



Application by Rosefield Energyfarm Limited for an order granting development consent for the Rosefield Solar Farm

The Examining Authority's (ExA) schedule of proposed changes to the applicant's draft Development Consent Order (dDCO) (Revision 07) [REP4-006]

Issued on: 15 July 2026

The ExA must send a recommended DCO to the Secretary of State along with its report, no matter what its recommendation is about the project. This schedule has therefore been prepared on a 'without prejudice' basis and should not be seen as an indication of the ExA's final recommendation. Further amendments to the draft DCO may be suggested by parties or made by the applicant before the close of the examination.

Comments on this schedule should be submitted by **deadline 5: 29 July 2026**

Article/ Schedule	ExA's proposed changes Deletions shown as strike through (for example) Insertions shown in bold (for example)	ExA's reasoning and comments
Order Preamble		
Order Preamble	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 2017(e) and has had regard to the documents and matters referred to in section 104(2)(f) of the 2008 Act.	The Secretary of State should have regard to the documents and matters referred to in section 104(2) of the Planning Act 2008.
Articles		



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Article 2(1) - Interpretation	"apparatus" has the same meaning as in section 105(1) (minor definitions) of the 1991 Act Part 3 (street works in England and Wales) of the 1991 Act except that, unless otherwise provided, it further includes pipelines (and parts of them), aerial markers, cathodic protection test posts, field boundary markers, transformer rectifier kiosks, electricity cables, telecommunications equipment and electricity cabinets;	In order to bring the definition of "apparatus" in line with previous Development Consent Orders (DCO).
Article 2(1) - Interpretation	"local planning authority" means the local planning authority (as defined in section 336 of the 1990 Act) for the area to which the provision relates;	To provide a broad statutory definition of "local planning authority".
Article 12 – Temporary prohibition or restriction on use of streets and public rights of way	(4)(c) any public right of way unless there is no reasonable alternative to closure that would enable the works to be carried out safely and expeditiously.	It is considered that the rights to alter public rights of way are unnecessarily wide and this additional clause seeks to limit such actions. The temporary stopping up of a public right of way should only be as a "last resort".
Article 12 – Temporary prohibition or restriction on the use of streets and public rights of way	(9) Where any power under this article ceases to be used in respect of a street or public right of way, the undertaker shall return that street or public right of way to its original condition at the earliest opportunity, unless agreed otherwise with the relevant street authority.	The Examining Authority (ExA) notes that the applicant intended to update the outline Construction Traffic Management Plan (oCTMP) at deadline 4 [REP4-070] to make specific reference to this requirement in relation to article 12 of the draft Development Consent Order (dDCO) [REP3-057] .



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		However, the ExA considers this should be expressly stated in the dDCO.
Article 12 – Temporary prohibition or restriction on the use of streets and public rights of way	(10) The undertaker must restore any public right of way that has been temporarily altered under this Order to the reasonable satisfaction of the street authority	This provision would be the equivalent to the obligation contained at Article 10(2) and the ExA considers it is required to ensure a proper reinstatement of public rights of way.
Article 14 – Use of private roads	(1) The undertaker may use any the private roads specified in (2) For the purposes of section 9 (requirement of licence for felling) of the Forestry Act 1967(b) any felling comprised in the carrying out of any work or operation required for the purposes of, or in connection with, the construction of the authorised development is deemed to be immediately required for the purpose of carrying out Schedule “X” within the Order limits 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.	The ExA considers that this proposed power is too broad and for clarity needs to be restricted to those private streets that the applicant intends to use for the proposed development. The update to the Streets, Rights of Way and Access Plans at deadline 4 [REP4-005] does not provide this clarity, only showing the location of all private streets within the order limits.
Article 16 – Agreements with street authorities	(2) If such an agreement provides that the street authority must undertake works on behalf of the undertaker the agreement may, without prejudice to the generality of paragraph (1) — (a) make provision for the street authority to carry out any function under this Order which relates to the street in question; (b) specify a reasonable time for the completion of the	To provide appropriate financial security for the works. (Subject to the ExA's notification of Buckinghamshire Council's acceptance of alternative provisions included in the applicant's update of the oCTMP at deadline 4 [REP4-070]).



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	works; and (c) contain such terms as to payment and otherwise as the parties consider appropriate. (2) Such an agreement may, without prejudice to the generality of article (15)- (a) make provision for the street authority to carry out any function under this Order which relates to the street in question; (b) specify a reasonable time for the completion of the works; and/or (c) contain such terms as to payment and other matters as the parties consider appropriate, including such matters as may be included in agreements made pursuant to section 278 or section 38 of the 1980 Act. (3) The undertaker will not commence Works 9 (or associated development works (j), insofar as they fall within the scope of Article 11) to the extent that they involve works to a highway, prior to entering into an agreement pursuant to article(15) which provides details of the specification of the works which will reasonably satisfy the highway authority for the purpose of Article 11(10), and related provisions in relation to the maintenance	



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	and adoption of such works pursuant to that article.	
article 21 – Authority to survey and investigate the land	(2) No land may be entered or equipment placed or left on or removed from the land under paragraph (1) unless at least 14 days' notice has been served on every owner and occupier of the land. If the undertaker proposes to do any of the following, the notice must include details, timing and a location plan of what is proposed— (a) searching, boring or excavating; (b) leaving apparatus on the land; and (c) taking samples.	In order to provide the landowner with sufficient detail to assess the likely impact of the undertaker's proposed activities on the land and to assess their likely impact on their own operations and plan accordingly.
Article 22 – Compulsory acquisition of land	(2) This article is subject to – a) article 23 (time limit for exercise of authority to acquire land compulsorily); b) article 24 (compulsory acquisition of rights); c) article 25 (private rights);	This proposed amendment is to achieve consistency with other recent DCOs for solar farm projects



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	d) article 27 (acquisition of subsoil only); e) article 28 (power to override easements and other rights); f) article 30 (rights under or over streets); g) article 31 (temporary use of land for constructing the authorised development); and h) article 44 and schedule 15 (protective provisions)	
Article 26 – Application of the 1981 Act	(3) In section 1 (application of the Act), for subsection 2 substitute— “(2) This section applies to any Minister, any local or other public authority or any other body or person authorised to acquire land by means of a compulsory purchase order.”.	The ExA considers that the reference to “any other person or body” is too broad and uncertain and should be deleted.
Article 31 – Temporary use of land for constructing the authorised development	(a)(ii) any other Order land in respect of which no notice of entry has been served under section 11(a) of the 1965 Act (powers of entry) and no declaration has been made under section 4(b) of the 1981 Act (execution of declaration);	The ExA understands why temporary access to “other Order Land” is required but it is not clear why no notice of entry should be provided. The applicant needs to provide an explanation/ justification for this.
Article 31	Not less than 28 42 days before entering on and taking temporary possession of land under this article the undertaker must serve notice of the intended entry on the owners and occupiers of the land	Given the advance planning that would have been undertaken for construction works and noting the likely disruption to landowners it is



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		suggested that a longer notice period is provided.
Article 42	(2) A plan or document so certified is admissible in any proceedings as evidence of the contents of the document of which it is a copy.	This provision is considered by the ExA to be unnecessary
Article 48 – Compulsory acquisition of land – incorporation of the mineral code	48. Parts 1 (paragraphs 1(2), 1(3) and 1(5)) , 2 and 3 of Schedule 2 (minerals) to the Acquisition of Land Act 1981(a) are incorporated into this Order subject to the modifications that— (a) for “the acquiring authority” substitute “the undertaker”; (b) for the “undertaking” substitute “authorised development”; and (c) paragraph 8(3) is not incorporated.	In order to incorporate the interpretive parts of Part 1 of Schedule 2 to the Acquisition of Land Act 1981 in the article.
Requirements		
Requirement 3	(3) where documents certified under article 42 affect land within the Order limits which is owned or occupied by Preston Farms Limited then prior to approving the documents, the local planning authority will consult with Preston Farms Limited in relation to the approval of any amendments to the Approved Documents	This was raised by Preston Farms Limited at issue specific hearing 3 and after some discussion, the position of the applicant appeared to be that it would agree this amendment as it appeared to be of some significance to Preston Farms Limited.
Schedules		



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Schedule 9 – Land in which only new rights etc. may be acquired	“for all purposes”		This was discussed at compulsory acquisition hearing 2 (CAH2) and Preston Farms Limited argued that the provision should be limited to laying the cables and thereafter just maintenance rather than “all purposes”. The ExA is minded to agree that this is too broad and the applicant at CAH2 agreed to revisit the wording in this schedule.
Schedule 9 - Land in which only new rights etc. may be acquired	(1) Plot reference number shown on the Land Plans	(2) Purposes for which rights over land may be required and restrictive covenants imposed	To correct a typographical error
	1/12	Cal e Cable rights, access rights	