <li>• Article 19(1) (Discharge of water)</li> <li>• Article 20(12) (Protective works to buildings)</li> <li>• Article 39(1)(b) (Application of landlord and tenant law)</li> </ul>



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		<ul style="list-style-type: none"> <li>Article 41(1)(a), (c), (4), (5) (Felling or lopping of trees and removal of hedgerows)</li> <li>Schedule 1 - Authorised works</li> <li>Schedule 3(1) – Legislation to be disapplied</li> <li>Schedule 8 – Land in which only new rights etc. may be acquired</li> </ul>
<p>Article 10(1)(a)(i) (Defence to proceedings in respect of statutory nuisance)</p>	<p>section 61 (prior consent for work on construction site)-<del>or section 65 (noise exceeding registered level)</del> of the Control of Pollution Act 1974; or</p>	<p>The Applicant has deleted this reference as this legislation has been repealed.</p>
<p>Article 12(1) (Application of the 1991 Act)</p>	<p><del>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—</del></p> <p><del>(a) they are of a description mentioned in any of paragraphs (a), (c) to (e), (g) and (h) of section 86(3) (highway authorities, highways and related works) of that Act; or</del></p> <p><del>they are works which, had they been executed by the highway authority, might have been carried out in exercise of the powers conferred by section 64 (dual carriageways and roundabouts) of the 1980 Act or section 184 (vehicle crossings over footways and verges) of that Act.</del></p>	<p>This amendment provides that works carried out under the powers of the Order which match the description of "major highway works" in the 1991 Act will be treated as major highways works for the purposes of the New Roads and Street Works Act 1991. The effect of this is to clarify that the provisions for sharing the burden of dealing with apparatus in the street (under sections 84 and 85 of the 1991 Act), which would normally apply only to major works carried out by the highway authority, will apply in respect of the works authorised by the Order irrespective of who in fact carries them out. Paragraph (1) applies to works "executed" under the Order rather than works</p>



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		constructed or maintained for clarity, and such drafting is predated (see, for example, article 9 of the M54 to M6 Link Road Development Consent Order 2022 and article 9 of The A122 (Lower Thames Crossing) Development Consent Order 2025).
Article 12(2) (Application of the 1991 Act)	In Part 3 (street works in England and Wales) of the 1991 Act, in relation to works which are major highway works by virtue of paragraph (1), references to the highway authority concerned are to be construed as references to the undertaker.	This addition relates to “major highway works” which are defined at section 86 of the 1991 Act. The definition includes, at sub-sections 86(3)(b) and (f), works undertaken under powers conferred by sections 64 and 184 the Highways Act 1980. As that would not be relevant in this context (where the works will be undertaken under the powers of the Order), these sub-sections are omitted from paragraph (1)(a). Works equivalent to works undertaken under those sections of the Highways Act 1980, but carried out under powers conferred by the Order, are included through paragraph (1)(b). The effect is that any works which would be “major highway works” under the 1991 Act if carried out by a highway authority in relation to one of its streets are also “major highway works” if carried out under the powers of the Order regardless of who carries them out.
Article 12(3) (Application of the 1991 Act)	The provisions of the 1991 Act mentioned in paragraph (4) (which, together with other provisions of that Act, apply in relation to the carrying out of street works) <del>under that Act</del> and any regulations made or code of practice issued or approved under those provisions apply (with all necessary modifications) in relation to—	Amendment made to improve clarity of drafting.

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Article 12(4) (Application of the 1991 Act)	<p>The provisions of the 1991 Act are—</p> <ul style="list-style-type: none"> <li>a. subject to paragraph (5), section 54 (advance notice of certain works);</li> <li>b. subject to paragraph (5), section 55 (notice of starting date of works);</li> <li>c. section 57 (notice of emergency works);</li> <li>d. <b>section 59 (general duty of street authority to co-ordinate works);</b></li> <li>e. section 60 (general duty of undertakers to co-operate);</li> <li>f. section 68 (facilities to be afforded to street authority);</li> <li>g. section 69 (works likely to affect other apparatus in the street);</li> <li>h. section 76 (liability for cost of temporary traffic regulation);</li> <li>i. section 77 (liability for cost of use of alternative route; and</li> <li>j. all provisions of that Act that apply for the purposes of the provisions referred to in sub-paragraphs (a) to (k).</li> </ul>	<p>Paragraphs (3) to (5) of Article 12 apply certain provisions of the New Roads and Street Works Act 1991. The Applicant has amended the list of provisions in this paragraph 4. The Applicant considers it would be beneficial to include section 59 (general duty of street authority to co-ordinate works) as it mirrors the general duties of the undertaker in section 60 and goes towards the general aim of the article to simplify the implementation of the works by providing for a single process in respect of streets which are temporarily closed, altered, diverted or restricted and those which are not. This list is preceded in article 9(5) of The A122 (Lower Thames Crossing) Development Consent Order 2025.</p>
Article 12(6) (Application of the 1991 Act)	<p>The following provisions of the 1991 Act (<b>including any equivalent or modified provision in any permit scheme</b>) do not apply in relation to any works executed under the powers conferred by this Order—</p>	<p>Amendment made to improve clarity of drafting.</p>
Article 12(6)(i) (Application of the 1991 Act)	<p>schedule 3A(<del>h</del>)—(restriction on works following substantial street works</p>	<p>Drafting error corrected.</p>



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Article 13(1) (Power to alter layout, etc., of streets)	The undertaker may for the purposes of, <b>or in connection with</b> , the authorised development alter the layout of <del>and</del> or carry out any works in, the streets specified in columns (1) and (2) of the table in Schedule 5 (alteration of streets) in the manner specified in relation to that street in column (3).	Amendment made to improve clarity of drafting.
Article 13(3) (Power to alter layout, etc., of streets)	The undertaker must restore any street that has been temporarily altered under this <del>article</del> <b>Order</b> to the reasonable satisfaction of the street authority.	Drafting error corrected.
Article 15(2) (Temporary closure or restriction of streets and public rights of way)	Without prejudice to the <del>generality of specific powers conferred by</del> paragraph (1) and subject to paragraph (5), the undertaker, during and for the purposes of <del>constructing, maintaining or decommissioning</del> the authorised development, may temporarily close, alter, divert, prohibit the use of, authorise the use of or restrict the use of any street or public right of way and may for any reasonable time—	Drafting error corrected.
Article 15(8) (Temporary closure or restriction of streets and public rights of way)	<b>The undertaker, for the purposes of, or in connection with, the authorised development, may temporarily close, prohibit the use of, authorise the use of, alter or divert any public right of way which is added to the definitive map and statement (within the meaning of the Wildlife and Countryside Act 1981) on or after [insert date].</b>	This addition enables the temporary closure, prohibition of the use, restriction of use, alteration or diversion, of any public rights of way added to the definitive map and statement (within the meaning of the Wildlife and Countryside Act 1981) on or after the date of the close of the examination into the application for the Order.  The power is appropriately limited because it only applies to public rights of way that are within the Order limits and to new public rights of way within the Order limits that were not identified in the definitive map and statement throughout the application or Examination



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		process. The wording aligns with made DCO precedent as per article 11(9) of East Yorkshire Solar Farm Order 2025 and article 12(9) of Fenwick Solar Farm Order 2026.
Article 16(1)(b) (Access to works)	with the approval of the <b>relevant</b> highway authority, form and lay out such other means of access or improve existing means of access, at such locations within the Order limits	This change is also repeated at Article 16(2) (Access to works) and relates to the deletion of the definition of ‘relevant highway authority’ in Article 2.
Article 16(1)(b) (Access to works)	as the undertaker reasonably requires <del>for the purposes of the authorised development</del>	Phrase deleted as the caveat “for the purposes of the authorised development” is already included at Article 16(1).
Article 18 (Agreements with street authorities) deleted	<p><del>(1) A street authority and the undertaker may enter into agreements with respect to—</del></p> <ul style="list-style-type: none"> <li><del>(a) the strengthening, improvement, repair or reconstruction of any street under the powers conferred by this Order;</del></li> <li><del>(b) any closure, prohibition, restriction, alteration or diversion of a street authorised by this Order;</del></li> <li><del>(c) the undertaking in the street of any of the works referred to in article 11 (street works) article 13 (power to alter layout, etc., of streets) and article 14(1) (construction and maintenance of altered streets); or</del></li> <li><del>(d) the adoption by a street authority which is the highway authority of works—</del> <ul style="list-style-type: none"> <li><del>i. undertaken on a street which is existing public maintainable highway; or</del></li> <li><del>ii. which the undertaker and highway authority agree to be adopted as public maintainable highway.</del></li> </ul> </li> </ul>	The Applicant considers the inclusion of this article to be unnecessary. The Applicant and street authorities are already able to enter into agreements under the Highways Act 1980. The inclusion of this article is therefore unnecessary and could in fact imply that the ability to enter into agreements should be constructed more narrowly than it would be if reliance was placed on the Highways Act 1980 instead. This would not be a logical outcome.



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	<p><del>(2) If such an agreement provides that the street authority must undertake works on behalf of the undertaker the agreement may, without prejudice to the generality of paragraph (1)—</del></p> <p><del>(a) make provision for the street authority to carry out any function under this Order which relates to the street in question;</del></p> <p><del>(b) specify a reasonable time for the completion of the works; and</del></p> <p><del>(c) contain such terms as to payment and otherwise as the parties consider appropriate.</del></p>	
<p>Article 19(3), (4)(a) (Discharge of water)</p>	<p>(3) The undertaker must not discharge any water into any watercourse, public sewer or drain except with the consent of the person to whom it belongs, whose consent may be given subject to terms and conditions as that person may reasonably impose <b>but must not be unreasonably withheld or delayed.</b></p> <p>(4) The undertaker must not make any opening into any public sewer or drain except— in accordance with plans approved by the person to whom the sewer or drain belongs, but such approval must not be unreasonably withheld <b>or delayed</b>; and</p>	<p>Additional drafting considered beneficial to ensure consent is not withheld or delayed unreasonably, which could impede the timely delivery of this nationally significant infrastructure project.</p>
<p>Article 19(10) (Discharge of water)</p>	<p><del>The Environment Agency is deemed to have granted consent under paragraph (3) where the watercourse, public sewer or drain belongs to the Environment Agency and an environmental permit under regulation 12(1)(b) (requirement for an environmental permit) of the 2016 Regulations has been granted in respect of the discharge.</del></p>	<p>Drafting has been added to state that the Environment Agency is deemed to have granted consent under paragraph 3 where the watercourse, public sewer or drain belongs to the Environment Agency and an Environmental Permit has been granted for the discharge, rather than having to obtain the additional landowner consent. This</p>

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		has been added to streamline this process where an Environmental Permit is required. This is preceded in Article 19 The London Luton Airport Expansion Development Consent Order 2025.
Article 19(11) (Discharge of water)	A sewerage undertaker is deemed to have granted consent to the discharge of trade effluent into a public sewer under paragraph (3) where the public sewer belongs to the sewerage undertaker and consent under section 118 (consent required for discharge of trade effluent into public sewer) of the Water Industry Act 1991 has been granted in respect of the discharge.	This drafting provides that a sewerage undertaker is deemed to have granted consent under paragraph (3) where the watercourse, public sewer or drain belongs to the sewerage undertaker and consent under section 118 of the Water Industry Act 1991 has been granted in respect of the discharge, rather than having to obtain additional landowner consent. Again, this is designed to streamline the process when a trade effluent consent is required. This is preceded in Article 19 The London Luton Airport Expansion Development Consent Order 2025.
Article 20(1)(a) (Protective works to buildings)	at any time before or during the construction or decommissioning of any part of the authorised development in the vicinity of the building; or	This article has been extended to the decommissioning stage to reflect the protections provided to surrounding buildings during the construction stage.
Article 20(8) (Protective works to buildings)	within the period of five years beginning with the date of final commissioning for that part of the authorised development in the vicinity of the building it appears that the protective works are inadequate to protect the building or structure against damage caused by the construction or use of that part of the authorised development,	Amendment made to define with greater precision of the period of time during which this provision would apply.



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Article 20(9) (Protective works to buildings)	<del>Subject to article 36(double recovery),</del> Nothing in this article relieves the undertaker from any liability to pay compensation under section 10(2) (compensation for injurious affection) of the 1965 Act.	References to the article relevant to double recovery are now omitted to avoid the implication that, where not specifically referred to, clauses are not subject to that provision. The same change has also made to: <ul style="list-style-type: none"> <li>• Article 29(4) (Power to override easements and other rights)</li> <li>• Article 32(9) (Temporary use of land for constructing the authorised development)</li> <li>• Schedule 14, Part 8, paragraph 135 (PPs for the protection of railway interests)</li> </ul>
Article 22(1)(a) (Compulsory acquisition of land)	acquire compulsorily so much of the Order land as is required for the authorised development or to facilitate it, or as is incidental, to it; <del>and</del>	Typographical errors rectified.
Article 22(1)(b) (Compulsory acquisition of land)	<del>use any land so acquired for the purpose authorised by this Order or for any other purposes in connection with or ancillary to the undertaking.</del>	Drafting added to caveat the use of any land which is compulsorily acquired. This is precedented in article 20(1)(b) of The Cottam Solar Project Order 2024 and article 21(1)(b) of The Fenwick Solar Farm Order 2026.
Article 24(1) (Time limit for exercise of authority)	After the end of the period of <del>eight</del> <b>five</b> years beginning on the day on which this Order <del>is made</del> comes into force <del>(and subject to article 30 (modification of Part 1 of the Compulsory Purchase Act 1965) and article 27 (Application of the 1981 Act))</del> —	This update is a result of the Scheme now being allocated to the Gate 2 Phase 2 delivery pipeline following the rationalisation of the grid connection queue by the National Energy System Operator (NESO) as part of NESO’s ongoing grid connection reforms.



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to acquire land compulsorily)		<p>NESO's expectation is that projects in Phase 2 will be offered connection dates between 2031 and 2035, although this will be confirmed in the Applicant's Gate 2 Offer, which is due to be issued by January 2027.</p> <p>In these circumstances, the Applicant considers it appropriate to set the time limit for exercise of the authority to acquire land compulsorily at eight years following the making of the Order. On the assumption that the Order is made in 2027, an eight-year period extending to 2035 would therefore embrace the latest year by which the Scheme is expected to be connected to the National Electricity Transmission System, thus ensuring that the interests in land necessary to deliver the Scheme can be acquired up to that period. Notwithstanding this power, the Applicant confirms that option agreements are already in place for all of the solar land parcels within the Order Limits and negotiations are underway to secure voluntary easements for cable land.</p>
Article 24(3) (Time limit for exercise of authority to acquire land compulsorily)	<p><del>The applicable period for the purposes of section 4 of the 1965 Act (time limit for giving of notice to treat) and section 5A of the 1981 Act (time limit for general vesting declaration) (as modified by this Order) is the period of five years, beginning on the day on which this Order is made.</del></p>	<p>Deleted as this is a duplication of amendments made to existing legislation via articles 30(2) and 27(7) (Application of the 1981 Act) and article 30(2)(b) (Modification of Part 1 of the Compulsory Purchase Act 1965).</p>
Article 25(2) (Compulsory	<p>Subject to the provisions of this article, article 267-(private rights) and article 345-(statutory undertakers), in the case of the Order</p>	<p>For completeness and to more clearly reflect drafting intention, the Applicant has added reference to the creation of rights in Article</p>

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acquisition of rights and imposition of restrictive covenants)	land specified in column (1) of the table in Schedule 8 (land in which only new rights etc. may be acquired) the undertaker's powers of compulsory acquisition under article 22(1) <b>and the creation of rights under paragraph (1)</b> are limited to the acquisition of such new rights and the imposition of restrictive covenants for the purpose specified in relation to that land in column (2) of the table in that Schedule.	25(2) to ensure that the power to acquire new rights over land under Article 25(1) is limited to the purposes specified in relation to that land in column 2 of Schedule 8.
Article 26(1) (Private Rights)	(a) from the date of acquisition of the land, or of the right, or of the benefit of the restrictive covenant by the undertaker, whether compulsorily, by agreement <del>or through the grant of a lease of the land;</del> <del>or</del> (b) on the date of entry on the land by the undertaker under section 11(1) (power of entry) of the 1965 Act; <b>or through the grant of a lease of the land.</b>	Drafting amended to provide clearer separation between the trigger events for the purposes of Article 26 (namely the acquisition of land and the grant of a lease of land).
Article 27(3) (Application of the 1981 Act)	<b>In section 1(1) (application of the Act), omit the words "in themselves".</b>	Amendment made to align position with the Order powers.
Article 27(7) (Application of the 1981 Act)	In section 5B(1) (extension of time limit during challenge) for "section 23 of the Acquisition of Land Act 1981 (application to High Court in respect of compulsory purchase order) <b>the applicable period for the purposes of section 5A,</b> ", substitute "section 118 (legal challenges relating to applications for orders granting development consent) of the 2008 Act", <b>the eight year period mentioned in article 24 (time limit for exercise of authority to acquire land compulsorily) of the Tween Bridge Solar Farm Order 202[ ]</b> ".	Amendments made to clarify the relevant substitution to section 5B(1) (extension of time limit during challenge) of the Compulsory Purchase (Vesting Declarations) Act 1981.

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Article 28(4) (Acquisition of subsoil only)	(5) Paragraphs (2) and (3) do not apply where the undertaker acquires a cellar, vault, arch or other construction forming part of a <del>house</del> , building <del>or manufactory</del> .	Deletion of “house,” and “or manufactory” given the definition of building within Article 2 (Interpretation) already embraces those terms.
Article 29(2)(a) (Power to override easements and other rights)	the erection, construction, <del>or</del> maintenance <del>or decommissioning</del> of any part of the authorised development;	Provision extended to decommissioning phase to match the powers which apply to the construction phase.
Article 29(4) (Power to override easements and other rights)	<del>Subject to article 36 (no double recovery), w</del> Where an interest, right or restriction <del>to which this article applies is interfered with or breached under is overridden by</del> paragraph (1), <del>unless otherwise agreed</del> , compensation—	Amendment made to clarify drafting and to allow for agreement between the Applicant and the right holder.
Article 30(2)(b) (Modification of Part 1 of the Compulsory Purchase Act 1965)	for “the applicable period for the purposes of section 4” substitute “the eight year period mentioned in article 24 (time limit for exercise of authority to acquire land compulsorily) of the Tween Bridge Solar Farm Order 202[ ]”.	Amendments made to align the time limit for giving notice to treat under section 4 of the Compulsory Purchase Act 1965 with the time limit in Article 24. The Applicant notes that 4(2)(b) of the Compulsory Purchase Act 1965 does permit longer periods to be specified for this section and this amendment is intended to provide clarity.
Article 30(4) (Modification of Part 1 of the Compulsory	In section 22(2) (expiry of time limit for exercise of compulsory purchase power not to affect acquisition of interests omitted from purchase), for “section 4 of this Act” substitute “article 24 (time limit for exercise of authority to acquire land compulsorily) of the Tween Bridge Solar Farm Order 202[ ]”.	Section 22(2) of the Compulsory Purchase Act 1965 cross-references section 4 of the Compulsory Purchase Act 1965 so this amendment is made to align the position with the amend made in

Provision	Change made to the draft DCO	Explanation for change
Purchase Act 1965)		article 30(2)(b) of the <b>draft Development Consent Order [Document reference 3.1, revision 3]</b> as set out above.
Article 30(5)(b) (Modification of Part 1 of the Compulsory Purchase Act 1965)	<p>after paragraph 29 insert—</p> <p style="text-align: center;">“PART 4 INTERPRETATION</p> <p><b>30.</b> In this Schedule, references to entering on and taking possession of land do not include doing so under article <del>204</del> (protective works to buildings), <b>article 21 (authority to survey and investigate the land)</b>, article <del>323</del> (temporary use of land for constructing the authorised development) or article <del>334</del> (temporary use of land for maintaining the authorised development) of the Tween Bridge Solar Farm Order 202[X].”</p>	Provision amended to exclude article 21 from being taken to mean the Applicant has entered on and taken possession of land. This means that article 21 does not trigger certain processes which are intended to compensate the owner for loss of land. For example, the process enabling an owner to require an undertaker to purchase the whole of its property (if the undertaker has entered and taken possession of part only). This is appropriate as the articles cited are all of a temporary nature.
Article 31( Rights under or over streets)	The undertaker may enter on, appropriate and use so much of the subsoil of or airspace over any street within the Order limits as may be required for the purposes of the authorised development and may use the subsoil <b>under</b> or airspace <b>over</b> for those purposes or any other purpose ancillary to the authorised development.	Amendment made to clarify drafting.
Article 32(6)(b) – (d) (Temporary use of land for constructing the	<b>b) remove any fencing or boundary treatments installed by the undertaker to replace or enhance existing fencing or boundary treatments;</b>	The Applicant has supplemented the list of works that it would not be required to remove when giving up temporary possession of land and ensure there would be no requirement to remove works that are a betterment of pre-existing features or were installed for the

Provision	Change made to the draft DCO	Explanation for change
authorised development)	<p>c) remove any measures installed over or around statutory undertakers' apparatus to protect that apparatus from the authorised development;</p> <p>d) remove or reposition any apparatus installed for or belonging to statutory undertakers or necessary mitigation works;</p>	protection and benefit of statutory undertakers. These provisions are all precedented, see article 27(5)(d) of the Gate Burton Energy Park Order 2024 and article 35(5)(d) and (e) of The A122 (Lower Thames Crossing) Development Consent Order 2025).
Article 32(7) (Temporary use of land for constructing the authorised development)	The undertaker must pay compensation to the owners and occupiers of land which temporary possession is taken under this article for any loss or damage arising from the exercise in relation to the land of the provisions of <del>any power conferred by</del> this article.	Amendment made to simplify drafting.
Article 35(1)(c)-(d) (Statutory undertakers)	<p>c) construct the authorised development in such a way as to cross underneath or over apparatus belonging to statutory undertakers and other like bodies within the Order land; and</p> <p>d) construct over existing apparatus belonging to statutory undertakers any necessary track or roadway (whether temporary or permanent) together with the right to maintain or remove the same, and install such service media under or over the existing apparatus needed in connection with the authorised development.</p>	<p>This amendment would enable the Applicant to construct the Scheme so as to cross under or over statutory undertakers' apparatus and to construct any necessary track or roadway, together with the right to maintain or remove the same, and to install service media under or over existing apparatus. Such works are contemplated in connection with the Scheme.</p> <p>This drafting is precedented and can be found at article 31(c) and (d) of the Thorpe Marsh Gas Replacement Pipeline Order 2016.</p>
Article 35(2) (Statutory undertakers)	<p>Paragraph (1)(b) has no effect in relation to apparatus in respect of which the following provisions apply—</p> <p>a) Part 3 (street works in England and Wales) of the 1991 Act; and</p>	This provision operates in favour of the statutory undertakers. It restricts the undertaker's power to extinguish rights or move apparatus belonging to other statutory undertakers that are located in streets. It applies alternative statutory provisions more appropriate



Provision	Change made to the draft DCO	Explanation for change
	<p>b) article 36 (apparatus and rights of statutory undertakers in stopped up streets).</p>	<p>to balancing the interests of the various affected parties where the apparatus in question is in a street.</p> <p>This provision is precedented, see article 37(2) of The A122 (Lower Thames Crossing) Development Consent Order 2025).</p>
<p>Article 35(3) (Statutory undertakers)</p>	<p>Subject to paragraph (4), where the power in paragraph (1)(b) is exercised in relation to any Order land in respect of which the undertaker takes temporary possession under article 32 (temporary use of land for carrying out the authorised development), the undertaker may only extinguish rights or restrictive covenants in respect of apparatus belonging to statutory undertakers removed or decommissioned where—</p> <p>a) the undertaker, in agreement with the statutory undertaker, gives a notice to the landowner of the rights or restrictive covenants proposed to be extinguished; and</p> <p>b) that notice has been provided prior to giving up temporary possession under article 32.</p>	<p>These provision operates in favour of the statutory undertakers. It provides that, where temporary possession of land is taken, the undertaker may extinguish rights and restrictive covenants relating to apparatus removed or decommissioned, provided it has, in agreement with the statutory undertaker, given notice to the landowners. This is intended to allow the undertaker, if appropriate and with the agreement of the statutory undertaker, to remove redundant apparatus, and to ensure the relevant land is only burdened with interests that are required.</p> <p>This provision is precedented, see article 37(3) of The A122 (Lower Thames Crossing) Development Consent Order 2025).</p>
<p>Article 35(4) (Statutory undertakers)</p>	<p>The extinguishment of a right or restrictive covenant under paragraph (3) does not—</p> <p>a) relieve the need for the undertaker to comply with, or otherwise affect the application of, article 32(6) of this Order; or</p> <p>b) give rise to any cause of action relating to the presence on or in the land of any foundations and the undertaker is not required to remove foundations when giving up temporary possession.</p>	<p>This provision ensures that there are no unintended consequences of the amendments to this article. This provision is precedented, see article 37(4) of The A122 (Lower Thames Crossing) Development Consent Order 2025).</p>

Provision	Change made to the draft DCO	Explanation for change
Article 37 (Acquisition of wayleaves, easements and other rights)	Schedule 10 (acquisition of wayleaves, easements and other rights) has effect.	Amendment made to give effect to the new Schedule 10 (see further below).
Article 41(1) (Felling or lopping of trees and removal of hedgerows)	Subject to paragraph (2) and article 42 (trees subject to tree preservation orders), the undertaker may fell, <del>or</del> lop or prune any tree or shrub within or overhanging land within the Order limits <del>near any part of the authorised development</del> or cut back its roots, if it reasonably believes it to be necessary to do so to prevent the tree or shrub from—	Amendment made to extend range of operations authorised in relation to trees to ensure the Applicant is not inadvertently prevented from undertaking works which might produce a better ecological outcome. The amendment also clarifies the geographical scope of the power.
Article 41(5)(a), (b) (Felling or lopping of trees and removal of hedgerows)	a) remove the length of hedgerows specified in column (2) of the table in Schedule 110, Part 1 (removal of hedgerows) and shown on the trees and hedgerows to be removed or managed plan; and  remove the length of important hedgerows specified in column (2) of the table in Schedule 110, Part 2 (removal of important hedgerows) and shown on the trees and hedgerows to be removed or managed plan.	Amendment made to improve clarity of drafting and change schedule reference.
Article 41(6) (Felling or lopping of trees and	(6) The undertaker may not pursuant to paragraphs (1) and (4) fell, <del>or</del> lop, or prune a tree or remove hedgerows within the extent of the publicly maintainable highway without the prior consent of the highway authority.	Amendment made to be consistent with Article 41(1).

Provision	Change made to the draft DCO	Explanation for change
removal of hedge-rows)		
Article 42(1) (Trees subject to tree preservation orders)	(7) Subject to paragraph (2), the undertaker may fell, <del>or lop or</del> <b>prune</b> any tree that is subject to a tree preservation order within or overhanging land within the Order limits or cut back its roots, if it reasonably believes it to be necessary to do so in order to prevent the tree from obstructing or interfering with the <del>construction, maintenance, operation or decommissioning</del> <b>purposes</b> of the authorised development or any apparatus used in connection with the authorised development.	Amendment made to be consistent with drafting of Article 2(3) and Article 41(6).
Article 43(2) (Certification of plans and documents, etc.)	<del>Where any plan or document set out in Schedule 12 is required to be amended to reflect the terms of the Secretary of State's decision to make the Order, that plan or document in the form amended to the Secretary of State's satisfaction is the version of the plan or document required to be certified under paragraph (1).</del>	This amendment ensures there is no confusion as to which version of a document should be certified.
Article 44(2) (Arbitration)	<del>The parties must use reasonable endeavours to settle any difference to which paragraph (1) applies through negotiations undertaken in good faith by senior representatives of the parties.</del>	This amendment sets out explicitly the manner in which arbitration must be carried out.
Article 48(5)(b) (Planning Permission)	"planning permission" means planning permission granted under the 1990 Act including planning permission deemed to be granted under article 3 (permitted development) <del>and Classes F, G, I, J, K, L, M and N of Part 8 (Transport related development)</del> of and	This corrects an error as these classes of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 are not relevant to the Scheme.

Provision	Change made to the draft DCO	Explanation for change
	Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 <sup>(1)</sup> .	
Article 49(1)(b) (Requirements, appeals, etc.)	any refusal must be accompanied by a statement of the reasons for refusal.	This amendment specifies that reasons for any refusal in respect of the discharge of a Requirement (or other matter) must be provided.
Article 49(3) (Requirements, appeals, etc.)	Save for applications made pursuant to Part 2 (procedure for discharge of requirements) of Schedule 2 (requirements) and where stated to the contrary if, within ten weeks (or such longer period as may be agreed between the undertaker and the relevant consenting authority in writing) after the application or request has been submitted to a consenting authority it has not notified the undertaker of its refusal and the grounds of refusal, it is deemed to have approved the application or request.	Paragraph (3) sets out that applications for consent submitted by the undertaker will be deemed to be granted where no notice is given of their refusal by the consenting authority within ten weeks of the submission of the application (unless a longer period has been agreed between the parties). This is intended to ensure the delivery of the Scheme, in respect of which there is a Critical National Priority, is not delayed unreasonably. This is precedented in article 43(4) of the Gate Burton Energy Park Order 2024.
Article 49(4) (Requirements, appeals, etc.)	Where any application is made as described in paragraph (1), the undertaker must include a statement in such application that refers to the timeframe for consideration of the application and the consequences of failure to meet that timeframe as prescribed by paragraph (3).	This amendment specifies that the undertaker is required to notify the consenting authority of the effect of Article 49(3) when it submits the relevant application, by way of procedural safeguard. This is precedented in article 43(5) of the Gate Burton Energy Park Order 2024.
Article 49(3) (Requirements, appeals, etc.)	<del>The procedure set out in Part 2 of Schedule 2 has effect in relation to any other consent, agreement or approval required under this Order where such consent, agreement or approval is granted</del>	This has been deleted because, as drafted, it is liable to conflict with the protective provisions where alternative approval processes are provided for.

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Provision	Change made to the draft DCO	Explanation for change
	<del>subject to any condition to which the undertaker objects or is refused or is withheld.</del>	
SCHEDULE 1 AUTHORISED DEVELOPMENT 1(1)	“mounting structure” means a frame or rack made of galvanised steel or other material designed to support the solar modules and mounted on piles driven into the ground, <del>piles inserted into a pre-drilled hole, a pillar attaching to a steel ground screw, or pillars fixed to a concrete foundation;</del>	Amendment made to clarify definition. This definition is widely pre- cedented as per Schedule 1, paragraph 1 of The Springwell Solar Farm Order 2026 and Schedule 1, paragraph 1 of The Gate Burton Energy Park Order 2024.
1(1)	“permissive paths” means new access tracks, <del>within the Order limits, made available for use by pedestrians only with the consent of the owner of the land over which it runs, and which may be withdrawn or modified by the landowner at any time provided restricted public access within the Order limits;</del>	Drafting amended to provide a more comprehensive definition of the term “permissive paths”.
Work no. 4	(i) <del>On</del> site 132 kilovolt substations;	Typographical error corrected.
Work No. 5A, 5B, 5C and 5D	being the <del>battery energy storage system (BESS)</del> compounds, in- cluding—	Deletion as term is already defined.
SCHEDULE 2 PART 1 REQUIREMENTS	“ <del>outline battery safety management plan</del> ” means the plan of that name identified in the table at Schedule 12 (documents and plans to be certified) and which is certified by the Secretary of State as the <del>outline battery safety management plan</del> for the purposes of this Order;  “ <del>outline construction environmental management plan</del> ” means the document of that name identified in the table at Schedule 12 (doc- uments and plans to be certified) and which is certified by the	Definitions moved from article 2 to Schedule 2, as this is where the terms are referenced.



	<p>Secretary of State as the outline construction environmental management plan for the purposes of this Order;</p> <p>“outline construction traffic management plan” means the document of that name identified in the table at Schedule 12 (documents and plans to be certified) and which is certified by the Secretary of State as the outline construction traffic management plan for the purposes of this Order;</p> <p>“outline decommissioning environmental mitigation plan” means the document of that name identified in the table at Schedule 12 (documents and plans to be certified) and which is certified by the Secretary of State as the outline decommissioning environmental mitigation plan for the purposes of this Order;</p> <p>“outline ecological construction management plan” means the document of that name identified in the table at Schedule 12 (documents and plans to be certified) and which is certified by the Secretary of State as the outline ecological construction management plan for the purposes of this Order;</p> <p>“outline operational environmental management plan” means the document of that name identified in the table at Schedule 12 (documents and plans to be certified) and which is certified by the Secretary of State as the outline operational environmental management plan for the purposes of this Order;</p> <p>“outline landscape ecological management plan” means the document of that name identified in the table at Schedule 12 (documents and plans to be certified) and which is certified by the Secretary of State as the outline landscape ecological management plan for the purposes of this Order;</p> <p>“outline soil management plan” means the document of that name identified in the table at Schedule 12 (documents and plans to be</p>	
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Provision	Change made to the draft DCO	Explanation for change
	<p>certified) and which is certified by the Secretary of State as the outline soil management plan for the purposes of this Order; and</p> <p>“outline supply chain, employment and skills plan” means the document of that name identified in the table at Schedule 12 (documents and plans to be certified) and which is certified by the Secretary of State as the outline supply chain, employment and skills plan for the purposes of this Order.</p>	
<p>Requirement 2</p>	<p><del>Commencement of the authorised development</del> <b>Time limits</b></p> <p>The authorised development must <del>not be commenced after</del> <b>begin no later than</b> the expiration of five years <del>beginning from</del> <b>with</b> the date this Order comes into force.</p>	<p>The Applicant has renamed Requirement 2 to “Time limits” to more accurately reflect the purpose of the requirement. The drafting of this requirement reflects the precedent in Requirement 4 (time limits) in Schedule 2 to The London Luton Airport Expansion Development Consent Order 2025, Requirement 3 (time limit and notifications) of Schedule 2 to The Gatwick Airport (Northern Runway Project) Development Consent Order 2025, and Requirement 2 (time limits) of Schedule 11 to The Able Marine Energy Park Development Consent Order 2014).</p>
<p>Requirement 5(1) (Approved details and amendments to them)</p>	<p>With respect to the plans and documents certified under article 43 (certification of plans and documents, etc.) and any plans, details or schemes which have been approved pursuant to any requirement (together the “approved documents, plans, details or schemes”), the undertaker may submit to the relevant planning authority or both relevant planning authorities (as applicable) for approval any amendments to any of the approved documents, plans, details or schemes and, following approval by the relevant planning authority or both relevant planning authorities (as applicable) , and the relevant approved documents, plans, details or schemes <del>is</del> <b>are</b> to be taken to include the amendments as so approved pursuant to this paragraph.</p>	<p>Typographical error corrected.</p>

Provision	Change made to the draft DCO	Explanation for change
Requirement 7	<b>Fire Battery safety management plan</b>	Drafting amended for clarity.
R7(1) (Battery safety management plan)	No part of Work Nos. 5A, 5B, 5C or 5D may commence until a battery <del>fire</del> safety management plan (“BFSMP”) for that work has been submitted to and approved by the relevant planning authority or both relevant planning authorities (as applicable) following consultation by the undertaker on that BFSMP with the South Yorkshire Fire and Rescue or the Humberside Fire and Rescue Service (as applicable) <b>and the Environment Agency (in respect of its functions)</b> .	The Environment Agency has been added as a consultee in respect of this requirement at their request <b>[RR-009]</b> .
R7(4) (Battery safety management plan)	The BFSMP for the relevant work must be implemented as approved <b>and maintained throughout the construction, operation and decommissioning of Work Nos. 5A, 5B, 5C and 5D.</b>	The Applicant has added wording to clarify the retention period of this requirement.
R8(1) (Landscape and ecology management plan)	No phase of the authorised development may commence until a written landscape and ecology management plan for that phase has been submitted to and approved by the relevant planning authority or both relevant planning authorities (as applicable) <b>following consultation by the undertaker on that landscape and ecology management plan with the Environment Agency (in respect of its functions), Natural England (in respect of its functions) and National Highways (in respect of its highway functions).</b>	The Environment Agency, Natural England and National Highways have been added as consultees to this requirement at the EA and Natural England’s request via Relevant Representations <b>[RR-009]</b> , <b>[RR-023]</b> and further to discussions with NH as reflected in NH’s <b>Statement of Common Ground [Document Reference 9.10, Revision 1]</b> .
R8(3)(b) (Landscape and ecology management plan)	how the landscaping and ecological measures for the relevant phase will be managed and maintained during the operational life of the authorised development to the date on which the decommissioning <b>environmental management and restoration</b> plan relevant	Drafting error corrected.

Provision	Change made to the draft DCO	Explanation for change
	to that phase is implemented pursuant to requirement 19 (decommissioning and restoration); and	
R9(1) (Fencing and other means of enclosure)	No phase of the authorised development may commence until written details of all proposed temporary fences, walls or other means of enclosure, including those set out in the outline construction environmental management plan, for that phase have been submitted to and approved by the relevant planning authority or both relevant planning authorities (as applicable) <b>following consultation by the undertaker with National Highways (in respect of its highway functions).</b>	National Highway's requested approval powers in this requirement in their <b>relevant representation [RR-022]</b> . The Applicant considers that the local planning authority is the appropriate consent granting body in respect of this requirement within the <b>draft Development Consent Order [Document Reference 3.1 Revision 3]</b> . The Applicant has instead added National Highways as a consultee to this requirement.
R11(1) (Surface and foul water drainage)	No phase of the authorised development may commence until details of the surface water drainage strategy and (if any) foul water drainage system (including means of pollution control) for that phase have been submitted to and approved by the relevant planning authority or both relevant planning authorities (as applicable), such approval to be in consultation with the relevant internal drainage board, the relevant lead local flood authority, the Environment Agency, Yorkshire Water (in respect of its water undertaker functions), <b>and</b> Severn Trent Water (in respect of its sewerage undertaker functions) <b>and National Highways (in respect of its highway functions).</b>	National Highway's requested approval powers in this requirement in their <b>relevant representation [RR-022]</b> . The Applicant considers that the local planning authority is the appropriate consent granting body in respect of this requirement within the <b>draft Development Consent Order [Document Reference 3.1 Revision 3]</b> . The Applicant has instead added National Highways as a consultee to this requirement.
R11(2) (Surface and foul water drainage)	Any strategy approved pursuant to paragraph (1) must be implemented as approved <b>and maintained throughout the construction and operation of the authorised development.</b>	The Applicant has added wording to clarify the retention period of this requirement.

Provision	Change made to the draft DCO	Explanation for change
R12(4) (Archaeology)	For the purposes of this paragraph “outline archaeological mitigation strategy” means the document comprising Appendix 8.6 of the environmental statement with document reference number 6.3.8.6.	Typographical error corrected.
R13(5)(a) (Controlled site)	sets out the location, design and content of an interpretation board and commemorative plaque relating to the history of <del>the relevant aircraft crash controlled site that took place within the limits of deviation</del> of the licenced works <b>as shown on the works plans</b> ; and	Amendments made to align with precedented position in requirement 23(5)(a) of the Sunnica Energy Farm Order 2024.
R14(1) (Construction environmental management plan)	No phase of the authorised development may commence until a construction environmental management plan for that phase has been submitted to and approved by the relevant planning authority or both relevant planning authorities (as applicable) <b>following consultation by the undertaker with the Environment Agency (in respect of its functions).</b>	The Environment Agency has been added as a consultee to this requirement at their request <b>[RR-009]</b> .
R16(1) (Construction traffic management plan)	No phase of the authorised development may commence until a construction traffic management plan for that phase has been submitted to and approved by the <del>relevant</del> highway authority <b>including National Highways in respect of matters which relate to the strategic road network.</b>	National Highways has been added as a consultee to this requirement at their request as reflected in National Highways’ <b>Statement of Common Ground [Document Reference 9.10, Revision 1]</b> .
R17(1) (Operational noise)	No part of Work Nos 1, 4 and 5 may commence until an operational noise assessment containing details of how the design of the relevant work has incorporated mitigation, where necessary, to ensure the operational noise rating levels do not exceed the typical background sound levels, as set out in Table 13.11 of Chapter 13 of the environmental statement <b>but subject to paragraph 13.4.18 of Chapter 13 of the environmental statement</b> , has been submitted to and approved by the relevant planning authority or both relevant planning authorities (as applicable).	Drafting amended to align with parameters provided in <b>Chapter 13 of the Environmental Statement [APP-050]</b> .

Provision	Change made to the draft DCO	Explanation for change
R17(2) (Operational noise)	The design as described in the operational noise assessment must be implemented as approved <b>and shall be maintained for the period specified in the assessment.</b>	The Applicant has added wording to clarify the retention period of this requirement.
R18 (Supply Chain and employment)	<p>(1) No phase of the authorised development may commence until a supply chain, employment and skills plan <b>in relation to that phase</b> has been submitted to and approved by the relevant planning authority or both relevant planning authorities (as applicable).</p> <p>(2) The supply chain, employment and skills plan submitted under paragraph (1) must be substantially in accordance with the outline supply chain, employment and skills plan.</p> <p>(3) The supply chain, employment and skills plan must be implemented as approved <b>and maintained throughout the construction, operation and decommissioning of the relevant phase of the authorised development to which the plan relates.</b></p>	The Applicant has added wording to clarify the retention period of this requirement.
R19(1) (Decommissioning and restoration)	Subject to paragraph (2), not less than 6 months before the <del>40<sup>th</sup> anniversary of the date of final commissioning for each part of the authorised development approved under requirement 3</del> <b>year period referred to in paragraph (3), a decommissioning environmental management plan in respect of <del>the</del> each relevant part of the authorised development approved under requirement 3(1) (Phasing of the authorised development and date of final commissioning) must be submitted to the relevant planning authority or both relevant planning authorities (as applicable) for approval following consultation by the undertaker with National Highways (in respect of its highway functions) and the Environment Agency (in respect of its functions).</b>	<p>Amendments made for clarity of drafting.</p> <p>The Environment Agency has been added as consultee to this requirement at their request <b>[RR-009]</b>.</p> <p>National Highway's requested approval powers in this requirement in their <b>relevant representation [RR-022]</b>. The Applicant considers that the local planning authority is the appropriate consent granting body in respect of this requirement within the <b>draft Development Consent Order [Document Reference 3.1 Revision 3]</b>. The</p>



Provision	Change made to the draft DCO			Explanation for change
				Applicant has instead added National Highways as a consultee to this requirement.
R19(3)	The date of decommissioning for any part of the authorised development must begin no later than 40 years following the date of final commissioning of the part of the authorised development that is subject to the last notice given by the undertaker pursuant to requirement 3(3).			Drafting added to clearly secure the requirement to decommission the Scheme after 40 years.
SCHEDULE 2 PART 2 PROCEDURE FOR DISCHARGE OF REQUIREMENTS 3(2)(b) - Appeals	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 <del>local</del> relevant planning authority;			Amendment made as the Scheme impacts land within the scope of both City of Doncaster Council and North Lincolnshire Council.
SCHEDULE 4 - STREETS SUBJECT TO STREET WORKS	<del>Parish of Thorne and Parish of Hatfield</del>	<del>Un-named road north of Low Levels Bank</del>	<del>Cable Works beneath the full width of street within a length of 60 metres as shown between points CA6-A to CA6-B and delineated in pink on Sheet 7 of the access and rights of way plans.</del>	The previous entry relating to works affecting the unnamed road north of Low Levels Bank has been removed as National Highways have confirmed that this land is not adopted highway.



Provision	Change made to the draft DCO		Explanation for change	
	Parish of <del>Thorne and Parish of Hatfield</del> Belton	<del>Un-named road north of Low Levels Bank</del> Jaque's Bank	Works for the provision of resurfacing for the length of 60 metres and the full width of the street between the points SWR14-A to SWR14-B and delineated in orange on Sheets <del>76 and 10</del> of the access and rights of way plans.	An entry has been added to the <b>Street Works Access and Public Rights of Way Plan [Document Reference 2.4 Revision 2]</b> to align with the <b>Outline Construction Traffic Management Plan [APP-182]</b> , which includes this location off Jaque's Bank as an access point to serve parcel C8. Only the sheet numbers need to change to reflect this addition, as the works are of the same description as the entry removed and the same reference points have been adopted to ensure no re-numbering is required.
SCHEDULE 5 - ALTERATION OF STREETS	Parish of Thorne and Parish of Hatfield Belton	<del>Un-named road north of Low Levels Bank</del> Jaque's Bank	Works for the provision of a permanent means of access to the authorised development within the area shaded blue on Sheets <del>76 and 10</del> of the access and rights of way plans, reference STW10.	An entry has been added to the <b>Street Works Access and Public Rights of Way Plan [Document Reference 2.4 Revision 2]</b> to align with the <b>Outline Construction Traffic Management Plan [APP-182]</b> , which includes this location off Jaque's Bank as an access point to serve parcel C8. Only the sheet numbers need to change to reflect this addition, as the works are of the same description as the entry removed and the same reference points have been adopted to ensure no re-numbering is required.
SCHEDULE 6 - STREETS AND PUBLIC RIGHTS OF WAY TO BE TEMPORARILY	Parish of Thorne and Parish of Hatfield Belton	Un-named road north of <del>Low Levels Bank</del> Jaque's Bank	Temporarily close, prohibit the use of, restrict the use of, alter or divert the width of street between the points marked TSC14-A	An entry has been added to the <b>Street Works Access and Public Rights of Way Plan [Document Reference 2.4 Revision 2]</b> to align with the <b>Outline Construction Traffic Management Plan [APP-182]</b> , which includes this location off Jaque's Bank as an access point to serve parcel C8. Only the sheet numbers need to change to reflect this addition, as the measures are of the same



Provision	Change made to the draft DCO			Explanation for change
CLOSED OR RESTRICTED			and TSC14-B on Sheets <del>76</del> and <del>10</del> of the access and rights of way plans.	description as the entry removed and the same reference points have been adopted to ensure no re-numbering is required.
SCHEDULE 7 – ACCESS TO WORKS	Parish of <del>Hatfield</del> Belton	<del>Low Levels Bank</del> Jaque's Bank	The provision of a permanent means of access to the authorised development, reference STW10, within the area shaded blue on Sheet s <del>76</del> and <del>10</del> of the access and rights of way plans.	Location Y (the access on Jaque's Bank) has been added to the <b>Street Works Access and Public Rights of Way Plan [Document Reference 2.4 Revision 2]</b> to align with the <b>Outline Construction Traffic Management Plan [APP-182]</b> which includes this as an access point to serve parcel C8. The Applicant is not proposing any physical works in this location.
SCHEDULE 8 – LAND IN WHICH ONLY NEW RIGHTS ETC. MAY BE ACQUIRED	(1) Plot reference number shown on the land plans	(2) Purposes for which rights over land may be acquired and restrictive covenants imposed	Access Rights Cable Rights Cable Restrictive Covenant Drainage Rights	Plot 7/14 has been moved as it is necessary to impose restrictive covenants over this land in respect of the electricity cables, as the land is now understood to be private as opposed to public (highway).



Provision	Change made to the draft DCO	Explanation for change
	<p>6/7, 6/13, 6/20, 6/21, 6/22, 6/25, 6/26, 6/27, 6/28, 7/1, 7/14, 7/19, 7/23, 8/10, 8/13, 9/3, 9/8, 9/10, 9/11, 9/13, 9/14, 9/16, 9/17, 10/2, 10/4, 10/6, 10/9, 10/10, 10/12, 10/20, 10/22, 10/23, 10/24, 10/27, 10/33, 10/34, 10/35, 10/37, 10/47, 10/49, 10/50, 11/2, 11/3, 11/4, 11/5, 11/6, 11/7, 11/8, 11/11, 11/12, 11/14, 11/15, 11/16, 11/17, 11/18, 11/21, 11/23, 11/25, 12/3, 12/4, 12/5 and 12/7</p>	
	<p>3/32, 7/2, 7/3, 7/4, 7/5 and 7/6</p>	<p>Access Rights Cable Rights Cable Restrictive Covenant Drainage Rights Environmental Mitigation Rights Environmental Mitigation Restrictive Covenant</p>
	<p>3/21, 4/10, 4/36, 4/37, 4/38, 4/39, 4/40, 4/42, 4/43, 5/5, 6/3, 6/4, 6/5, 7/10, 7/14, 7/18, 7/22, 9/6, 9/9, 9/18, 10/7, 10/8, 10/11, 10/13, 10/14, 10/15, 10/16, 10/17, 10/18, 10/21, 10/36, 10/38, 10/39, 10/43, 10/45, 10/46, 10/48,</p>	<p>Access Rights Cable Rights Drainage Rights</p>



Provision	Change made to the draft DCO		Explanation for change
	11/1, 11/10, 11/20, 12/1 and 12/2		
<p>SCHEDULE 10</p> <p>ACQUISITION OF WAYLEAVES, EASEMENTS AND OTHER RIGHTS</p>	<p>New schedule inserted.</p>		<p>This Schedule makes provision for the undertaker to act on behalf of statutory undertakers in acquiring wayleaves, easements or other rights for the diversion or relocation of electricity, gas, water, sewerage or telecommunication apparatus. It relates to article 37 (Acquisition of wayleaves, easements and other rights).</p> <p>The drafting itself draws upon the drafting of equivalent powers which benefit electricity, gas, water, sewerage and telecoms undertakers under the Electricity Act 1989, the Gas Act 1986, the Water Industry Act 1991 and the Communications Act 2003. These existing statutory powers have been adapted only insofar as necessary to enable the undertaker to act on behalf of such statutory undertakers in seeking wayleaves through a compulsory process should they be needed in future. Save for the fact that all consideration or compensation due to land owners is required to be payable by the undertaker (rather than the relevant statutory undertaker), the processes involved are otherwise unchanged, and continue to reflect the statutory requirements and safeguards on the use of such powers. Experience has shown that statutory undertakers can be reluctant to exercise their own powers to acquire easements or wayleaves even where this would facilitate the undertaker's delivery of a project, due to the time, expense and compensation involved. The proposed Article 37 and Schedule 10 would provide an option which</p>

Provision	Change made to the draft DCO	Explanation for change
		<p>may be beneficial in some circumstances to both the undertaker and the relevant statutory undertaker, and may only be exercised where the relevant statutory undertaker gives their consent to the undertaker. It would facilitate the timely and efficient implementation of the Scheme, and the diversion or relocation of utilities where required, both of which are in the public interest.</p> <p>This drafting is based on Article 44 of and Schedule 18 to the Size-well C (Nuclear Generating Station) Order 2022 and an equivalent, similar Schedule has been included in Schedule 10 to the recently made Tillbridge Solar Order 2025 and is supported by the recently published Nuclear Regulatory Review 2025 produced by a Task-force led by John Fingleton.</p>
SCHEDULE 12 – DOCUMENTS AND PLANS TO BE CERTIFIED	Information in columns 3 (revision number) and 4 (date) have been updated.	Updates made to reflect the latest versions of documents and plans submitted into examination.
SCHEDULE 14, PROTECTIVE PROVISIONS – Part 1	PROTECTION FOR ELECTRICITY, GAS, WATER AND SEWERAGE UNDERTAKERS	Typographical error corrected

Provision	Change made to the draft DCO	Explanation for change
Paragraph 5 (Acquisition of land)	Regardless of any provision in this Order or anything shown on the land plans <del>and Crown land plans</del> , the undertaker must not acquire any apparatus otherwise than by agreement.	The Applicant confirms there is no Crown land affected by the Scheme and therefore no Crown land plans have been submitted with this application.
Paragraph 6(b) – (Removal of apparatus)	in the event that the utility undertaker cannot acquire all necessary land interests or rights which the utility undertaker may reasonably require for the relocation and construction of alternative apparatus pursuant to paragraph 6(3)(a), the undertaker shall seek to utilise the process for acquiring an easement under paragraph 2 of Schedule 10 of this Order so that it can obtain its powers of compulsory purchase powers for the acquisition of any such land or land rights unless otherwise agreed by arbitration under article 44 (arbitration) (and, for those purposes, paragraph 2 of Schedule 10 shall be construed so that it may authorise the acquisition of any land or rights in respect of the installation of an electric line in connection with the authorised development (whether or not it comprises alternative apparatus provided always that it constitutes apparatus) in specified land (as defined in Schedule 10).	Additional drafting makes clear that the undertaker should utilise Schedule 10 which makes provision for the undertaker to act on behalf of statutory undertakers in acquiring wayleaves, easements or other rights for the diversion or relocation of electricity, gas, water, sewerage or telecommunication apparatus. It relates to article 37 (Acquisition of wayleaves, easements and other rights).
Part 2, Part 3	Headings added to each paragraph	These have been added to ease readability.
Part 3, paragraph 19 (Interpretation)	“drainage work” means any ordinary watercourse including any land that provides or is expected to provide flood storage capacity for any watercourse and any bank, wall, embankment or other structure, or any appliance, constructed or used for land drainage, flood defence, sea defence or tidal monitoring excluding the existing flood defence;	Amended for clarity of drafting.

Provision	Change made to the draft DCO	Explanation for change
Part 3, paragraph 20 (Specified works)	Before <del>beginning to commencing</del> construction of any specified work, the undertaker must submit to the drainage authority plans of the specified work and such further particulars available to it as the drainage authority may within 28 days of the submission of the plans reasonably require.	Drafting amended to make use of defined terms.
Part 3, paragraph 20 (Maintenance of specified works)	<del>(8)</del> Subject to sub-paragraph (5) the undertaker must from the commencement of the construction of any specified work, <b>until the date falling 12 months from the date of completion of the specified work</b> , maintain in good repair and condition and free from obstruction any drainage work that is situated within the limits of deviation on land held by the undertaker for the purposes of or in connection with the specified work, whether or not the drainage work is constructed under the powers conferred by this Order or is already in existence.	Amendment provides a specified period of time for which the undertaker is responsible for maintaining the specified works.
Part 3, paragraph 26 (Indemnity)	<b>Nothing in sub-paragraph (1) imposes any liability on the undertaker with respect to any damage or loss to the extent that it is attributable to the act, neglect or default of the drainage authority, its officers, servants, contractors or agents.</b>	Amended to exclude liability of the undertaker for third-party actions or omissions.
Part 5	Updates made throughout protective provisions for the protection of the Environment Agency	Changes agreed with Environment Agency and protective provisions in the draft DCO are now agreed between both parties.
Throughout	Replacement of “stopping-up” with “closure”	The phrase “stopped-up” has been replaced with “closed” to reflect recent drafting approaches.
Throughout	Cross-references updated throughout	Amendments have resulted in the need for changes throughout to cross-referencing of articles.

Provision	Change made to the draft DCO	Explanation for change
<b>Deadline 2 (19 May 2006) Changes made in Draft Development Consent Order [Document Reference 3.1 Revision 4]</b>		
Recitals	Section 10 <del>4</del> 5(2)(f)	Correcting a typographical error and in response to comment Ref #1 in section 4 <b>Comments on Local Impact Reports (City of Doncaster Council)</b> [Document Reference 8.11 Revision 1].
Article 8(8)	A copy of any decision by the Secretary of State to approve a transfer or grant under paragraph (3) or the notification of a transfer or grant issued under paragraph (4) shall be provided by the undertaker to the relevant planning authority as soon as reasonably practicable following issuance.	In response to comment Ref #3 in section 4 of <b>Comments on Local Impact Reports (City of Doncaster Council)</b> [Document Reference 8.11 Revision 1].
Article 13(4)	The powers conferred by paragraph (2) may not be exercised without the consent of the street authority, which may be given subject to reasonable conditions.	In response to comment Ref #12 in section 4 of <b>Comments on Local Impact Reports (City of Doncaster Council)</b> [Document Reference 8.11 Revision 1].
Article 13(5)	If a street authority which receives an application for consent under paragraph (4) fails to notify the undertaker of its decision before the end of the period of 28 days beginning with the date on which the application was received <del>made</del> , it is deemed to have granted consent.	In response to comment Ref #8 in section 4 of <b>Comments on Local Impact Reports (City of Doncaster Council)</b> [Document Reference 8.11 Revision 1].
Article 13(6)	An application for consent under paragraph (4) must include a statement that the provisions of paragraph (5) apply to that application.	In response to comment Ref #7 in section 4 of <b>Comments on Local Impact Reports (City of Doncaster Council)</b> [Document Reference 8.11 Revision 1].

Provision	Change made to the draft DCO	Explanation for change
Article 15(5)(b)	any other street or public right of way without the consent of the street authority, such consent not to be unreasonably withheld or delayed <b>but which may be given subject to reasonable conditions.</b>	In response to comment Ref #12 in section 4 of <b>Comments on Local Impact Reports (City of Doncaster Council) [Document Reference 8.11 Revision 1]</b> .
Article 15(9)	If a street authority which receives a valid application for consent under sub-paragraph (5)(b) fails to notify the undertaker of its decision before the end of the period of 28 days beginning with the date on which the application was <b>received made</b> , it is deemed to have granted consent.	In response to comment Ref #8 in section 4 of <b>Comments on Local Impact Reports (City of Doncaster Council) [Document Reference 8.11 Revision 1]</b> .
Article 16(1)(b)	with the approval of the highway authority, <b>which may be given subject to reasonable conditions</b> , form and lay out such other means of access or improve existing means of access, at such locations within the Order limits as the undertaker reasonably requires.	In response to comment Ref #12 in section 4 of <b>Comments on Local Impact Reports (City of Doncaster Council) [Document Reference 8.11 Revision 1]</b> .
Article 16(2)	If the highway authority which receives an application for consent under sub-paragraph (1)(b) fails to notify the undertaker of its decision before the end of the period of 28 days beginning with the date on which the application was <b>received made</b> , it is deemed to have granted consent.	In response to comment Ref #8 in section 4 of <b>Comments on Local Impact Reports (City of Doncaster Council) [Document Reference 8.11 Revision 1]</b> .

Provision	Change made to the draft DCO	Explanation for change
Article 18(4)(b)	obtain the written consent of the traffic authority <b>which may be given subject to reasonable conditions.</b>	In response to comment Ref #12 in section 4 of <b>Comments on Local Impact Reports (City of Doncaster Council) [Document Reference 8.11 Revision 1]</b> .
Article 18(9)	<b>A copy of the instrument referred to in paragraph (7)(a) must be served on the traffic authority as soon as reasonably practicable after being made.</b>	In response to comment Ref #11 in section 4 of <b>Comments on Local Impact Reports (City of Doncaster Council) [Document Reference 8.11 Revision 1]</b> .
Article 33(13)	<b>Paragraph (1) does not authorise the undertaker to take temporary possession of the Order land referred to in article 22(3).</b>	In response to the Examining Authority's written question 4.0.3 in <b>Written Responses to ExQ1 [Document Reference 8.8 Revision 1]</b> .
Article 41(6)	The undertaker may not pursuant to paragraphs (1) and (4) fell, lop or prune a tree or remove hedgerows within the extent of the publicly maintainable highway without the prior consent of the highway authority, <b>which may be given subject to reasonable conditions.</b>	In response to comment Ref #12 in section 4 of <b>Comments on Local Impact Reports (City of Doncaster Council) [Document Reference 8.11 Revision 1]</b> .
Requirement 6(2)(a)	the design approach document appendix A: parameters documents;	Correcting a typographical error.
Requirement 9(3)	<b>For the purposes of sub-paragraph (1), "commence" includes any permitted preliminary works.</b>	In response to comment Ref #15 in section 4 of <b>Comments on Local Impact Reports (City of Doncaster Council) [Document Reference 8.11 Revision 1]</b> .

Provision	Change made to the draft DCO	Explanation for change
Requirement 11(1)	No phase of the authorised development may commence until details of the surface water drainage strategy and (if any) foul water drainage system (including means of pollution control) for that phase have been submitted to and approved by the relevant planning authority or both relevant planning authorities (as applicable), <del>following such approval to be in</del> consultation <del>by the undertaker</del> with the relevant internal drainage board, the relevant lead local flood authority, the Environment Agency, Yorkshire Water (in respect of its water undertaker functions), Severn Trent Water (in respect of its sewerage undertaker functions) and National Highways (in respect of its highway functions).	In response to the Examining Authority's written question 5.0.8 in <b>Written Responses to ExQ1 [Document Reference 8.8 Revision 1]</b> .
Requirement 12	<del>(5) Unless otherwise agreed in writing by the relevant planning authority, for the purposes of sub-paragraph (1) "commence" includes any permitted preliminary works which involve intrusive archaeological surveys (including trenching) and other investigations for the purpose of assessing ground conditions (including the making of boreholes).</del>	In response to the Examining Authority's written question 6.0.14 in <b>Written Responses to ExQ1 [Document Reference 8.8 Revision 1]</b> .
Requirement 21	Connection to the national electricity transmission system  No phase of the authorised development may commence until <del>details of the following have evidence that consent or authorisation (or evidence that consent or authorisation is not required)</del> <del>has</del> been submitted to and approved by the relevant planning authority—	In response to the Examining Authority's written question 5.2.13 <b>Written Responses to ExQ1 [Document Reference 8.8 Revision 1]</b> and to simplify and clarify the intent behind the drafting.



Provision	Change made to the draft DCO			Explanation for change
	<p>(a) <del>written evidence that consent is in place for the construction of electrical cables for development comprising the provision of electrical cables</del> for the purposes of connecting Work No. 4H to the national electricity transmission system; <del>or</del></p> <p>(b) <del>written evidence that such consent is not required.</del></p>			
<p>SCHEDULE 6 PART 2 PUBLIC RIGHTS OF WAY TO BE TEMPORARILY CLOSED OR RESTRICTED</p>	<p>Parish of Thorne</p>	<p>Footpath Thorne – 19</p>	<p>Temporarily <del>close</del>, prohibit the use of, restrict the use of, alter or divert the footpath in the area shaded green between the points marked PROW1-A and PROW1-B on Sheets 2 and 3 of the access and rights of way plans.</p>	<p>In response to the Examining Authority’s written question 13.0.13 <b>Written Responses to ExQ1 [Document Reference 8.8 Revision 1]</b>.</p>
	<p>Parish of Thorne</p>	<p>Footpath Thorne – 19</p>	<p>Temporarily <del>close</del>, prohibit the use of, restrict the use of, alter or divert the footpath in the</p>	



Provision	Change made to the draft DCO			Explanation for change
			area shaded green between the points marked PROW1-B and PROW1-C on Sheet 3 of the access and rights of way plans.	
SCHEDULE 12 – DOCUMENTS AND PLANS TO BE CERTIFIED	Information in columns 3 (revision number) and 4 (date) have been updated.			Updates made to reflect the latest versions of documents and plans submitted into examination.
Throughout	Cross-references updated throughout			Amendments have resulted in the need for changes throughout to cross-referencing of articles.

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