Tween Bridge Solar Farm

3.2 Explanatory Memorandum

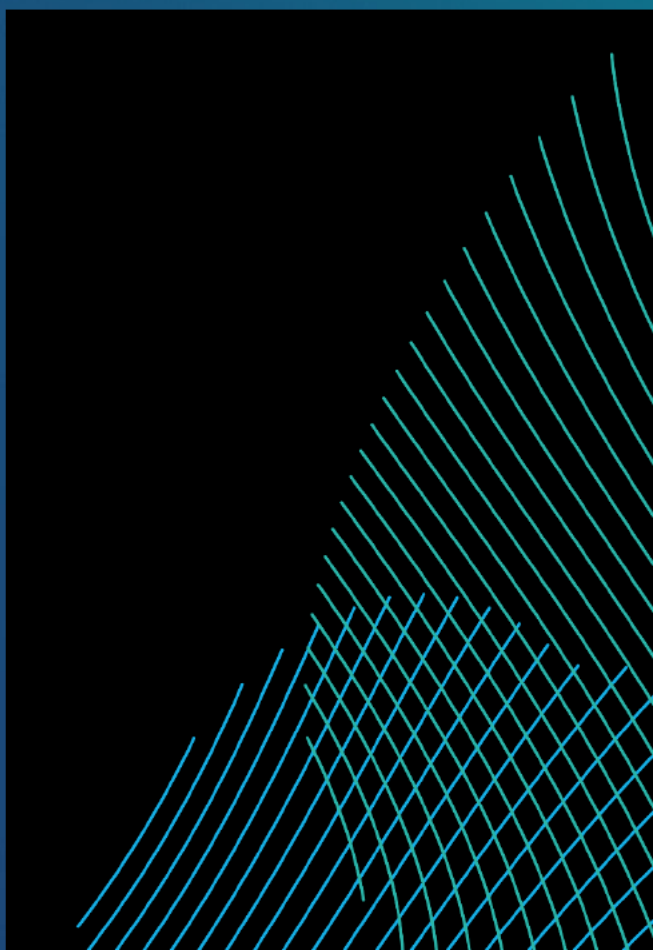
Planning Act 2008
Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

APFP Regulation 5(2)(c)

Document Reference: 3.2

~~September~~ October 2026

Revision 8~~7~~



THE TWEEN BRIDGE SOLAR FARM ORDER 202[•]

EXPLANATORY MEMORANDUM

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1 GLOSSARY

“1990 Act"	The Town and Country Planning Act 1990.
“1991 Act”	The New Roads and Street Works Act 1991.
"2008 Act"	The Planning Act 2008 which is the legislation that governs applications for NSIPs, including pre-application consultation and publicity, the examination of applications and decision making by the Secretary of State.
"Applicant"	RWE Renewables UK Solar and Storage Limited (company registration number: 14539260) whose registered address is Windmill Hill Business Park, Whitehill Way, Swindon, Wiltshire, SN5 6PB. In the Order, the Applicant is referred to as the "undertaker".
"Application"	The Application for a DCO made to the Secretary of State under section 37 of the 2008 Act in respect of the Authorised Development. A DCO is required pursuant to section 31 of the 2008 Act because the Authorised Development comprises a NSIP under section 14(1)(a) and section 15 of the 2008 Act by virtue of it being a generating station in England with a capacity of over 50MW.
“Authorised Development”	The development to which the Application relates and which is described in Schedule 1 to the Order.
"Book of Reference"	The Book of Reference, which accompanies the Application, which is a reference document providing details of all land ownership interests within the Order Land with reference to the Land Plans [~~**REP3-002**~~**Document Reference 4.2 Revision 4**].
"DCO"	A Development Consent Order made by the relevant Secretary of State pursuant to the 2008 Act to authorise a NSIP.
"EIA"	Environmental Impact Assessment. The assessment of the likely significant environmental effects of the Authorised Development undertaken in accordance with the EIA Regulations.
"EIA Regulations"	The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 setting out how the EIA of NSIPs must be carried out and the procedures that must be followed.
"Environmental Statement"	The Environmental Statement which accompanies the Application, documenting the findings of the EIA [**APP-037 -APP-175**].

"Explanatory Memorandum"	This document, which explains the intended purpose and effect of the Order and the authorisations and powers it seeks [**Document Reference 3.2, Revision 8~~7~~**].
"Land Plans"	The plans which accompany the Application, showing the Order Land [**REP3-002**].
"MW"	Megawatt.
"NSIP"	A Nationally Significant Infrastructure Project that must be authorised by the making of a DCO under 2008 Act.
"Other Consents and Licenses"	The Other Consents and Licenses document, which accompanies the Application, which explains the Applicant's approach to obtaining all other necessary consents to deliver the Authorised Development beyond the Order [**APP-034**].
"Order"	Tween Bridge Solar Farm Order 20[•], being the DCO that would be made by the Secretary of State authorising the Authorised Development, a draft of which has been submitted as part of the Application [**Document Reference 3.1, Revision 10~~9~~**].
"Order Land"	The land which is within the Order Limits and is described in the Book of Reference.
"Order Limits"	The limits of the land shown on the Land Plans and Works Plans within which the Authorised Development may be carried out.
"Permit Scheme"	The Traffic Management (Doncaster Borough Council) Permit Scheme Order 2019, or any subsequent Permit Scheme Order made by the City of Doncaster Council to vary or replace that Order under Part 3 (permit schemes) of the Traffic Management Act 2004, as applicable for the location of the relevant works.
"PV"	Photovoltaic.
"Relevant Planning Authority"	City of Doncaster Council and North Lincolnshire Council are each the relevant planning authority for those parts of the Authorised Development that are in their respective administrative areas.
"Statement of Reasons"	The Statement of Reasons which accompanies the Application, setting out the justification for the acquisition of, or interference with, the Order Land [**~~REP4-007~~Document Reference 8.6 Revision 5**].
"Street Works"	The plans which accompany this Application showing the temporary

Access and Public Rights of Way Plans"	closures or restrictions of streets and public rights of way, street works, the alteration of street layouts, and works to create accesses within the Order Limits [**REP3-004**].
"Works Plans"	The plans which accompany the Application showing the Order Limits and the numbered works that form the Authorised Development, as described in Schedule 1 to the Order [**REP4-002**].

2 INTRODUCTION

2.1 Overview

2.1.1 This Explanatory Memorandum has been prepared to explain the purpose and effect of each article of, and Schedules to, the Order, as required by Regulation 5(2)(c) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009.[1]

2.1.2 Regulation 5(2)(c) requires this memorandum to explain "the purpose and effect of provisions in the draft order".

2.2 Purpose of the order

2.2.1 This Explanatory Memorandum has been prepared on behalf of the Applicant. It forms part of the Application. It should be read in conjunction with the suite of documents accompanying the Application.

2.2.2 The Applicant is seeking development consent for the Authorised Development.

2.2.3 A detailed description of the Authorised Development is included in Chapter 2: 'Scheme Description' of the Environmental Statement [**APP-039**].

2.2.4 The Authorised Development, is located within the administrative boundaries of the City of Doncaster and the unitary authority area of North Lincolnshire.

2.2.5 A DCO is required for the Authorised Development as it falls within the definition and thresholds for a NSIP under sections 14(1) and 15 of the 2008 Act. This is because the Authorised Development includes a generating station with a gross electrical output capacity exceeding 50MW, this being a ground mounted solar PV generating station.

2.2.6 The DCO, if made, would be the Tween Bridge Solar Farm Order 202[*]. A draft of the DCO [**Document Reference 3.1, Revision 10~~9~~**] has been submitted with the Application.

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1 S.I. 2009/2264

2.3 Nationally Significant Infrastructure Project

2.3.1 As explained above, the Authorised Development is an NSIP within sections 14(1)(a) and 15 of the 2008 Act. This is because the Authorised Development consists of a generating station with a gross electrical output capacity exceeding 50MW. The Applicant, therefore, requires development consent under the 2008 Act in order to construct and operate the Authorised Development. Development consent may only be granted by order, following an application to the Secretary of State (section 37 of the 2008 Act).

2.3.2 Schedule 1 (Authorised development) to the draft Order contains a list of numbered works comprising the Authorised Development. The description of the Authorised Development does not refer to an upper limit on the capacity of the generating station that development consent is being sought for. It is not considered that imposing an upper limit is desirable or necessary. The draft Order includes reference to the means by which the parameters of the Authorised Development will be constrained and it is on this basis that the EIA has been undertaken, as set out in the Environmental Statement [**APP-037 -APP-175**] and explained further in relation to the 'consent envelope' in section 3 of this Explanatory Memorandum. The Applicant is confident those parameters are adequately secured in the draft Order.

2.3.3 An upper limit on capacity has not been included so that there is adequate flexibility for the Applicant in developing and operating the Authorised Development and allowing it to make effective use of land. For example, the Applicant may take advantage of technological improvements and innovation that may emerge before construction, which would enable it to still construct the Authorised Development within the assessed parameters but increase capacity beyond that which is currently anticipated. It is in the public interest and accords with national policy to facilitate efficient and maximum generation from renewable sources, which is explained further in the Statement of Need included in the Planning Statement ~~[**REP2-012**~~**Document Reference 5.5 Revision 3**].

2.3.4 The approach taken has precedent in numerous development consent orders for solar development, including the Cottam Solar Project Order 2024, the Gate Burton Energy Park Order 2024, the Mallard Pass Solar Farm Order 2024, the Longfield Solar Farm Order 2023, the Little Crow Solar Park Order 2022 and the Cleve Hill Solar Park Order 2020. It is also consistent with NPS EN-3 guidance at paragraph 2.10.56: "*AC installed export capacity should not be seen as an appropriate tool to constrain the impacts of a solar farm. Applicants should use other measurements, such as panel size, total area and percentage of ground cover to set the maximum extent of development when determining the planning impacts of an application*." [2]

[2] Department for Energy Security & Net Zero (updated in 2024). National Policy Statement for Renewable Energy Infrastructure (EN-3).

2.4 Associated development

2.4.1 The draft Order specifically authorises development which is associated with the NSIP. The Secretary of State may, under the provisions of section 115 of the 2008 Act, grant consent for development that is associated with the NSIP ("**associated development**").

2.4.2 Recent guidance sets out that *"associated development and works proposed to be included in a DCO must be demonstrably linked and subordinate to the NSIP, and required to ensure it can be built or operated. It is not acceptable to propose associated development in a DCO which is self-contained or effectively a separate NSIP development in its own right."*[3] This guidance cross-refers to previous guidance which considers associated development in more detail.

2.4.3 This previous guidance on associated development has been issued by the Secretary of State for Communities and Local Government.[4] In this guidance associated development is described as being "*typical of development brought forward alongside the relevant type of principal development or of a kind that is usually necessary to support a particular type of project, for example (where consistent with the core principles above) a grid connection for a commercial power station*" (paragraph 6) and "*requires a direct relationship between associated development and the principal development. Associated development should therefore either support the construction or operation of the principal development or help address its impacts. Associated development should not be an aim in itself but should be subordinate to the principal development*" (paragraph 5(i) and (ii)).

2.4.4 In some cases, there may be some overlap between associated development and works which form part of the NSIP. All elements of the Authorised Development described in Schedule 1 to the draft Order, either constitute part of the NSIP or are associated development within the meaning of Section 115(2) of the 2008 Act, and so can properly be authorised by the Order.

2.4.5 As part of the Authorised Development, the battery energy storage system will be associated development (see Work No.5 in Schedule 1 to the draft Order and shown on the Works Plans [**REP4-002**]).

2.4.6 In order to ensure that the numbered works comprising the Authorised Development in Schedule 1 may be constructed efficiently and without impediment, the Order includes 'ancillary works' listed (a) to (r) in Schedule 1. This is a widely precedented approach and has been approved by the Secretary of State in other made DCOs, such as the Gate Burton Energy Park Order 2024, the Mallard Pass Solar Farm Order 2024 and the

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3 Department for Levelling Up, Housing and Communities (2024). Planning Act 2008: Content of a Development Consent Order required for Nationally Significant Infrastructure Projects

4 Department for Communities and Local Government (2013). Planning Act 2008: Guidance on associated development applications for major infrastructure projects.

Cottam Solar Project Order 2024.

2.5 **Ancillary matters**

2.5.1 The draft Order also contains several ancillary matters, i.e. provisions not consisting of development.

2.5.2 The power to acquire land or rights over land compulsorily is included in the draft Order, in accordance with section 120(3) of the 2008 Act, and is required for the Authorised Development, or to facilitate, or is incidental to the Authorised Development under section 122 of the 2008 Act. A justification for these powers is set out in the Statement of Reasons [~~**REP4-007**~~**Document Reference 8.6 Revision 5**] that accompanies the application.

2.5.3 The draft Order also seeks to apply and modify statutory provisions relating to the compulsory acquisition of land. It is for this reason that under section 117 and 120(5) of the 2008 Act the Order must be made by way of a statutory instrument. The draft Order is therefore in that form.

2.5.4 Other ancillary matters include the temporary closure or restriction of existing streets and public rights of way, the creation of new means of access, the imposition of traffic regulation measures and the application and disapplication of legislation.

3 PARAMETERS OF THE ORDER AND "CONSENT ENVELOPE"

3.1 The detailed design of the Scheme must be in accordance with the Design Approach Document Appendix A: Parameters Document [**REP3-014**], as secured in Requirement 6 (Detailed design approval) of Schedule 2 to the Order. This approach is taken to ensure suitable flexibility in the design of the Authorised Development, for example new technology can be used within that envelope, while ensuring that the development will not fall outside of the scope of the Environmental Statement [**Document Reference APP-037 -APP-175**]. The principle of using a design envelope is recognised as appropriate for a wide range of NSIPs and is described in paragraph 008 of the relevant advice note.[5]

3.2 In addition to the Design Approach Document Appendix A: Parameters Document [**REP3-014**], other DCO requirements (provided for in Schedule 2 to the Order) and certified documents and plans (provided for in Schedule 12 to the Order) will operate to control and manage the detailed design of the Authorised Development, as well as its construction, operation (including maintenance) and decommissioning. The way in which those mechanisms work together as an envelope within which the Authorised Development is to be undertaken is explained in more detail below.

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5 Ministry of Housing, Communities and Local Government and Department for Levelling Up, Housing and Communities (2024). Planning Act 2008: Content of a Development Consent Order required for Nationally Significant Infrastructure Projects.

3.3 Article 3 (Development consent etc. granted by this Order) of the Order and Schedule 2 (Requirements) to the Order operate to create a "consent envelope" within which the Authorised Development would be brought forward. The Authorised Development is described in Schedule 1 to the Order and consent is granted for that development pursuant to article 3(1).

3.4 In Schedule 1 (Authorised development), the Authorised Development is divided into a series of component parts, referred to as "numbered works". The location and maximum extent of those numbered works are shown on the Works Plans [**REP4-002**].

3.5 The design of the Authorised Development is controlled via Requirement 6 (Detailed design approval) of Schedule 2 to the Order, which requires approval of details of the Authorised Development's design and requires that the details submitted accord with the Design Approach Document Appendix A: Parameters Document [**REP3-014**], as well as the Landscape and Visual Mitigation Strategy (which comprises Figure 6.4 of the Environmental Statement [**REP4-042**] and the landscape and ecology management plan for that phase as approved under Requirement 8. The Design Approach Document Appendix A: Parameters Document [**REP3-014**] secures the parameters that are necessary to ensure that the Authorised Development is constructed, operated (including maintenance) and decommissioned in such a way that the impacts and effects would not exceed the scenario assessed in the Environmental Statement [**APP-037 -APP-175**].

3.6 In addition to the Design Approach Document Appendix A: Parameters Document [**REP3-014**] and the Works Plans [**REP4-002**] (as well as the Landscape and Visual Mitigation Strategy (which comprises Figure 6.4 of the Environmental Statement [**REP4-042**], the design of the Authorised Development is also controlled by the:

3.6.1 approval of detailed design, and requirement to carry out the Authorised Development in accordance with those approved details – Requirement 6**;**

3.6.2 approval and implementation of a landscape and ecology management plan - Requirement 8;

3.6.3 approval and implementation of details of permanent fencing, walls and other means of enclosure - Requirement 9;

3.6.4 approval and implementation of details of the surface water drainage strategy and (if any) foul water drainage system (including means of pollution control) – Requirement 11;

3.6.5 approval and implementation of a written scheme of investigation for archaeological mitigation - Requirement 12; and

3.6.6 where relevant, the approval and implementation of a controlled site interpretation

scheme or controlled site exclusion area – Requirement 13.

3.7 The construction phase of the Authorised Development is controlled by the:

3.7.1 approval and implementation of a written scheme (setting out the phase or phases of the construction of the Authorised Development) – Requirement 3;

3.7.2 approval and implementation of a battery safety management plan - Requirement 7;

3.7.3 approval and implementation of a landscape and ecology management plan - Requirement 8;

3.7.4 approval and implementation of details of temporary fencing, walls and other means of enclosure - Requirement 9;

3.7.5 approval and implementation of the soil management plan - Requirement 10;

3.7.6 approval and implementation of a written scheme of investigation for archaeological mitigation - Requirement 12.

3.7.7 approval and implementation of a construction environmental management plan - Requirement 14;

3.7.8 approval and implementation of a construction traffic management plan - Requirement 16;

3.7.9 approval and implementation of a supply chain, employment and skills plan – Requirement 18;

3.7.10 approval of pre-commencement condition survey for the extents of relevant public rights of way to be temporarily closed, and approval and implementation of a reinstatement plan for such extents of relevant public rights of way – Requirement 20; and

3.7.11 evidence that consent or authorisation (or evidence that consent or authorisation is not required) has been submitted and approved by the relevant planning authority for the development comprising the provision of electrical cables for the purposes of connecting Work No.4H, which includes a 400kv substation and as is shown as shown on the Works Plans [**REP4-042**], to the national electricity transmission system – Requirement 21.

3.8 The ongoing operation and maintenance of the Authorised Development is controlled by the:

3.8.1 approval and implementation of a battery safety management plan - Requirement 7;

3.8.2 approval and implementation of a landscape and ecology management plan - Requirement 8;

3.8.3 approval and implementation of details of permanent fencing, walls and other means of enclosure - Requirement 9;

3.8.4 approval and implementation of a soil management plan - Requirement 10;

3.8.5 approval and implementation of details of a surface water drainage strategy and (if any) foul water drainage system (including means of pollution control) – Requirement 11;

3.8.6 approval and implementation of an operational environmental management plan - Requirement 15;

3.8.7 approval and implementation of an operational noise assessment - Requirement 17; and

3.8.8 approval and implementation of a supply chain, employment and skills plan – Requirement 18.

3.9 The decommissioning of the Authorised Development is controlled by the approval and implementation of the decommissioning environmental management plan (Requirement 19).

3.10 The Application seeks flexibility to undertake the Authorised Development within the above envelope, in particular within the maximum areas secured via the Works Plans **[REP4-042]** and the parameters secured via the Design Approach Document Appendix A: Parameters Document [**REP3-014**]. As set out in Chapter 4: 'Approach to Environmental Impact Assessment' in the Environmental Statement [**APP-041**] and the individual technical chapters, the EIA has assessed a worst case scenario and has considered, and confirmed, that any scheme built within the maximum areas and parameters would have effects no worse than those assessed.

3.11 Any indicative development layouts that have been submitted to provide illustrative examples of the different design layouts that have been considered for the Authorised Development that could be built out within the "consent envelope" (the design aspect of which is controlled primarily through the Works Plans [**REP4-042**] and the Design Approach Document Appendix A: Parameters Document [**REP3-014**]. These are provided for illustration only within the Environmental Statement figures [**APP-129 – APP-175**].

4 PROVISIONS OF THE ORDER

4.1 Introduction

4.1.1 The purpose and effect of the provisions of the draft Order are now explained in sequence. The Order consists of ~~49~~ 50 operative provisions, each referred to as articles, and 14 Schedules. The articles are considered below in numerical order (split between the different Parts of the Order), and Schedules are considered along with the article

which introduces them or to which they relate.

4.1.2 Whilst the Infrastructure Planning (Model Provisions) (England and Wales) Order 2009 (S.I. 2009/2265) has been repealed, the draft Order is based on the model provisions as well as other development consent orders that have been made to date. The draft Order has been influenced by recent development consent orders including: the Gate Burton Energy Park Order 2024, the Mallard Pass Solar Farm Order 2024 and the Cottam Solar Project Order 2024, the Sunnica Energy Farm Order 2024, the Longfield Solar Farm Order 2023, the Hornsea Four Offshore Wind Farm Order 2023, the Awel y Môr Offshore Wind Farm Order 2023, the Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order 2022, the A417 Missing Link Development Consent Order 2022 and the Little Crow Solar Park Order 2022.

4.1.3 Several made DCOs contain articles which incorporate a provision by which the Applicant must obtain consent, agreement or approval from a third party before it may do something and that such consent, agreement or approval shall not be unreasonably withheld, as well as a longstop default provision to the effect that, if the relevant third party fails to respond, the consent, agreement or approval shall be deemed to have been given.

4.1.4 The Applicant considers this approach to be necessary to remove the possibility for undue delay and to provide certainty that the authorised development can be delivered in a timely fashion. This approach is also considered to be proportionate in that, having undertaken extensive pre-application consultation and the Order having been rigorously examined, the delivery of the authorised development should not be held up unreasonably, if it has been approved by the Secretary of State.

4.1.5 The draft Order includes, therefore, at articles 14 (Power to alter layout, etc., of streets), 16 (Temporary closure or restriction of streets and public rights of way), 17 (Access to works), 19 (Traffic regulation measures), 20 (Discharge of water) and 22 (Authority to survey and investigate the land) a deemed consenting regime to apply whereby if a consent etc. is required and no such consent etc. is provided within 28 days of receiving an application for consent or approval, the consenting authority is deemed to have granted consent.

4.1.6 The Applicant notes that the recently published, Nuclear Regulatory Review 2025 produced by a Taskforce led by John Fingleton, recommended that model provisions for DCO drafting should be reinstated to help solve common problems occurring in the consenting of NSIPs. One of the model provisions included in the Review is the inclusion of 28 day decision making period with deemed consent applying at the end of this. On 26 November 2025, the Prime Minister fully endorsed the recommendations of the Review, accepting “the principle of all the recommendations it has set out”. The Applicant therefore considers the inclusion of this article entirely appropriate and

necessary to align with the current industry approach.

4.1.7 At the request of City of Doncaster Council and the Examining Authority, the Applicant has included qualifying provisions within the deemed consent provisions within articles 14, 16, 17 and 19. These provide that any application intended to benefit from a deemed consent provision must include a statement confirming that the relevant deeming provision applies to the application. Where no such statement is included, the deemed consent provision will not apply.

4.2 **Part 1 (Preliminary) and Part 2 (Principal Powers)**

4.2.1 Articles 1 (Citation and commencement) and 2 (Interpretation) are preliminary provisions. Article 1 provides for the way in which the Order should be cited and when it takes effect. This article did not appear in the model provisions. However, it is a standard article that is included in all development consent orders.

4.2.2 Article 2 (Interpretation) provides for the interpretation of the rest of the Order, including the Schedules. It is a standard article and was included in the model provisions as article 1.

4.2.3 Where appropriate, some Schedules also contain provisions setting out what terms mean in that particular Schedule.

4.2.4 Article 2 makes alterations to the model provisions to accommodate departures from model provisions elsewhere in the Order, and to add required definitions, including:

4.2.4.1 definitions of plans and documents submitted as part of the Application and which are referred to in the Order have been added. Where relevant plans and documents are to be certified under article 44 (Certification of plans and documents etc.), they are more fully identified in the table in Schedule 12 to the Order;

4.2.4.2 the definition of "authorised development" -

- means the development and associated development described in Schedule 1 to the Order, which is development within the meaning of section 31 of the 2008 Act as defined in section 32 of the 2008 Act. The definitions of "ancillary works" and "authorised project" from the model provisions have not been used in the Order, instead the concept of associated development is included in the definition of "authorised development" and is described in detail in Schedule 1, as it is considered that this

drafting is more effective (and is common practice);

- the inclusion of the wording “any other development” in this definition is because the Order provides for powers to carry out limited activities beyond the Order limits. Articles 21 (Protective works to buildings) and 22 (Authority to survey and investigate the land) are powers that impact land within the Order limits as well as those affected by the authorised development. This wording allows the undertaker to retain flexibility to provide protective works to buildings outside of the Order limits if necessary. In relation to surveys and investigations, there is scope for movement across the Order limits. The Applicant considers it important to extend this power to surrounding areas which could be impacted by the authorised development and would need to be included, for instance, for surveys and investigations.

4.2.4.3 the definition of "commence" is defined so as to exclude "permitted preliminary works". This exclusion is required to enable the undertaker to carry out certain preparatory works prior to the submission of relevant details for approval under the requirements contained in Schedule 2 to the Order so that certain works can be carried out without "commencing" the authorised development. This is to allow a small element of necessary flexibility in how the authorised development can be constructed. The works identified include pre-commencement activities such as surveys, monitoring, mitigation and site investigations which are considered appropriate as the nature of these works (i.e. non-intrusive, above ground works or actions) means they are not expected to give rise to environmental effects requiring mitigation.

4.2.4.4 a definition of "maintain" has been added to make clear what activities are authorised under article 5 (Power to maintain the authorised development) during the operation of the authorised development. The definition does not permit the whole of the authorised development to be removed, replaced or reconstructed. The definition has been drafted to reflect directly the nature and context of the authorised development, which will need to be properly maintained, managed, and protected throughout its operational lifetime. The drafting, therefore, reflects this operational period and the likely framework of maintenance that will be required while enabling technological and practice advancement and

improvements within identified environmental performance standards. Therefore, some flexibility must be built-in to what maintenance of the authorised development will involve, particularly to keep up with changing standards and controls and advances in technology. The approach taken has precedent in the Longfield Solar Farm Order 2023, The Gate Burton Energy Park Order 2024, The Mallard Pass Solar Farm Order 2024 and The Cottam Solar Project Order 2024.

4.2.4.5 the definition of "Order land" means the land which is within the Order limits and is described in the **Book of Reference [~~REP3-012~~Document Reference 4.3 Revision 6]**. This land is coloured blue (land to be permanently acquired) and pink (land in which the undertaker can create and acquire new rights and impose restrictive covenants). Land within the Order Limits that is not subject to compulsory acquisition is identified on the **Land Plans [REP3-002]** as follows:

(a) Yellow land denotes Special Category Land (Common Land) over which no compulsory acquisition or temporary possession powers are sought;

(b) Dark grey land denotes Special Category Land (Common Land) over which no compulsory acquisition, temporary possession, or works powers are sought; and

(c) In addition, plots 10/21 and 11/25 comprise land in proximity to the M180 motorway, shown dark grey on Sheets 10, 11 and 12 of the Land Plans, and likewise are not subject to compulsory acquisition, temporary possession or works powers.

The land shown shaded light grey on the Land Plans is outside of both the Order Limits and Order Land;

4.2.4.6 the definition of "Order limits" means the limits shown on the Works Plans within which the authorised development may be carried out;

4.2.4.7 the definition of "Permit Scheme" means The Traffic Management (Doncaster Borough Council) Permit Scheme Order 2019, or any subsequent Permit Scheme Order made by the City of Doncaster Council to vary or replace that Order under Part 3 (permit schemes) of the Traffic Management Act 2004, as applicable for the location of the relevant works;

4.2.4.8 the definition of "statutory undertaker" includes reference to a public communications provider defined by section 151(1) of the

Communications Act 2003. This is on the basis that a "public communication provider" is providing a network or service to members of the public and, insofar as they may have assets or apparatus within the Order Limits, it is considered appropriate to ensure that this Order applies equally to those providers as statutory undertakers under section 127(8) of the Planning Act 2008. There is precedent for this approach, for instance the Cottam Solar Project Order 2024 and the Gate Burton Energy Park Order 2024; and

4.2.4.9 the "undertaker" is defined as RWE Renewables UK Solar and Storage Limited who has the benefit of the provisions of the Order, subject to the provisions of article 7 (Benefit of this Order) (see paragraph 4.2.18 below).

4.2.5 Paragraph (2) has been included to reflect that "rights over land" include references to do or restrain or to place and maintain anything in, on or under land or in the airspace above its surface and to any trusts and incidents, including restrictive covenants. Paragraph (2) also makes it clear that references to the imposition of restrictive covenants are references to the creation of rights over land which interfere with the interests or rights of another.

4.2.6 Paragraphs (3) to (8) of article 2 have been added to provide clarity that reference to the purposes of the authorised development, or in connection with the authorised development, includes the construction, maintenance, operation and decommissioning of the authorised development; that all distances, directions and lengths are approximate; that references to numbered works are to the works as described in Schedule 1 and shown on the Works Plans; as to how the word "includes" is to be construed; that any statutory body or registered company listed in article 8 (Consent to transfer benefit of Order) includes that body's successor in title; how references to rights over land should be construed; and that all areas described in the Book of Reference are approximate.

4.2.7 **Article 3 (Development consent etc. granted by the Order)** grants development consent for the authorised development to be carried out within the Order Limits. Schedule 1 describes the authorised development. This article makes the consent subject to the requirements that are listed in Schedule 2. This is a well precedented provision in consented solar farm Orders.

4.2.8 Article 3(2) was not included in the model provisions but has been included in previous orders and is widely precedented. For example, this article is as included in article 5(2) of the Boston Alternative Energy Facility Order 2023, article 3(2) of the A417 Missing Link Development Consent Order 2022 and article 3(2) of the M42 Junction 6 Development Consent Order 2020. It provides that any enactment applying to land

within or adjacent to the Order limits has effect subject to the provisions of the Order. Because the Order amends and disapplies various enactments that apply to and affect the authorised development, or would otherwise do so, this helps to clarify the interaction between the provisions of the Order and other legislation.

4.2.9 Article 3(2) is also necessary to ensure that there are no local acts or other legislation that might hinder the construction, operation, maintenance and decommissioning of the authorised development. Including this article ensures that the construction, operation, maintenance and decommissioning of the authorised development are not jeopardised by any incompatible statutory provisions which might exist, i.e. a provision which would be an absolute restriction that could not be dealt with unless by statutory amendment. The provision would prevent delay in this situation by ensuring that the authorised development could be constructed without impediment. The Applicant has carried out a proportionate search of local legislation that applies within reasonably close proximity to land within the Order limits. The specific local enactments identified through the Applicant's proportionate search of local legislation are disapplied under article 9 (Application and modification of statutory provisions) via Schedule 3 to the Order insofar as the provisions still in force are inconsistent with how the powers in the Order can be exercised. Please refer to Schedule 3 where the details of the disapplication of each local legislation is provided and a justification for the disapplication of the local legislation and byelaws listed in Schedule 3 can be found at Appendix 1. But no search can be completely exhaustive and there remains the possibility that a local act or provision may have been overlooked, so article 3(2) is drafted in general terms.

4.2.10 In terms of the limits of the provision and how far "adjacent" extends from the Order limits, it is noted that article 22 (Authority to survey and investigate the land) grants the Applicant the power to enter not only onto land within the Order limits, but also onto other land "which may be affected by the authorised development or upon which entry is required in order to carry out monitoring or surveys in respect of the authorised development". The extent of 'adjacent' land would therefore need to be judged on a case-by-case basis and in practice would be to the extent necessary for the construction and operation of the authorised development.

4.2.11 This is a widely precedented article (see article 3(3) of the A122 (Lower Thames Crossing) Development Consent Order 2025, article 3(2) of the London Luton Airport Expansion Development Consent Order 2025, article 3(2) of the M42 Junction 6 Development Consent Order 2020 and article 3(2) of the Boston Alternative Energy Facility Order 2023).

4.2.12 **Article 4 (Operation of generating station**) permits the operation and use of the generating station comprised in the authorised development and is included pursuant to section 140 of the 2008 Act. It is included so that the undertaker has powers to

operate the generating station. Article 4(2) specifically preserves the need for the undertaker to obtain any other operational permit or licence that may be needed for the generating station, in addition to the Order.

4.2.13 The drafting of article 4 adopted by the Applicant is in keeping with recently made energy DCOs. For example, article 4 is as substantially found in article 4 of the Longfield Solar Farm Order 2023, article 11 of the Little Crow Solar Park Order 2022, article 5 of the Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order 2022 and article 4 of the Awel y Môr Offshore Wind Farm Order 2023.

4.2.14 **Article 5 (Power to maintain the authorised development)** sets out the scope within which the undertaker may maintain the development and is required so that the undertaker has the power to maintain the authorised development. Powers of maintenance are subject to the other provisions of the Order and any agreements made under the Order. Paragraph (2) makes clear that this article does not authorise the carrying out of any works which are likely to give rise to any new or materially different effects that have not been assessed in the Environmental Statement [**APP-037 -APP-175**].

4.2.15 A version of this article 5 was included in the model provisions as article 3 and as an example of its use is as found in Article 6 of the A417 Missing Link Development Consent Order 2022.

4.2.16 **Article 6 (Maintenance of drainage works)** makes clear that subject to the provisions of Schedule 14 (protective provisions) and except where otherwise expressly provided for within the Order, nothing in the Order, or the construction, maintenance, operation or decommissioning of the authorised development, affects the existing allocation of responsibility for maintenance of any works connected to the drainage of land, unless this is agreed between the Applicant and the responsible party. This article is included to avoid any confusion as to future maintenance.

4.2.17 This provision is well precedented (see article 6 of the M25 Junction 10/A3 Wisley Interchange Development Consent Order 2022, article 5 of the M25 Junction 28 Development Consent Order 2022 and article 5 of the Boston Alternative Energy Facility Order 2023).

4.2.18 **Article 7** (**Benefit of this Order)** this provision overrides section 156(1) of the 2008 Act (as permitted by section 156(2)) to give the benefit of the Order to the Applicant rather than anyone with an interest in the land. It would be impracticable for a variety of landowners to implement parts of the Order in an uncoordinated manner, which might be the case if the provisions of section 156(1) of the 2008 Act were left remain unmodified. This article is subject to article 8 (Consent to transfer benefit of Order).

4.2.19 The drafting by the Applicant is in keeping with recently made energy DCOs. For

example, article 31 of the Sunnica Energy Farm DCO 2024, article 32(1) of the Gate Burton Energy Park Order 2024, article 34 of the Mallard Pass Solar Farm Order 2024 and article 34(1) of the Cottam Solar Project Order 2024.

4.2.20 **Article 8 (Consent to transfer benefit of Order)** is a standard article included in numerous made DCOs that makes provision for the transfer of any or all of the benefit of the provision of the Order. This article is required in order that the undertaker has the commercial flexibility to transfer the benefit of the Order to a third party, subject to the provisions of the article. Under paragraph (3), the consent of the Secretary of State is needed before the undertaker can transfer or lease the Order except where:

4.2.20.1 the transferee or lessee is the holder of a licence under section 6 (licences authorising supplies etc.) of the 1989 Act;

4.2.20.2 the transferee or lessee is a holding company or subsidiary of the undertaker; or

4.2.20.3 the compensation provisions for the acquisition of rights or interests in land or for effects on land have been discharged or are no longer relevant.

4.2.21 Note that article 8(1) has been amended from the model provisions so that it refers to 'transfer or grant', which is considered to be more accurate than 'agreement'.

4.2.22 The justification for these provisions is that in such cases, the transferee or lessee will be of a similar regulatory standing to the undertaker so as to protect the provision for compensation for rights or interests in land that are compulsorily acquired pursuant to the Order, there are no outstanding actual or potential compulsory purchase claims. The provision that the undertaker is able to transfer the Order to a holding company or subsidiary is to allow commercial flexibility for the undertaker in the event that it would be preferable that a connected corporate entity takes the benefit of all or part of the Order.

4.2.23 Article 8(4) provides that where the consent of the Secretary of State is not needed, the undertaker must still notify the Secretary of State in writing prior to the transfer or grant of the benefit of the provisions of the Order. Paragraphs (5) to (7) provide further detail on the notification that is to be given. This is broadly as found in Article 33 of the Longfield Solar Farm Order 2023.

4.2.24 Article 8(8) provides that where the undertaker has transferred the benefit of the Order or granted the benefit of the Order then:

4.2.24.1 the transferred benefit must include any rights that are conferred and any obligations that are imposed;

4.2.24.2 the transferred benefit will reside exclusively with the transferee or the lessee and shall not be enforceable against the undertaker;

4.2.24.3 the benefits or rights conferred under paragraph (1) of the article are subject to the same restrictions, liabilities and obligations as applies to the undertaker.

4.2.25 Article 8 is as substantially found in article 33 of the Longfield Solar Farm Order 2023 and article 6 of the Awel y Môr Offshore Wind Farm Order 2023.

4.2.26 **Article 9 (Application and modification of legislative provisions)** disapplies a number of statutory provisions. Section 120 of the 2008 Act makes comprehensive and wide-ranging provision about what may be included in a DCO, as part of the 2008 Act's integrated approach to consenting. Section 120(5) provides that, subject to specified limitations and requirements, a DCO may apply, modify, or exclude a statutory provision which relates to any matter for which provision may be made in the Order; and make amendments, repeals, or revocations of statutory provisions of local application. It is common for DCOs to contain such provisions, although the scope and content inevitably differs according to the circumstances of different projects. Article 9 is present in some form in article 6 of the Longfield Solar Farm Order 2023, article 6 of the Little Crow Solar Park Order 2022, article 8 of the Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order 2022, article 7 of the Awel y Môr Offshore Wind Farm Order 2023 and article 3 of the A417 Missing Link Development Consent Order 2022.

4.2.27 Article 9 provides for the disapplication of the following specified provisions:

4.2.27.1 section 23 of the Land Drainage Act 1991, which prohibits e.g. the obstruction and other works in watercourses without the consent of the relevant lead local flood authority

4.2.27.2 section 30 of the Land Drainage Act 1991, which relates to the authorisation of drainage works in connection with a ditch;

4.2.27.3 section 32 of the Land Drainage Act 1991, which would inappropriately allow the provisions of the Order relating to drainage to be revisited;

4.2.27.4 the provisions of any byelaws made under section 66 of the Land Drainage Act 1991;

4.2.27.5 the provisions of any byelaws made under, or having effect as if made under, paragraphs 5, 6 or 6A of Schedule 25 to the Water Resources Act 1991;

4.2.27.6 the provisions of the Neighbourhood Planning Act 2017, insofar as they relate to temporary possession of land;

4.2.27.7 regulation 12 of the Environmental Permitting (England and Wales) Regulations 2016, in respect of a flood risk activity only; and

4.2.27.8 regulation 13 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012, which sets out the prohibited activities in respect of any tree to which a tree preservation order relates.

4.2.28 These disapplications are sought on the basis that they address matters whose merits and acceptability can, and will, already have been sufficiently considered and resolved if the Order is made, for instance in relation to the provisions under the Land Drainage Act 1991 through protective provisions for the protection of the relevant drainage authorities (Part 3 of Schedule 14 to the Order). Such matters should therefore not be the subject of further regulatory consideration or control, which would cause unnecessary uncertainty and duplication, and may unjustifiably delay the implementation of the authorised development.

4.2.29 Section 150 of the Planning Act 2008 only allows requirements for prescribed consents to be disapplied if the relevant body has consented to this. The relevant consents, where applicable, have been sought in parallel with the negotiation of appropriate protective provisions, which will ensure that the disapplications will not prejudice the statutory objectives and responsibilities of the relevant regulators. The Applicant's status of these negotiations along with its approach to obtaining the other consents required for the authorised development is set out in greater detail in the Other Consents and Licences document [**APP-034**].

4.2.30 In addition, the Applicant has conducted a review of any local legislation that might conflict with the powers and rights sought in the Order. The Applicant has included a list in Schedule 3 to the Order of the historic legislation that it seeks to disapply, pertaining to canals and navigation in the vicinity of the Order. These do not include those that would impact adversely on the operation or maintenance of the Stainforth and Keadby Canal unless such an impact is authorised by the provisions of Schedule 14 (Protective provisions). The Applicant considers that, due to the importance of NSIPs, it is expedient to disapply these provisions in order to ensure that the project comprising the Application can be implemented as intended in the Order. A justification for the disapplication of the local legislation and byelaws listed in Schedule 3 can be found at Appendix 1. Article 9 disapplies the legislation listed in Schedule 3 in so far as the provisions still in force are inconsistent with how the powers in the Order can be exercised.

4.2.31 Article 9(2) also applies section 9 of the Forestry Act 1967 to any felling required as a result of the authorised development. Section 9(1) of the 1967 Act provides that a Forestry Commission licence is required for felling growing trees. Section 9(4)(d) disapplies the requirement from felling required to implement development authorised

by a planning permission – but not to development authorised by a DCO. Paragraph (2) of this article extends the exception to any trees felled as a result of the authorised development.

4.2.32 Article 9(3) in effect disapplies the Community Infrastructure Levy Regulations 2010, by making clear that any building comprised in the authorised development is to be deemed to be of a type that does not trigger liability for payment of the Community Infrastructure Levy.

4.2.33 **Article 10 (Defence to proceedings in respect of statutory nuisance)** provides that no person is able to bring statutory nuisance proceedings under the Environmental Protection Act 1990 in respect of paragraph (d) or (g) of section 79(1) of the Environmental Protection Act 1990, which relates to dust, steam, smell, noise created in the course of carrying out construction, use, maintenance or decommissioning of the authorised development and for which notice has been given under section 60 or consent obtained under section 61 of the Control of Pollution Act 1974, or is a consequence of the construction, maintenance or decommissioning of the authorised development and cannot be reasonably avoided, or is a consequence of the authorised development and cannot be reasonably avoided. This article, excluding paragraph (2), has precedent in recent DCOs, for example article 7 of the Cottam Solar Project Order 2024, the Gate Burton Energy Park Order 2024 and the Mallard Pass Solar Farm DCO 2024.

4.3 **Part 3 (Streets)**

4.3.1 **Article 11 (Street works)** allows the undertaker to carry out certain works to a street for the purposes of the authorised development. It is necessary because implementation of the authorised development will require works to be undertaken to streets. Schedule 4 sets out the streets that are subject to street works, and a description of those works, thereby clarifying the extent of the powers. The authority given by this article is a statutory right for the purposes of sections 48(3) and 51(1) of 1991 Act. Certain provisions of the 1991 Act apply to works carried out under this article, subject to the provisions of article 13 (Application of the 1991 Act) and the permit scheme applied by article 12. Article 11 is based on article 8 of the model provision.

4.3.2 The locations of the streets described in Schedule 4 are shown on the **Street Works, Access and Public Rights of Way Plans** [**REP3-004**].

4.3.3 Article 11 is as substantially found at article 8 of the Longfield Solar Farm Order 2023, article 9 of the Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order 2022, article 9 of the Awel y Môr Offshore Wind Farm Order 2023, article 11 of the A417 Missing Link Development Consent Order 2022, and article 8 of the Hornsea Four Offshore Wind Farm Order 2023.

4.3.4 **Article 12 (Application of permit scheme)** was added at Deadline 4 to clarify the

interaction between relevant streets and highways articles of the Order and the application of the City of Doncaster Council permit scheme , as per the request of City of Doncaster Council. The Article clarifies that the permit scheme applies to the authorised development subject to certain clarifications (e.g., as to the circumstances in which a permit may refused or granted subject to conditions) to ensure the permit scheme operates in a manner which is consistent with the Order and does not act as an impediment to the delivery of this nationally significant infrastructure project in respect of which there is a critical national priority. The Article also ensures that an appeal process remains open to the undertaker in respect of any decisions taken by the Council under the permit scheme. This drafting is based on article 9 of the Fenwick Solar Farm Order 2026, article 9 of the Tillbridge Solar Order 2025 and article 12 of the National Grid Bramford to Twinstead Reinforcement Order 2024.

4.3.5 **Article 13 (Application of the 1991 Act)** provides for the application of the 1991 Act. Although not included in the model provisions, it is as substantially found in article 10 of the Awel y Môr Offshore Wind Farm Order 2023, article 12 of the A417 Missing Link Development Consent Order 2022 and article 9 of the Hornsea Four Offshore Wind Farm Order 2023. Article 12 modifies the application of the 1991 Act to works carried out under the powers of the Order.

4.3.6 Paragraph (1) 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 1991 Act. 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 constructed or maintained for clarity, and such drafting is precedented (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).

4.3.7 Paragraph (2) 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.

4.3.8 Paragraphs (3) to (5) apply certain provisions of the 1991 Act (listed in paragraph (4)), or any equivalent or modified provision in the City of Doncaster Council permit scheme, to any streets which are temporarily closed, altered, diverted or restricted under the Order. This is for two reasons: first, it prevents any confusion as to whether works in respect of a temporarily closure, alteration, diversion or restriction are "street works" for the purposes of the 1991 Act and, secondly, it simplifies 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.

4.3.9 Paragraph (6) provides that certain provisions of the 1991 Act listed in that paragraph will not apply. The disapplication of these provisions (which are designed primarily to regulate the carrying out of street works by utility companies in respect of their apparatus) is appropriate given the scale of works proposed under the Order, the specific authorisation given for those works by the Order and the specific provisions in the Order which regulate the carrying out of the works.

4.3.10 **Article 14 (Power to alter layout, etc, of streets)** allows the undertaker to alter the layout of, and carry out any work in, the streets specified in Schedule 5 and in the manner specified in that Schedule. Paragraph (2) includes a general power, subject to the consent of the street authority and a requirement to restore, to alter the layout of any street permanently or temporarily and, for instance, alter the level or increase the width of the carriageway.

4.3.11 This article is necessary because, in order to construct, operate, maintain and decommission the authorised development, the undertaker will need to alter street layouts to ensure that the authorised development can be accessed effectively while ensuring there is minimal disruption to the local highway network.

4.3.12 The locations of the permanent alterations of layouts described in Schedule 5 are shown on the **Street Works, Access and Public Rights of Way Plans [REP3-004]**.

4.3.13 Article 14 is as substantially found in article 9 of the Longfield Solar Farm Order 2023, article 10 of the Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order 2022 and article 14 of the Hornsea Four Offshore Wind Farm Order 2023.

4.3.14 **Article 15 (Construction and maintenance of altered streets)** provides that the permanent alterations to any street under article 14(1) (Power to alter layout, etc. of streets) must be completed to the reasonable satisfaction of the street authority and, unless otherwise agreed, be maintained at the undertaker's expense for a period of 12 months from their completion. Thereafter, maintenance will be the responsibility of the street authority (paragraph (1). With regard to the temporary alterations to any street under article 14(2), those alterations must also be completed to the reasonable satisfactions of the street authority and must be maintained during the required period by and at the expense of the undertaker. In terms of restoration works (under article

14(3)) of any street temporarily altered under the Order, those works must also be completed to the reasonable satisfaction of the street authority and must be maintained by the undertaker for a period of 12 months from their completion. Thereafter, maintenance will be the responsibility of the street authority.

4.3.15 The purpose of this Article is to define who will be responsible for the maintenance of altered streets following the carrying out of works. Paragraphs (4) and (5) mirror the defence in section 58 of the Highways Act 1980 where the undertaker is subject to an action for damages and has taken such care as was reasonably required in the circumstances to secure that the street was not dangerous to traffic.

4.3.16 Article 15 is as substantially found in article 10 of the Longfield Solar Farm Order 2023, article 13 of the A417 Missing Link Development Consent Order 2022.

4.3.17 **Article 16 (Temporary closure or restriction of streets of public rights of way)** provides that the undertaker may temporarily close, prohibit the use of, restrict the use of, authorise the use of, alter or divert the use by vehicles, or classes of vehicles, or pedestrians of the specific streets and public rights of way specified in Schedule 6. The closures or restrictions of streets are set out in Part 1 (streets to be temporarily closed or restricted) and the closures or restrictions of public rights of way are set out in Part 2 (public rights of way to be temporarily closed or restricted) of Schedule 6 to the Order. In addition, the undertaker has a more general power in paragraph (2), for instance, to temporarily close, alter, divert, prohibit the use of, authorise the use, or restrict the use of any street or public right of way for the purposes of constructing, maintaining or decommissioning the authorised development.

4.3.18 This article is required because, in particular, the undertaker will need to close temporarily and restrict certain streets and public rights of way in order to construct the authorised development. Article 16(6) provides that compensation is payable in respect of loss suffered by the suspension of any private rights of way. This provision is required so that persons who temporarily lose private rights of way because of the suspension of public rights of way can be appropriately compensated.

4.3.19 The locations of the temporary closures of streets and public rights of way described in Schedule 6 are shown on the **Street Works, Access and Public Rights of Way Plans** [**REP3-004**].

4.3.20 Paragraph (8) 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 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.

4.3.21 Article 16 is as substantially found in article 11 of the Longfield Solar Farm Order 2023, article 13(6) of the M25 Junction 28 Development Consent Order 2022, article 12(6) of the M54 to M6 Link Road Development Consent Order 2022 and articles 15(6), 12(6), 14(6) of the A30 Chiverton to Carland Cross Development Consent Order 2020, A19/A184 Testo's Junction Alteration Development Consent Order 2018 and M20 Junction 10a Development Consent Order 2017 respectively.

4.3.22 **Article 17 (Access to works)** is a model provision which gives the undertaker the power to form and lay out permanent means of access, or to improve existing means of access, for the purposes of the authorised development, in the approximate locations as set out in Schedule 7 to the Order. In addition, for the purposes of the authorised development the undertaker may form and lay out such other means of access, or improve existing means of access, within the Order limits with the approval of the highway authority. This article is necessary because the undertaker will need to create or improve existing means of access for the purposes of the authorised development.

4.3.23 The locations of the access works described in Schedule 7 are shown on the Street Works, Access and Public Rights of Way Plans [**REP3-004**].

4.3.24 Article 17 is substantially found in article 12 of the Longfield Solar Farm Order 2023, article 12 of the Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order 2022 and article 12 of the Hornsea Four Offshore Wind Farm Order 2023.

4.3.25 **Article 18 (Use of private roads)** authorises the temporary passage by the undertaker – in common with other permitted users – of private roads within the Order limits by persons or vehicles, for the purposes of, or in connection with, the construction and maintenance of the authorised development, without the need for the undertaker to take temporary possession of the land under article 33 (Temporary use of land for constructing the authorised development) of the Order.

4.3.26 This article therefore creates a power to "use" a private road for a temporary period that is proportionate to the limited nature of the use, rather than extinguishing, suspending or permanently interfering with the private rights of a landowner (through the acquisition of a permanent right). This is akin to the powers for temporary use under article 34 of the Order; however, it is distinguished because the Applicant does not require the exclusive use and possession of the private roads while exercising this power.

4.3.27 Paragraph (2) provides that the undertaker must compensate the person liable for the repair of a road for any loss or damage as a result of the exercise of this power. Paragraph (3) is included to clarify that any dispute as to a person's entitlement to

compensation, or as to the amount of such compensation, is to be determined under Part 1 of the Land Compensation Act 1961.

4.3.28 There is precedent for this article, for example in the Port of Tilbury (Expansion) Order 2019 (article 16) and the Lake Lothing (Lowestoft) Third Crossing Order 2020 (article 14).

4.3.29 **Article ~~18~~ 19 (Traffic regulation measures)** provides at paragraph (1) for the undertaker to temporarily place traffic signs and signals on any road within the Order limits (and certain other roads) for the purposes of the construction, maintenance and decommissioning of the authorised development.

4.3.30 Also included is a power at paragraph (2) which authorises the undertaker, for the purposes of the authorised development, to make temporary provision for measures including the speed at which vehicles may proceed along any road and the prescribed routes for vehicular traffic. The inclusion of this power is justified as it allows a degree of flexibility to respond to changing conditions on the road network over the lifetime of the authorised development. The powers under paragraphs (1) and (2) are appropriately regulated as they may only be exercised having consulted the relevant chief officer of police and having obtained the consent of the traffic authority concerned.

4.3.31 The article is not in the general model provisions but is common in orders granting permission for infrastructure projects where it is necessary in the interests of public safety during construction of the authorised development for the undertaker to put in place some temporary restrictions on road usage. The powers under this Article are provided for in section 120(5)(a) of the 2008 Act.

4.3.32 Article 19 is as found in article 14 of the Longfield Solar Farm Order 2023 and as found in some form in article 19 of the A417 Missing Link Development Consent Order 2022.

4.4 **Part 4 (Supplemental Powers)**

4.4.1 **Article 20 (Discharge of water)** is a model provision that allows the undertaker to discharge water into any watercourse, public sewer or drain in connection with the authorised development with the approval of the owner of the watercourse, public sewer or drain and subject to certain other conditions, and its purpose is to establish a clear statutory authority for doing so. The reference from the model provisions to section 85 of the Water Resources Act 1991 has been deleted as this section has now been repealed. This has been replaced with a reference to the Environmental Permitting (England and Wales) Regulations 2016. References to the harbour authority have also been removed as they are not relevant to the Order.

4.4.2 Where the undertaker discharges water into, or makes any opening into, a watercourse, public sewer or drain belonging to or under the control of the drainage authority, the

relevant protective provisions (see Part 3 of Schedule 14 (protective provisions)) apply in place of certain provisions (paragraphs (3) and (4)).

4.4.3 Paragraph 10 is 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 an Environmental Permit has been granted for the discharge, rather than having to obtain the additional landowner consent. This has been added to streamline this process where an Environmental Permit is required.

4.4.4 Similarly, paragraph 11 provides that sewerage undertake 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.

4.4.5 Article 20 is as substantially found in article 15 of the Longfield Solar Farm Order 2023, article 9 of the Little Crow Solar Park Order 2022, article 14 of the Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order 2022, article 14 of the Awel y Môr Offshore Wind Farm Order 2023 and article 21 of the A417 Missing Link Development Consent Order 2022. Paragraphs 10 and 11 are precedented in Article 19 The London Luton Airport Expansion Development Consent Order 2025

4.4.6 **Article 21 (Protective work to buildings)** is a model provision which is included in most made DCOs to date. Its purpose is to provide powers to the undertaker to enter any building and land within its curtilage to survey to determine whether protective works are needed and to carry out protective works to buildings within the Order limits or which may be affected by the authorised development, subject to a number of conditions including the service of 14 days' notice (except in cases of emergency) and the payment of compensation in the event that any loss or damage arises. Where the undertaker serves a notice stating the intention to carry out protective works or to enter a building or land within its curtilage there is ability for a counter-notice to be served by the land owner/occupier within a period of 10 days from the day on which the notice was served. Under paragraph (6), the effect of serving a counter-notice is that the question of whether it is necessary or expedient to carry out protective works or enter the building or land will be referred to arbitration (article 43).

4.4.7 Protective works can also be undertaken after the completion of any part of the authorised development in the vicinity of the building for a period of five years from the date of final commissioning. This wording is a minor update from the model provision wording, as the undertaker considered that the phrase 'open for use' which is used in the model provision is not appropriate. This article is required because there are buildings within, and in close proximity to, the Order limits that might feasibly require

surveys and protective works as a result of the authorised development.

4.4.8 The article also includes compensation provisions in relation to the consequences of the protective works being undertaken, but also where the protective works are undertaken but they are inadequate to protect the building or land from damage (within a period of five years from the date of final commissioning).

4.4.9 In addition, section 13 of the Compulsory Purchase Act 1965 is applied, thereby providing an enforcement mechanism (by way of a warrant) where entry onto, or possession of, land under the article is refused.

4.4.10 Article 21 is a standard provision with broad precedent and is substantially as found in article 16 of the Longfield Solar Farm Order 2023, article 16 of the Awel y Môr Offshore Wind Farm Order 2023 and article 22 of the A417 Missing Link Development Consent Order 2022.

4.4.11 **Article 22 (Authority to survey and investigate the land)** is a model provision that enables the undertaker to enter onto any land within the Order limits or which may be affected by the authorised development (or upon which entry is required to carry out monitoring or surveys) to, for instance, survey or investigate the land, make excavations and place on land apparatus for use in connection with surveys and investigations. The power is subject to a number of conditions, including a requirement of at least 14 days' notice on every owner and occupier of the land and the payment of compensation in the event that any loss or damage arises. This power is essential to the implementation of the authorised development, for example in verifying ground conditions or the presence of statutory undertakers' apparatus.

4.4.12 The model provision has been modified so that no trial holes are to be made:

4.4.12.1 in land located within the highway boundary without the consent of the highway authority; or

4.4.12.2 in a private street without the consent of the street authority.

4.4.13 Paragraph (6), which provides for deemed consent in cases where there is no response to an application for consent under this article, was not included in the model provisions but is now a standard provision following its inclusion in numerous previous orders. For example, article 22(6) is as found in article 23(6) of the A417 Missing Link Development Consent Order 2022.

4.4.14 The Article applies section 13 of the Compulsory Purchase Act 1965 (refusal to give possession to acquiring authority) thereby providing an enforcement mechanism (by way of a warrant) where entry onto land under the Article is refused. This is considered necessary so that there is no delay in the implementation of the authorised development.

4.4.15 Article 22 is as substantially found in article 17 of the Longfield Solar Farm Order 2023, article 10 of the Little Crow Solar Park Order 2022, article 15 of the Awel y Môr Offshore Wind Farm Order 2023 and article 23 of the A417 Missing Link Development Consent Order 2022.

4.5 **Part 5 (Powers of Acquisition)**

4.5.1 **Article 23 (Compulsory acquisition of land)** is a model provision that provides for the compulsory acquisition of so much of the Order land as is required for the authorised development, or to facilitate, or is incidental to, the authorised development and for any other purposes in connection with or ancillary to the undertaking. The article is necessary to secure the delivery of the authorised development as set out in more detail in the Statement of Reasons [~~**REP4-007**~~**Document Reference 8.6 Revision 5**] accompanying the application. The Article is based on article 18 of the Model Provisions.

4.5.2 Article 23(2) makes clear that the powers in this Article are subject to the powers and restrictions in article 25 (Time limit for exercise of authority to acquire land compulsorily), paragraph (2) of article 26 (Compulsory acquisition of rights and imposition of restrictive covenants), article 27 (Private rights), article 29 (Acquisition of subsoil only), article 30 (Power to override easements and other rights), article 32 (Rights under or over streets), article 33 (Temporary use of land for constructing the authorised development), article 35 (Statutory undertakers) and article 46 and Schedule 14 (protective provisions). Article 23(3) makes clear that the power to compulsorily acquire land conferred under article 23(1) does not apply to the land identified in article 23(3). This being land which is either Special Category Land (Common Land) which is shown coloured yellow on the **Land Plans [REP3-002]**, or (in the case of plots 10/21 and 11/25), land in proximity to the M180 motorway which is shown coloured dark grey on the Land Plans, that is within the Order Limits but which is not subject to compulsory acquisition or temporary possession. This provision is broadly in accordance with article 22(3) of the Rampion 2 Offshore Wind Farm Order 2025 and article 26(3) of the Cambridge Waste Water Treatment Plant Relocation Order 2025.

4.5.3 Article 23 is as substantially found in article 18 of the Awel y Môr Offshore Wind Farm Order 2023 and as substantially found in article 18 of the Longfield Solar Farm Order 2023, article 24 of the A417 Missing Link Development Consent Order 2022 and article 18 of the Hornsea Four Offshore Wind Farm Order 2023.

4.5.4 **Article 24 (Compulsory acquisition of land – incorporation of the mineral code)** incorporates Parts 2 and 3 of Schedule 2 of the Acquisition of Land Act 1981. This means that where the Applicant acquires land under the powers of the Order, it will not acquire any mineral deposits present in the land (other than those necessarily extracted or used in constructing the authorised development) unless they are expressly included in the conveyance. Such an article is included in the Model Provisions (article 19) and

is necessary to exempt mines and mineral interests from compulsory acquisition under the Order.

4.5.5 This is another standard provision with broad precedent such as article 21 of the Mallard Pass Solar Farm Order 2024 and article 47 of the Cottam Solar Project Order 2024.

4.5.6 **Article 25 (Time limit for exercise of authority to acquire land compulsorily)** is a model provision which imposes a time limit of eight years for the exercise of powers of compulsory acquisition from the date on which the Order is made, via issuing notices to treat or executing general vesting declarations. This reflects the fact that the Scheme has now been 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. 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. 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 it remains its intention to proceed by option agreements in the main.

4.5.7 Precedent for time limits in excess of 5 years can be found in article 45 of the Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 which provides for a ten year period, article 21 of the National Grid (Hinkley Point C Connection Project) Order 2016 which provides for an 8 year period, article 27 of The A122 (Lower Thames Crossing) Development Consent Order 2025 which provides for an 8 year period, article 26 of The London Luton Airport Expansion Development Consent Order 2025 which provides for a 10 year period and article 18 of The Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024, which provides for a 7 year time period.

4.5.8 The Applicant notes that in relation to article 19 of The Hornsea Three Offshore Wind Farm Order 2020, which provides for a 7 year time period, that the Secretary of State agreed with the extension on the basis that 7 years would allow more time for HVDC technology to advance, potentially requiring a smaller land take based on the as built development (see paragraph 17.3 of the decision letter).

4.5.9 The Applicant also notes that in relation to article 19 of The East Anglia TWO Offshore Wind Farm Order 2022, which provides for a 7 year time period, in this case the Secretary of State accepted a period which reflected when the Contracts for Difference, required for the financing of the project, would be awarded (see paragraph 26.7 of the

decision letter) and the Applicant considers this principle applies with equal force to the NESO process and justifies the 8 year period sought in the case of the Scheme

4.5.10 The Applicant would stress that the 8 year period will allow for the Applicant, at the detailed design and construction stage, to reduce land interference for the benefit of affected persons. In particular, as the Scheme is subject to detailed design and constructed, there may be scope to delineate land, rights and/or restrictions that it could acquire instead of outright acquisition of the entirety of a title. For the avoidance of doubt, such a determination cannot be made at this juncture because of the stage of design development and the fact that the detailed design of the project has not yet taken place. There is, further, opportunity for technological changes (e.g. improvements in electrical cabling) within the scope of the environmental assessment, which would allow for reductions in land and/or rights sought. Notwithstanding there is a compelling case for the acquisition sought, having the flexibility to exercise its powers at a later stage would allow the Applicant to take this proportionate approach to reducing the land it acquires should the opportunity arise based on the as-built and completed development.

4.5.11 **Article 26 (Compulsory acquisition of rights and imposition of restrictive covenants)** enables the undertaker to acquire rights or impose restrictive covenants over the Order land (including rights and restrictive covenants for the benefit of a statutory undertaker) as may be required for any purpose for which that land may be acquired under article 23 (Compulsory acquisition of land). The article also provides that rights may be created as well as enabling the undertaker to acquire those already in existence.

4.5.12 The article provides that, in respect of the Order Land set out in Schedule 8 (Land in which only new rights etc. may be acquired), the undertaker's powers of acquisition under article 23(1) (Compulsory acquisition of land) are limited to the acquisition of new rights and imposition of restrictive covenants for the purposes set out in that Schedule. The ability to acquire new rights and impose restrictive covenants is required in order that the undertaker can construct, operate and maintain the authorised development, and it ensures that the undertaker is able to seek a lesser interference with land where this is appropriate (whether in the context of new or existing rights) during the implementation of the authorised development.

4.5.13 Providing the undertaker with powers to acquire rights only, and impose restrictive covenants only, over the Order land allows the undertaker to reduce the area of land that is required to be compulsorily acquired for the purposes of the authorised development, and therefore allows for a more proportionate exercise of compulsory acquisition powers.

4.5.14 Paragraphs (5) and (6) provide that where the undertaker proposes the acquisition of new rights or the imposition of restrictive covenants for the purpose of diverting,

replacing or protecting the apparatus of a statutory undertaker, the undertaker may, with the consent of the Secretary of State, transfer the powers to the relevant statutory undertaker. The exercise by a statutory undertaker of any power in accordance with a transfer is subject to the same restrictions, liabilities and obligations as would apply if exercised by the undertaker.

4.5.15 Article 26 is as substantially found in article 20 of the Longfield Solar Farm Order 2023, article 21 of the Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order 2022, article 20 of the Awel y Môr Offshore Wind Farm Order 2023 and article 27 of the A417 Missing Link Development Consent Order 2022.

4.5.16 **Article 27 (Private rights)** contains provisions that (i) extinguishes all private rights and restrictive covenants over land subject to compulsory acquisition (from the earlier of the date of acquisition or the date entry onto the land by the undertaker under section 11(1) of the Compulsory Purchase Act 1965); (ii) all private rights and restrictive covenants over land subject to article 26 (Compulsory acquisition of rights and imposition of restrictive covenants) cease to have effect in so far as their continuance would be inconsistent with the exercise of the right or compliance with the restrictive covenant (from the earlier of the date of acquisition of the rights or imposition of the restrictive covenants, and the date of entry onto the land by the undertaker); (iii) all private rights and restrictive covenants over land owned by the undertaker that are within the Order land are extinguished at the start of any activity authorised by the DCO which interferes with or breaches those rights; and (iv) suspends all private rights or restrictive covenants over land so far as their continuance would be inconsistent with the exercise of temporary possession powers under the Order.

4.5.17 This article is required because it enables the undertaker to take land, where relevant, with a clear, unencumbered title, thereby minimising impediments to the delivery of the authorised development.

4.5.18 Paragraph (5) provides that compensation is payable to any person who suffers loss as a result of the exercise of the powers in this article and that such compensation would be payable under section 152 of the 2008 Act rather than the Compulsory Purchase Act 1965. Paragraph (9) also clarifies that references to private land include references to any trusts, incidents etc. to which the land is subject.

4.5.19 Article 27 is as substantially found in article 21 of the Longfield Solar Farm Order 2023, article 22 of the Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order 2022, article 22 of the Awel y Môr Offshore Wind Farm Order 2023 and article 29 of the A417 Missing Link Development Consent Order 2022.

4.5.20 **Article 28 (Application of the 1981 Act)** is a model provision which applies the general vesting procedures in the Compulsory Purchase (Vesting Declarations) Act 1981 to the

exercise of compulsory acquisition powers pursuant to the Order. This provides the undertaker with the option to acquire the land via the vesting process set out in the 1981 Act rather than the notice to treat procedure. Vesting declarations allow title in the land concerned to pass to the acquiring authority more quickly than using the notice to treat method. They also enable several parcels of land to be acquired under the same legal instrument and therefore more efficiently than under the notice to treat procedure.

4.5.21 This article has been amended from the model provision to incorporate and reflect the changes brought about by the Housing and Planning Act 2016 and the Levelling Up and Regeneration Act 2023 which has precedent in article 33 of the recent Cambridge Waste Water Treatment Plant Relocation Order 2025**.**

4.5.22 **Article 29 (Acquisition of subsoil only)** allows the undertaker to acquire so much of, or such rights in, the land referred to in article 23 (Compulsory acquisition of land) or article 26 (Compulsory acquisition of rights and imposition of restrictive covenants), rather than acquiring the whole of the land.

4.5.23 The purpose of this article is to give the Applicant the flexibility to minimise so far as is possible the extent of interests to be acquired, with consequently less impact on affected landowners, and lower payments of compensation. This too is a standard provision used in many DCOs (see for example article 21 of the Cleve Hill Solar Park Order 2020, article 23 of the Longfield Solar Farm Order 2023, article 23 of the Gate Burton Energy Park Order 2024, article 25 of the Mallard Pass Solar Farm Order 2024 and article 25 of the Cottam Solar Project Order 2024).

4.5.24 **Article 30 (Power to override easements and other rights)** provides that in carrying out or using the development authorised by the Order and doing anything else authorised by the Order, the undertaker may interfere with any easement, liberty, privilege, right or advantage annexed to land and affecting other land, including any natural right to support, or breach any restriction as to use of land arising by virtue of contract. It also provides that compensation may be payable under section 7 or section 10 of the Compulsory Purchase Act 1965 for any such interference or breach. This is not a model provision, but is added to clarify the position with regard to rights burdening land required for the authorised development.

4.5.25 Article 30 is as substantially found in article 24 of the Longfield Solar Farm Order 2023 and as substantially found in article 19 of the Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order 2022.

4.5.26 **Article 31 (Modification of Part 1 of the Compulsory Purchase Act 1965)** modifies the provisions of Part 1 of the Compulsory Purchase Act 1965 as applied to the Order by section 125 of the 2008 Act. This provision reflects changes introduced by the Housing and Planning Act 2016 and the Levelling Up and Regeneration Act 2023 and

is required to ensure that Part 1 of the 1965 Act is applied correctly to compulsory acquisition authorised under the Order**.**

4.5.27 Article 31 is as substantially found in Article 34 of the Cambridge Waste Water Treatment Plant Relocation Order 2025**.**

4.5.28 **Article 32 (Rights under or over streets)** is a model provision which has been included in the majority of made DCOs to date to enable the undertaker to enter on, appropriate and use so much of the subsoil under or airspace over any street within the Order limits for the purposes of the authorised development. The undertaker may also use the subsoil or airspace for those purposes or any other purpose ancillary to the authorised development.

4.5.29 When exercising these powers, the undertaker is not required to acquire any part of the street or any easement or right in the street and this reduces the amount of land that needs to be acquired compulsorily for the purposes of the authorised development. The exercise of this power without acquisition is prohibited in the circumstances set out in paragraph (3). Paragraphs (4) and (5) make provision for the payment of compensation.

4.5.30 Article 32 is as found in article 26 of the Longfield Solar Farm Order 2023, article 26 of the Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order 2022, article 26 of The Awel y Môr Offshore Wind Farm Order 2023 and article 33 of the A417 Missing Link Development Consent Order 2022.

4.5.31 **Article 33 (Temporary use of land for constructing the authorised development)** allows the undertaker in connection with the construction of the authorised development to enter on and take temporary possession (and for instance remove any buildings etc.) of any Order land where no notice of entry under section 11 of the 1965 Act has been served and no declaration under section 4 of the 1981 Act has been made. Provision is included at paragraph (13) to provide that paragraph (1) does not authorise the temporary possession of the land referred to in article 23(3) (Compulsory acquisition of land), see also paragraph 4.5.2 above. This being land which is:

(a) Special Category Land (Common Land) that is within the Order Limits but which is not subject to compulsory acquisition or temporary possession and which is shown coloured yellow on the Land Plans [**REP3-002**];

(b) Special Category Land (Common Land) that is within the Order Limits but which is not subject to compulsory acquisition, temporary possession or works powers and which is shown coloured dark grey on the Land Plans; and

(c) (in the case of plots 10/21 and 11/25) land in proximity to the M180 motorway, that is within the Order Limits but which is not subject to compulsory acquisition, temporary possession or works powers and which is shown coloured dark grey on

the Land Plans.

4.5.32 There is a limit on the length of time that the undertaker can use land in this way, which is the end of the period of one year beginning with the date of final commissioning of that part of the authorised development for which temporary possession of the land was taken (unless before the end of that period the undertaker has served a notice of entry under section 11 of the 1965 Act or made a declaration under section 4 of the 1981 Act in relation to that land).

4.5.33 The article requires the undertaker to give 14 days' notice to owners and occupiers of the land before taking possession (unless a potential risk to safety has been identified), and to restore the land following the temporary works.

4.5.34 Article 33 is as substantially found in article 27 of the Longfield Solar Farm Order 2023, article 27 of the Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order 2022 and article 34 of the A417 Missing Link Development Consent Order 2022.

4.5.35 **Article 34 (Temporary use of land for maintaining the authorised development)** provides for the temporary use of land for maintenance of the authorised development. There is a clear limit on the length of time that the undertaker can use land in this way (i.e. for so long as reasonably necessary to carry out the relevant maintenance), a provision requiring 28 days' notice to be given (unless the undertaker has identified a potential risk to safety) and a requirement to remove all temporary works and restore the land before giving up possession of the land. This article is broadly based on the model provision and also provides for the payment of compensation for that temporary use of the land.

4.5.36 The maintenance period has been adapted from the model provision to apply to the period five years beginning with the date of first commissioning of the part of the authorised development for which temporary possession is required, as opposed to the date on which the project is opened for use, as the former is more appropriate for this type of development. For landscaping, the maintenance period means such period as is set out in the landscape and ecological management plan, as approved (beginning with the date on which that part of the landscaping is completed).

4.5.37 Article 34 is as substantially found in article 28 of the Longfield Solar Farm Order 2023, article 28 of the Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order 2022, article 28 of the Awel y Môr Offshore Wind Farm Order 2023 and article 35 of the A417 Missing Link Development Consent Order 2022.

4.5.38 **Article 35 (Statutory undertakers)** provides for the acquisition compulsorily, acquisition of new rights or imposition of restrictive covenants over land belonging to statutory undertakers within the Order land. This includes a power to remove the apparatus of those statutory undertakers and to extinguish their rights. This article is

subject to the protective provisions (see article 46 below) included at Schedule 14 of the Order. This power is required over the whole of the Order land.

4.5.39 Article 35 is as substantially found in article 29 of the Longfield Solar Farm Order 2023, article 29 of the Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order 2022, article 29 of the Awel y Môr Offshore Wind Farm Order 2023 and article 36 of the A417 Missing Link Development Consent Order 2022.Diligent inquiries have been made to identify all relevant rights and statutory undertakers' apparatus. However, it is still possible that new rights or apparatus may be discovered during the course of the construction of the authorised development. On this basis, a general power for the extinguishment of rights and removal or relocation of apparatus belonging to statutory undertakers over or within the Order limits is required.

4.5.40 This article is subject to Schedule 14 which contains provisions for the protection of certain statutory undertakers to ensure their continued ability to carry out their functions despite the interference with their rights/apparatus required to facilitate the Scheme.

4.5.41 Paragraph (2) restricts the undertaker's power to extinguish rights or move apparatus by excluding apparatus in streets. It applies alternative provisions more appropriate to balancing the interests of the various affected parties where the apparatus in question is in a street.

4.5.42 Paragraph (3) 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. This is not a Model Provision but follows the approach taken on other connection projects including article 27 of the National Grid (Richborough Connection Project) Development Consent Order 2017 and article 37 of The A122 (Lower Thames Crossing) Development Consent Order 2025).

4.5.43 **Article 36 (No double recovery)** provides that compensation is not payable both under this Order and other compensation regimes for the same loss or damage. In addition, the article provides that there is not to be double recovery under two or more different provisions of this Order.

4.5.44 The article follows the well-established principle of equivalence in compulsory purchase compensation, namely that a claimant is to be compensated for no more and no less than their loss.

4.5.45 This article has precedent in the National Grid (Richborough Connection Project) Development Consent Order 2017 (article 47), the North London Heat and Power

Generating Station Order 2017 (article 35), the M25 Junction 28 Development Consent Order 2022 (article 49), the Sizewell C (Nuclear Generating Station) Order 2022 (article 46), the Boston Alternative Energy Facility Order 2023 (article 51), the Gate Burton Energy Park Order 2024 (article 39), and the Cottam Solar Project Order 2024 (article 41).

4.5.46 **Article 37 (Apparatus and rights of statutory undertakers in closed streets)** governs what happens to statutory utilities' apparatus (pipes, cables, etc.) under streets that are altered or diverted or its use is temporarily prohibited or restricted under the Order. This article is required because, without it, the statutory undertaker would not have access to the apparatus, since there would no longer be a right of way along the street. The article is a model provision but has been amended in that paragraphs (2) onwards have been deleted from the model provision to avoid duplication with the protective provisions contained in Schedule 14.

4.5.47 Article 37 is as found in article 30 of the Longfield Solar Farm Order 2023 and article 30 of the Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order 2022.

4.5.48 **Article 38 (Acquisition of wayleaves, easements and other rights)** explains that Schedule 10 (Acquisition of wayleaves, easements and other rights) shall have effect. This is similar to the approach in article 23(4) and Schedule 10 of the Tillbridge Solar Order 2025 and in Article 44 and Schedule 18 of The Sizewell C (Nuclear Generating Station) Order 2022.

4.5.49 **Article 39 (Recovery of costs of new connections)** provides that persons who have to create a new connection following the exercise of powers under article 35 (Statutory undertakers) may recover the costs of new connections from the undertaker. This provision is based on a model provision.

4.5.50 Article 39 is as found in article 31 of the Longfield Solar Farm Order 2023, article 31 of the Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order 2022, article 30 of the Awel y Môr Offshore Wind Farm Order 2023 and article 38 of the A417 Missing Link Development Consent Order 2022.

4.6 **Part 6 (Miscellaneous and General)**

4.6.1 **Article 40 (Application of landlord and tenant law)** is a model provision which is included in numerous made DCOs and it governs the leasing of land by the Applicant to any other person. It would override landlord and tenant law so far as it would prejudice the operation of any agreement for leasing the whole of, or any part of, the authorised development or the right to operate the same or any agreement entered into by the undertaker for the construction, maintenance, use or operation of the authorised development or any part of it. This provision is required to ensure that landlord and

tenant law does not impede the construction, maintenance, use or operation of the authorised development.

4.6.2 Article 40 is as found in article 34 of the Longfield Solar Farm Order 2023, in article 19 of The Little Crow Solar Park Order 2022, article 37 of the Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order 2022 and article 32 of the Awel y Môr Offshore Wind Farm Order 2023.

4.6.3 **Article 41 (Operational land for purposes of the 1990 Act)** is a model provision which is included in numerous made DCOs and has the effect of ensuring that the land on which the authorised development is constructed will be "operational land" under section 264(3)(a) of the 1990 Act. The effect is to ensure that planning rights attaching to the undertaker in relation to operational land have effect as they would do if planning permission had been granted for the authorised development.

4.6.4 Article 41 is as found in in article 35 of the Longfield Solar Farm Order 2023, article 38 of the Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order 2022, article 13 of The Little Crow Solar Park Order 2022 and article 39 of the Awel y Môr Offshore Wind Farm Order 2023.

4.6.5 **Article 42 (Felling or lopping of trees and removal of hedgerows)** is based on a model provision included in numerous made DCOs which provides, under paragraph (1), that the undertaker may fell or lop or cut back the roots of any tree or shrub within or overhanging land within the Order limits or cut back its roots to prevent the tree or shrub from: obstructing or interfering with the construction, maintenance, operation or decommissioning of the authorised development; constituting a danger for persons using the authorised development; or obstructing or interfering with the passage of construction vehicles. The provision is required for safety reasons and its applicability is appropriately limited.

4.6.6 Provisions relating to compensation are set out in paragraphs (2) and (3) and these are substantively the same as the model provision. Compensation is provided for if loss or damage is caused. Paragraphs (4) have been inserted to provide the additional power for the undertaker to undertake works to, or remove, any hedgerows within the Order limits that may be required for the purposes of carrying out the authorised development. The removal of specified hedgerows and important hedgerows for the purposes of the authorised development or in connection with the authorised development is provided for in paragraph (5), with the relevant hedgerows and important hedgerows specified in Parts 1 and 2 of Schedule 11 to the Order (and also shown on the Trees and Hedgerows to be Removed or Managed Plans [**APP-012**]). The undertaker must not fell or lop a tree or remove hedgerows within the extent of the publicly maintainable highway without the prior consent of the highway authority.

4.6.7 Paragraph (7) modifies Regulation 6 of the Hedgerows Regulations 1997. This is so that removal of any hedgerow to which these Regulations apply is permitted for carrying out development which has been authorised by a development consent order made pursuant to the 2008 Act. The Hedgerows Regulations 2017 provides for the prohibition of the removal of a hedgerow to which the Regulations apply, subject to exceptions. The normal exception for development permitted by a planning permission does not apply to development authorised by a development consent order and therefore this modification is necessary to extend the exception to development authorised by the Order. This approach has precedent in the East Anglia ONE Offshore Wind Farm Order 2014 and the East Anglia THREE Offshore Wind Farm Order 2017.

4.6.8 Paragraph (8) clarifies for the purpose of this article "hedgerow" has the same meaning as in the Hedgerow Regulations 1997.

4.6.9 Article 42 is as substantially found in article 36 of the Longfield Solar Farm Order 2023, in article 16 of The Little Crow Solar Park Order 2022, article 33 of the Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order 2022 and article 33 of the Awel y Môr Offshore Wind Farm Order 2023.

4.6.10 **Article 43 (Trees subject to tree preservation orders)** provides that the undertaker may fell or lop or cut back the roots of any tree which is subject to a tree preservation order ('TPO') to prevent it obstructing or interfering with the construction, maintenance, operation or decommissioning of the authorised development or any apparatus used in connection with the authorised development. The undertaker must do no unnecessary damage to any tree and compensation is payable if loss or damage is caused.

4.6.11 The effect of the article is that the works it permits, where carried out to a tree protected by a TPO, are deemed to have consent, and its inclusion is therefore consistent with the underlying purpose of DCOs wrapping-up all of the required consents for a project. The article is based on a model provision included in numerous made DCOs save that it applies generally to any tree subject to a TPO made before and after the date of the Order coming into effect and either within or overhanging the Order Limits.

4.6.12 The Applicant is not aware of any TPO within the Order Limits but this power is necessary to interact with any future TPO granted within the Order Limits. Article 43 is substantially as found in Article 37 of the Longfield Solar Farm Order 2023.

4.6.13 **Article 44 (Certification of plans and documents, etc.)** is a model provision which provides for the undertaker to submit various documents referred to in the Order (such as the Book of Reference, various plans and the Environmental Statement) to the Secretary of State so that they can be certified as being true copies. The article refers to Schedule 12 where all such documents and plans are listed, along with the appropriate document and revision numbers. The article provides certainty as to which

documents will be certified by the Secretary of State in relation to the Order.

4.6.14 **Article 45 (Arbitration)** is an arbitration provision and it is a departure from the model provision. Article 45 and the associated Schedule 13 (Arbitration rules) is as substantially found in Article 39 of the Longfield Solar Farm Order 2023 and in article 17 of the Little Crow Solar Park Order 2022. It is considered that this approach will provide greater certainty to all parties involved in the process and is preferential to the approach adopted in the model provisions.

4.6.15 The article provides that differences under the Order, except where expressly provided for in the Order, should be settled by arbitration unless another means of resolving a dispute is agreed in writing between the parties. The arbitrator will be appointed by the parties within 14 days of receipt of a notice of arbitration or, failing agreement within this period, then by the Secretary of State following application by one of the parties.

4.6.16 It applies Schedule 13 to the Order, which sets out further detail of the arbitration process.

4.6.17 In addition, article 45(3) provides that any matter for which the consent or approval of the Secretary of State is required under the Order is not subject to arbitration.

4.6.18 **Article 46 (Protective Provisions)** provides for Schedule 14, which protects the interests of certain statutory undertakers, to have effect. This is a model provision.

4.6.19 **Article 47 (Service of notices)** governs how any notices that may be served under the provisions of the Order are deemed to have been served properly. In particular it allows service by email with the consent of the recipient, and deals with the situation of service on an unknown landowner. The provision is necessary because the service of notice provisions under sections 229 and 230 of the 2008 Act only apply to notices served under the 2008 Act itself and do not apply to notices served under the Order. This article was not included in the model provisions but it is based on those appearing in the Transport and Works (Model Provisions for Railways and Tramways) Order 2006. This is now a common article in development consent orders.

4.6.20 Article 47 is as found in article 15 of the Little Crow Solar Park Order 2022, article 42 of the Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order 2022 and article 41 of the Awel y Môr Offshore Wind Farm Order 2023. Article 47 is as substantially found in article 41 of the Longfield Solar Farm Order 2023.

4.6.21 **Article 48 (Guarantees in respect of payment of compensation)** provides that the undertaker may not exercise a number of specified powers under the Order unless it has first put in place a guarantee or an alternative form of security in respect of the liabilities of the undertaker to pay compensation under the Order. This provision is included in order to protect the recipients of any compensation under the Order by providing certainty that

the undertaker can make good any compensation owed. The guarantee or alternative form of security is not required to be in place for more than 15 years from the date on which the relevant power is exercised. This article is as found in article 43 of the Longfield Solar Farm Order 2023.

4.6.22 **Article 49 (Planning permission)** establishes that works done pursuant to a planning permission granted within the Order limits, which itself is not an NSIP and is not required in connection with the authorised development, shall not constitute a breach of the Order. Equally, works done pursuant to the Order shall not constitute a breach of planning permission. The rationale for this article arises from the Supreme Court's decision in Hillside Parks Ltd v Snowdonia National Park Authority [2022] UKSC 30. That case determined that where there was an overlap in planning permissions, then it is unlawful to carry out development under the second permission where the development permitted by the first permission would make it physically impossible to carry out development under the second permission.

4.6.23 Paragraph (1) is precedented in article 8 of the Slough Multifuel Extension Order 2023 and article 11 in the M42 Junction 6 Development Consent Order 2020. This article avoids unintended incompatibility between the Order and any further planning permissions sought.

4.6.24 Paragraph (2) has a general application and reflects the terminology used by the Supreme Court in the Hillside decision and confirms that planning permissions which are inconsistent with the authorised development can proceed without the risk of enforcement action being taken notwithstanding any incompatibility between the authorised development and the development authorised under a planning permission. It is considered this is necessary to confirm that relevant development is not prevented. The drafting of paragraph (2) is substantially similar to article 10(2) of the Bramford to Twinstead Reinforcement Order 2024, article 45(3) of the London Luton Airport Expansion Development Consent Order 2025, and article 56(3) of the A122 (Lower Thames Crossing) Development Consent Order 2025.

4.6.25 Paragraph (3) deals with the converse situation and confirms that development under a planning permission is not to prevent the carrying out of the authorised development under the Order. The drafting of paragraph (3) of article 49 is based on article 10(3) of the Bramford to Twinstead Reinforcement Order 2024 and article 56(4) of the Lower Thames Crossing Development Consent Order 2025.

4.6.26 Paragraph (4) has been added to require the undertaker, where it identifies an inconsistency between permissions referred to in paragraphs (2)-(3), to notify the relevant local planning authority about the inconsistency and how it proposes to proceed. This ensures that the relevant planning authority has sufficient sight of article 48 being engaged and can engage with the matter accordingly (e.g. via discussions with

the undertaker, and ultimately enforcement action).

4.6.27 Paragraph (5) sets out the definitions relevant to this article and in particular clarifies the definition of "planning permission", which includes a planning permission granted under article 3 (permitted development) of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015.

4.6.28 The Applicant notes that the recently published, Nuclear Regulatory Review 2025 produced by a Taskforce led by John Fingleton, recommended that model provisions for DCO drafting should be reinstated to help solve common problems occurring in the consenting of NSIPs. One of the model provisions included in the Review, is a planning permission article to avoid issues of conflict with overlapping planning permissions. The Review specifically refers to the Hillside Parks Supreme Court ruling and explains that recently consented DCOs now have features intended to address this. On 26 November 2025 the Prime Minister fully endorsed the recommendations of the Review, accepting "the principle of all the recommendations it has set out". The Applicant therefore considers the inclusion of this article entirely appropriate and necessary to align with the current industry approach.

4.6.29 **Article 50 (Requirements, appeals, etc.)** This provides a formal process in relation to the requirements and means that the undertaker has a right of appeal to the Secretary of State if an application is made to discharge a requirement and that application is refused or not determined.

4.6.30 Paragraph (3) sets out that applications for consent submitted by the undertaker will be deemed to be granted if notice is not 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). Where these provisions apply to an application, the undertaker is required to notify the consenting authority of the effect of the provisions when it submits the relevant application. The consenting authority must not unreasonably withhold or delay consent where an application has been submitted by the undertaker pursuant to this Article.

4.6.31 Article 50 is substantially as found in article 18 of the Little Crow Solar Park Order 2022 and article 43 of the Gate Burton Energy Park Order 2024.

5 SCHEDULES

5.1 Schedule 1 (Authorised development)

5.1.1 This Schedule describes the authorised development, which is described in detail in Chapter 2: 'Scheme Description' of the Environmental Statement [**APP-039**].

5.1.2 The Schedule is split into different work numbers. Each of these work numbers

represents a different part of the authorised development. This split of the authorised development between different work numbers is designed to enable the Order to refer to different parts of the authorised development by citing the relevant work number.

5.1.3 Schedule 1 also includes a description of 'further associated development' in the form of a lettered list from (a) –(r). The further associated development is limited in terms of purpose, location and environmental impacts. These activities must be necessary or expedient for the purposes of or in connection with the construction, operation and maintenance of the Scheme. They must be within the Order limits and unlikely to give risk to any materially new or materially different environmental effects from those assessed in the Environmental Statement.

5.2 **Schedule 2 (Requirements)**

Part 1: Requirements

5.2.1 This Schedule sets out the requirements that apply to the construction, operation, maintenance, and decommissioning of the authorised development under the Order. The requirements generally follow the model provisions where these are relevant, and where they have been amended this has been informed by the outcomes of the environmental impact assessment and any relevant discussions with the Relevant Planning Authority (or both Relevant Planning Authorities) or other relevant statutory consultee. The requirements correspond to conditions which, under section 120(2) of the 2008 Act, could have been imposed on the grant of planning permission for the authorised development had it not fallen within the regime of the 2008 Act. The requirements have a similar purpose to planning conditions.

5.2.2 The requirements closely relate to the mitigation set out in the Environmental Statement [**APP-037 -APP-175**] and a number of them specifically refer to the Environmental Statement and other application documents (in particular, 'outline' plans) in order to ensure that the mitigation or other measures outlined in those documents are secured.

5.2.3 Some of the requirements require submission of details for approval by the Relevant Planning Authority (or both Relevant Planning Authorities, where applicable).

5.2.4 Similarly there is an example of the Relevant Planning Authority (or both Relevant Planning Authorities, where applicable) being under a duty to consult with a third party or parties in relation to the document submitted to them. This is a departure from the model provisions. Where specified, it is the Relevant Planning Authority's (or both Relevant Planning Authorities', where applicable) duty to carry out consultation before approving 'details' submitted to it (rather than, as in some of the Requirements, the undertaker's duty to carry it out before submitting the document for approval). Where it is considered that it would be particularly relevant for the Relevant Planning Authority (or both Relevant Planning Authorities, where applicable) to consult a third party or parties,

they have been named within the relevant requirement.

5.2.5 In all cases where a scheme, strategy or plan is to be submitted for approval there is a requirement for the undertaker to implement the approved scheme, strategy or plan.

5.2.6 Requirement 1: **Interpretation** – this requirement defines the terms used in the remainder of the Schedule.

5.2.7 Requirement 2**: Time limits** – This requirement is based on the model provisions and places a limit of five years for commencement of the authorised development. If any proceedings are brought to challenge the validity of the Order, the limit of five years is extended by a period equivalent to the period of the application in respect of the challenge being made to the date on which it is withdrawn or finally determined (or one year, if shorter). This extension is necessary following experience of recent legal challenges made to DCOs, which can have the effect of reducing the length of time within which the authorised development can be commenced. Unsuccessful legal challenges should not erode the time period within which the undertaker can begin the authorised development.

5.2.8 Requirement 3: **Phases of authorised development and date of final commissioning** – The requirement stipulates that no part of the authorised development must be carried out until a written scheme setting out the phase or phases of construction has been submitted to, and approved by, the Relevant Planning Authority. The scheme must be implemented as approved. Notice of the date of final commissioning with respect to each phase of Work No.1 must be given to the Relevant Planning Authority or both Relevant Planning Authorities (as applicable) within 15 working days' of the date of final commissioning for that phase. The undertaker, with agreement from the Relevant Planning Authority or both Relevant Planning Authorities (as applicable), may amend the relevant written scheme. There is also provision for flexibility and optioneering in the agreed written scheme for different proposed phases of construction, but the undertaker must notify the Relevant Planning Authority or both Relevant Planning Authorities (as applicable) of the final intended phasing prior to commencement.

5.2.9 Requirement 4: **Requirement for written approval** – This requirement provides that where any approval, agreement or confirmation of the Relevant Planning Authority or both Relevant Planning Authorities (as applicable) is required under any requirement, then such approval, agreement or confirmation must be provided in writing.

5.2.10 Requirement 5: **Approved details and amendments to them** – With reference to certified documents and plans (under article 44 of the Order) and any details or schemes approved under a requirement, this requirement allows the undertaker to submit to the Relevant Planning Authority or both Relevant Planning Authorities (as applicable)

amendments to any approved version, for approval. Where amendments are approved, relevant documents, plans, details or schemes are to be taken to include the approved amendments. The undertaker will need to demonstrate that the subject matter of the approval sought is unlikely to give rise to any materially new or different environmental effects from those assessed in the Environmental Statement [**Document Reference APP-037 -APP-175**].

5.2.11 Requirement 6: **Detailed design approval** – This requirement stipulates the details of a phase of the authorised development that must be submitted to, and approved by, the Relevant Planning Authority or both Relevant Planning Authorities (as applicable) before that phase can commence. This includes the layout, scale and proposed finished ground levels. The details submitted must be in accordance with the Design Approach Document Appendix A: Parameters Document **[REP3-014]**, the Landscape and Visual Mitigation Strategy [which comprises Figure 6.4 of the Environmental Statement [**REP4-042**], the landscape and ecology management plan for that phase (as approved under requirement 8 and a written scheme of investigation for that phase (as approved under requirement 12). The authorised development must be carried out in accordance with the approved details. This requirement ensures that the detailed design accords with the information submitted with the Application.

5.2.12 Requirement 7: **Battery safety management plan**– Under this requirement, no part of Work Nos. 5A, 5B, 5C or 5D may be commenced until a battery safety management plan (**BSMP**) for that work has been submitted to, and approved by, the Relevant Planning Authority or both Relevant Planning Authorities (as applicable). The undertaker is required to have undertaken consultation on the relevant BSMP with South Yorkshire Fire and Rescue or the Humberside Fire and Rescue Service (as applicable) and the Environment Agency (in respect of its function). The BSMP for the relevant work submitted for approval must be substantially in accordance with the Outline Battery Safety Management Plan [~~**Document Reference 7.4 Revision 3**~~**REP5-028**]. In addition, the BSMP for relevant work must prescribe measures to facilitate safety during construction, operation and decommissioning of the relevant work, to include the transportation of new, used and replacement battery cells to and from the authorised development. The BSMP for the relevant work must be implemented as approved.

5.2.13 Requirement 8: **Landscape and ecology management plan** - Under this requirement, no phase of the authorised development may commence until the undertaker has submitted to the Relevant Planning Authority or both Relevant Planning Authorities (as applicable), and received approval for, a written LEMP for that phase following consultation by the undertaker with the Environment Agency, Natural England and National Highways (in respect of their functions). The landscape and ecology management plan (**LEMP**) must be substantially in accordance with the Outline Landscape and Ecological Management Plan [**REP4-055**], the Outline Ecological

Construction Management Plan [**REP4-053**] and the Landscape and Visual Mitigation Strategy (which comprises Figure 6.4 of the Environmental Statement [**REP4-042]**). Various details are required to be included in the LEMP for the relevant phase, such as the extent to which the relevant phase contributes to ensuring the authorised development achieves a minimum of 20%% biodiversity net gain in habitat units, 100% biodiversity net gain in hedgerow units and 10% biodiversity net gain in watercourse units during its operational lifetime and the final routing and specification for any permissive path to provided within a relevant phase. The LEMP for the relevant phase must be implemented as approved. For the purposes of requirement 8, commence includes any permitted preliminary works involving pre-construction ecological mitigation and site clearance and that means that the requirement to secure an approval would apply to the carrying out of these works too.

5.2.14 Requirement 9: **Fencing and other means of enclosure** - The undertaker is required to submit written details of, and obtain approval from, the Relevant Planning Authority or both Relevant Planning Authorities (as applicable), following consultation, carried out by the undertaker, with National Highways (in respect of its highways functions) for all proposed temporary or permanent fences, walls, or other means of enclosure. No phase of the authorised development may commence until those written details for the relevant part have been approved. Any construction site must remain securely fenced in accordance with the approved details at all times during construction of the authorised development. Any temporary fencing must be removed on completion of the phase of construction of the authorised development for which it was used. Any approved permanent fencing, walls or other means of enclosure for a phase must be completed before final commissioning of that phase. It must also be properly maintained for the operational lifetime of the part of the authorised development enclosed by the permanent fencing, walls or other means of enclosure. For the purposes of requirement 9, commence includes any permitted preliminary works and that means that the requirement to secure an approval would apply to the carrying out of these works too.

5.2.15 Requirement 10: **Soil management** - Under this requirement, no phase of the authorised development may commence until a soil management plan for that phase has been submitted to, and approved by, the Relevant Planning Authority or both Relevant Planning Authorities (as applicable). The soil management plan submitted for approval must be substantially in accordance with the Outline Soil Management Plan [**REP2-078**]. The undertaker must carry out the construction of any phase of the authorised development in accordance with the approved soil management plan for that phase.

5.2.16 Requirement 11 – **Surface and foul water drainage**: This requirement provides that 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). The undertaker will carry out consultation with the relevant internal drainage board, the relevant lead local flood authority, the Environment Agency, Yorkshire Water and Severn Trent Water and National Highways (in respect of its highways functions) ahead of submission to the relevant Planning Authority. The approved strategy must be implemented as approved.

5.2.17 Requirement 12 – **Archaeology**: This requirement stipulates that no phase of the authorised development may commence until a written scheme of investigation for that phase has been submitted to, and approved by, the Relevant Planning Authority or both Relevant Planning Authorities (as applicable). The written scheme of investigation for each phase submitted to the Relevant Planning Authority or both Relevant Planning Authorities (as applicable) must be substantially in accordance with the outline archaeological mitigation strategy, being the Archaeological Mitigation Strategy [which comprises Appendix 8.6 of the Environmental Statement [~~**Document Reference 6.3.8.6 Revision 4**~~**REP6-028**]. The scope of works detailed in the written scheme of investigation for each phase must be implemented as approved. For the purposes of requirement 12, commence includes any permitted preliminary works involving intrusive archaeological surveys (including trenching) and other investigations for the purpose of assessing ground conditions (including the making of boreholes) and that means that the requirement to secure an approval would apply to the carrying out of these works too.

5.2.18 Requirement 13 – **Controlled site**: This requirement relates to the possibility of there being military aircraft crash sites, which may be a "controlled site" as defined by section 9(1) of the Protection of Military Remains Act 1986[6] ("the 1986 Act"), within the extent of Work Nos. 1A and 1B, as shown on the Works Plans [**REP4-002**]. It provides that no part of Work Nos. 1A and 1B may commence until, following consultation with the relevant licensing authority (being the Secretary of State for Defence), the undertaker has confirmed to the Relevant Planning Authority or both Relevant Planning Authorities (where applicable) no controlled site is located within the relevant areas, a controlled site is located within the relevant areas and a licence under the 1986 Act has been obtained for carrying out the relevant work within that controlled site, or a controlled site is located within the relevant areas and a licence has not been obtained under the 1986 Act for carrying out the relevant work within that controlled site. Where a controlled site is located within the relevant areas and a licence under the 1986 Act has been obtained for carrying out the relevant work within that controlled site ("the licenced works"), the date of final commissioning of those licenced works must not take place until a controlled site interpretation scheme has been submitted to, and approved by, the Relevant

6 1986 c. 35

Planning Authority or both Relevant Planning Authorities (where applicable). Where a controlled site is located within the relevant areas and a licence under the 1986 Act has not been obtained for carrying out the relevant work within that controlled site ("the non-licenced works"), no part of the non-licenced works may commence until details of a controlled site exclusion area have been submitted to, and approved by, the Relevant Planning Authority or both Relevant Planning Authorities (where applicable). No part of the non-licenced works is to be constructed within the approved controlled site exclusion area.

5.2.19 Requirement 14 – **Construction environmental management plan**: This requirement provides that no phase of the authorised development can commence until a construction environmental management plan (**CEMP**) has been submitted to, and approved by, the Relevant Planning Authority or both Relevant Planning Authorities (where applicable), following consultation by the undertaker with the Environment Agency (in respect of its functions). The CEMP submitted to the Relevant Planning Authority or both Relevant Planning Authorities (where applicable) must be substantially in accordance with the Outline Construction Environmental Management Plan [~~REP4-045~~Document Reference 7.1 Revision 7]. All construction works relating to the authorised development must be undertaken in accordance with the CEMP as approved. For the purposes of requirement 14, commence includes any permitted preliminary works involving remedial works in respect of contamination and that means that the requirement to secure an approval would apply to the carrying out of these works too.

5.2.20 Requirement 15 – **Operational environmental management plan**: This requirement provides that prior to final commissioning for any phase, an operational environmental management plan (**OEMP**) for that phase must be submitted to, and approved by, the Relevant Planning Authority or both Relevant Planning Authorities (where applicable). The OEMP submitted to the Relevant Planning Authority or both Relevant Planning Authorities (where applicable) must be substantially in accordance with the Outline Operational Environmental Management Plan [~~Document Reference 7.2 Revision 4~~REP5-024]. The operation of the authorised development must be undertaken in accordance with the OEMP as approved.

5.2.21 Requirement 16: **Construction traffic management plan** – Under this requirement, no phase of the authorised development may commence until a construction traffic management plan (**CTMP**) for that phase has been submitted to, and approved by, the highway authority including National Highways in respect of matters which relate to the strategic road network. The CTMP submitted to the relevant highway authority must be substantially in accordance with the Outline Construction Traffic Management Plan [~~Document Reference 7.7 Revision 4~~REP6-042]. All construction works relating to the authorised development must be undertaken in accordance with the CTMP as

approved.

5.2.22 Requirement 17: **Operational noise** – This requirement provides that no part of Work Nos. 1, 4 and 5 may commence until an operational noise assessment has been submitted to, and approved by, the Relevant Planning Authority or both Relevant Planning Authorities (where applicable). The assessment will contain details of how the design of the relevant work has incorporated mitigation, where necessary, to ensure operational noise rating levels do not exceed the typical background sound levels (this is set out in Table 13.11 of Chapter 13: 'Noise and Vibration' of the Environmental Statement [**REP4-018**]) but subject to paragraph 13.4.18 of Chapter 13 of the environmental statement. The design described in the operational noise assessment must be implemented as approved.

5.2.23 Requirement 18: **Skills, supply chain and employment** – Under this requirement no phase of the authorised development can commence until a supply chain, employment and skills plan has been submitted to, and approved by, the Relevant Planning Authority or both Relevant Planning Authorities (where applicable). The supply chain, employment and skills plan submitted to the Relevant Planning Authority or both Relevant Planning Authorities (where applicable) must be substantially in accordance with the **Outline Supply Chain, Employment and Skills Plan** [**REP1-038**]. The supply chin, employment and skills plan must be implemented as approved.

5.2.24 Requirement 19: **Decommissioning and restoration** - This requirement provides that not less than 6 months before the 40 year period described in sub-paragraph (3), a decommissioning environmental management plan for the relevant part must be submitted to the Relevant Planning Authority or both Relevant Planning Authorities (where applicable), following consultation by the undertaker with National Highways and the Environment Agency (in respect of their functions), for approval. In respect of Work No.4H, which includes a ~~400kv~~ 400kV substation, any decommissioning environmental management plan for that part is to be submitted at the same time as the submission of the decommissioning environmental management plan for the final part of Work No.1 to be decommissioned. Any decommissioning environmental management plan submitted must be substantially in accordance with the Outline Decommissioning Environmental Management Plan [~~**Document Reference 7.1, Revision 5**~~**REP5-026**], and must include a resource management plan that sets out details of proposals to minimise the use of natural resources and unnecessary materials. No decommissioning works are to be undertaken for any relevant part until the decommissioning environmental management plan, in relation to that part, has been approved. Any decommissioning environmental management plan must be implemented as approved. The undertaker must notify in writing the Relevant Planning Authority or both Relevant Planning Authorities (where applicable) of the date it ceased operations for the relevant part of the authorised development within 28 days of ceasing operations. This

requirement is without prejudice to any other consents or permissions which may be required to decommission any part of the authorised development.

5.2.25 Requirement 20: **Public rights of way**– This requirement provides that the undertaker must not exercise its powers under article 16(1) and (2) (Temporary closure or restriction of streets and public rights of way) in relation to any public right of way until the scope of the relevant pre-commencement condition survey have been submitted to, and approved by, the relevant highway authority. The condition survey must be carried out substantially in accordance with the approved scope, and the outcomes submitted to the relevant highway authority. In addition, the undertaker must not exercise the powers under article 16(1) and 16(2) in relation to any public right of way until a reinstatement plan has been submitted to, and approved by, the relevant highway authority. The reinstatement plan must include details of the works to reinstate such public rights of way in accordance with the condition survey and also a timeline for the reinstatement works. Any reinstatement works must be carried out substantially in accordance with the approved reinstatement plan.

5.2.26 No phase of the authorised development may be commenced and no decommissioning may be undertaken until a public rights of way management plan for any phase of the Authorised Development that requires public footpath to be temporarily closed within that phase, has been submitted to and approved by the Relevant Planning Authority. The plan must include measures to minimise the distance of the sections of public rights of way to be closed and details of the publicity and signage to be provided. The plan must be implemented as approved unless otherwise agreed with the Relevant Planning Authority in consultation with the highway authority.

5.2.27 Requirement 21: **Connection to the national electricity transmission system** - This requirement provides that no phase of the authorised development can commence until details of written evidence has been submitted to and approved by the relevant planning authority demonstrating either (a) that consent is in place for the construction of electrical cables for the purposes of connecting Work No.4H to the national electricity transmission system, or (b) that no such consent is required.

5.2.28 Requirement 22: **Consultation** - This requirement makes provision for when details are required to be submitted to the Relevant Planning Authority or both Relevant Planning Authorities (where applicable) following consultation by the undertaker with another party or parties. The undertaker must provide the relevant party or parties with at least 28 business days for a response. The details submitted to the Relevant Planning Authority must be accompanied by a summary report of the consultation undertaken, to include copies of any representations made by a consultee and how the undertaker has had regard to those representations in finalising the details submitted for approval.

Part 2: Procedure for Discharge of Requirements

5.2.29 This Part applies to any consent, agreement or approval which needs to be obtained under the Requirements set out in Part 1 of Schedule 2. It sets out the time period within which decisions must be made in respect of applications made to the Relevant Planning Authority, and provides for deemed approval in certain circumstances. Where deemed consent provisions, the Applicant has included qualifying provisions in sub-paragraphs 1(6) and (7) of Part 2 to provide that any application intended to benefit from a deemed consent provision must include a statement confirming that the relevant deeming provision applies to the application. Where no such statement is included, the deemed consent provision will not apply.

5.2.30 This Part also allows the relevant planning authority to request further information from the undertaker as it considers necessary to consider an application. The undertaker may appeal, in relevant circumstances, to the Secretary of State and a specified appeal process is set out. In addition, the Part makes provision for the payment of fees in respect of an application made to the relevant planning authority. These fees align with recent solar precedent, including the One Earth Solar Farm Order 2026 and the Springwell Solar Farm Order 2026.

5.3 **Schedule 3 (Legislation to be disapplied)**

5.3.1 This provides a list of the local legislation that the Order will disapply insofar as the provisions (in that local legislation) still in force are inconsistent with the powers contained in the Order. The Schedule relates to article 9(1)(h) (Application and modification of statutory provisions).

5.4 **Schedule 4 (Streets subject to street works)**

5.4.1 This Schedule sets out the streets that are to be subject to street works. The Schedule relates to article 11 (Street works) and refers to the Street Works, Access and Public Rights of Way Plans [**REP3-004**].

5.5 **Schedule 5 (Alteration of streets)**

5.5.1 This Schedule lists the streets which will be altered pursuant to the power contained in article 14 (Power to alter layout, etc. of streets) and refers to the Street Works, Access and Public Rights of Way Plans [**REP3-004**].

5.6 **Schedule 6 (Streets and public rights of way to be temporarily closed or restricted)**

5.6.1 This Schedule lists the streets and public rights of way which the undertaker has the power to temporarily close, prohibit the use of, restrict the use of, authorise the use of, alter or divert the use by vehicles, or classes of vehicles or pedestrians. The Schedule relates to article 16 (Temporary closure or restriction of streets and public rights of way) and refers to the Street Works, Access and Public Rights of Way Plans **[REP3-004**]. Part

1 of the Schedule sets out those streets being temporarily closed or restricted and Part 2 sets out those public rights of way being temporarily closed or restricted.

5.7 **Schedule 7 (Access to works)**

5.7.1 This Schedule lists those areas where the undertaker has the power pursuant to article 17 (Access to works) to form and lay out permanent means of access or improve existing means of access and refers to the Street Works, Access and Public Rights of Way Plans [**REP3-004**].

5.8 **Schedule 8 (Land in which only new rights etc. may be acquired)**

5.8.1 This Schedule sets out the areas of land over which only new rights may be acquired and restrictive covenants imposed by the undertaker, and the nature of the rights that may be acquired and the restrictive covenants imposed. The plot reference numbers in column 1 of that table correlate with the plot numbers shaded pink on the Land Plans [**REP3-002**] and column (2) explains the purposes for which rights over land may be acquired and restrictive covenants imposed by reference to the defined terms set out in the Schedule. The Schedule relates to article 26 (Compulsory acquisition of rights and imposition of restrictive covenants).

5.9 **Schedule 9 (Modification of compensation and compulsory purchase enactments for the creation of new rights and imposition of new restrictive covenants)**

5.9.1 This Schedule modifies existing compensation legislation including the Land Compensation Act 1973 and the Compulsory Purchase Act 1965. This has been updated to reflect any necessary changes arising as a result of the Housing and Planning Act 2016. The Schedule relates to article 26 (Compulsory acquisition of rights and imposition of restrictive covenants).

5.10 **Schedule 10 (Acquisition of wayleaves, easements and other rights)**

5.10.1 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 38 (Acquisition of wayleaves, easements and other rights).

5.10.2 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 38 and schedule 10 would provide an option which may be useful 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 authorised development, and the diversion or relocation of utilities where required, both of which are in the public interest.

5.10.3 This drafting is based off Article 44 of and Schedule 18 to the Sizewell C (Nuclear Generating Station) Order 2022 and an equivalent, similar Schedule has been included in Schedule 10 of the recently made Tillbridge Solar Order 2025.

5.10.4 The Applicant notes that the recently published, Nuclear Regulatory Review 2025 produced by a Taskforce led by John Fingleton, recommended that model provisions for DCO drafting should be reinstated to help solve common problems occurring in the consenting of NSIPs. One of the model provisions included in the Review is the inclusion of provisions which enable the compulsory acquisition of rights required in connection with further utility works. On 26 November 2025 the Prime Minister fully endorsed the recommendations of the Review, accepting “the principle of all the recommendations it has set out”. The Applicant therefore considers the inclusion of this article and Schedule entirely appropriate and necessary to align with the current industry approach.

5.11 **Schedule 11 (Removal of hedgerows)**

5.11.1 This Schedule sets out the lengths of hedgerows and trees which may be removed under the Order. Part 1 sets out hedgerows that may be removed (as shown on the trees and hedgerows to be removed or managed plan) and Part 2 sets out the important hedgerows that may be removed (as shown on the same plan). The Schedule relates to article 42 (Felling or lopping of trees and removal of hedgerows) and refers to the Trees and Hedgerows to be Removed or Managed Plans [**APP-012**].

5.12 **Schedule 12 (Documents and plans to be certified)**

5.12.1 This Schedule lists those documents and plans referred to in the Order as requiring certification by the Secretary of State. This Schedule relates to article 44 (Certification of plans and documents, etc.). The structure used is precedented in Schedule 12 of The Fenwick Solar Farm Order 2026.

5.13 **Schedule 13 (Arbitration rules)**

5.13.1 This Schedule relates to article 45 (Arbitration). In the context of the pressing need for new power generation, particularly by renewable means, identified in the National Policy Statements, it is considered desirable that any disputes are resolved promptly to enable delivery of the authorised development in as timely a way as possible.

5.13.2 Schedule 13 refers to the person who commenced the arbitration as the Claimant and the other party as the Respondent.

5.13.3 The timetable for the process is as follows:

5.13.3.1 Within 14 days of the Arbitrator being appointed the Claimant shall serve on the Respondent and the Arbitrator a statement of claim and all supporting evidence to support the claim.

5.13.3.2 Within 14 days of receipt of the Claimant's statement of claim and supporting evidence the Respondent will serve a statement of defence and all supporting evidence to support its defence, together with any objections to the Claimant's documentation.

5.13.3.3 Within 7 days of receipt of the Respondent's documentation the Claimant may make a statement of reply.

5.13.4 The parties would be liable for their own costs of the arbitration, unless otherwise directed by an award made by the arbitrator. Costs will include the arbitrator's costs together with the reasonable legal fees and other costs incurred by the other party.

5.14 **Schedule 14 (Protective provisions)**

5.14.1 This Schedule sets out protective provisions for the benefit of statutory undertakers whose equipment may be affected by the authorised development. This Schedule relates to article 46 (protective provisions) and currently contains protective provisions for the benefit of defined classes of service undertakers (electricity, gas, water and sewerage undertakers at Part 1, electronic communications code operators at Part 2). Part 3 contains protective provisions for drainage authorities, Part 4 for the Canal & River Trust and Part 5 for the Environment Agency. Part 6 sets outs protective provisions for Exolum Pipeline System Limited, Part 7 for National Highways Limited, Part 8 for Network Rail Infrastructure Limited, Part 9 for Cadent Gas Limited, ~~and~~ Part 10 for local highway authorities, Part 11 for Northern Powergrid and Part 12 for National Grid Electricity Transmission Plc.

Appendix 1

5.15 Appendix 1 sets out the explanations justifying the disapplication of local legislation cited

in Schedule 3. Article 9 of the Order provides the powers for the Applicant to disapply the following legislation providing this does not have a materially adverse impact on the operation or maintenance of the Stainforth and Keadby Canal unless such an impact is authorised by the provisions of Schedule 14 (Protective provisions).

5.15.1 **Stainforth and Keadby Canal Act 1793** (**SKCA**) - the SKCA is a historic navigation and water management statute enacted to authorise the construction, operation and protection of the Stainforth and Keadby Canal. It confers statutory powers on the canal undertakers in relation to the construction, alteration and maintenance of canal works, the use and entry of land, and the protection of navigation from interference. The exercise of these powers extends to land and works associated with the canal, parts of which intersect with land and rights within the Order limits. Where both the SKCA regime and the Order would apply to the same land, the undertaker powers under the SKCA could cut across or constrain the authorised development and controls established by the Order. Disapplication of the SKCA, to the extent that it would otherwise apply within the Order Limits, is therefore necessary to avoid regulatory overlap and uncertainty and to ensure that the Order provides a single, clear and coherent statutory framework governing the construction, operation and maintenance of the Scheme.

5.15.2 **Sheffield and South Yorkshire Navigation Act 1889** (**SSYNA 1889**) – the SSYNA 1889 is a transport and navigation statute, designed to enable waterborne commercial traffic through extensive statutory powers over land, watercourses and infrastructure. The SSYNA 1889 has a wide corridor in South Yorkshire and North Lincolnshire and applies to the Stainforth and Keadby Canal which intersects the Order limits and docks and basins at Sheffield and Keadby, many of which intersect the Order limits. The SSYNA 1889 confers wide-ranging powers on the Sheffield and South Yorkshire Navigation Company including land acquisition and use powers, powers to construct, alter, divert and maintain works, powers of entry and powers to regulate land use. Such powers may conflict directly with the Scheme's authorised powers for construction, operation, maintenance and decommissioning which could cause increased costs and delays to the implementation of the Scheme. Without disapplication, there is legal uncertainty as to which statutory regime prevails in the event of overlap or conflict. Accordingly, it is considered appropriate to disapply the SSYNA 1889 to the extent that this does not have a materially adverse impact on the operation or maintenance of the Stainforth and Keadby Canal.

5.15.3 **Sheffield and South Yorkshire Navigation Act 1903** (**SSYNA 1903**) – the SSYNA 1903 confers further powers on the Sheffield and South Yorkshire Navigation Company primarily to authorise the construction, alteration, diversion, and improvement of navigation works for the relevant canals and river navigations within the SSYNA 1903's geographical scope. Similar to the SSYNA 1889, the Navigation Company's statutory powers have the potential to conflict with the construction, operation or

decommissioning of the Scheme by allowing compulsory acquisition or temporary occupation of land within the Order limits or by allowing the Navigation Company to enter onto land compulsorily for works or repairs, potentially adversely affecting the implementation of the Scheme. Accordingly, it is considered appropriate to disapply the SSYNA 1903, to the extent that this does not have a materially adverse impact on the operation or maintenance of the Stainforth and Keadby Canal, to avoid conflicting statutory powers, prevent operational interference, and ensure the Scheme is not compromised by historic navigation rights.