

Rosefield Solar Farm

Applicant's Response to the Examining
Authority's Schedule of Changes to the
draft DCO

EN010158/APP/8.38
Revision 01
Deadline 5
July 2026
Rosefield Energyfarm Limited



1. Applicant's Response to the Examining Authority's Schedule of Changes to the draft DCO

This document has been prepared by Rosefield Energyfarm Limited ('the Applicant') to respond to the Examining Authority's ('ExA') Schedule of Changes to the Draft Development Consent Order [\[PD-018\]](#), in relation to the Rosefield Solar Farm project (herein referred to as 'the Proposed Development').

Article / Schedule	ExA's proposed changes	ExA's reasoning and comments	Applicant's response
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.	The Applicant notes that previously submitted versions of the Draft DCO [EN010158/APP/3.1.8] (i.e. Draft DCO [EN010158/APP/3.1.7] [REP4-006]) already include this text.
Articles			
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	In order to bring the definition of "apparatus" in line with previous Development Consent Orders (DCO).	The Applicant has updated the Draft DCO [EN010158/APP/3.1.8] at Deadline 5 to include these amendments.

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	(and parts of them), aerial markers, cathodic protection test posts, field boundary markers, transformer rectifier kiosks, electricity cables, telecommunications equipment and electricity cabinets;		
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”.	The Applicant notes that the term “local planning authority” is only used in the draft DCO in the context of the definition of “relevant planning authority” (which is then the term used throughout): <i>“relevant planning authority” means the local planning authority for the area in which the land to which the provisions of this Order apply is situated;</i> This definition and the proposed definition slightly duplicate each other. The Applicant has made a minor amendment to the suggested change to address this. The Applicant has updated the Draft DCO [EN010158/APP/3.1.8] at Deadline 5 to include the below:

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Article 12 – Temporary prohibition or restriction on use of streets and public rights of way	<i>(4) The undertaker must not temporarily close, prohibit the use of, authorise the use of, restrict the use of, alter or divert—</i> ... (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".	<i>"local planning authority" means the local planning authority (as defined in section 336 of the 1990 Act);</i> The Applicant does not intend to make this amendment. The Applicant considers that this amendment is unnecessary because article 12(4)(a) and (b) already appropriately limit this power. They state that the undertaker cannot temporarily close, prohibit the use of, authorise the use of, restrict the use of, alter or divert: - any Public Right of Way ('PRoW') specified in column 2 of the table in Part 2 (temporary management of public rights of way) of Schedule 6 (streets and public rights of way) without consultation with the street authority (noting that this list is currently undergoing significant scrutiny and consultation as part of the Examination process); and - any other PRoW without the consent of the street authority (who can also impose conditions).

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			Separately, the Applicant considers that the proposed drafting would need to be revisited because the chapeau in article 12(4) relates to the temporary closure, prohibition of use and the restriction of use, alteration or diversion of PRowS. New article 12(4)(c) relates only to the closure of a PRow which does not sit cleanly with powers to restrict use, alter or divert. Finally, the proposed changes do not accord with the strong precedent set in various recent made DCOs for solar farm developments including the Springwell Solar Farm Order 2026, the Fenwick Solar Farm Order 2026, the East Yorkshire Solar Farm Order 2025, the Tillbridge Solar Order 2025, the West Burton Solar Project Order 2025, the Cottam Solar Project Order 2024, the Gate Burton Energy Park Order 2024 and the Longfield Solar Farm Order 2023.
Article 12 – Temporary prohibition or restriction	(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	The Examining Authority (ExA) notes that the applicant intended to update the outline Construction Traffic	The Applicant does not intend to make this change because it is unnecessary.

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on the use of streets and public rights of way	street or public right of way to its original condition at the earliest opportunity, unless agreed otherwise with the relevant street authority.	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] . However, the ExA considers this should be expressly stated in the dDCO.	Section 4.2.2 of the Outline Rights of Way and Access Strategy [EN010158/APP/7.8.5] [CR1-026] already commits to reinstate temporarily diverted PRoW to their original route and to at least their original condition following track and cable trench construction activities. The Applicant has updated the Outline Construction Traffic Management Plan (Outline CTMP) [EN010158/APP/7.5.5] to include a commitment that where use of a street is temporarily prohibited or restricted under Article 12 of the Draft DCO [EN010158/APP/3.1.8], that street will be returned to a condition no worse than before (see section 3.3.5). The Applicant considers that this addition to the Outline CTMP (secured by Requirement 13 in the Draft DCO [EN010158/APP/3.1.8]) and the commitment described above with respect to temporarily diverted PRoW (secured by Requirement 4 (detailed design approval) and 16 (rights of way and access strategy) in the Draft DCO [EN010158/APP/3.1.8]) already provide an adequate and

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			appropriate commitment to return roads and relevant PRow within the Order Limits to a condition no worse than before post-use.
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.	The Applicant understands that the ExA is meaning to refer article 10(3) in this proposed amendment. The Applicant has updated the Draft DCO [EN010158/APP/3.1.8] at Deadline 5 to include these amendments as new article 12(9).
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	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.	The Applicant does not intend to adopt these changes. The current drafting of the proposed power under article 14 has strong precedent in other made DCOs such as the Tillbridge Solar Order 2025, the West Burton Solar Project Order 2025, the East Yorkshire Solar Farm Order 2025 and the Cottam Solar Project Order 2024 and the Applicant cannot identify any appropriate reason to depart from that precedent. The Applicant would be willing, if necessary, to refer to the updated Streets, Rights of Way and Access Plans

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	connection with, the construction or maintenance of the authorised development.		[EN010158/APP/2.4.5] [REP4-005] which shows all private streets to which this power applies however this change has not been made in the Draft DCO [EN010158/APP/3.1.8] at Deadline 5 in light of the strong existing precedent listed above. A reference to the updated Streets, Rights of Way and Access Plans [EN010158/APP/2.4.5] [REP4-005] would provide more detail than the corresponding, accepted provisions in the made Tillbridge Solar Order 2025 and the West Burton Solar Project Order 2025.
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 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	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]).	The Applicant does not intend to make these changes and refers to its response to Ref 3.1.18 in the Applicant's Response to Deadline 3 Submissions [EN010158/APP/8.22] [REP4-081] .

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	(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 and adoption of such works pursuant to that article.		

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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.	The Applicant does not intend to make these changes and refers to its response to Q2.9.15 in the Applicant's Response to the Examining Authority's Second Written Questions [EN010158/APP/8.23] [REP4-082].
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(2) (compulsory acquisition of rights); c) article 25 (private rights); 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	This proposed amendment is to achieve consistency with other recent DCOs for solar farm projects.	The Applicant has updated the Draft DCO [EN010158/APP/3.1.8] at Deadline 5 to include these amendments.

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	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.	The Applicant does not intend to make these changes. The Applicant submits that the term “any other person or body” is not too broad because it is sufficiently and appropriately limited by the phrase “authorised to acquire land by means of a compulsory purchase order”. Accordingly, this provision only applies to a person or body authorised to acquire land by means of a compulsory purchase order. Further, the proposed changes do not accord with the strong precedent set in various recent made DCOs for solar farm developments including the Springwell Solar Farm Order 2026, the Fenwick Solar Farm Order 2026, the East Yorkshire Solar Farm Order 2025, the Tillbridge Solar Order 2025, the West Burton Solar Project Order 2025, the Cottam Solar Project Order 2024, the Gate Burton Energy Park Order 2024 and the Longfield Solar Farm Order 2023.

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Article 31 – Temporary use of land for constructing the authorised development	<i>(1) The undertaker may, in connection with the construction of the authorised development but subject to article 23 (time limit for exercise of authority to possess land temporarily or to acquire land compulsorily)—</i> <i>(a) enter on and take temporary possession of—</i> (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.	The Applicant considers that this amendment is not required. Article 31(3) of the Draft DCO [EN010158/APP/3.1.8] requires that the Applicant must provide notice of intention to enter / temporarily possess land under article 31(1)(a)(ii). It states that not less than 28 days before entering on and taking temporary possession of land under this article (including under sub-paragraph (1)(a)(ii)) the undertaker must serve notice of the intended entry on the owners and occupiers of the land.
Article 31 – Temporary use of land for constructing the authorised development	Not less than 2842 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 suggested that a longer notice period is provided.	The Applicant considers that 28-days' notice is sufficient and does not intend to make this change. A 42-day notice period does not accord with the strong precedent set in various recent made DCOs for solar farm developments including the Springwell Solar Farm Order 2026, the Fenwick Solar Farm Order 2026 and the Gate Burton Energy Park Order 2024 which all mandate

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			28 days' notice of the intended entry on land. Other DCOs, such as the East Yorkshire Solar Farm Order 2025 and the Cottam Solar Project Order 2024 only provide a 14-day notice period in their corresponding articles which was considered adequate and fair. The Applicant notes that the majority of made DCOs listed above are in respect of projects that are located in areas of similar land use so the Applicant considers that it would not be reasonable or appropriate to depart from this precedent for the Proposed Development. More broadly, the Applicant has sought to reduce disruption to landowners by committing in section 2.22.4 of the Outline Construction Environmental Management Plan [EN010158/APP/7.2.6] (Outline CEMP) to provide at least six months advance notification of the location and timing of any construction activities in proximity to the agricultural tenants and the grazing land belonging to Preston Farms

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			Limited and TCS Biosciences Limited in the Construction Environmental Management Plan(s) prepared for the Proposed Development.
Article 42 (Certification of plans and documents, etc.)	(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.	The Applicant does not agree that this text is unnecessary – it provides important clarification as to how certified documents in the Draft DCO [EN010158/APP/3.1.8] can be used in proceedings. Further, this text has been included in numerous recent made DCOs for solar farm developments including the Springwell Solar Farm Order 2026, the Fenwick Solar Farm Order 2026, the East Yorkshire Solar Farm Order 2025 and the Cottam Solar Project Order 2024 and the Gate Burton Energy Park Order 2024.
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”;	In order to incorporate the interpretative parts of Part 1 of Schedule 2 to the Acquisition of Land Act 1981 in the article.	The interpretative parts of Part 1 of Schedule 2 (minerals) to the Acquisition of Land Act 1981 are sections 1(2), 1(3) and 1(4). The Applicant has updated the Draft DCO [EN010158/APP/3.1.8] at Deadline 5 to include the below:

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	(b) for the "undertaking" substitute "authorised development"; and (c) paragraph 8(3) is not incorporated.		<i>"Parts 1 (paragraphs 1(2), 1(3) and 1(4)), 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—"</i>
Requirements			
Requirement 3 (Requirement for written approval)	(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.	The Applicant does not intend to make these changes to the Draft DCO [EN010158/APP/3.1.8] . The relevant planning authority has the right under Requirement 3 to consult with whomever they consider necessary in relation to amendments to any Approved Documents, Plans, Details or Schemes including Preston Farms Limited. Further, the Applicant notes that section 2.22.4 of the Outline Construction Environmental Management Plan [EN010158/APP/7.2.6] , section 2.15.2 of the Outline Operational Environmental Management Plan [EN010158/APP/7.3.6] and section 2.15.2 of the Outline Decommissioning Environmental Management Plan [EN010158/APP/7.4.5] [REP4-068] already require that the

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			Applicant must liaise with all agricultural tenants and Preston Farms Limited and TCS Biosciences Limited during the preparation of the detailed plans and subsequently during the construction, operational and decommissioning phase of the Proposed Development. Section 1.6 of the Outline Biosecurity Management Plan [EN01058/APP/8.39] also already requires that the Applicant must liaise with Preston Farms Limited and TCS Biosciences Limited during the preparation of the detailed biosecurity management plan. These obligations are in turn secured in the Draft DCO [EN010158/APP/3.1.8] by Requirements 11 (construction environmental management plan), 12 (operational environmental management plan), 18 (decommissioning and restoration) and 20 (biosecurity management plan). The Applicant is also required to evidence its consultation with Preston Farms Limited and TCS Biosciences Ltd to Buckinghamshire Council or the Secretary

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			of State (as relevant) when seeking to have the relevant Requirements discharged. The Applicant considers that this affords Preston Farms Limited with sufficient and appropriate opportunity to comment on the preparation and (if necessary) amendment of relevant detailed management plans.		
Schedules					
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.	The Applicant is considering this proposed change and will make any necessary updates to the Draft DCO [EN010158/APP/3.1.8] at Deadline 6.		
Schedule 9 - Land in which only new rights	<table><tr><td>(1) Plot reference number shown on the Land Plans</td><td>(2) Purposes for which rights over land may be required and restrictive</td></tr></table>	(1) Plot reference number shown on the Land Plans	(2) Purposes for which rights over land may be required and restrictive	To correct a typographical error	The Applicant has updated the draft DCO [EN010158/APP/3.1.8] at Deadline 5 to include this amendment.
(1) Plot reference number shown on the Land Plans	(2) Purposes for which rights over land may be required and restrictive				

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etc. may be acquired		covenants imposed		
	1/12	Galbe Cable rights, access rights		



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