Meridian Solar Farm

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Draft DCO

3.2 Explanatory Memorandum (Rev 2)

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1. Introduction

1.1. Overview

1.1.1. This Explanatory Memorandum forms part of an application by Meridian Solar Farm Limited to the Secretary of State under the Planning Act 2008 (the 'Act') for a Development Consent Order (the DCO Application) for the Scheme.

1.1.2. The DCO Application is for a Nationally Significant Infrastructure Project (NSIP) comprising the construction, operation (including maintenance) and decommissioning of photovoltaic (PV) solar panels and up to 13 km of overhead electric line connection into National Grid's planned Weston Marsh B Substation. The Scheme will also include associated infrastructure, including co-located battery energy storage systems (BESS) and inter-array overhead electric line connections to link together the land parcels where the solar panels are located. The BESS is associated development to ensure that energy can be stored when it is generated and not demanded. The BESS will have a direct relationship with the solar PV panels and it will support the operation of this by storing electricity produced during times of peak capacity until it is needed.

1.1.3. The Scheme lies within the administrative boundaries of Lincolnshire County Council and South Holland District Council.

1.1.4. The Scheme comprises a generating station of more than 100 MW and the installation of overhead electric lines greater than two kilometres in length, with a nominal voltage of greater than 132kV. The Scheme therefore qualifies as an NSIP under sections 14(1)(a), 14(1)(b), 15(2) and 16 of the Act.

1.1.5. The DCO, if made, would be known as the Meridian Solar Farm Order 202[*]. A draft DCO has been submitted with the Application.

1.1.6. The purpose of this Explanatory Memorandum is 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 (the APFP Regulations).

1.1.7. This document should be read in conjunction with the other application documents and plans, in particular the **draft DCO** (Doc Ref 3.1), the **Environmental Statement** (Doc Ref. 6.1), the **Works Plans** (Doc Ref. 2.3), **Land and Crown Land Plans** (Doc Ref. 2.4), **Book of Reference** (Doc Ref. 4.3), **Statement of Reasons** (Doc Ref. 4.1), and **Consultation Report** (Doc Ref. 5.1).

1.2. Meridian Solar Farm Limited

1.2.1. The Applicant is a limited company registered at Companies House under company number 14887675 and whose registered office is at 10 Lower Thames Street, London, England, EC3R 6AF. More information on the Applicant's ownership and corporate structure is set out in the **Funding Statement** (Doc Ref. 4.2).

1.3. The Site

1.3.1. The Site comprises approximately 1,616 hectares (ha) of land for the development of a solar PV electricity generating station, associated infrastructure including BESS, inter-array connections and a grid connection. The Site also includes areas for landscaping, habitat creation and enhancement, and land required for inter-array and grid connection infrastructure.

1.3.2. The Site is comprised of the following three components:

a. The Solar Development Area, which consists of four land parcels (A, B, C, D) with a combined area of approximately 1,067 ha. These parcels are the primary locations for the ground-mounted Solar PV Panels, BESS, onsite substations, and other associated infrastructure. The Solar Development Area also includes areas of landscaping and habitat creation/enhancement. The approximate areas of each land parcel are:

i. Land parcel A: 197 ha

ii. Land parcel B: 335 ha

iii. Land parcel C: 205 ha

iv. Land parcel D: 330 ha

1.3.3. The Inter-Array Areas, which comprise approximately 61 ha of land to be used for cabling infrastructure to connect the Solar Development Area parcels. These include:

i. Underground cabling between Land Parcels A and B (approx. 15 ha)

ii. Overhead line between Land Parcels C and D (approx. 46 ha)

b. The Grid Connection Corridor, which covers approximately 510 ha and extends northwards for approximately 13 km from the Solar Development Area to the proposed Weston Marsh B Substation, located to the north of Weston. The Grid Connection would predominantly

comprise a 400kV overhead electric line, with one section undergrounded to avoid conflicts with existing infrastructure.

1.3.4. Information about the Site, including current land use and environmental constraints, is provided in greater detail in **Chapter 2: The Scheme of the Environmental Statement** (Doc Ref. 6.1).

1.4. The Scheme

1.4.1. A detailed description of the Scheme is provided in **Chapter 2: The Scheme of the Environmental Statement** (Doc Ref. 6.1). The Scheme comprises a generating station of over 100MW, and the installation of overhead electric lines greater than two kilometres in length with a nominal voltage of greater than 132kV. These elements qualify the Scheme as an NSIP under sections 14, 15, and section 16 of the Planning Act 2008.

1.4.2. The generating station is described in Work No 1 in Schedule 1 to the Order, and the overhead electric lines are described in Work Nos 8, 9, 13 and 14 in Schedule 1 to the Order. The Scheme also includes Associated Development, which comprises Work Nos. 2-7, 10-12 and 15-16 in Schedule 1 to the Order.

1.4.3. All elements of the NSIP are described in the sub-paragraphs below, along with relevant definitions contained in Schedule 1 to the Order. The Associated Development is described in paragraph 1.4.8.

1.4.4. Work No. 1 – a ground mounted solar photovoltaic generating station with a gross electrical output capacity of over 100 megawatts (alternating current), including:

a. solar panels fitted to mounting structures; and

b. solar stations.

1.4.5. The description of the NSIP at Work No. 1 does not refer to an upper limit on the capacity of the generating station for which development consent is sought. It is not considered desirable or necessary to impose an upper limit. The DCO includes reference to the means by which the parameters of the Scheme will be constrained, and it is on this basis that the Environmental Impact Assessment has been undertaken, as set out in the **Environmental Statement** (Doc Ref. 6.1) and explained further in relation to the 'consent envelope'. There is no reason to limit the electrical output capacity of the Scheme provided those parameters are adequately captured in the Order. The Applicant is confident that those parameters are adequately secured in the DCO.

1.4.6. There are clear advantages in not imposing an upper limit on capacity. For example, the Applicant may take advantage of technological improvements and innovation that may emerge before construction, which would enable it to construct the Scheme 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. The approach has precedent in several made DCOs, including the Cleve Hill Solar Park Order 2020, the Little Crow Solar Park Order 2022, the Longfield Solar Farm Order 2023, the Mallard Pass Solar Farm Order 2024, the Gate Burton Energy Park Order 2024, the Cottam Solar Project Order 2024, the Tillbridge Solar Order 2025, the Fenwick Solar Farm Order 2026 and the Springwell Solar Farm Order 2026.

1.4.7. The Scheme also includes the installation of overhead electric lines exceeding two kilometres in length with a nominal voltage of greater than 132kV, which independently qualify as an NSIP under section 16 of the 2008 Act. These works are described in:

a. Work No. 8: installation of 132kV inter-array overhead electric lines between onsite 132kV substations, including poles, conductors, insulators and fittings, and fibre optic earthwire.

b. Work No. 9: overhead electric line from the onsite 400kV substation to the Cable Sealing End Compound South (where the electric line will be cabled for short length, to avoid an existing overhead line), including foundation and steelwork to construct new pylons, conductors, insulators and fittings, and fibre optic earthwire.

c. Work No. 13: overhead electric line from the Cable Sealing End Compound North (at the end of the underground length) to Work No. 14 (the National Grid Substation), including foundations and steelwork to construct new pylons, conductors, insulators and fittings, and fibre optic earthwire.

1.4.8. The Associated Development for the purposes of section 115 of the 2008 Act comprises Work Nos 2 to 7 and 10 to 16 of the Scheme as provided for in Schedule 1 of the Order. This comprises the following elements:

a. Work No. 2: Battery Energy Storage System (BESS) compound including: BESS units, transformers, inverters, HVAC systems, fire safety infrastructure, monitoring and control systems, associated electrical cabling, drainage, and parking areas.

b. Work No. 3A: Development of onsite 400kV substation and associated works, including substation, switch room buildings, reactive power units, harmonic filters, control buildings, gantries, and parking.

c. Work No. 3B: Development of onsite 132kV substation and associated works, including substation, switch room buildings, reactive power units, harmonic filters, control buildings, gantries, and parking.

d. Work No. 4: Works to install underground inter-array electrical connections, including electrical cables and trenchless crossings.

e. Work No. 5: Associated works to Work Nos. 1 to 8, including electrical cables, landscaping, biodiversity and heritage mitigation, earthworks, footpath diversions, hardstanding and parking areas, drainage, fencing, security measures, access tracks, construction and decommissioning compounds, and works to divert and underground existing overhead electric lines.

f. Work No. 6: Works to facilitate access to Work Nos. 1 to 16, including creation and improvement of accesses from the public highway and private tracks, visibility splays, and works to facilitate abnormal load movements.

g. Work No. 7: Areas of habitat management and permissive paths, including biodiversity enhancement, habitat creation, drainage, access tracks, and fencing.

h. Work No 10: Construction and installation of the Cable Sealing End Compound South, including sealing end equipment, permanent compound, security fencing and gates, earthing and protection systems, relay room, supervisory control and data acquisition communication, switchgear, connection to overhead electric line, gantry, transformers, cables, surface troughs, fibre optic cable and joint boxes, permanent vehicular access roads, hardstanding, drainage (including attenuation ponds), site services, and landscaping.

i. Work No. 11: Installation of underground transmission electrical cables from the Cable Sealing End Compound South to the Cable Sealing End Compound North, including cable ducts, joint bays, link pillars, fibre optic conductors, earthing and protection control systems.

j. Work No. 12: Construction and installation of the Cable Sealing End Compound North, including sealing end equipment, permanent compound, security fencing and gates, earthing and protection systems,

relay room, supervisory control and data acquisition communication, switchgear, connection to overhead electric line, gantry, transformers, cables, surface troughs, fibre optic cable and joint boxes, permanent vehicular access roads, hardstanding, drainage (including attenuation ponds), site services, and landscaping.

k. Work No. 14: Connection works between Work No. 13 and Work No. 15, including overhead electric line and/or underground transmission electric lines, cable sealing end compounds, and associated infrastructure.

l. Work No. 15: National Grid Substation Tie-In Works, including construction and installation of a new gantry and associated tie-in works to connect the to the National Grid Substation, foundations and steelwork, installation of conductors, busbars, shunt reactors, switchgear and fittings, and fibre optic conductors.

m. Work No. 16: Grid Connection Corridor Site Compounds, including temporary site compounds for construction, maintenance and decommissioning, earthworks, soil stripping and storage, ground improvement, car parking, hard standing, roadways and access roads, drainage works, offices and staff welfare facilities, utility service connections, emergency electrical generator, materials, tools and fuel storage and laydown areas, assembly areas, plant and equipment storage areas, wheel cleaning facilities, security cabin and fencing and gates, construction and security lighting, and construction waste management facilities.

1.4.9. In addition to Work Nos. 1 to 16, the Associated Development also includes such other works or operations as may be necessary or expedient for the purposes of or in connection with the construction, operation and maintenance of the Scheme, but only within the Order limits and insofar as these works or operations are unlikely to give rise to any materially new or materially different environmental effects from those assessed in the **Environmental Statement** (Doc Ref. 6.1). These may include, but are not limited to:

- fencing and security measures;
- internal access tracks, ramps, bridges, aprons, wheel cleaning facilities, non-motorised links, footpaths and footways;
- works to or adjacent to public highways;
- temporary traffic management measures;

- bunds, embankments, trenching, swales, abutments, retaining walls;
- boundary treatments;
- habitat creation and management;
- landscaping and mitigation works;
- utility connections, diversions and alterations;
- works to watercourses and irrigation systems;
- surface water drainage systems and attenuation;
- installation of wires, cables, ducts, pipes and conductors;
- site clearance, earthworks, excavations, and protection works;
- tunnelling, boring and drilling;
- construction and decommissioning compounds;
- working sites for construction, decommissioning and restoration;
- other works to mitigate any adverse effects of the authorised development.

1.4.10. Further associated development may be carried out as necessary or expedient for the purposes of or in connection with the construction, operation, maintenance or decommissioning of the authorised development, but only within the Order limits and insofar as they are unlikely to give rise to any materially new or materially different environmental effects from those assessed in the **Environmental Statement** (Doc Ref. 6.1).

2. The Purpose and Structure of this Document

2.1.1. This Explanatory Memorandum has been prepared to explain the purpose and effect of each article of, and the Schedules to, the Meridian Solar Farm Order ("the Order"), as required by Regulation 5(2)(c) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 ("the APFP Regulations"). This Explanatory Memorandum also explains why each article of and Schedule to the Order is required for the Scheme.

2.1.2. It also seeks to identify and explain departures from the Infrastructure Planning (Model Provisions) (England and Wales) Order 2009 ("the model provisions"). While the power for the Secretary of State to designate, and the requirement to have regard to, model provisions have both been removed by the Localism Act 2011, the Applicant considers that it is still relevant to note and explain variations made in the Order compared to the model provisions.

2.1.3. The Order includes a number of provisions to enable the construction, operation, maintenance and decommissioning of the Scheme. This reflects the integrated consenting objective of the Planning Act 2008 regime. The provisions have been drafted to accord with the wide-ranging powers at section 120 of the 2008 Act, but also the limitations, requirements and exceptions imposed by section 120(8) and sections 122 to 152 so far as these are relevant to the Scheme. All powers provided for within the Order come within the scope of section 120 of, and Schedule 5 to, the 2008 Act.

2.1.4. The provisions contained in the Order are briefly described below and then considered in more detail in the following sections:

a. Part 1 (Preliminary): Article 1 sets out what the Order may be cited as and when it comes into force. Article 2 sets out the meaning of the defined terms used in the Order.

b. Part 2 (Principal Powers): Articles 3 to 8 provide development consent for the Scheme, and allow it to be constructed, operated, maintained and decommissioned by the undertaker. Article 6 sets out the limits of deviation, providing flexibility for the location and dimensions of the authorised development within defined parameters. Articles 7 and 8 relate to the application and modification of certain legislative provisions and defence to proceedings in respect of statutory nuisance respectively.

c. Part 3 (Streets): Articles 9 to 17 provide the undertaker with a suite of powers in relation to street works. The powers include the ability for the undertaker to carry out works to and within streets; to alter the layout of

streets; to construct and maintain new or altered means of access; to close permanently and temporarily and divert streets or public rights of way; to use private roads; to enter into agreements with street authorities and provisions relating to traffic regulations.

d. Part 4 (Supplemental Powers): Articles 18 to 20 set out supplemental powers relating to the discharge of water, undertaking protective works to buildings, and the authority to survey and investigate land.

e. Part 5 (Powers of Acquisition): Articles 21 to 35 provide for the undertaker to be able to compulsorily acquire the Order Land and rights over and within it, and to be able to temporarily use parts of the Order Land for the construction or maintenance of the Scheme.

   i. Article 21: Compulsory acquisition of land.

   ii. Article 22: Time limit for exercise of authority to acquire land compulsorily.

   iii. Article 23: Compulsory acquisition of land - incorporation of the mineral code.

   iv. Article 24: Compulsory acquisition of rights.

   v. Article 25: Private rights.

   vi. Article 26: Application of the Compulsory Purchase (Vesting Declarations) Act 1981.

   vii. Article 27: Power to override easements and other rights.

   viii. Article 28: Modification of Part 1 of the Compulsory Purchase Act 1965.

   ix. Article 29: Acquisition of subsoil or airspace only.

   x. Article 30: Rights under or over streets.

   xi. Articles 31: Temporary use of land for constructing the Scheme.

   xii. Article 32: Temporary use of land for maintaining the Scheme.

   xiii. Article 33: Statutory undertakers.

   xiv. Article 34: Apparatus and rights of statutory undertakers in closed or restricted streets.

   xv. Article 35: Recovery of costs of new connections.

f. These provisions also provide for compensation to be payable to affected persons in respect of these powers, where that is not already secured elsewhere.

g. Part 6 (Miscellaneous and General): Articles 36 to 49 include various general provisions in relation to the Order:

   i. Article 36 sets out who has the benefit of the powers contained in the Order and Article 37 sets out how those powers can be transferred.

   ii. Articles 38 and 39 provide (respectively) for how landlord and tenant law applies in relation to the Order and that the Order Land will be "operational land".

   iii. Articles 40 and 41 provide (respectively) powers in relation to trees which need to be removed or lopped and for hedgerows to be removed in relation to the Scheme and in relation to trees subject to tree preservation orders.

   iv. Articles 42 to 49 include provisions relating to the certification of plans and documents relevant to the Order; no double recovery; arbitration; protection for statutory undertakers through the protective provisions (set out in Schedule 13); service of notices under the Order; procedure in relation to approvals required under the Order; guarantees in respect of the payment of compensation; and Crown rights.

2.1.5. There are then 14 Schedules to the Order, providing for:

a. Schedule 1 – the description of the "authorised development";

b. Schedule 2 – the requirements that apply to the Scheme (i.e. the controls that apply to the Order, similar to planning conditions);

c. Schedule 3 – a list of the local legislation relating to railways, river navigation, fisheries and water 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;

d. Schedules 4 to 8 – matters in relation to street works and alterations, public rights of way, access to works and details of the streets subject to temporary traffic regulation measures during construction of the authorised development;

e. Schedule 9 – modification of compensation and compulsory purchase enactments for the creation of new rights and imposition of new restrictive covenants;

f. Schedule 10 – hedgerows to be removed, managed or affected;

g. Schedule 11 – documents and plans to be certified by the Secretary of State;

h. Schedule 12 – arbitration rules that apply to most arbitrations in connection with the Order;

i. Schedule 13 – provisions for the protection of statutory undertakers and their apparatus;

j. Schedule 14 – procedure for the discharge of requirements.

3. Parameters of the Order and "Consent Envelope"

3.1.1. Article 3 (Development consent etc. granted by this Order) and Schedule 2 (Requirements) operate to create a "consent envelope" within which the Scheme would be brought forward. The Scheme is described in Schedule 1 of the Order, where it is referred to as the "authorised development". The authorised development is granted consent pursuant to Article 3(1).

3.1.2. In Schedule 1 (the authorised development) the Scheme is divided into a series of component parts, referred to as "numbered works".

3.1.3. Article 3(2) requires that the numbered works authorised by the Order are situated in the areas shown on the **Works Plans** (Doc Ref. 2.3)**.**

3.1.4. The design of the Scheme is also controlled via Requirement 5 (detailed design approval) of Schedule 2 of the Order which requires approval of details of the Scheme's design and requires that the details submitted accord with the **Design Parameters** (Doc Ref. 7.4). The **Design Parameters** (Doc Ref. 7.4) set out the basis on which the assessment set out in the **Environmental Statement** (Doc Ref. 6.1) has been undertaken, and secures the key design mitigation measures referenced in the **Environmental Statement** (Doc Ref. 6.1)**.** The **Design Parameters** (Doc Ref. 7.4) capture the important parameters that are necessary to ensure that the Scheme is constructed, operated and decommissioned in such a way that the impacts and effects would not exceed the scenario assessed in the **Environmental Statement** (Doc Ref 6.1).

3.1.5. This approach is taken to ensure suitable flexibility in the design of the Scheme, such that new technology or different layouts can be used within that envelope, while ensuring that the development will not fall outside of the scope of the **Environmental Statement** (Doc Ref. 6.1). The principle of using a design envelope is recognised as appropriate for a wide range of NSIPs and is described in PINS' Advice Note 9: Rochdale Envelope (July 2018).

3.1.6. In addition to the **Design Parameters** (Doc Ref. 7.4) and **Works Plans** (Doc Ref. 2.3), the detailed design and delivery of the Scheme – including its construction, operation (including maintenance) and decommissioning – are controlled through requirements in the Order and associated certified documents and plans.

3.1.7. The requirements are grouped by phase as follows:

a. Measures that apply across more than one phase of the Scheme:

i. approval and implementation of a community liaison group (Requirement 4);

ii. approval and implementation of a Battery Safety Management Plan (Requirement 6);

iii. approval and implementation of the Landscape and Ecology Management Plan (Requirement 7);

iv. approval and implementation of the biodiversity net gain strategy (Requirement 8)

v. approval and implementation of permanent fencing and other means of enclosure (Requirement 9);

vi. approval and implementation of Surface Water Drainage Strategy and foul water drainage scheme or system (Requirement 10);

vii. approval and implementation of the Public Rights of Way Management Plan (Requirement 17);

viii. approval and implementation of a Soil Management Plan (Requirement 19);

ix. approval and implementation of the Skills, Supply Chain and Employment Plan (Requirement 20);

b. Construction:

i. commencement of the authorised development (Requirement 2)

ii. approval and implementation of detailed design (Requirement 5)

iii. implementation of the final Archaeological Mitigation and Management Strategy and site-specific written scheme of investigation (Requirement 11);

iv. approval and implementation of the Construction Environmental Management Plan (Requirement 12);

v. approval and implementation of the Construction Traffic Management Plan (Requirement 15);

c. Operation and maintenance:

i. approval and implementation of the Operational Environmental Management Plan (Requirement 13);

ii. approval and implementation of the Operational Waste Management Plan (Requirement 14);

iii. implementation and maintenance of the permissive path (Requirement 16)

iv. approval and implementation of mitigation measures described in the operational noise assessment (Requirement 18);

d. Decommissioning:

i. approval and implementation of a Decommissioning Environmental Management Plan (Requirement 21).

3.1.8. Where the **Design Parameters** (Doc Ref. 7.4) do not include guidance or controls for a particular aspect of a numbered work, this is justified by the environmental impact assessment and the presence of the above controls.

3.1.9. The Application seeks flexibility to undertake the Scheme within the above envelope, in particular within the maximum areas and parameters secured via the **Works Plans** (Doc Ref. 2.3) and **Design Parameters** (Doc Ref. 7.4). As set out in **Chapter 5: EIA Methodology of the Environmental Statement** (Doc Ref. 6.1) and the individual technical chapters, the environmental impact assessment has assessed the upper extent of the areas and sizes allowed by the **Works Plans** (Doc Ref. 2.3) and **Design Parameters** (Doc Ref. 7.4)**.** As a result, the **Environmental Statement** (Doc Ref. 6.1) has assessed a worst case and has considered and confirmed that any scheme built within the maximum areas and parameters would have effects no worse than those assessed.

3.1.10. Any illustrative development layouts have been submitted to provide illustrative examples of the different design layouts that have been considered for the Scheme that could be built out within the "consent envelope" (the design aspect of which is controlled primarily through the **Works Plans** (Doc Ref. 2.3) and **Design Parameters** (Doc Ref. 7.4). These are provided for illustration only within the **Environmental Statement** figures (Doc Ref. 6.1) and are not sought to be secured.

4. Purpose of the Order

4.1. Nationally Significant Infrastructure Projects and Associated Development

4.1.1. The Scheme involves an onshore generating station with a capacity of over 100MW, and the installation of overhead electric lines greater than two kilometres in length with a nominal voltage of greater than 132kV, and is therefore a Nationally Significant Infrastructure Project (NSIP) under sections 14(1)(a), 15, and 16 of the Planning Act 2008. The Applicant requires development consent under the 2008 Act in order to construct, operate, maintain and decommission the Scheme. Under section 37 of the 2008 Act, development consent may only be granted by a Development Consent Order (DCO), following an application to the Secretary of State.

4.1.2. The Applicant is therefore making an application to the Secretary of State for a development consent order for the Scheme. In the Order, the Scheme is referred to as the "authorised development". The Order refers to the person authorised to exercise the powers in the Order as the "undertaker" and defines the undertaker as Meridian Solar Farm Limited.

4.1.3. The matters for which development consent is sought are summarised below and described more formally in Schedule 1 to the Order.

4.1.4. Section 115(1) of the 2008 Act provides that development consent may be granted for Associated Development, as well as for the NSIP. The Secretary of State must therefore be satisfied that all the elements included within the authorised development are either the NSIP or are Associated Development, in order to include them in the Order.

4.1.5. The solar photovoltaic generating station (Work No. 1) and the overhead electric lines (Work Nos. 8, 9, 13, and 14) in Schedule 1 to the Order constitute "development for which development consent is required", and as such are the NSIPs.

4.1.6. Schedule 1 of the Order also includes associated development necessary to support both the solar generation system and the overhead electric line infrastructure forming the grid connection. Work Nos. 2 to 7 comprise the associated development for the solar farm, including the battery energy storage system (BESS) (Work No. 2), on-site substations (Work Nos. 3A and 3B), inter-array underground electrical connections (Work No. 4), electrical and ancillary

works (Work No. 5), access works (Work No. 6), and habitat management and permissive paths (Work No. 7)

4.1.7. Work Nos. 10-12 and 15-16 comprise the associated development required for the overhead electric lines and associated infrastructure, including the Cable Sealing End Compounds (Work Nos. 10 and 12), underground transmission cables (Work No. 11), overhead electric line connection works (Work Nos. 14), National Grid substation tie-in works (Work No. 15), and grid-connection corridor site compounds (Work No. 16).

4.1.8. Work No 6 (access works) and the final paragraph of associated development at the end of Schedule 1 apply as associated development to both the solar generation station and the overhead electric line infrastructure. These works support the construction, operation and maintenance of the solar generation station and the above-ground electric lines identified as NSIPs under paragraph 4.1.5.

4.1.9. The Applicant has considered all associated development against the policy and criteria in DCLG 'Guidance on Associated Development applications for major infrastructure projects' (April 2013) (the "Guidance")—it is clear that all of these works come within the guidance and are capable of being granted development consent by the Secretary of State pursuant to section 115 of the 2008 Act.

4.1.10. The approach taken by the Applicant between those parts of the authorised development which form the NSIP and those parts that form Associated Development follows the approach taken by other DCOs to date, including the Cleve Hill Solar Park Order 2020, the Longfield Solar Farm Order 2023, the Mallard Pass Solar Farm Order 2024, the Gate Burton Energy Park Order 2024, Cottam Solar Project Order 2024, the Tillbridge Solar Order 2025, the Fenwick Solar Farm Order 2026 and the Springwell Solar Farm Order 2026 each of which incorporate BESS and grid connection works as associated development.

4.1.11. In particular, Work Nos. 2-7, 10-12 and 15-16 are:

a. all directly associated with the NSIPs, as they are required to support the construction, maintenance or operation of the generating station and/or overhead electric lines, or to mitigate their impacts (paragraph 5(i) of the Guidance);

b. all subordinate to the NSIPs—none of them are an aim in themselves (paragraph 5(ii));

c. not only necessary as a source of additional revenue for the Applicant, in order to cross-subsidise the cost of the NSIPs (paragraph 5(iii));

d. all proportionate to the nature and scale of the NSIPs (paragraph 5(iv));

e. all of a nature which is typically brought forward alongside a solar generating station and/or overhead line (paragraph 6);

f. all listed in or analogous to the types of Associated Development listed in Annexes A and B to the Guidance. Those annexes mention:

i. In Annex A, "Connections to national, regional or local networks", including electricity networks, and in Annex B, "substations", "jointing pits", "sealing end compounds", "control buildings" and "overhead/underground lines" would include the electrical compounds and grid connection works (Work Nos. 3A, 3B, 4, 5, 10, 11, 12, 15);

ii. In Annex A "Relocation of apparatus of statutory undertakers' equipment (mains, sewers, drains, pipes, cables, pylons etc)" (Work No. 5;

iii. In Annex A, "monitoring apparatus" (Work Nos. 2, 3A, 3B, 5);

iv. In Annex A, "Formation of new or improved vehicular or pedestrian access, whether temporary or permanent"; highway improvements, "Alteration or construction of roads, footpaths", "Parking spaces for workers" and "lay down areas" (Work Nos. 2, 3A, 3B, 5, 6, 7, 10, 12, 14, 16);

v. In Annex A, the "Creation of compensatory habitats or replacement green space" (Work No. 7);

vi. In Annex A, hard and soft landscaping would include landscaping and other works to mitigate adverse impacts (Work Nos. 5, 7, 10, 12, 14,);

vii. In Annex A, "Security measures" and "Working sites, site offices and laydown areas" (Work Nos. 3A, 3B, 5, 6, 7, 10, 12, 13, 16).

4.1.12. As the Order seeks to apply and modify statutory provisions, including those relating to the compulsory acquisition of land, the Order has been drafted as a statutory instrument, in accordance with sections 117 and 120 of the 2008 Act.

4.2. Compulsory Acquisition

4.2.1. In addition to providing for the construction, maintenance, operation and decommissioning of the Scheme, the Order will, in accordance with section 122, section 120(3) and Schedule 5 of the 2008 Act, authorise the acquisition of land

and rights over land, and the extinguishment of, or interference with, interests in or rights over land.

4.2.2. The **Book of Reference** (Doc Ref. 4.3) sets out a description of, and interests included in, the Order Land, split by "plots", and these are shown on the **Land and Crown Land Plans** (Doc Ref. 2.4) (the **Book of Reference** (Doc Ref. 4.3) is divided into parts, dependent upon whether interests are Category 1, 2 or 3 interests, and the identification of those interests is explained in both the **Book of Reference** (Doc Ref. 4.3)and the **Consultation Report** (Doc Ref. 5.1)). The Order provides for land to be compulsorily acquired, rights to be compulsorily acquired and other rights and interests that will be affected. The Order and the **Book of Reference** (Doc Ref. 4.3) should be read together with the **Land and Crown Land Plans** (Doc Ref. 2.4) and the **Statement of Reasons** (Doc Ref. 4.1), which sets out the justification for the inclusion of compulsory acquisition powers in the Order.

4.2.3. Further information on the compulsory acquisition powers sought is provided below.

4.3. Statutory Undertaker's Land and Apparatus

4.3.1. The interests held by each statutory undertaker identified by the Applicant as owning land or having a right to keep or access apparatus within the Order Land are identified in the **Book of Reference** (Doc Ref. 4.3).

4.3.2. Section 127(2) of the 2008 Act states that a DCO may only include provision authorising the compulsory acquisition of statutory undertakers' land to the extent that:

a. the land can be purchased and not replaced without serious detriment to the carrying on of the undertaking; or

b. the land can be replaced by other land belonging to or available for acquisition by the undertakers without serious detriment to the carrying on of the undertaking.

4.3.3. Section 127(5) of the 2008 Act states that a DCO may only include provision authorising the compulsory acquisition of a right over statutory undertakers' land by the creation of a new right over land to the extent that:

a. the land can be purchased without serious detriment to the carrying on of the undertaking; or

b. any detriment to the carrying on of the undertaking, in consequence of the acquisition of the right, can be made good by the undertakers by the use of other land belonging to or available for acquisition by them.

4.3.4. Section 138 of the 2008 Act states that a DCO may only include provision for the extinguishment of rights of way, or rights to lay down, erect, continue or maintain apparatus on, under or over the land belonging to statutory undertakers for the purposes of their undertakings only if the Secretary of State is satisfied that the extinguishment is necessary for the purpose of carrying out the development to which the DCO relates.

4.3.5. The Order includes standard protective provisions in respect of statutory undertakers (see Article 45 and Schedule 13). The Applicant is currently in the process of negotiating bespoke protective provisions with the relevant undertakers, where required. Further details as to how the tests under sections 127 and 138 of the 2008 Act have been satisfied are set out in the **Statement of Reasons** (Doc Ref. 4.1).

5. Provisions of the Order

5.1. Overview

5.1.1. The Order consists of 49 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. Given the Order refers to the Applicant as the "undertaker", for ease when reading this document with the Order we use the term "undertaker" when explaining the provision of the Order below. Equally, the Scheme is referred to as the "authorised development" in the Order and so for ease this document refers to the "authorised development" when explaining the provisions of the Order.

5.2. Part 1 (Preliminary) and Part 2 (Principal Powers)

5.2.1. 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.

5.2.2. Article 2 (*Interpretation*) provides for the interpretation of the rest of the Order, including the Schedules. Where appropriate, some Schedules also contain provisions setting out what terms mean in that particular Schedule. Article 2 makes alterations to the model provisions to accommodate departures from model provisions elsewhere in the Order, and to add required definitions, including:

a. Definitions of documents submitted as part of the DCO Application and which are referred to in the Order have been added. These documents are more fully identified in the table in Schedule 11 to the Order.

b. The definition of "apparatus" has the same meaning as in Part 3 of the New Roads and Street Works Act 1991. For the purposes of the Order, this has been expanded to include pipelines, aerial markers, cathodic protection test posts, field boundary markers, transformer rectifier kiosks, electricity cables, telecommunications equipment and electricity cabinets. This ensures the definition is sufficiently broad to encompass the types of apparatus the undertaker may encounter when constructing the authorised development. Riverside Energy Park Order 2020, the Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order 2022, the Longfield Solar Farm Order 2023, the Mallard Pass Solar Farm

Order 2024, the Gate Burton Energy Park Order 2024, the Cottam Solar Project Order 2024, the Tillbridge Solar Order 2025, the Fenwick Solar Farm Order 2026 and the Springwell Solar Farm Order 2026.

c. The definition of "authorised development" means the development described in Schedule 1 to the Order and as defined in section 32 of the 2008 Act. The concept of Associated Development is included in the definition of "authorised development" and is described in detail in Schedule 1, rather than using the model provisions' "ancillary works" or "authorised project". This approach is considered neater and more accurate, and has precedent in recent solar DCOs (including Longfield Solar Farm Order 2023, the Mallard Pass Solar Farm Order 2024, the Cottam Solar Project Order 2024, the Tillbridge Solar Order 2025, the Fenwick Solar Farm Order 2026 and the Springwell Solar Farm Order 2026).

d. The definition of "commence" has been updated to reference "material operation" as defined in section 155 of the Planning Act 2008, rather than section 56 of the Town and Country Planning Act 1990, and excludes "permitted preliminary works". This exclusion enables the undertaker to carry out certain preparatory works prior to the submission of relevant details for approval under the requirements in Schedule 2, building flexibility into how the authorised development can be constructed. "Permitted preliminary works" include pre-commencement activities such as surveys, monitoring and site investigations, which are not expected to give rise to environmental effects requiring mitigation. Where approval is required before such works, the relevant requirement expressly prevents the works from being carried out until details have been approved. This definition has precedent in the Longfield Solar Farm Order 2023, the Mallard Pass Solar Farm Order 2024, the Gate Burton Energy Park Order 2024, the Cottam Solar Project Order 2024, the Tillbridge Solar Order 2025, the Fenwick Solar Farm Order 2026 and the Springwell Solar Farm Order 2026.

e. A definition of "maintain" has been added to clarify the activities authorised under Article 5 during the operation of the authorised development. The definition has been drafted to directly reflect 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 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.

f. For the purposes of the authorised development, examples of activities anticipated to be covered by "maintain" include:

   i. **Maintenance and inspection**: Throughout the life of the Scheme there will be a planned maintenance regime and, on occasion, the need for unplanned maintenance due to plant failures. It is anticipated that staff will attend when required for maintenance and cleaning activities;

   ii. **Repair, refurbish, replace**: Through the planned maintenance regime and indeed through any unplanned maintenance required due to plant failures, it is likely that plant and equipment, will need to be repaired, refurbished or replaced where it is damaged or comes to its anticipated end of life. The Scheme has provided for the appropriate staggering of all anticipated plant and equipment replacement requirements;

   iii. **Adjust and alter**; Through the planned maintenance regime, and indeed outside the planned maintenance regime, there may be a need to adjust or alter elements comprising the authorised development to respond to changing conditions;

   iv. **Remove**; Adjustment and replacement activities will require plant, equipment and material to be removed;

   v. **Reconstruct**; If, for example, a part has to be dismantled in order to be repaired or refurbished, then that part will need to be reconstructed;

   vi. **Improve**: Technology will improve over the life of the authorised development and therefore there may be opportunities to "improve" the workings of the plant and equipment by, for example, the removal of an old part and replacing it with a new, more efficient part;

g. The definition of "Order land" means the land required for, or to facilitate, or incidental to, or affected by the authorised development, shown on the **Land and Crown Land Plans** (Doc Ref. 2.4) and described in the **Book of Reference** (Doc Ref. 4.3). The Book of Reference confirms the Order

land is the land described in the second column of Part 1 of the Book of Reference. This land divided into the following classes and shown by colour on the Land **and Crown Land Plans** (Doc Ref. 2.4):

i. Class 1 – land to be compulsorily acquired (brown);

ii. Class 2 – land in which rights are to be compulsorily acquired for overhead electric lines and associated infrastructure (light green);

iii. Class 3 – land in which rights are to be compulsorily acquired for the underground cable system (dark green);

iv. Class 4 – land in which rights are to be compulsorily acquired for permanent access for construction, operation, maintenance and decommissioning (blue);

v. Class 5 – land to be temporarily possessed for construction, mitigation, maintenance and the dismantling of redundant infrastructure (pink).

h. The definition of "Order limits" means the limits shown on the **Works Plans** (Doc Ref. 2.3) within which the authorised development may be carried out and land acquired or used.

i. The definition of "statutory undertaker" includes reference to a public communications provider as defined by section 151(1) of the Communications Act 2003, ensuring the 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 Riverside Energy Park Order 2020, the Longfield Solar Farm Order 2023, the Mallard Pass Solar Farm Order 2024, the Gate Burton Energy Park Order 2024, the Cottam Solar Project Order 2024, the Tillbridge Solar Order 2025, the Fenwick Solar Farm Order 2026 and the Springwell Solar Farm Order 2026;

j. The definition of "street works" has been amended to refer to the works listed in the street works Article (Article 9(1)), ensuring consistency between the powers in the Article and the definition itself.

k. The "undertaker" is defined as Meridian Solar Farm Limited, who has the benefit of the provisions of the Order, subject to the provisions of Article 37.

5.2.3. Paragraph (2) of Article 2 clarifies 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. It also clarifies 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.

5.2.4. Paragraph (3) of Article 2 clarifies that references in the Order to the purposes of the authorised development include its construction, maintenance, operation, use and decommissioning, ensuring that powers conferred by the Order apply across the full lifecycle of the authorised development.

5.2.5. Paragraphs (4) to (6) of Article 2 provide clarity that all distances, directions, capacities and lengths are approximate; that references to numbered works are to the works as described in Schedule 1 and shown on the **Works Plans** (Doc Ref. 2.3); and that, for scheduled linear works, distances are measured along the centre line of the limits of deviation applicable to that work. Paragraphs (4) and (5) further clarify that pylon identification numbers shown on the Works Plans are indicative only, and that the location, spacing, height and number of pylons may be varied within the limits of deviation and in accordance with the **Design Parameters** (Doc Ref. 7.4). Paragraph 4 reflects the approach taken in The National Grid (Yorkshire Green Energy Enablement Project) Development Consent Order 2024 and The National Grid (Bramford to Twinstead Reinforcement) Order 2024, where equivalent interpretation provisions were adopted to ensure consistency with the limits of deviation article and to provide greater clarity for construction, operation and enforcement purposes. In this Order, these interpretation provisions have been adapted to reflect the approach taken to limits of deviation, which provide for horizontal deviation only, with vertical parameters for relevant infrastructure controlled through the **Design Parameters** (Doc Ref. 7.4).

5.2.6. Paragraphs (7) to (12) of Article 2 confirm how the word "includes" is to be construed; that any statutory body includes that body's successor in title; that all references to the singular is a reference to the plural, and vice versa, except where explicitly stated; that all areas described in the **Book of Reference** (Doc Ref. 4.3) are approximate; and that references to materially new or materially different environmental effects in comparison to those reported within the **Environmental Statement** (Doc Ref. 6.1) do not include those where adverse effects are reduced or positive effects are increased.

5.2.7. Article 3 (*Development consent etc. granted by this Order*) grants development consent for the authorised development. This article is adapted from the model provisions. Schedule 1 defines the authorised development in detail, split into 'work numbers', each of which represents different parts of the authorised

development. This split enables the Order to refer to different parts of the authorised development by citing the relevant work number.

5.2.8. Paragraph (2) of Article 3 requires that the works authorised by the Order are situated in the areas shown on the **Works Plans** (Doc Ref. 2.3). This provides certainty as to what has been consented by the Order, in respect of which areas of land.

5.2.9. The purpose of Article 3(2) is to provide certainty for the means of assessing the authorised development as to the location and extent of works, while providing the undertaker with a necessary, but proportionate, degree of flexibility when constructing the authorised development. This flexibility reduces the risk that the authorised development as approved cannot later be implemented for reasons which, at the time the Application was made and the development consent was granted, could not reasonably have been foreseen. It also gives a proportionate amount of flexibility for the detailed design of the authorised development within the set limits.

5.2.10. The use of parameters is appropriate in the current Order as they serve to precisely define the authorised development by reference to the Works Plans, while preserving flexibility for implementation. The **Environmental Statement** (Doc Ref. 6.1) accompanying the application for development consent has assessed the authorised development within the envelope provided by these parameters, and so development within this envelope will not create effects that exceed the worst-case scenario assessed in the **Environmental Statement** (Doc Ref. 6.1).

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

5.2.12. Article 5 (*Power to maintain the authorised development*) provides for the maintenance of the authorised development at any time and is required so that the undertaker has power to maintain the authorised development. Article 5 reflects the terms of the model provisions, but text has been added to make clear that maintenance must be in accordance with the provisions of the Order. Article 5(2) restricts maintenance to the Order Limits. The definition of "maintain" is included, so that it is clear what the term involves. The **Environmental Statement** (Doc Ref. 6.1) has assessed maintenance as defined in the Order and therefore Article 5(3) does not permit the undertaker to undertake such maintenance

activities if they will give rise to any materially new or different environmental effects to those identified in the **Environmental Statement** (Doc Ref. 6.1).

5.2.13. Article 6 (*Limits of deviation*) provides the undertaker with a defined degree of flexibility in the final positioning and construction of the overhead electric line forming part of the authorised development, while ensuring that the environmental effects assessed remain within the parameters reported in the application. The article provides for lateral deviation only, allowing works to be constructed within the horizontal limits of deviation shown on the Works Plans. This flexibility is necessary to accommodate detailed design development, ground conditions, and construction practicalities.

5.2.14. Paragraph (1) applies to the overhead electric line and associated linear components and permits deviation within the Order limits shown on the Works Plans. The article does not provide for vertical deviation of pylons, overhead conductors, or other infrastructure. Instead, all vertical parameters, including maximum heights, clearances and numbers of pylons, are expressly controlled through the **Design Parameters** (Doc Ref. 7.4), which form part of the approved development envelope.

5.2.15. Paragraph (2) applies to other permanent above-ground structures forming part of the authorised development, such as substations and converter stations, which must be constructed within any applicable non-linear limits of deviation shown on the Works Plans and in accordance with the **Design Parameters** (Doc Ref 7.4).

5.2.16. The structure and approach of Article 6 has been informed by established precedent in Development Consent Orders for overhead electric line infrastructure, including The National Grid (Bramford to Twinstead Reinforcement) Order 2024, The National Grid (Yorkshire Green Energy Enablement Project) Development Consent Order 2024, and The National Grid (Hinkley Point C Connection Project) Order 2016. However, in this Order the approach has been refined so that the limits of deviation article provides for horizontal deviation only, with all vertical tolerances and design controls consolidated within the **Design Parameters** (Doc Ref. 7.4). The Design Parameters are a document to be certified under Article 42 (Certification of plans and documents) and, once certified, form part of the legally enforceable development envelope for the authorised development.

5.2.17. Article 7 (*Disapplication and modification of legislation*) disapplies and modifies a number of statutory provisions that would otherwise apply to the construction, operation, maintenance and decommissioning of the authorised development. Section 120(5) of the Planning Act 2008 permits a Development Consent Order

to apply, modify or exclude statutory provisions where relevant to the matters provided for in the Order. The disapplications sought in this article are necessary to ensure that the authorised development can proceed without duplication of regulatory control, and with appropriate certainty and efficiency.

5.2.18. Article 7 provides for the disapplication of the following specified provisions:

a. section 23 of the Land Drainage Act 1991, which prohibits the obstruction and other works in watercourses without the consent of the lead local flood authority or relevant internal drainage board;

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

c. the provisions of any byelaws made by drainage undertakers under section 66 of the Land Drainage Act 1991;

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

e. section 118 of the Water Industry Act, which relates to the discharge of any trade effluent into public sewers;

f. Regulation 12 of the Environmental Permitting (England and Wales) Regulations 2016, only insofar as a flood risk activity permit(s) would be required under this Regulation;

g. The local legislation listed at Schedule 3 of the Order relating to railways, river navigation, fisheries and water insofar as the provisions (in that local legislation) still in force are inconsistent with the powers contained in the Order; and

h. the provisions of the Neighbourhood Planning Act 2017 in so far as they relate to temporary possession of land under articles 31 and 32 of this Order. At present the reforms to the temporary possession regime contained in the Neighbourhood Planning Act 2017 have not yet been commenced (nor consulted on). When this may happen is uncertain, as are the detailed implications of implementation for the Authorised Development. A DCO should achieve certainty, and it is therefore appropriate and necessary to disapply the reforms whilst taking account of their principles in the relevant articles of the Order, these being articles 31 and 32. This approach has precedent and has been accepted by the Secretary of State; see for example the Cleve Hill Solar Park Order 2020, the Longfield Solar Farm Order 2023, the Mallard Pass Solar Farm Order 2024, the Cottam Solar Project Order 2024, the West Burton Solar

Project Order 2025, the Tillbridge Solar Order 2025, the Fenwick Solar Farm Order 2026 and the Springwell Solar Farm Order 2026.

5.2.19. These disapplication's 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, notably in relation to the provisions under the Land Drainage Act 1991, the Water Resources Act 1991, and the Environmental Permitting (England and Wales) Regulations 2016 through protective provisions for the protection of the relevant drainage authorities.

5.2.20. 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.

5.2.21. 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, are being 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 approach to obtaining the other consents required for the Scheme is set out in greater detail in the **Schedule of Other Consents and Licences** (Doc Ref. 3.3).

5.2.22. Paragraph (2) of Article 7 ensures that any tree felling required for the authorised development is treated as being immediately required for the purpose of development authorised by planning permission, thereby disapplying the requirement for a felling licence under section 9(1) of the Forestry Act 1967. 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 Article 7 extends the exception to any trees felled as a result of the authorised development.

5.2.23. Article 7(3) modifies regulation 6(1) of the Hedgerows Regulations 1997 to clarify that hedgerow removal for the authorised development is permitted without further consent, consistent with the treatment of nationally significant infrastructure projects.

5.2.24. Article 7(4) clarifies that buildings forming part of the authorised development are deemed to be of a type that does not trigger liability under the Community Infrastructure Levy Regulations 2010, as they are not normally occupied or are only accessed intermittently for maintenance purposes. This provision has precedence in the Longfield Solar Farm Order 2023, the Mallard Pass Solar Farm

Order 2024, the Cottam Solar Project Order 2024, the Tillbridge Solar Order 2025, the Fenwick Solar Farm Order 2026 and the Springwell Solar Farm Order 2026.

5.2.25. The disapplication of legislation listed in Schedule 3 is also necessary to ensure that historic local legislation does not conflict with the powers conferred by the Order. This includes provisions relating to drainage, navigation, and other infrastructure within or near the Order limits. A precautionary approach has been taken in compiling this list, because in some cases it was difficult to conclusively determine whether or not the provisions of the legislation were relevant to the Order, given that plans were not available in respect of the majority of the Acts considered to make clear their precise geographic scope. Article 7 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.

5.2.26. Article 8 (*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 noise, if the noise is created in the course of carrying out construction, maintenance or decommissioning of the authorised development and for which notice has been given under section 60 or consent obtained under section 61(9) of the Control of Pollution Act 1974 or which cannot be reasonably avoided as a consequence of the authorised development. Whilst the **Statutory Nuisance Statement** (Doc Ref. 7.6) confirms that there is no statutory nuisance expected as a result of the Scheme, the Applicant has continued to include Article 8 in the DCO as it is a model provision, in recognition that should such noise arise, that provision will provide sufficient definition of its consequences in an appropriate and balanced manner.

5.2.27. Article 8 is precedented in all made solar DCOs, including the Cleve Hill Solar Park Order 2020, the Little Crow Solar Park Order 2022, the Longfield Solar Farm Order 2023, the Gate Burton Energy Park Order 2024, the Mallard Pass Solar Farm Order 2024, the Cottam Solar Farm Order 2024, the Tillbridge Solar Order 2025, the Fenwick Solar Farm Order 2026 and the Springwell Solar Farm Order 2026.

5.3. Part 3 (Streets)

5.3.1. Article 9 (*Street works*) authorises the undertaker to carry out works in, on, or under the streets specified in Schedule 4, including breaking up or opening the street, placing and maintaining apparatus, and executing works to culverts. It is necessary because implementation of the authorised development will require

works to be undertaken to streets. This article is based on the model provision however, it has been modified to bring in sections 54 to 106 of the 1991 Act to apply to any street work carried out pursuant to paragraph (1). This provides protection for the street authority for the street in question. In addition, the model provision has been extended in paragraph (1)(e) to provide for works which may be required to any culvert under a street.

5.3.2. Article 10 (*Application of the permit schemes*) clarifies the interaction between relevant streets and highways articles of the Order and the application of the relevant permitting schemes of Lincolnshire County Council (as the local highway authority). The Article clarifies that the permit schemes continue to apply, but cannot be refused or granted subject to conditions which would effect refusal, and that conditions for a permit must be consistent with the Order and its powers. These clarifications ensure certainty that the street works for the authorised development can proceed in accordance with the made Order. The Article also ensures that an appeal process remains open to the undertaker to any decisions under permitting schemes, in order to enable the undertaker to appropriately align any conditions for the schemes with the requirements of the made Order. This drafting is based largely on the National Grid Bramford to Twinstead Reinforcement Order 2024 and the Tillbridge Solar Project Order 2025 with some amendments to align to definitions in the Order for "highway authority" and "permit scheme" and a clear tie for the Article to the street works powers under Article 9.

5.3.3. Article 11 (*Power to alter layout, etc., of streets*) enables the undertaker to alter the layout of, or carry out works in, streets for the purposes of the authorised development. This includes both permanent and temporary alterations, as set out in Schedule 5 to the Order. The article is necessary to ensure that the undertaker can construct, operate, maintain, and decommission the authorised development efficiently, including establishing suitable accesses and making any required changes to the local highway network. The powers conferred by paragraph (2), which allow for general alterations such as adjusting kerbs, footways, cycle tracks, verges, and street furniture, require the consent of the street authority before they can be exercised. This approach is consistent with the model provisions and has precedent in recent DCOs, including the Longfield Solar Farm Order 2023, the Gate Burton Energy Park Order 2024, the Cottam Solar Project Order 2024, the West Burton Solar Project Order 2025, and the Tillbridge Solar Order 2025.

5.3.4. Article 12 (*Construction and maintenance of altered streets*) provides that each street constructed, improved, or altered under Article 11 must be completed to the reasonable satisfaction of the street authority and, unless otherwise agreed,

be maintained by the undertaker for a period of 12 months from completion. Thereafter, maintenance responsibility transfers to the street authority. The purpose of this Article is to define who will be responsible for the maintenance of new and altered streets following their construction or carrying out of works and it is required to provide certainty as to who will be responsible for such maintenance. The article also incorporates a defence, similar to section 58 of the Highways Act 1980, for the undertaker in the event of an action for damages, provided reasonable care was taken to ensure the street was not dangerous to traffic. This article (and the incorporation of the defences in particular) is consistent with the approach taken in the Gate Burton Energy Park Order 2024, the Sunnica Energy Farm Order 2024, the Mallard Pass Solar Farm Order 2024, the Tillbridge Solar Order 2025, the Fenwick Solar Farm Order 2026 and the Springwell Solar Farm Order 2026.

5.3.5. Article 13 (*Temporary closure, restriction or prohibition of use of streets and public rights of way*) allows the undertaker to temporarily close, restrict, prohibit, alter, or divert streets and public rights of way as necessary for the construction, maintenance, or decommissioning of the authorised development. It also enables the use of motor vehicles on public rights of way where such use would not otherwise be permitted, to facilitate access for construction and maintenance activities. Schedule 6 is comprised of three parts that are relevant to this article (streets to be temporarily closed; public rights of way to be temporarily closed; and temporary management of public rights of way).

5.3.6. The authorisation under Article 13 of the use of motor vehicles over public rights of way where there is no public right to use motor vehicles is necessary to enable the undertaker to access parts of the Authorised Development with construction and maintenance plant, equipment and personnel which would otherwise be severed by public rights of way. The Article broadly follows the approach in the model provisions (save that it expressly applies to public rights of way – whilst these are highways and a form of street, express reference has been made to assist with clarity and understanding) in that it contains provisions of general application and then also in relation to the specific public rights of way that are set out in Schedule 6 to the Order and as shown on the **Public Rights of Way Management Plan** (Doc Ref. 7.15)**.** Article 13 mirrors Article 11 of the model provisions in providing that where the public right of way is specified in a Schedule to the Order that there is a requirement to consult the street authority, but there would be no need to obtain its consent. In respect of other public rights of way not specified in a schedule to the Order there would be a requirement to

obtain the consent of the street authority. Article 17 (see below) deals with traffic regulation more widely.

5.3.7. Article 13(5) 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 experience a loss because of the suspension of a street or public right of way can be appropriately compensated.

5.3.8. Article 14 (*Use of private roads*) authorises the undertaker to use private roads within the Order limits for the passage of persons or vehicles in connection with the construction, maintenance, or decommissioning of the authorised development. This power is proportionate to the limited and temporary nature of the use and does not extinguish or permanently interfere with private rights. The article also provides for compensation for any loss or damage caused by the exercise of this power. This provision is necessary because the undertaker will need to use private roads inside the Order Limits.

5.3.9. Article 15 (*Access to works*) is a model provision that gives the undertaker powers to form new or improve existing means of access for the purposes of the authorised development, as set out in Schedule 7 (permanent means of access to works) to the Order. The article also allows for the formation or improvement of other means of access, with the approval of the relevant planning authority (in consultation with the highway authority), where reasonably required for the authorised development. This flexibility is necessary to ensure that suitable access can be provided as construction and operational needs evolve.

5.3.10. Article 16 (*Agreements with street authorities*) is a model provision that authorises the undertaker and street authorities to enter into agreements relating to the strengthening, improvement, repair, or reconstruction of streets, the closure or alteration of streets, works authorised under Articles 9 (street works), 11 (power to alter layout, etc., of streets), 12 (construction and maintenance of altered streets), and 15 (access to works), and the adoption of works. This article is necessary to facilitate cooperation between the undertaker and street authorities and to ensure that works are carried out and maintained appropriately.

5.3.11. Article 17 (*Traffic regulation measures*) provides the undertaker with a general power to make temporary traffic regulation measures, such as speed limits, restrictions on stopping or waiting, prescribed routes, and the placement of traffic signs and signals, for the purposes of the construction, maintenance, and decommissioning of the authorised development. Paragraph (2) provides the undertaker with powers to place temporarily traffic signs and signals in the extents of the roads specified in Schedule 8. This Schedule identifies the relevant

roads, and specifies the extents of the roads that will be subject to temporary traffic signal and banksman control areas. 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 Scheme. The general power is appropriately regulated as it may only be exercised with the consent of the traffic authority concerned. 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. For example, similar provision is contained within the Great Yarmouth Third River Crossing Development Consent Order 2020, the Cottam Solar Project Order 2024, the West Burton Solar Project Order 2025 and the Tillbridge Solar Order 2025.

5.4. Part 4 (Supplemental Powers)

5.4.1. Article 18 (*Discharge of water*) is a model provision that authorises the undertaker to discharge water into any watercourse, public sewer, or drain in connection with the construction, maintenance, or decommissioning of the authorised development, subject to the approval of the owner of the watercourse, sewer, or drain and to any reasonable terms and conditions they may impose. The article also enables the undertaker to lay down, take up, and alter pipes and to make openings into, and connections with, such watercourses, sewers, or drains on land within the Order limits. The purpose of this article is to establish a clear statutory authority for these activities, which are necessary for the implementation of the authorised development. The article has been updated from the model provision to reflect the repeal of section 85 of the Water Resources Act 1991, replacing it with a reference to the Environmental Permitting (England and Wales) Regulations 2016. The reference from the model provisions to the Homes and Communities Agency has been changed to Homes England, as this body replaced the Homes and Communities Agency in January 2018. References to harbour authorities have been removed as they are not relevant to the Order. This approach is consistent with numerous made DCOs, including the Longfield Solar Farm Order 2023, the Gate Burton Energy Park Order 2024, the Cottam Solar Project Order 2024, the West Burton Solar Project Order 2025, the Tillbridge Solar Order 2025, the Fenwick Solar Farm Order 2026 and the Springwell Solar Farm Order 2026.

5.4.2. Article 19 (*Protective works to buildings*) is an adapted model provision included in most made DCOs. 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, subject to a number of conditions including the service of not less than 14 days' notice (except in cases of emergency) and the payment of compensation in the event that any loss or damage arises.

5.4.3. The Article 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 5 years from the date of final commissioning). 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, to dispute the need for the proposed protective works.

5.4.4. Protective works can also be undertaken after the carrying out of the works forming part of the authorised development for a period of 5 years from the date of completion of the part of the authorised development carried out in vicinity of the building. 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 given the nature of the Authorised Development. This Article is required because there are buildings within, and in close proximity to, the Order Land that might feasibly require surveys and protective works as a result of the authorised development. This article has precedent in the Longfield Solar Farm Order 2023, the Gate Burton Energy Park Order 2024, the Cottam Solar Project Order 2024, the West Burton Solar Project Order 2025, the Tillbridge Solar Order 2025, the Fenwick Solar Farm Order 2026 and the Springwell Solar Farm Order 2026.

5.4.5. Article 20 (*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 for the purpose of carrying out monitoring or surveys, including bringing equipment onto the land and making trial holes. 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 implementation of the Authorised Development, for

example in verifying ground conditions or the presence of statutory undertakers' apparatus.

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

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

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

5.4.7. 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 and has precedent in the Longfield Solar Farm Order 2023, the Gate Burton Energy Park Order 2024, the Cottam Solar Project Order 2024, the West Burton Solar Project Order 2025, the Tillbridge Solar Order 2025, the Fenwick Solar Farm Order 2026 and the Springwell Solar Farm Order 2026.

5.5. Part 5 (Powers of Acquisition)

5.5.1. Article 21 (*Compulsory acquisition of land*) is a model provision that provides for the compulsory acquisition of such land as is required for the Authorised Development, or to facilitate, or is incidental to, the Authorised Development. The Article is necessary to secure the delivery of the Authorised Development as set out in more detail in the **Statement of Reasons** (Doc Ref. 4.1) accompanying the DCO Application. The Article broadly follows the model provision, although reference to compensation for the suspension of a private right of way or for a private right of way to cease to have effect where land has been acquired has been deleted as this is dealt with in Article 25 (Private rights). This approach has precedent in the Riverside Energy Park Order 2020, the Lake Lothing (Lowestoft) Third Crossing Order 2020, the Cottam Solar Project Order 2024, the West Burton Solar Project Order 2025, the Fenwick Solar Farm Order 2026 and the Springwell Solar Farm Order 2026.

5.5.2. Article 21(2) makes clear that the powers in this Article are subject to the powers and restrictions in Article 24 (Compulsory acquisition of rights), Article 31 (Temporary use of land for constructing the authorised development) and Article 49 (Crown rights) to ensure that, where relevant and in accordance with Schedules 9 and 11, the undertaker can only acquire new rights or take temporary possession of land and cannot acquire the freehold interest in that land, or acquire land belonging to the Crown other than by agreement.

5.5.3. Article 22 (*Time limit for exercise of authority to acquire land compulsorily*) provides that the undertaker has seven years for the exercise of powers of compulsory acquisition from the date on which the Order is made to issue notices to treat or execute general vesting declarations. The undertaker considers that seven years is an appropriate time limit as it aligns with the commencement period for the authorised development in Requirement 2 of Schedule 2 to the Order and reflects established precedent, including the Cory Decarbonisation Project Order 2025, where a seven year time limit was accepted to accommodate external dependencies affecting delivery.

5.5.4. The extended period is justified due to NESO's ongoing grid connection reforms, which have introduced significant uncertainty regarding the timing of Gate processes and the issuing of firm transmission connection dates. While the undertaker intends to connect earlier – once National Grid's planned Weston Marsh B substation becomes available and capacity is confirmed – the timing is outside the undertaker's control. A seven-year period therefore ensure that compulsory acquisition powers remain exercisable should the confirmed connection date fall later than currently anticipated.

5.5.5. The model provision has been amended in this Article to incorporate minor changes that reflect the latest legislative context for compulsory acquisition rights, further to the amendments to the relevant Acts by the Levelling-up and Regeneration Act 2023. Other than amendments to update references to the relevant Acts, the predominant change by this amendment is to enable an extension of the time limit where the Order is subject to legal challenge under section 118 of the Planning Act 2008. This allows for the time limit to extend for a period equivalent to the period whereby the Order is subject to legal challenge (including appeals), or if the legal challenge is resolved in less than a year, then one year.

5.5.6. This amendment aligns with the wording which is now included within section 5B(1) of the Compulsory Purchase (Vesting Declarations) Act 1981 and section 4A(1) of the Compulsory Purchase Act 1965. Both of these Acts provide for the same extensions included in Article 22 in the case of legal challenge. This means that the Order aligns with those Acts, and the operation of Articles 25 and 28 below (which provide for consequential amendments to the application of those acts) operate consistently with the version of those Acts as updated by the Levelling-up and Regeneration Act 2023.

5.5.7. The Levelling-Up and Regeneration Act 2023 has only recently come into force, meaning the amendments it has made to the compulsory purchase status quo are also recent. However, the Applicant considers the changes to this article

appropriate to ensure consistency with the made legislation on compulsory purchase, for ease of application by both the undertaker and the agents for any third parties, who will be familiar with the standard legislative approach. This approach has precedent in the Fenwick Solar Farm Order 2026 and the Springwell Solar Farm Order 2026.

5.5.8. Article 23 (*Compulsory acquisition of land - incorporation of the mineral code*) is a model provision which incorporates Parts 2 and 3 of Schedule 2 of the Acquisition of Land Act 1981 (minerals). The mineral code is incorporated as a precautionary measure given the identification of interests in mines and minerals within the Order Limits. The incorporation of the mineral code means that when the undertaker compulsorily acquires land under the Order, it does not also acquire the rights to the minerals. This approach is commonly adopted in existing DCOs, including the Cottam Solar Project Order 2024, the East Yorkshire Solar Farm Order 2025, the Tillbridge Solar Order 2025, the Fenwick Solar Farm Order 2026 and the Springwell Solar Farm Order 2026.

5.5.9. Article 24 (*Compulsory acquisition of rights*) enables the undertaker to acquire rights or impose restrictive covenants over the Order Land as may be required for any purpose for which the land may be acquired under Article 21 (Compulsory acquisition of land). This includes both the acquisition of existing rights and the creation of new rights or covenants. The article is subject to Article 31 (Temporary use of land for constructing the authorised development) which provides that the undertaker must not acquire, acquire new rights over or impose restrictive covenants over land listed in the **Book of Reference** (Doc Ref. 4.3) as land over which temporary possession may be taken.

5.5.10. Paragraph (2) limits the undertaker's powers in respect of land identified in the **Book of Reference** (Doc Ref. 4.3) as land in which only new rights or the benefit of restrictive covenants may be acquired. In such cases, the undertaker may only acquire rights or impose covenants for the specific purposes set out in the **Book of Reference** (Doc Ref. 4.3). This approach allows for a more proportionate exercise of compulsory acquisition powers, minimising permanent land take where lesser interference is sufficient to deliver the authorised development.

5.5.11. Paragraph (3) confirms that the undertaker is not required to acquire a greater interest in land when acquiring rights or imposing covenants, subject to the provisions of the 1965 Act as modified by Schedule 9 (modification of compensation and compulsory purchase enactments for the creation of new rights and imposition of new restrictive covenants) to the Order. Paragraph (4) applies Schedule 9, which extends the compensation provisions relating the

acquisition of the freehold to the more limited acquisition of rights and imposition of restricted covenants.

5.5.12. Paragraphs (5) and (6) provide that, where rights or covenants are required for the diversion, replacement or protection of statutory undertakers' apparatus, the undertaker may, with the consent of the Secretary of State, transfer the power to acquire such rights to the relevant statutory undertaker. This ensures operational flexibility while maintaining appropriate safeguards.

5.5.13. Paragraph (7) clarifies that the undertaker may acquire rights or impose restrictions more than once in relation to the same land, where necessary. Paragraph (8) confirms that the article is subject to Article 49 (Crown rights).

5.5.14. This form of drafting originates from Article 19 of the model provisions and is well precedented, including in the Cleve Hill Solar Park Order 2020, Longfield Solar Farm Order 2023, Gate Burton Energy Park Order 2024, Cottam Solar Project Order 2024, West Burton Solar Project Order 2025, Tillbridge Solar Order 2025, the Fenwick Solar Farm Order 2026 and the Springwell Solar Farm Order 2026.

5.5.15. Article 25 (*Private rights*) is adapted from the model provisions and (i) provides that private rights and restrictions over land cease to have effect so far as their continuance would be inconsistent with the exercise of the compulsory acquisition powers contained in Article 21 (Compulsory acquisition of land); (ii) provides that private rights and restrictions over land cease to have effect in so far as their continuance would be inconsistent with the exercise of compulsory acquisition of rights or the imposition of restrictive covenants under Article 24 (Compulsory acquisition of rights); and (iii) suspends private rights and restrictions over land so far as their continuance would be inconsistent with the exercise of temporary possession powers under the Order. This is required because it enables the undertaker to take land with a clear, unencumbered title, thereby minimising impediments to the delivery of the Authorised Development. It is not considered appropriate to automatically extinguish private rights where land is acquired outright for the Authorised Development as it will be decommissioned at the end of its life and is therefore temporary in nature.

5.5.16. Paragraph (4) 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. Paragraphs (2) and (3) confirm that the private rights cease to have effect or are suspended where the land is acquired by agreement, ensuring that the use of compulsory acquisition powers is not inadvertently made preferable to acquiring land and rights by agreement where

private rights exist in the land. Paragraph (9) also clarifies that references to private land include references to any trusts or incidents to which the land is subject. This drafting is well precedented, including in the Longfield Solar Farm Order 2023, the Cottam Solar Project Order 2024, the West Burton Solar Project Order 2025, the East Yorkshire Solar Farm Order 2025, the Fenwick Solar Farm Order 2026 and the Springwell Solar Farm Order 2026.

5.5.17. Article 26 (*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. This article is standard and appears in all recent DCOs, including the Longfield Solar Farm Order 2023, the Cottam Solar Project Order 2024, the West Burton Solar Project Order 2025, the East Yorkshire Solar Farm Order 2025, the Tillbridge Solar Order 2025, the Fenwick Solar Farm Order 2026 and the Springwell Solar Farm Order 2026.

5.5.18. Article 27 (*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 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. It has precedent, for example, in the Longfield Solar Farm Order 2023, the Gate Burton Energy Park Order 2024, the Cottam Solar Project Order 2024, the West Burton Solar Project Order 2025, the Tillbridge Solar Order 2025, the Fenwick Solar Farm Order and the Springwell Solar Farm Order 2026.

5.5.19. Article 28 (*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 is required to ensure that Part 1 of the 1965 Act is applied correctly to compulsory acquisition authorised under the Order. Paragraphs (2) to (4) amend the provisions of the Compulsory Purchase

Act 1965 so they are consistent with the terms of the Order. These modifications have precedent in numerous made DCOs and other legislation including the Longfield Solar Farm Order 2023, the Sunnica Energy Farm Order 2024, the Cottam Solar Project Order 2024, the West Burton Solar Project Order 2025, the Tillbridge Solar Order 2025, the Fenwick Solar Farm Order and the Springwell Solar Farm Order 2026.

5.5.20. Article 29 (*Acquisition of subsoil or airspace only*) is a modified model provision that permits the undertaker to acquire only the subsoil of land, or the airspace above land, or rights in either, which may be compulsorily acquired pursuant to Article 21 (Compulsory acquisition of land) or Article 24 (Compulsory acquisition of rights). This enables the undertaker to minimise the extent of interests acquired from landowners, particularly in circumstances where full surface acquisition is unnecessary. For example, this may apply where underground cables or infrastructure are to be installed, or where overhead infrastructure such as overhead electric lines require rights in airspace.

5.5.21. Paragraphs (2) and (3) clarify that the undertaker is not required to acquire any other interest in the land when acquiring subsoil or airspace only, and disapply certain statutory provisions that would otherwise allow landowners to serve counter-notices requiring the acquisition of the whole interest. These disapplications are standard and reflect the limited physical and legal impact of acquiring subsoil or airspace rights.

5.5.22. Paragraph (4) provides an exception for cellars, vaults, arches or other constructions forming part of a house, building or factory, recognising that such structures may require more comprehensive acquisition or protection.

5.5.23. This article is appropriate and proportionate in the context of the authorised development and continues to have precedent in made DCOs, including the Longfield Solar Farm Order 2023, the Cottam Solar Project Order 2024, the West Burton Solar Project Order 2025, and the East Yorkshire Solar Farm Order 2025. While most solar farm Orders provide only for the acquisition of subsoil only, this reflects that they do not include overhead electric lines and therefore do not require airspace rights. In contrast, the authorised development for this Scheme includes overhead electric lines, for which airspace rights are necessary. The airspace element of Article 29 therefore follows established precedent in other overhead electric line schemes, including The National Grid (King's Lynn B Power Station Connection) Order 2013, The National Grid (North London Reinforcement Project) Order 2014, The National Grid (Hinkley Point C Connection Project) Order 2016, The National Grid (Richborough Connection Project) Development Consent Order 2017, the National Grid (Bramford to

Twinstead Reinforcement) Order 2024 and The National Grid (Yorkshire Green Energy Enablement Project) Development Consent Order 2024, both of which provide for the compulsory acquisition of airspace associated with overhead electric line works.

5.5.24. Article 30 (*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 the subsoil of or airspace over streets where required for the purpose of the Authorised Development without being required to acquire that land. It is therefore required in order to reduce the amount of land that needs to be compulsorily acquired for the purposes of the Authorised Development.

5.5.25. The purpose of this Article is to allow the undertaker to appropriate and use land above or below streets within the Order Land, without having to acquire the street or any right or easement in it. The exercise of this power without acquisition is prohibited in the circumstances set out in paragraph (3). Paragraphs (4) and (5) provide for the payment of compensation in certain circumstances. Recent precedent can be found in the Sunnica Energy Farm Order 2024, the West Burton Solar Project Order 2025, the Tillbridge Solar Order 2025, the Fenwick Solar Farm Order 2026 and the Springwell Solar Farm Order 2026.

5.5.26. Article 31 (*Temporary use of land for constructing the authorised development*) authorises the undertaker to take temporary possession of land for the purpose of constructing the authorised development. This includes land identified in the **Book of Reference** (Doc Ref. 4.3) as land over which temporary possession may be taken, as well as other Order land not subject to a notice of entry or general vesting declaration. There is a clear limit on the length of time that the undertaker can use land in this way, which in the case of land that may only be used temporarily 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. The Article also requires the undertaker to give 14 days' notice before taking possession, and to restore the land following the temporary works.

5.5.27. Wording has been added to paragraph (1)(a)(ii) in order to allow Article 31 to apply to land which may later be the subject of compulsory acquisition. This reflects a common approach to designing and building infrastructure projects, whereby possession is taken of a wider area required for the purposes of construction, and once the location of new apparatus is known definitively (after it has been built), then the final area of land or area of land over which rights are required permanently is defined and acquired. This allows a more proportionate approach to the extent of land and rights acquisition.

5.5.28. Wording has also been added to paragraphs (4) and (5) to take into account that the undertaker may, pursuant to Article 31(1)(a)(ii), temporarily use land that it may compulsorily acquire. This is also subject to a general requirement for the undertaker to not remain in possession of land for longer than one year, beginning with the date of final commissioning of the Authorised Development, unless the process to compulsorily acquire land or rights has been commenced.

5.5.29. Paragraph (10) confirms that land identified for temporary possession only cannot be compulsorily acquired or be subject to permanent rights or restrictive covenants. However, paragraph (11) clarifies that this does not prevent the creation or acquisition of new rights or subsoil rights under other articles of the Order.

5.5.30. Paragraph (12) applies section 13 of the Compulsory Purchase Act 1965 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. Paragraph (13) confirms that the undertaker may take temporary possession more than once.

5.5.31. This article has recent precedent in the Longfield Solar Farm Order 2023, the Gate Burton Energy Park Order 2024, the Cottam Solar Project Order 2024, the West Burton Solar Project Order 2025, the Tillbridge Solar Order 2025, the Fenwick Solar Farm Order 2026 and the Springwell Solar Farm Order 2026.

5.5.32. Article 32 (*Temporary use of land for maintaining the authorised development*) provides for the temporary use of land for maintenance of the Authorised Development. There are clear limits on the length of time that the undertaker can use land in this way, provisions requiring not less than 28 days' notice to be given and restoration of the land following the temporary possession. This Article provides for the payment of compensation for that temporary use of the land.

5.5.33. The maintenance period has been adapted from the model provision to apply to the period 5 years beginning with the date of final commissioning, as opposed to the date on which the project is opened for use, as this is more appropriate for this type of development. Similar wording has been used in other made Orders in connection with solar generating stations such as the Longfield Solar Farm Order 2023, the Gate Burton Energy Park Order 2024, the Cottam Solar Project Order 2024, the West Burton Solar Project Order 2025, and the Tillbridge Order 2025. However, in order to be able to carry out the landscaping commitments set out in the **Outline Landscape and Ecology Management Plan** (Doc Ref. 7.16), the maintenance period has been extended to the period in the landscape and ecology management plan approved pursuant to Requirement 7 in relation to

landscaping only. A similar provision was included in the Longfield Solar Farm Order 2023, the Gate Burton Energy Park Order 2024, the Cottam Solar Project Order 2024, the West Burton Solar Project Order 2025, the Tillbridge Solar Order 2025, the Fenwick Solar Farm Order 2026 and the Springwell Solar Farm Order 2026.

5.5.34. Article 33 (*Statutory undertakers*) provides for the acquisition of land belonging to statutory undertakers within the Order Land. This includes a power to move the apparatus of those statutory undertakers and to extinguish or relocate their rights. This article is subject to the protective provisions included at Schedule 13 of the Order. Further details on statutory undertakers' land and apparatus are included in the **Statement of Reasons** (Doc Ref. 4.1). This power is required over the whole of the Order Land and similar wording in (a) and (b) has been used in other made Orders including the Cleve Hill Solar Park Order 2020, the Longfield Solar Farm Order 2023, the Gate Burton Energy Park Order 2024, the Cottam Solar Project Order 2024, the West Burton Solar Project Order 2025, the Tillbridge Solar Order 2025, the Fenwick Solar Farm Order 2026 and the Springwell Solar Farm Order 2026.

5.5.35. Paragraphs (c) and (d) extend the undertaker's powers in relation to statutory undertaker apparatus to reflect the needs of a grid connection and overhead electric line scheme. Paragraph (c) enables the undertaker to construct the authorised development so as to cross over or under existing apparatus, while paragraph (d) allows necessary tracks, roadways and service media to be constructed over, under or around such apparatus. These powers ensure the undertaker can install and access overhead electric line and cable infrastructure without requiring the full diversion of every affected utility.

5.5.36. Both provisions follow the approach taken in the National Grid (Bramford to Twinstead Reinforcement) Order 2024, which includes equivalent powers to facilitate construction of transmission infrastructure in proximity to existing statutory undertaker networks. The exercise of these powers in this Order remains subject to the protective provisions in Schedule 13.

5.5.37. Article 34 (*Apparatus and rights of statutory undertakers in closed or restricted streets*) governs what happens to statutory utilities' apparatus (pipes, cables, etc.) under streets that are closed by 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 13.

5.5.38. Article 35 (*Recovery of costs of new connections*) provides that persons who have to create a new connection following the exercise of powers under Article 33 (Statutory undertakers) may recover the costs of new connections from the undertaker. It is a model provision, with the part of the model provision that referred to the permanent stopping up of streets deleted as this is not relevant in the context of the Authorised Development.

5.5.39. Both Articles 34 and 35 have precedent in recent DCOs including the Longfield Solar Farm Order 2023, the Cottam Solar Project Order 2024, the East Yorkshire Solar Farm Order 2025, the Tillbridge Order 2025, the Fenwick Solar Farm Order 2026 and the Springwell Solar Farm Order 2026.

5.6. Part 6 (Miscellaneous and General)

5.6.1. Article 36 (*Benefit of the Order*) overrides section 156(1) of the 2008 Act (which is permitted by section 156(2)) and provides that the benefit of the Order is for the undertaker, rather than anyone with an interest in the land. Paragraph (2) provides that the benefit of Work No. 15, being the work to connect the Authorised Development to the National Grid, is for the benefit of the undertaker and National Grid Electricity Transmission (NGET) as the new Weston Marsh B Substation will be owned and operated by NGET. Overriding section 156(1) is common in DCOs that have been made, including the Little Crow Solar Park Order 2022, the Longfield Solar Farm Order 2023, the Cottam Solar Project Order 2024, the West Burton Solar Project Order 2025, the Tillbridge Order 2025, the Fenwick Solar Farm Order 2026 and the Springwell Solar Farm Order 2026.

5.6.2. Article 37 (*Consent to transfer the benefit of the 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 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:

a. the transferee or lessee is the holder of an electricity generating licence under section 6 of the Electricity Act 1989;

b. in respect of Work No.7, being habitat mitigation areas, the transferee or lessee is a holding company or subsidiary of the undertaker (this is required as it is not necessary to hold a generation licence to operate a habitat mitigation area); or

c. 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.

5.6.3. Article 37(2) has been amended from the model provisions so that it refers to 'transfer or grant', which is considered to be more accurate than 'agreement'.

5.6.4. Paragraphs (4) to (8) within Article 37 set out a requirement to notify the Secretary of State of transfers where the Secretary of State's consent is not required, and the form and process for this notification. This wording has been brought across from the Secretary of State's decisions in the recently made Mallard Pass Solar Farm Order 2024, Gate Burton Energy Park Order 2024, Cottam Solar Project Order 2024, Tillbridge Solar Order 2025, the Fenwick Solar Farm Order 2026 and the Springwell Solar Farm Order 2026.

5.6.5. The justification for these provisions is that in such cases, the transferee or lessee will either 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, or there are no outstanding actual or potential compulsory purchase claims.

5.6.6. Article 37(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. Article 37(5) to (8) provide further detail on the notification that is to be given. Similar provisions can be found in the Cottam Solar Project Order 2024, the Gate Burton Energy Park Order 2024, the Mallard Pass Solar Farm Order 2024, the West Burton Solar Project Order 2025, the Tillbridge Solar Order 2025, the Fenwick Solar Farm Order 2026 and the Springwell Solar Farm Order 2026.

5.6.7. Article 37(8) provides that where the undertaker has transferred the benefit of the Order or granted the benefit of the Order then:

a. the transferred or granted benefit will include any rights that are conferred and any obligations that are imposed;

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

c. 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.

5.6.8. This approach has precedent in the Cleve Hill Solar Park Order 2020 and the Longfield Solar Farm Order 2023, as well as the Gate Burton Energy Park Order

2024, the Cottam Solar Project Order 2024, the West Burton Solar Project Order 2025, the Tillbridge Solar Order 2025, the Fenwick Solar Farm Order 2026 and the Springwell Solar Farm Order 2026.

5.6.9. Article 38 (*Application of landlord and tenant law*) is a model provision which is included in numerous made DCOs which would override landlord and tenant law so far as it would prejudice the operation of any agreement for leasing the whole 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. This provision is required to ensure that landlord and tenant law does not impede the construction, use or maintenance of the Authorised Development.

5.6.10. Article 39 (*Operational land for the 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.

5.6.11. Article 40 (*Felling or lopping of trees and removal of hedgerows*) is based on a model provision included in numerous made DCOs which provides that the undertaker may fell or lop or cut back the roots of any tree or shrub within or overhanging the Authorised Development to prevent it obstructing or interfering with the construction, maintenance or operation of the Authorised Development; constituting a danger for persons using the Authorised Development or obstructing or interfering with the passage of construction vehicles.

5.6.12. The Article also allows the undertaker to remove those hedgerows specified in Schedule 10 (Hedgerows to be removed, managed or affected). Schedule 10 is divided into Part 1 (Removal of hedgerows), Part 2 (Hedgerows which are potentially affected/managed) and Part 3 (Hedgerows which are potentially affected). Article 40(4) clarifies that the power is to remove hedgerows specified in Schedule 10, to the extent set out in the Landscape and Ecology Management Plan approved pursuant to Requirement 7 in Schedule 2.

5.6.13. The Article provides that the undertaker may not fell or lop a tree or remove hedgerows under this Article within the extent of the publicly maintainable highway without the prior consent of the highway authority. Compensation is provided for if loss or damage is caused. The provision is required for safety reasons and its applicability is appropriately limited.

5.6.14. Article 40 does not address the statutory protection afforded to trees by virtue of being subject to a Tree Preservation Order ("TPO") as this is covered by Article 41.

5.6.15. Article 41 (*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 TPO to prevent it obstructing or interfering with the construction, maintenance or operation of the authorised development. Compensation is also provided for under Article 41(4) if loss or damage is caused.

5.6.16. The effect of Article 41 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 purpose of DCOs being to wrap up all of the required consents for a project. The Article is a model provision included in numerous made DCOs and has been amended, to reflect that no TPOs exist at the present time, but will apply to a TPO made after the submission of the Application and either within or overhanging the Order Limits. The approach to include provisions regarding trees subject to tree preservation orders has precedent in the Cleve Hill Solar Park Order 2020, the Longfield Solar Farm Order 2023, the Gate Burton Energy Park Order 2024, the Tillbridge Solar Order 2025, the Fenwick Solar Farm Order 2026 and the Springwell Solar Farm Order 2026.

5.6.17. Article 42 (*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** (Doc Ref. 4.3), plans and **Environmental Statement** (Doc Ref. 6.1)) to the Secretary of State so that they can be certified as being true copies. The Article refers to Schedule 11 (Documents and plans to be certified), where all such documents and plans are listed, along with the appropriate document and revision numbers. The Article and Schedule 11 provide certainty as to which documents will be certified by the Secretary of State in relation to the Order.

5.6.18. Article 43 (*No double recovery*) is not a model provision and is based on Article 44 of the model clauses for railway contained in schedule 1 to the Transport and Works (Model Clauses for Railways and Tramways) Order 2006. This article has precedent in numerous Transport and Works Act Orders. It provides that compensation is not payable both under the Order and any other enactment, contract or other rule of law. It follows the well established principle of equivalence that a claimant is compensated for no more and no less than their loss. Precedent for this article can be found in the Medworth Energy from Waste Combined Heat and Power Facility Order 2024, the Cottam Solar Project Order

2024, the West Burton Solar Project Order 2025, the Tillbridge Solar Order 2025, the Fenwick Solar Farm Order 2026 and the Springwell Solar Farm Order 2026.

5.6.19. Article 44 (*Arbitration*) is an arbitration provision and it is a departure from the model provision. This drafting, and that in the associated Schedule 12 (Arbitration rules), and is adapted from the Cleve Hill Solar Park Order 2020, the Mallard Pass Solar Farm Order 2024, and the Heckington Fen Solar Park Order 2025 amongst others. 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.

5.6.20. It applies Schedule 12 (Arbitration rules) to the Order, which sets out further detail of the arbitration process. The detail of Schedule 12 is set out at Section 6.12 of this document.

5.6.21. In addition, Article 44(2) 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.

5.6.22. Article 45 (*Protective Provisions*) provides for Schedule 13 (Protective provisions), which protects the interests of certain statutory undertakers, to have effect. This is set out in detail at Section 6.14 of this document. This is a model provision.

5.6.23. Article 46 (*Services 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. These provisions are based on those appearing in the Transport and Works (Model Provisions for Railways and Tramways) Order 2006, and numerous made DCOs including the A66 Northern Trans-Pennine Order 2024, the Cottam Solar Project Order 2024, the West Burton Solar Project Order 2025, the Tillbridge Solar Order 2025, the Fenwick Solar Farm Order 2026 and the Springwell Solar Farm Order 2026.

5.6.24. Article 47 (*Procedure in relation to certain approvals etc.*) provides procedures in relation to consents and approvals required pursuant to the Order (other than Requirements). 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 six 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.

5.6.25. For any consent, agreement, or refusal pursuant to the Requirements a detailed procedure is provided for in Schedule 14 (Procedure for discharge of requirements) (refer to Section 6.14 of this document).

5.6.26. This Article has precedent in the Longfield Solar Farm Order 2023, the Gate Burton Energy Park Order 2024, the West Burton Solar Project Order 2025, the Tillbridge Solar Order 2025, the Fenwick Solar Farm Order 2026 and the Springwell Solar Farm Order 2026 and is considered appropriate and justified in order to ensure that the Authorised Development can proceed in a reasonable timescale, and so that there is a consistent approach to consents that must be sought by the undertaker pursuant to the Order.

5.6.27. Article 48 (*Guarantees in respect of payments of compensation*) restricts the undertaker from exercising the powers conferred under Articles 22, 25, 26, 32, 33 and 34 until it has either put in place a guarantee or other form of security approved by the Secretary of State 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. The wording appears in a number of made DCOs, for example the Longfield Solar Farm Order 2023, the Mallard Pass Solar Farm Order 2024, the West Burton Solar Project Order 2025, the Tillbridge Solar Order 2025, the Fenwick Solar Farm Order 2026 and the Springwell Solar Farm Order 2026.

5.6.28. Article 49 (*Crown rights*) includes provisions safeguarding the rights of the Crown in relation to the Crown Estate land within the Order limits. This Article is not a model provision but has precedent in numerous DCOs including in Article 44 of the Sunnica Energy Farm Order 2024, Article 47 of the West Burton Solar Project Order 2025, and Article 49 of the Tillbridge Solar Order 2025. The intention of the Article is to protect the Crown in respect of its land and interests, both when it holds the land or where it is held by another person (such as a government department).

6. Schedules

6.1. Schedule 1 (Authorised Development)

6.1.1. This Schedule describes the Authorised Development in detail and 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. Paragraph 1 of the Schedule sets out a number of definitions that are used only within the Schedule and are not in other places in the Order.

6.1.2. The works set out in Schedule 1 to the Order are explained in detail in this document in Section 1.4.

6.1.3. The mechanics of the drafting in Schedules 1 and 2 ensure that the undertaker does not exceed the basis of the assessment in the **Environmental Statement** (Doc Ref. 6.1)). This is achieved through the following mechanisms in the Order.

6.1.4. Article 3 and Schedule 1 provide the power to carry out the Authorised Development. Pursuant to Article 3(2) each numbered work must be situated within the area delineated on the **Works Plans** (Doc Ref. 2.3). Given these overarching constraints, there is certainty as to where each element identified in Schedule 1 can be built, and that has been factored into the **Environmental Statement** (Doc Ref. 6.1).

6.1.5. The **Works Plans** (Doc Ref. 2.3) also include an indicative centre line for the overhead electric lines, which works alongside Article 6 (*Limits of deviation*) to allow for lateral deviation from the alignment shown on the Works Plans within the defined limits of deviation, with vertical parameters for pylons and overhead conductors controlled through the **Design Parameters** (Doc Ref. 7.4). This ensures the route assessed within the **Environmental Statement** (Doc Ref. 6.1) is generally followed in the final design of the Scheme.

6.1.6. Schedule 1 provides that works or operations which do not form part of a specific work number can only be brought forward where these fall within the scope of the environmental impact assessment recorded in the **Environmental Statement** (Doc Ref. 6.1).

6.1.7. In respect of the detailed design, Requirement 5 of Schedule 2 (refer to Section 6.2 of this document) prevents the undertaker from commencing any part of the authorised development until it has obtained the approval of the relevant planning authority to layout, scale, proposed finished ground levels, external

appearance, hard surfacing materials; vehicular and pedestrian access, parking and circulation areas, and refuse or other storage units, fencing, signs and lighting. Requirement 5 requires that the details submitted must accord with the **Design Parameters** (Doc Ref. 7.4) and **Outline Drainage Strategy** (Doc Ref. 6.3) which are certified documents pursuant to Article 42 (*Certification of plans and documents*) and Schedule 11 (Documents and plans to be certified).

6.1.8. The **Design Parameters** (Doc Ref. 7.4) contains the maximum Parameters for the Authorised Development and are the same as those used for the assessment of effects in the **Environmental Statement** (Doc Ref. 6.1). These Parameters are based on the application of the Rochdale Envelope principle, such that maximum dimensions have been presented and assessed in the **Environmental Statement** (Doc Ref. 6.1), recognising that the final features may differ from (but will never be larger than) these maxima.

6.1.9. The combined effect of, and relationship between, these provisions means that the final built form of the Authorised Development will not give rise to environmental effects beyond those which have been assessed. This approach, and what we have called the "consent envelope" is explained further in Section 0 of this document.

6.2. Schedule 2 (Requirements)

6.2.1. 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 discussions with the relevant planning authority or other relevant statutory consultee.

6.2.2. The requirements closely relate to the mitigation set out in the **Environmental Statement** (Doc Ref. 6.1) and a number of them specifically refer to the **Environmental Statement** (Doc Ref. 6.1) and other Application documents (in particular, 'outline' strategies or plans) in order to ensure that the mitigation or other measures outlined in those documents are secured.

6.2.3. Many of the requirements require submission of details for approval by the relevant planning authority. In some instances, the relevant planning authority is 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 consultation is required under the Order it is, in each case, the relevant planning authority's duty to carry it out before approving a document submitted to it

(rather than, as in some of the model provisions, 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 to consult a third party, that third party has been named within the relevant requirement.

6.2.4. In the Applicant's opinion the requirements in Schedule 2 are all necessary and relevant to planning and the development to be permitted as they are outputs from the **Environmental Statement** (Doc Ref. 6.1); enforceable and precise in their language; and reasonable in all other respects.

6.2.5. In all cases where a scheme or strategy or plan is to be submitted for approval there is a requirement for the undertaker to implement the approved scheme or strategy or plan as approved. This wording to ensure that compliance with the provisions contained in the scheme, strategy or plan, including any ongoing maintenance requirements, have been incorporated into the Order. This approach is widely precedented, including in the West Burton Solar Project Order 2025. This is subject to Requirement 3, as explained in Paragraph 6.2.9 of this document.

6.2.6. Where relevant and appropriate, certain requirements can be discharged in part, which is facilitated by the wording restricting "part" of the Authorised Development from proceeding until the relevant details have been submitted and approved in respect of that part. The "parts" are not pre-defined and this approach is designed to ensure necessary flexibility for different aspects of the Authorised Development to proceed as and when appropriate in the overall development schedule following detailed design. The approach and drafting is precedented in recently made DCOs such as the Longfield Solar Farm Order 2023, the Gate Burton Energy Park Order 2024, the Cottam Solar Project Order 2024, the West Burton Solar Project Order 2025, the Fenwick Solar Farm Order 2026 and the Springwell Solar Farm Order 2026.

6.2.7. Requirement 1 – Interpretation**:** This provides a definition in relation to "relevant planning authorities", applicable to this Schedule only, rather than the Order as a whole. The definition has been changed to mean Lincolnshire Council and South Holland District Council, as applicable depending on their relevant areas of responsibility. Given the planned local government reorganisation in Lincolnshire that was announced on 16 July 2026, references to each authority have been amended to include any successor authority. This is to ensure that the requirements continue to operate effectively if responsibility for their discharge transfers to a successor authority during the lifetime of the Order.

6.2.8. Requirement 2 – Commencement of the Authorised Development: This requirement provides that the authorised development must not commence later than seven years from the date of the Order coming into force. A seven-year commencement period is considered appropriate and reflects established precedent, including the Cory Decarbonisation Project Order 2025, where a seven-year period was accepted to accommodate external dependencies affecting project delivery timelines. For the Meridian Solar Farm, a seven-year commencement period is justified due to the ongoing NESO grid connection reforms, which have created unprecedented uncertainty around when a firm Gate 2 connection offer will be issued. While the undertaker's intention is to connect earlier – once National Grid's planned Weston Marsh B Substation becomes available and transmission capacity is released – the NESO reforms mean that the timing of the confirmed connection date remains outside of the undertaker's control and subject to further change. In this context, a seven-year period is necessary to ensure the undertaker is not prejudiced by these external dependencies and is consistent with the established approach taken in the Cory Decarbonisation Project Order 2025.

6.2.9. Requirement 3 – Approved details and amendments to them: This requirement provides that where any documents have been certified under Article 42 (*Certification of plans and documents, etc.*) and where any plans, details or schemes have been approved by the relevant planning authority, the undertaker may submit for approval any amendments to those documents, plans, details or schemes and, if approved by the relevant planning authority, those documents, plans, details or schemes are to be taken to include the amendments approved by the relevant planning authority. Any amendments should not be approved unless it has been demonstrated that that the subject matter of the approval sought is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the **Environmental Statement** (Doc Ref. 6.1). Paragraph (3) notes that any approval from the relevant planning authority must be provided in writing. Paragraph (4) notes that the undertaker must serve written notice of the date of final commissioning on the relevant planning authority within 10 working days of the date of final commissioning.

6.2.10. Requirement 4 – Community liaison group: This requirement provides that the undertaker must establish a community liaison group prior to commencement of the authorised development, in order to facilitate liaison between representatives of people living in the vicinity of the Order limits, and other relevant organisations in relation to the construction of the authorised development.

6.2.11. Requirement 5 – Detailed design approval: This requirement stipulates the details that must be submitted to and approved by the relevant planning authority before the authorised development may commence. The details submitted must be in accordance with the **Design Parameters** (Doc Ref. 7.4). The authorised development must be carried out in accordance with the approved details.

6.2.12. Requirement 6 – Battery safety management: This requirement stipulates that Work No. 2 must not commence until a battery safety management plan has been approved by the relevant planning authority. The relevant planning authority must consult with the Lincolnshire Fire and Rescue and the Environment Agency before approving the battery safety management plan. The battery safety management plan must be implemented as approved.

6.2.13. Requirement 7 – Landscape and ecology management plan: This requirement stipulates that no part of the authorised development may commence until a written landscape and ecology management plan (substantially in accordance with the outline landscape and ecology management plan) has been submitted to and approved by the relevant planning authority. The landscape and ecology management plan must be implemented and maintained as approved. Paragraph (3) extends the definition of "commence", for the purposes of paragraph (1), to include parts (h) and (i) of permitted preliminary works.

6.2.14. Requirement 8 – Biodiversity net gain: This requirement stipulates that no part of the authorised development may commence until a biodiversity net gain strategy has been submitted to and approved by the relevant planning authority, in consultation with the relevant statutory nature conservation body. This requirement reflects the preferred approach taken by the Secretary of State in recent solar DCO decisions (including East Yorkshire Solar Farm Order 2025, Oaklands Farm Solar Park Order 2025, and Tillbridge Solar Order 2025) for specific commitments in respect of biodiversity net gain percentages directly into the requirement. In line with Oaklands Farm Solar Park Order 2025 and Fenwick Solar Farm Order 2026 the Applicant has included percentages which are less than the estimated figures provided in its initial biodiversity net gain assessment but which it considers it can confidently meet. This provides for a minimum of 10% biodiversity net gain for habitat units, a minimum of 400% biodiversity net gain for hedgerow units and a minimum of 10% biodiversity net gain for watercourse units, which must be maintained throughout the operation of the relevant part of the authorised development to which the landscape and ecology management plan relates.

6.2.15. Requirement 9 – Fencing and other means of enclosure: The undertaker is required to obtain approval from the relevant planning authority for any proposed

temporary or permanent fences, walls or other means of enclosure, for each part in question. The details of permanent fencing must be substantially in accordance with the relevant **Design Parameters** (Doc Ref. 7.4).

6.2.16. Requirement 10 – Surface and foul water drainage: This requirement stipulates that no part of the authorised development may commence until the details of the surface water drainage and (if any) foul water drainage system (substantially in accordance with the outline drainage strategy) has been submitted to and approved by the relevant planning authority. The approved scheme must be implemented and maintained throughout the construction and operation of the authorised development.

6.2.17. Requirement 11 – Archaeology: This requirement stipulates that no part of the authorised development may commence until a written scheme of investigation for that part (which must substantially accord with the final Archaeological Mitigation and Management Strategy) has been submitted to and approved by the relevant planning authority. The written scheme of investigation(s) must be implemented as approved.

6.2.18. Requirement 12 – Construction environmental management plan: Under this requirement, no part of the authorised development may commence, and no specified permitted preliminary works may commence, until a construction environmental management plan (which must substantially accord with the outline construction environmental management plan) has been submitted to and approved by the relevant planning authority. All construction works associated with the authorised development must be carried out in accordance with the approved construction environmental management plan, which must be implemented as approved.

6.2.19. Requirement 13 – Operational environmental management plan: Before the date of final commissioning of the authorised development, an operational environmental management plan (which must substantially accord with the outline operational environmental management plan) must be submitted to and approved by the relevant planning authority. The plan must be implemented and maintained as approved.

6.2.20. Requirement 14 – Waste management plan: This requirement ensures that an site waste management plan is submitted to and approved by the relevant planning authority prior to the commencement of operation of any part of the authorised development. The plan must be substantially in accordance with the outline site waste management plan and must be implemented and maintained throughout the operation of the relevant part of the authorised development.

6.2.21. Requirement 15 – Construction traffic management plan: Under this requirement, no part of the authorised development may commence until a construction traffic management plan (which must substantially accord with the outline construction traffic management plan) has been submitted to and approved by the relevant planning authority, in consultation with the relevant highway authority and National Highways Limited.

6.2.22. Requirement 16 – Permissive path: This requirement secures the delivery and public availability of Work No. 9(d), a permissive path, prior to the final commissioning of Work No. 1. It ensures that the path remains accessible to the public 364 days a year, except during periods of maintenance or emergency, until the authorised development is decommissioned. The requirement supports local connectivity and public amenity, and reflects the commitment to integrating the authorised development with its surrounding environment.

6.2.23. Requirement 17 – Public rights of way: This requirement provides that the authorised development may not commence until a public rights of way management plan has been submitted to and approved by the relevant planning authority, in consultation with the relevant highway authority, for any sections of public rights of way shown to be closed in Schedule 6. The plan must be substantially in accordance with the outline version and must be implemented and maintained throughout the construction, operation and decommissioning of the relevant part of the authorised development.

6.2.24. Requirement 18 – Operational noise: This requirement stipulate that Work Nos. 1 - 3 or Work Nos. 10 – 15 may not commence until an operational noise assessment (containing details of how the design has incorporated mitigation set out in the **Environmental Statement** (Doc Ref. 6.1) in respect of operational noise rating levels has been complied with) has been submitted to and approved by the relevant planning authority. The design in the operational noise assessment must be implemented and maintained as approved.

6.2.25. Requirement 19 – Soil management plan: This requirement stipulates that no part of the authorised development may commence until a soil management plan for that part has been submitted to and approved by the relevant planning authority. The plan must be substantially in accordance with the outline soil management plan and must be implemented and maintained throughout the operation of the relevant part of the authorised development.

6.2.26. Requirement 20 – Skills, supply chain and employment: This requirement stipulates that no phase of the authorised development may commence until a skills, supply chain and employment plan (which must be substantially in

accordance with the outline skills, supply chain and employment plan) in relation to that phase has been submitted to and approved by the relevant planning authority. The skills, supply chain and employment plan must identify opportunities for individuals and businesses to access employment and supply chain opportunities associated with the construction, operation and maintenance of the authorised development, and the means for publicising such opportunities. The skills, supply chain and employment plan must be implemented and maintained as approved.

6.2.27. Requirement 21 – Decommissioning and restoration: This requirement provides that unless otherwise agreed with the relevant planning authority, no later than 12 months prior to the date the undertaker intends to decommission any part of the authorised development, the undertaker must submit to the relevant planning authority for its approval a decommissioning environmental management plan (substantially in accordance with the outline decommissioning environmental management plan). Decommissioning must commence no later than 40 years following the date of final commissioning. The plan submitted must be implemented as approved.

6.3. Schedule 3 (Legislation to be disapplied)

6.3.1. This Schedule lists out the legislation that the Order disapplies that relates to railways, river navigation, fisheries and water in the vicinity of the Order Limits in so far as such legislation is in force and is incompatible with the powers contained within the Order.

6.4. Schedule 4 (Streets subject to street works)

6.4.1. This Schedule sets out the streets that are to be subject to street works by reference to the **Streets, Rights of Way and Access Plans** (Doc Ref. 2.6). The Schedule relates to Article 9 (*Street works*).

6.5. Schedule 5 (Alteration of streets)

6.5.1. This Schedule sets out the streets that are to be permanently altered by reference to the **Streets, Rights of Way and Access Plans** (Doc Ref. 2.6). This Schedule relates to Articles 11 (*Power to alter layout, etc., of streets*) and 12 (*Construction and maintenance of altered streets*).

6.6. Schedule 6 (Streets and public rights of way)

6.6.1. This Schedule sets out the locations of the streets to be temporarily closed and diverted (Part 1), the public rights of way to be temporarily closed and diverted (Part 2), the public rights of way over which the undertaker seeks authorisation to use motor vehicles permanently (Part 3), the public rights of way to be managed temporarily (Part 4), and the public rights of way over which the undertaker seeks authorisation to use motor vehicles temporarily (Part 5). It references Article 13 (Temporary closure, restriction or prohibition of use of streets and public rights of way).

6.7. Schedule 7 (Access to works)

6.7.1. This Schedule sets out the permanent means of access (Part 1) and temporary means of access (Part 2) to works to the Authorised Development. The Schedule relates to Article 15 (Access to works).

6.8. Schedule 8 (Traffic regulation measures)

6.8.1. This Schedule contains details of the streets that are subject to temporary traffic regulation measures pursuant to Article 17 (*Traffic regulation measures*) and contains details of the nature of the measures for each affected street. These measures should be read alongside the **Traffic Regulations Plans** (Doc Ref. 2.7), which illustrate the location and extent of the proposed restrictions.

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

6.9.1. This Schedule modifies existing compensation legislation including the Land Compensation Act 1973 and the Compulsory Purchase Act 1965. It is commonly included in made DCOs, including the Cleve Hill Solar Park Order 2020, the A303 (Amesbury to Berwick Down) Development Consent Order 2020, the Mallard Pass Solar Farm Order 2024, the Gate Burton Energy Park Order 2024, the Cottam Solar Project Order 2024, the Tillbridge Solar Order 2025, the Fenwick Solar Farm Order 2026 and the Springwell Solar Farm Order 2026. 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 24 (*Compulsory acquisition of rights*).

6.10. Schedule 10 (Hedgerows to be removed)

6.10.1. The Schedule contains details of hedgerows to be removed (Part 1), removal of potentially important hedgerows (Part 2), and removal of important hedgerows (Part 3). The Schedule relates to Article 40 (Felling or lopping of trees and removal of hedgerows).

6.11. Schedule 11 (Documents and plans to be certified)

6.11.1. This Schedule lists the documents that the undertaker must have certified as true copies by the Secretary of State pursuant to Article 42 (*Certification of plans and documents, etc.*).

6.12. Schedule 12 (Arbitration rules)

6.12.1. This Schedule relates to Article 44 (*Arbitration*). The intention is to achieve a fair, impartial and binding award on substantive differences between the parties. Further, the objective is to achieve determination within 4 months from the date the arbitrator is first appointed to ensure that any disputes are resolved quickly. 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.

6.12.2. Schedule 12 refers to the person who commenced the arbitration as the Claimant and the other party as the Respondent.

6.12.3. The timetable for the process is as follows:

a. 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.

b. 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.

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

d. 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.

6.12.4. Paragraph 7 of Schedule 12 reflects the changes the Secretary of State made in the East Yorkshire Solar Farm Order 2025, the Tillbridge Solar Order 2025, the Fenwick Solar Farm Order 2026 and the Springwell Solar Farm Order 2026 to change the presumption for any arbitration hearings and documentation to be public, except where the arbitrator directs these to be confidential in order to protect commercially sensitive information.

6.13. Schedule 13 (Protective Provisions)

6.13.1. 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 45 (*Protective provisions*) and contains protective provisions for the benefit of defined classes of service undertakers, together with bespoke protective provisions for specific statutory undertakers. Parts 1 to 3 contain protection for defined classes of undertakers (electricity, gas, water and sewerage undertakers at Part 1, electronic communications code operators at Part 2, and drainage authorities at Part 3).

6.13.2. The protective provisions in Part 1 – for the protection of electricity, gas, water and sewerage undertakers, have been amended slightly to include other mains, pipelines or cables not ordinarily falling within the definition of "apparatus" and the owner of such mains, pipelines and cables as a "utility undertaker". This is to capture and protect a water supply to tenants that is privately provided within the Order Limits.

6.13.3. In relation to the remaining Parts:

a. Part 4 contains bespoke protective provisions for the benefit of Anglian Water. These protective provisions have been agreed.

b. Part 5 contains bespoke protective provisions for the benefit of National Grid Electricity Distribution. These protective provisions have been agreed.

c. Part 6 contains bespoke protective provisions for the benefit of the Environment Agency. These provisions have not yet been agreed and remain subject to ongoing negotiation. The version included in the draft Order reflect the Applicant's preferred drafting at the point of submission of this update.

d. Part 7 contains bespoke protective provisions for the benefit of National Grid Electricity Transmission. These provisions have not yet been agreed and remain subject to ongoing negotiation. The version included in the draft Order reflect the Applicant's preferred drafting at the point of submission of this update.

6.13.4. The Applicant is continuing to engage with a number of statutory undertakers in relation to the potential inclusion of bespoke protective provisions, where considered necessary. Any such bespoke protective provisions, where agreed, will be included in an updated version of this Schedule during the Examination of the application.

6.14. Schedule 14 (Procedure for discharge of requirements)

6.14.1. This Schedule provides a bespoke procedure for dealing with an application made to the relevant planning authority for any consent, agreement or approval required by the Requirements in Schedule 2 of the Order. It sets out time periods within which decisions must be made and provides for deemed approval of the applications in certain circumstances. The Schedule makes provision for appeals to be made in the event of a refusal of an application or if the relevant planning authority requires further information to be provided in relation to that application. Schedules similar to Schedule 14 have been used in various orders and can be seen in a similar form in the Cleve Hill Solar Park Order 2020, the Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order 2022, the Longfield Solar Farm Order 2023, the Hornsea Four Offshore Wind Farm Order 2023, the Mallard Pass Solar Farm Order 2024, the Gate Burton Energy Park Order 2024, the Cottam Solar Farm Order 2024, the Tillbridge Solar Order 2025, the Fenwick Solar Farm Order 2026 and the Springwell Solar Farm Order 2026.

6.14.2. The bespoke process is required in order to ensure that applications under requirements are dealt with efficiently so that the authorised development is not held up. Deemed consent of applications is required for the same reason and ensures that the nationally-needed authorised development will not be held up by the discharge of requirements. Paragraph 5 includes a fee schedule for the payment of fees to the relevant planning authority to ensure the local planning authority is appropriately compensated for processing different kinds of applications to discharge requirements. This fee schedule reflects the arrangements in various orders, including the Cottam Solar Project Order 2024,

the West Burton Solar Project Order 2025, the Tillbridge Solar Order 2025 and the Springwell Solar Farm Order 2026.