



Dean Moor Solar Farm

Final Schedule of Changes to the DCO

on behalf of **FVS Dean Moor Limited**

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Prepared by: TLT

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DEAN MOOR SOLAR FARM
SCHEDULE OF CHANGES TO THE DRAFT DEVELOPMENT CONSENT
ORDER
PLANNING INSPECTORATE REFERENCE EN010155
PREPARED ON BEHALF OF FVS DEAN MOOR LIMITED

Planning Act 2008
Infrastructure Planning (Examination Procedure) Rules 2010

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1 Introduction

1.1 Introduction

- 1.1.1 This document sets out FVS Dean Moor Limited's (the 'Applicant's') schedule of changes to the draft Development Consent Order (DCO). The schedule has been prepared by the Applicant to assist the ExA in understanding the changes made to the draft DCO.
- 1.1.2 The tables below set out the changes made to the draft DCO at Deadline 2, Deadline 5 and Deadline 6.

Table 1.1: Changes made to the draft DCO at Deadline 2

Provision	Change made to the draft DCO	Explanation for change
Various	Updated article numbering	As a result of the removal of two articles from the draft DCO the article numbering has been updated throughout the draft DCO including all cross referencing. Given the volume of changes each updated article number has not been set out in this schedule of changes. The article numbers used in this schedule are as per version 2 of the draft DCO submitted at Deadline 2 (DOC REF).
Article 2(1)	Definition of "limits of deviation" removed	Definition no longer used.
Article 2(1)	The words " and road is to be construed accordingly " have been added to the definition of 'street'	This has been added for clarity as the draft DCO did not include a definition of road.
Article 2(3)	New paragraph added: "In this Order, references to the purposes of the authorised development includes the construction, maintenance, operation, use and decommissioning of the authorised development."	Amendment made to improve clarity. This wording is consistent with wording inserted by the Secretary of State in The East Yorkshire Solar Farm Order 2025.
Article 2(13)	Deletion of subparagraph (b)	Amendment made in response to the ExA's first written question Q11.0.2.
Article 7 (in version 1 of the dDCO)	What was previously Article 7 (Limits of deviation) has been removed.	See the Applicant's response to ExA written question Q11.0.5.
Article 8(6)	Amended from five to 10 business days.	Amendment made in response to the ExA's first written question Q11.0.7.
Article 10(2)	(2) For the purposes of paragraph (1), compliance with the controls and measures described in any the construction environmental management plan, the operational management plan and decommissioning management plan approved under Schedule 2	Amendment made for clarity.

Provision	Change made to the draft DCO	Explanation for change
	(requirements) to this Order will be sufficient, but not necessary, to show that an alleged nuisance could not reasonably be avoided.	
Article 15(5)	(5) The undertaker must not temporarily close, alter, divert, prohibit the use of, authorise the use of, or restrict the use of or use as a temporary working site —	Amendment in response to ExA written question Q11.0.12.
Article 15(5)(a)	(a) any street referred to in paragraph (12) without first consulting the street authority; and	Correction of typographical error.
Article 16(2)	Correction of cross-reference to sub-paragraph 1(b)	Correction of typographical error.
Article 18(2)(e)	Addition of “,” after “Act”	Correction of typographical error.
Article 20(1)	(1) Subject to the following provisions of this article, the undertaker may at its own expense carry out such protective works to any building or structure located within the Order limits or any building which has a curtilage adjoining the Order limits may be affected by the authorised development as the undertaker considers necessary or expedient.	Amendment in response to ExA written question Q11.0.15.
Article 29(3)(a)	<p>(3) The following do not apply in connection with the exercise of the power under paragraph (1) in relation to subsoil only—</p> <p>(a) Schedule 2A (counter-notice requiring purchase of land not in notice to treat) to the 1965 Act as modified by Schedule 10 article 31 (modification of Part 1 of the Compulsory Purchase Act 1965compensation and compulsory purchase enactments for creation of new rights and imposition of new restrictive covenants);</p>	Amendment to correct the cross-reference to Article 31 rather than Schedule 10.

Provision	Change made to the draft DCO	Explanation for change
Article 29(3)(c)	(c) Section 153(4A) (blighted land: proposed acquisition of part interest; material detriment test) of the 1990 Act.	Correction of typographical error.
Article 33(3)(b) and Article 34(4)(b)	Deletion of "and/"	Amendment made to improve clarity.
Article 35(b)	Deletion of "and."	Correction of typographical error.
Article 41	<p>Amends to add a new paragraph (2) and other amendments to paragraphs (3)-(6)</p> <p>(2) To the extent that the Potato Pot wind farm planning permission or compliance with any conditions of that permission is inconsistent with authorised development which is carried out under this Order, then from the point at which that inconsistency arises—</p> <p>(a) that inconsistency is to be disregarded for the purposes of establishing whether any development which is the subject matter of that planning permission is capable of physical implementation;</p> <p>(b) no enforcement action under the 1990 Act may be taken against development carried out in accordance with that planning permission by reason of such inconsistency, whether inside or outside the Order limits; and</p> <p>(c) any conditions on that planning permission that are inconsistent with this Order or the authorised development cease to have effect.</p> <p>(3) To the extent that development carried out, operated or used in accordance with the granted-of planning permission under the 1990 Act that is</p>	Amendments to make specific reference to the Potato Pot wind farm planning permission. See response to ExA written question Q11.0.20 and other amendments for clarity.

Provision	Change made to the draft DCO	Explanation for change
	<p>inconsistent with the authorised development under this Order, it is deemed not to be a breach of this Order and does not prevent the undertaker carrying out the authorised development granted development consent under this Order.</p> <p>(4) Notwithstanding the terms of paragraph (3) or any other part of the Order, development carried out, operated or used in accordance with the grant of planning permission under the 1990 Act that is inconsistent with the authorised development under this Order is deemed not to constitute a breach of this Order, and does not prevent the undertaker carrying out the authorised development granted development consent under this Order.</p> <p>(5) Where the undertaker identifies an inconsistency between a planning permission and this Order which engages the provisions of paragraphs (23) or (34) as the case may be, it must notify the local planning authority as soon as reasonably practicable about the existence of the inconsistency, and how the undertaker is proceeding in view of that inconsistency in accordance with this article.</p> <p>(6) In this article—</p> <p>(a) “Potato Pot wind farm planning permission” means planning permission reference 2/2012/0594 or any variation of this permission granted under section 96A (power to make non-material changes to planning permission or permission in principle) or section 73(b) (determination of applications to develop land without compliance with conditions previously attached) of the 1990 Act;</p> <p>(b) “inconsistency” and “cognate expressions” means a circumstance in which a physical conflict exists, or one in which development is no longer capable of being physically implemented or otherwise operated</p>	

Provision	Change made to the draft DCO	Explanation for change
	<p>in accordance with the permission or consent granted; and</p> <p>(c) “planning permission” means planning permission granted under the 1990 Act including planning permission deemed to be granted under article 3 (permitted development) and Classes F, G, I, J, K, L, M and N of Part 8 (Transport related development) of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015</p>	
Article 44 (in version 1 of the dDCO)	What was previously Article 44 (Removal of human remains) has been removed.	Amendment in response to ExA written question Q11.0.21.
Article 48	Missing word “(2)” added.	Correction of typographical error.
Schedule 1, Work No. 5	Substituting “public highway” with “street”	The term “public highway” is not used elsewhere in the draft DCO and the defined term “street” includes public highways.
Schedule 1, Work No. 6	Deletion of comma after “signage”	Oxford comma deleted for consistency with the rest of the draft DCO.
Schedule 2, paragraph 1	“design parameters document” means the document certified by the Secretary of State as the design parameters documents	Correction of typographical error.
Schedule 2, paragraph 4(1)	(1) No part of the authorised development may commence until a CEMP for that part has been submitted to and approved by the local planning authority following consultation by the undertaker with the Environment Agency and Natural England.	Amendment made in agreement with the Environment Agency and in response to request by Natural England in its Relevant Representation [RR-009].
Schedule 2, paragraph 5(1)	(1) No part of the authorised development may commence until a CTMP for that part has been	Amendment in response to request by National Highways in its Relevant Representation [RR-010].

Provision	Change made to the draft DCO	Explanation for change
	submitted to and approved by the local planning authority following consultation by the undertaker with the local highway authority and National Highways on matters relevant to their functions.	
Schedule 2, paragraph 7(1)	(1) No part of the authorised development may commence until a LEMP for that part has been submitted to and approved by the local planning authority following consultation by the undertaker with Natural England.	Amendment made in response to request by Natural England in its Relevant Representation [RR-009].
Schedule 2, paragraph 8(1)	(1) No part of the authorised development may commence until written details of the surface water drainage strategy (including means of pollution control) for that part have been submitted to and approved by the local planning authority following consultation by the undertaker with the lead local flood authority and the Environment Agency.	Amendment made in agreement with the Environment Agency.
Schedule 10, paragraph 10	article 2834 (application of the 1981 Act) and article 312 (application of the 1981 Act and modification of the 2017 Regulations) in respect of the land to which the notice to treat relates.	Amendment to correct the cross-reference to Article 28 rather than Article 31 and further amendments for clarity.
Schedule 13	Amendments to capitalisation of document names	Amendments for consistency with the rest of the draft DCO.

Table 1.2: Changes made to the draft DCO at Deadline 5

Provision	Change made to the draft DCO	Explanation for change
Preamble	The Examining Authority, having considered the application together with the documents that accompanied it, and the representations made and not withdrawn, has, in accordance with section 83(1) ⁷⁴ of the 2008 Act made a report and recommendation to the Secretary of State.	Amendment to refer to section 83(1) of the Planning Act 2008 as the Examining Authority consists of a single appointed person. See also AP1 in the AWS-ISH and associated appendix [D5.10].
Article 2(1)	Amendment to definition of “the permit scheme” “the permit scheme” means the Cumberland County Council Permit Scheme for Road & Street Works Activities made in accordance with Part 3 of the Traffic Management Act 2004	Amendment to reflect the latest version of the Council’s permit scheme.
Article 8(1)	(1) Subject to paragraph (34) the undertaker may with the written consent of the Secretary of State—	Correction of typographical error.
Article 8(3)(a)	(a) the transferee or lessee holds a licence under section 6 ⁽²⁾ (licences authorising supply, etc.) of the 1989 Act; or	Correction of typographical error.
Article 8(4)	(4) Where the consent of the Secretary of State is not required under paragraph (34), the undertaker must notify the Secretary of State in writing before transferring or granting all or any part of the benefit of the provisions of this Order and such related statutory rights referred to in paragraph (1).	Correction of typographical error.
Article 8(5)(iv)	(iv) in accordance with paragraph (83), the restrictions, liabilities and obligations that will apply to the person exercising the powers transferred or granted; and	Correction of typographical error.
Article 15(7)	Inserted date of 22 December 2025.	See AP11 in the AWS-ISH [D5.10].

Provision	Change made to the draft DCO	Explanation for change
Article 20	<p>(1) Subject to the following provisions of this article, the undertaker may at its own expense carry out such protective works to any building or structure located within the Order limits or which may be affected by the authorised development any building which has a curtilage adjoining the Order limits as the undertaker considers necessary or expedient.</p>	See AP6 in the AWS-ISH [D5.10].
Article 36	<p>Where a street is altered or diverted or its use is temporarily prohibited or restricted under article 11 (street works), article 13 (power to alter layout, etc., of streets), article 14 (construction and maintenance of new or altered means of access) or article 15 (temporary closure of streets) any statutory undertaker whose apparatus is under, in, on, along or across the street has the same powers and rights in respect of that apparatus, subject to Schedule 142 (protective provisions), as if this Order had not been made.</p>	Correction of typographical error.
Article 40	<p>40. Development consent granted by this Order is treated as specific planning permission for the purposes of section 264(3)(a) (cases in which land is to be treated as not being operational land for the purposes of that Act) of the 1990 Act.</p>	Correction of typographical error.
Schedule 2, Requirement 1	<p>Inserted new definition of "begin": "begin" means to carry out any material operation (as defined in section 155 (when development begins) of the 2008 Act) forming part, or carried out for the purposes, of the authorised development including permitted preliminary works (as defined in article 2 this Order);</p>	See AP3 in the AWS-ISH [D5.10].

Provision	Change made to the draft DCO	Explanation for change
Schedule 2	(1) No part of the authorised development may commence until a soil management plan for that part has been submitted to and approved by the local planning authority following consultation by the undertaker with Natural England.	Amendment made in agreement with Natural England.
Schedule 14, Part 3	“ordinary watercourse” has the meaning given by section 72 (interpretation) of the Land Drainage Act 1991(82);	Correction of typographical error.
Schedule 14, new Part 4	Inserted new Part 4 – protective provisions for United Utilities Water Limited.	Protective provisions inserted in agreement with United Utilities Water Limited.
Explanatory note	A copy of the plans and book of referenced documents referred to in Schedule 13 to this Order and certified in accordance with article 43 (certification of documents, etc.) of this Order may be inspected free of charge during normal working hours at Cumberland Council, Allerdale House, New Bridge Road, Workington CA14 3YJ [insert address].	See AP15 in the AWS-ISH [D5.10].

Table 1.3: Changes made to the draft DCO at Deadline 6

Provision	Change made to the draft DCO	Explanation for change
Article 26(1)(b)	on the date of entry on the land by the undertaker under section 11(1) (powers of entry) of the 1965 Act,	Correction of typographical error.
Article 30(2)	<p>(2) In section 4A(1) (extension of time limit during challenge) —</p> <p>(a) for “section 23 of the Acquisition of Land Act 1981 (application to High Court in respect of compulsory purchase order), the three year period mentioned in section 4” substitute “section 118 of the 2008 Act (legal challenges relating to applications for orders granting development consent); and</p> <p>(b) for “the applicable period for the purposes of section 4” substitute “the five year period mentioned in article 24 (time limit for exercise of authority to acquire land compulsorily) of the Dean Moor Solar Farm Order 202[]”.</p>	Article 30 requires amendment to reflect amendments made to section 4A(1) of the Compulsory Purchase Act 1965.
Schedule 2, Requirement 2	Commencement of the authorised development Time limits	Amended the title of Requirement 2 to better reflect precedent and the purpose of the article.
Schedule 13	Various updates to listed documents.	Updated to reflect latest versions of the certified documents.
Schedule 14, Part 4, paragraph 28(4)	(4) Where UU Water has not granted or refused permission under this paragraph within 42 days from the receipt of notice of a proposal the permission shall be deemed to be granted.	Correction of typographical error (missing full stop).