FENWICK SOLAR FARM

Fenwick Solar Farm EN010152

Schedule of Changes to the Draft Development Consent Order

Document Reference: EN010152/APP/8.18

The Infrastructure Planning (Examination Procedure) Rules 2010

May 2025 Revision Number: 01



Revision History

Revision Number	Date	Details
00	April 2025	Deadline 1
01	May 2025	Deadline 2

Prepared for:

Fenwick Solar Project Limited

Prepared by:

Pinsent Masons LLP

© 2025 Pinsent Masons. All Rights Reserved.

Schedule of Changes to the draft DCO

NB: Where changes made within Order are only grammatical / amendments to correct typos or drafting style then these are not included in the below Schedule of Changes. For example, changing "paragraph" to "sub-paragraph", corrections to cross references or fixing spelling errors.

Reference	Change	Reason for Change	Deadline
Table of Contents	Various amendments in line with new Article 8A and protective provisions added to Order.	See discussion below at substantive articles.	1
Preamble	Amendment to preamble paragraph: The Secretary of State has considered the report and recommendation of the Examining Authority, has taken into account the environmental information in accordance with regulation 4 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017and has had regard to the documents and matters referred to in section 105 104(2)(c) of the 2008 Act.		1
Article 2 (Interpretation)	Amendment to definition: "authorised development" means the development described in Schedule 1 (authorised and associated development) and any other, which is development within the meaning of section 32 (meaning of "development") of the 2008 Act, authorised by this Order and as described in Schedule 1 (authorised development).		1
Article 2 (Interpretation)	Deletions and introduction of new definition: "draft archaeology mitigation strategy" means the plans of that name identified in the table at Schedule 12 (documents and plans to be certified), including Part 1 and Part 2, and which are certified by the Secretary of State as the archaeology mitigation strategy for the purposes of this Order; [] "framework archaeological mitigation strategy" means the plans of that name identified in the table at Schedule 12 and which is certified by the Secretary of State as the framework archaeological mitigation strategy for the purposes of the Order; [] "overarching written scheme of investigation" means the document of that name identified in the table at Schedule 12 and which is certified by the Secretary of State as the overarching written scheme of investigation for the purposes of this Order;	(Archaeology) as per discussion at ISH1.	1

Prepared for: Fenwick Solar Project Ltd May 2025

Reference	Change	Reason for Change	Deadline
Article 2 (Interpretation)	Amendment to definition "Order land" means the land which is required for, or is required to facilitate, or is incidental to, or is affected by the authorised development shown coloured pink, blue or yellow on the land plans and which is within the limits of land to be acquired or used as is described in the book of reference;	Amendment to clarify areas on land plans captured by definition per ExQ1.1.1	2
Article 2 (Interpretation)	New definition: "permit scheme" means The Traffic Management (Doncaster Borough Council) Permit Scheme Order 2012 which are made under Part 3 of the Traffic Management Act 2004, as applicable for the location of the relevant street works;	Consequential amendment to add definition confirming relevant permit scheme for the purpose of new Article 8A.	1
Article 2 (Interpretation)	Amendments to definition: "permitted preliminary works" means all or any of— (a) environmental surveys, geotechnical surveys, intrusive archaeological surveys and other investigations for the purpose of assessing ground conditions; (b) removal of plant and machinery; (c) above ground site preparation for temporary facilities for the use of contractors during construction; (d) remedial work in respect of any contamination or other adverse ground conditions; (e) diversion and laying of apparatus; (f) the provision of temporary means of enclosure and site security for construction; (g) the temporary display of site notices or advertisements; (h) site clearance (including vegetation removal, demolition of existing buildings and-structures); or (i) advanced planting to allow for an early establishment of protective screening;	 facilities are only for use during construction. In respect of (h), confirm no buildings are being removed. 	1
Article 8A (Application of permit scheme)	Addition of new Article: Application of permit scheme 8A.—(1) The permit scheme applies with the modifications set out in this article to street works carried out under the power conferred by article 8 (street works) of this Order. (2) For the purposes of this Order—	Amendment to add new article prescribing the interaction between CDC's existing permit scheme for streetworks with the management of streetworks under the Order. This drafting is based largely on the example provided by CDC from the National Grid Bramford to	1

Reference	Change	Reason for Change	Deadline
	(a) a permit may not be refused or granted subject to conditions which relate to the imposition of moratoria; (b) a permit may not be granted subject to conditions where compliance with those conditions would constitute a breach of this Order or where the undertaker would be unable to comply with those conditions through the exercise of the powers conferred by this Order; (c) a permit may not be refused where the proposed reason for refusal is the inability to impose a condition which will not comply with paragraph (b); and (d) where a provisional advance authorisation has been granted to the undertaker in advance of the grant of a permit in relation to the construction of the authorised development, the highway authority may not grant a permit for any other works in the location during the time period to which that provisional advance authorisation relates save that nothing will restrict the ability of the highway authority to grant a permit for immediate works. (3) Irrespective of anything which is stated to the contrary within the permit schemes, where the undertaker submits an application for a permit in relation to streetworks carried out under article 8 (street works) of this Order subject to proposed conditions and the highway authority wishes for different conditions to be imposed on the permit, the highway authority must seek to reach agreement with the undertaker on	Twinstead Reinforcement Order 2024, with some amendments to align to: Definitions in the Order for "highways authority" and "permit scheme".	

Prepared for: Fenwick Solar Project Ltd May 2025

Reference	Change	Reason for Change	Deadline
	 (7) Reference to immediate works in paragraph (2)(d) means emergency works as that term is defined in section 52 of the 1991 Act and urgent works as that term is defined in regulation 3(1) of the Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007. (8) Without restricting the undertaker's recourse to any alternative appeal mechanism which may be available under the permit scheme or otherwise, the undertaker may appeal any decision to refuse to grant a permit or to grant a permit subject to conditions pursuant to the permit scheme in accordance with the mechanism set out in Schedule 15 (Discharge of Requirements) of this Order. 		
Article 9 (Power to alter layout, etc., of streets)	Amendment to Article: [] (4) The powers conferred by paragraph (2) may not be exercised without the consent of the street authority and the street authority may attach reasonable conditions to any such consent.	Amendment as per request in direct discussions from CDC to clarify that the street authority may attach reasonable conditions to consents under Article 9.	1
Article 12 (Permanent closure of public rights of way)	Amendments to Article: 12.—(1) Subject to the provisions of this article, the undertaker may, in connection with the construction of the authorised development, close any public right of way and without prejudice to the generality of this provision the undertaker may close the public rights of way shown on the rights of way and access plans and specified in Schedule 6, Part 6 to the extent specified and described in column (3) of that Part of that Schedule. (2) Public rights of way are not to be wholly or partly closed under this article unless— (a) the new public rights of way to be constructed and substituted for a closed public right of way have been completed to the reasonable satisfaction of the street authority and are open for use, which for those public rights of way specified in columns (1) and (2) of Schedule 6, Part 6 are diverted as specified in column (4) of that Part of that Schedule; or. (3)(b) Where the new permanent route for the new public right of way cannot be provided on the initial temporary closure and/or restricted use of the public right of way, a temporary alternative route for the passage of traffic as could have used the public right of way to the reasonable satisfaction of the street authority, between the	comments from the ExA at ISH1 for clearer drafting to ensure the trigger for the final closure of a public right of way under sub-paragraph (4) cannot be met by the temporary diversion of routes as enabled under sub-paragraph (3).	1

Reference	Change	Reason for Change	Deadline
	commencement and termination points for the closure of the public right of way until the completion and opening of the new public right of way in accordance with subparagraph (a)(2).		
	(4)(3) Where a public right of way has been elosed under this article permanently closed and the new permanent route completed under sub-paragraph (2)—		
	(a) all rights of way over or along the public right of way so closed are extinguished; and		
	(b) the undertaker may appropriate and use for the purposes of the authorised development so much of the site of the street or private means of access as public right of way only where that public right of way is bounded on both sides by land owned by the undertaker.		
	(5)(4) Following the opening for public use of a public right of way that has been permanently <u>closed and</u> diverted under the powers conferred by this article the undertaker must supply the surveying authority with plans showing that public right of way as permanently <u>closed and</u> diverted together with a statement of the modifications required to the definitive statement.		
	(6)(5) The plans and statement of modifications to the definitive statement referred to in paragraph (4)(5) are deemed to be an order modifying the definitive map and statement made under section 53(3)(a) (duty to keep definitive map and statement under contiguous review) of the Wildlife and Countryside Act 1981.		
	(7)(6) This article is subject to article 32 (apparatus and rights of statutory undertakers in closed streets).		
	(8)(7) In this article "surveying authority" has the meaning given to it by section 66(1) (interpretation of Part III) of the Wildlife and Countryside Act 1981.		
Article 13 (Use of private roads)	Amendment to article: 13.—(1) The undertaker may use anythe private roadroads within the Order limits as specified on the streets, rights of way and access plans for the passage of persons or vehicles (with or without materials, plant and machinery) for the purposes of, or in connection with, the construction or maintenance of the authorised development.	Amendment per request by ExA at ISH1 for this power to be limited to scope of those roads specified on the Streets, Access and Rights of Way plans.	1

Reference	Change	Reason for Change	Deadline
Article 15 (Agreements with street authorities)	Amendment to article:	ExQ1.1.5.	2
	15. —(1) A street authority and the undertaker may enter into agreements with respect to—		
	(a) the strengthening, improvement, repair or reconstruction of any street under the powers conferred by this Order;		
	(b) any closure, prohibition, restriction, alteration or diversion of a street authorised by this Order;		
	(c) the undertaking in the street of any of the works referred to in article 8 (street works) and article 10(1)10 (construction and maintenance of altered streets); or		
	(d) the adoption by a street authority which is the highway authority of works—		
	(i) undertaken on a street which is existing public maintainable highway; or		
	(ii) which the undertaker and highway authority agree to be adopted as public maintainable highway.		
Article 16 (Traffic	Amendments to article:	Amendments per request by CDC in	1
regulation measures)	[]	discussions:	
measures	(4) Before exercising the power conferred by paragraph (2) the undertaker must—	At sub-paragraph (4), for clarity the traffic authority can prescribe conditions when providing this consent.	
	(a) consult with the chief officer of police in whose area the road is situated; and		
	(b) obtain the written consent of the traffic authority <u>and the street authority may</u> <u>attach reasonable conditions to any such consent.</u>	At sub-paragraph (5) to utilise working day drafting.	
	(5) The undertaker must not exercise the powers in paragraph (1) or (2) unless it has—		
	(a) given not less than 4 weeks' notice in writing of its intention so to do to the chief officer of police and to the traffic authority in whose area the road is situated; and		
	(b) not less than 75 working days before the provision is to take effect published the undertaker's intention to make the provision in one or more newspapers circulating in the area in which any road to which the provision relates is situated.		
	(c) displayed a site notice containing the same information at each end of the length of road affected.		

Reference	Change	Reason for Change	Deadline
Article 16 (<i>Traffic</i> regulation measures)	Amendments to article: [] (5) The undertaker must not exercise the powers in paragraph (1) or (2) unless it has— (a) given not less than 4 weeks' notice in writing of its intention so to do to the chief officer of police and to the traffic authority in whose area the road is situated; and (b) not less than 5 working days before the provision is to take effect published the undertaker's intention to make the provision in one or more newspapers circulating in the area in which any road to which the provision relates is situated; and (c) not less than 5 working days before the provision is to take effect, displayed a site notice containing the same information as in the newspaper notices specified at subparagraph (b) at each end of the length of road affected.		2
Article 20 (Compulsory acquisition of land)	Amendments to article: 20.—(1) The undertaker may— (a) acquire compulsorily so much of the Order land as is required for the authorised development or to facilitate, or as is incidental, to it; and (b) use any land so acquired for the purpose authorised by this Order or for any other purposes in connection with or ancillary to the undertakingauthorised development.		2
Article 21 (Time limit for exercise of authority to acquire land compulsorily)	Amendment to article: [] (3) The authority conferred by article 29 (temporary use of land for constructing the authorised development) must not be used after the end of the applicable period referred to in paragraph (1), save that if an application is made under section 118 of the 2008 Act (legal challenges relating to applications for orders granting development consent) the applicable period is to be extended by— (a) a period equivalent to the period beginning on the day the application is made and ending on the day it is withdrawn or finally determined; or (b) if one year, where the period specified in sub-paragraph (3)(a) is shorter; than one year.		1

Reference	Change	Reason for Change	Deadline
Article 29 (Temporary use of land for constructing the authorised development)	Amendment to article: 29.—(1) The undertaker may, in connection with the construction of the authorised development— [] (b) remove any buildings, agricultural plant and apparatus, drainage, fences, debris and vegetation from that land;	por Exercis	2
Article 35 (Consent to transfer the benefit of the Order)	Amendment to article [] (6) The date specified under paragraph (5)(b) must not be earlier than the expiry of ten14 working days from the date of the receipt of the notification.	Amendment to extend time period per ExQ1.1.11	2
Article 38 (Felling or lopping of trees and removal of hedgerows)	Amendment to article: [] (5) The undertaker may not pursuant to paragraphs (1) and (4) fell or lop a tree or remove hedgerows within the extent of the publicly maintainable highway without the prior consent of the highway authority, and the highway authority may attach reasonable conditions to any such consent.		1
Article 42 (Arbitration)	Amendment to article: 42.—(1) Any difference under any provision of this Order, unless otherwise provided for, is to be referred to and settled in arbitration in accordance with the rules set out in Schedule 13 (arbitration rules) of this Order, by a single arbitrator to be agreed upon by the parties, within 1410 working days of receipt of the notice of arbitration, or if the parties fail to agree within the time period stipulated, to be appointed on application of either party (after giving written notice to the other) by the Secretary of State.		1
Article 45 (Procedure in relation to certain approvals etc)	Amendment to article: [] (2) Where paragraph (1) applies to any consent, agreement or approval, such consent, agreement or approval must not be unreasonably withheld or delayed.	Removal per request from CDC raised in direct discussions, on basis this drafting is superfluous given there is a deemed approval provision in this Article.	1

Reference	Change	Reason for Change	Deadline
Schedule 1, paragraph 2 (Authorised development)	Amendment to description of authorised development: [] The nationally significant infrastructure project comprises up to one generating station with a gross electrical output capacity of over 50 megawatts (alternating current) comprising all or any of the work numbers in this Schedule or any part of any work number in this Schedule— Work No. 1 – a ground mounted solar photovoltaic generating station with a gross electrical output capacity of over 50 megawatts (alternating current) including— []		2
Schedule 1, paragraph 2 (Authorised development)	Amendment to Work No 4: [] (b) electrical engineering works within or around the National Grid ThorpThorpe Marsh Substation including the laying and terminating of the electrical cables and ancillary equipment; and		2
Schedule 2, Requirement 1 (Commencement of the authorised development)	Amendment to requirement: 1. The authorised development must not begincommence after the expiration of five years from the date this Order comes into force.	Amendment per agreed wording change with ExA at ISH1.	1
Schedule 2, Requirement 2 (Approved details and amendments to them)	Amendment to requirement: [] (4) Within 1410 working days of the date of final commissioning the undertaker must serve written notice of the date of final commissioning on the relevant planning authority.	Amendment to working days to align with Schedule 15, per request from CDC in direct discussions.	1
Schedule 2, Requirement 4 (<i>Detailed design</i> <i>approval</i>)	Amendment to requirement: 4.—(1) No part of the authorised development may commence until details of— (a) layout; (b) scale;	Deletion of "in writing" as otherwise prescribed by requirement 2, per ExQ1.1.16	2

Reference	Change	Reason for Change	Deadline
	 (c) proposed finished ground levels; (d) external appearance; (e) hard surfacing materials; (f) vehicular and pedestrian access, parking and circulation areas; and (g) refuse or other storage units, signs and lighting, relating to that part have been submitted and approved in writing by the relevant planning authority. 		
Schedule 2, Requirement 10 (Archaeology)	Amendment to requirement: 10.—(1) No part of the authorised development may commence, and no part of the permitted preliminary works for that part comprising the intrusive archaeological surveys may start, until an archaeology mitigation strategymay commence, until the final Archaeological Mitigation Strategy and site-specific written scheme of investigation for that part hashave been submitted to and approved in writing by the relevant planning authority. (2) The Final Archaeological Mitigation Strategy and site-specific written scheme of investigation must be substantially in accordance with the Draft Archaeology Framework Archaeological Mitigation Strategy and must be implemented as approved.	Submitted at Deadline 1.	1
Schedule 2, Requirement 10 (Archaeology)	Amendment to requirement: 10.—(1) No part of the authorised development may commence, and no part of the permitted preliminary works for that part may commence, until the final Archaeological Mitigation Strategy and site-specific written scheme of investigation for that part have been submitted to and approved in writing by the relevant planning authority.	Deletion of "in writing" as otherwise prescribed by requirement 2, per ExQ1.1.16	2
Schedule 2, Requirement 11 (Construction environmental management plan)	Amendment to requirement: 11.—(1) No part of the authorised development may commence until a construction environmental management plan for that part has been submitted to and approved by the relevant planning authority. Such approval to be in consultation with the Environment Agency.		2

10

Reference	Change	Reason for Change	Deadline
Schedule 2, Requirement 18 (Decommissioning)	Amendment to requirement: 18.—(1) Within Unless otherwise agreed with the relevant planning authority, no late than 12 months of prior to the date that the undertaker decides intends to decommission any part of the authorised development, the undertaker must submit to the relevan planning authority for approval a decommissioning environmental management plan for that part. []	made	1
Schedule 2, Requirement 18 (Decommissioning	Amendment to requirement: 18.—(1) Unless otherwise agreed with the relevant planning authority, no later than 12 months prior to the date that the undertaker intends to decommission any part of the authorised development, the undertaker must submit to the relevant planning authority for approval a decommissioning environmental management plan for that part. Such approval to be in consultation with the Environment Agency.	,	2
Schedule 6 (Streets and Public Rights of Way)	Various amendments within tables to correct typos and delete incorrect row regarding use of motor vehicles on Moss 20.	Amendments throughout this Schedule to correct typos and delete the incorrect capturing of Moss 20 within the schedule enabling use of motor vehicles, as per comments received from CDC PRoW Officer in direct discussions.	1
Schedule 6 (Streets and Public Rights of Way) Part 6 – Permanent Closure and Diversion of Public Rights of Way	Addition of new row for minor closure of Fenwick 10 (1) (2) (3) (4) Area Public right of way to be closed City of Doncaster Council The Public Right of Way between PRoW 04/05 and PRoW 04/09 on the streets, rights of way and access plans (4) New public right of way to be substituted/provided The Public Right of Way between PRoW 04/05 and PRoW 04/08 on sheet 4 of the streets, rights of way and access plans.	Addition of new closure of a small part of Fenwick 10 per request from CDC PRoW Officer as part of the tidying up of the superfluous "dogleg" arising from the diversion and stopping up of Sykehouse 29 through Bunfold Shaw.	1
Schedule 12 (Documents and	Various amendments to reflect updates to documents at Deadline 2.	To ensure schedule reflects latest documents. This update will be provided at each deadline.	2

Reference	Change	Reason for Change	Deadline
plans to be certified)			
Schedule 14 (<i>Protective</i> <i>Provisions</i>) Part 4 – For the protection of railway interests	Various amendments to reflect final agreed protective provisions.	Amendments to reflect final agreed protective provisions between Network Rail and the Applicant.	1
Schedule 14 (Protective Provisions) Part 5 – For the protection of the Environment Agency	Various amendments to reflect final agreed protective provisions.	Amendments to reflect final agreed protective provisions between Environment Agency and the Applicant.	1
Schedule 14 (Protective Provisions) Part 6 – For the protection of Exolum Pipeline System Ltd	Addition of final agreed set of protective provisions.	Addition of final agreed protective provisions between Exolum and the Applicant.	1
Schedule 14 (Protective Provisions) Part 7 – For the protection of National Grid Electricity Transmission Plc	Addition of final agreed set of protective provisions.	Addition of final agreed protective provisions between NGET and the Applicant.	1
Schedule 14 (<i>Protective</i> <i>Provisions</i>) Part 8 – For the	Addition of final agreed set of protective provisions.	Addition of final agreed protective provisions between Northern Powergrid and the Applicant.	1

Prepared for: Fenwick Solar Project Ltd May 2025 12

Reference	Change	Reason for Change	Deadline
protection of Northern Powergrid (Yorkshire) Plc			
Schedule 15 (Procedure for discharge of requirements), Paragraph 2	Amendment to paragraph: 2.—(1) Where an application has been made to the relevant planning authority for any consent, agreement or approval required by a requirement, the undertaker willmust also simultaneously submit a copy of that application to any requirement consultee.	Amendment per request from CDC in direct discussions, to make it clear when this copy is to be served on consultees.	1
Schedule 15 (Procedure for discharge of requirements), Paragraph 4	Amendment to paragraph: [] (2) The steps to be followed in the appeal process are as follows— (a) any appeal by the undertaker must be made within 42 30 working days of the date of the notice of the decision or determination, or (where no determination has been made) the expiry of the time period set out in paragraph (2)(1), giving rise to the appeal referred to in sub-paragraph (1);		1
Schedule 15 (Procedure for discharge of requirements)	Amendments to correct typos throughout Schedule	Amendment per ExQ1.1.22	2