

The Drovers Solar Farm

Schedule of Changes to the Draft Development Consent Order

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Date: June 2026

PINS reference: EN0110013

Document reference: APP/8.5 (Original)

The Infrastructure Planning (Examination Procedure) Rules 2010
Rule 8(1)(c)





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1 Introduction

1.1 Purpose of the Document

- 1.1.1 This document has been prepared on behalf of The Drovers Solar Farm Limited (the Applicant) and sets out the changes that have been made to the **draft DCO [APP/3.1.1]** in relation to the Development Consent Order (DCO) Application for the construction, operation, maintenance, and decommissioning of The Drovers Solar Farm (the Scheme).



2 Schedule of Changes to the Draft Development Consent Order

Table 2.1: Schedule of Changes to the Draft Development Consent Order at Deadline 1

In document Location	Request	Rationale	Change Made	Relevant Doc Version
Article 2(1)	Applicant	Amendment to clarify the scope of definition and align with the definition used in recent solar DCOs	“authorised development” means the development <u>and associated development</u> described in Schedule 1 (authorised development) and any other development within the meaning of section 32 (meaning of “development”) of the 2008 Act authorised by this Order;	1
Article 2(1)	Applicant	Correction to ensure definitions listed in correct alphabetical order	<p>“date of final commissioning” means the date on which the authorised development commences operation by generating electricity on a commercial basis but excluding the generation of electricity during commissioning and testing;</p> <p>“date of decommissioning” means in respect of each part of the authorised development, the date notified under requirement 20 that that part of the authorised development has permanently ceased to generate electricity on a commercial basis;</p> <p><u>“date of final commissioning” means the date on which the authorised development commences operation by generating electricity on a commercial basis but</u></p>	1



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			<u>excluding the generation of electricity during commissioning and testing;</u>	
Article 3(1)	ExA	Clarification	(1) Subject to the provisions of this Order and the requirements <u>in Schedule 2 (requirements)</u> , the undertaker is granted development consent for the authorised development to be carried out within the Order limits.	1
Article 7(1)(c)	ExA	Correction	(1) [...] (c) the nuisance is a consequence of the use of the authorised development and that it cannot be reasonably avoided.	1
Article 10(2)	ExA	Clarification	(2) Without prejudice to the specific powers conferred by paragraph (1), but subject to paragraphs (3) and (4), the undertaker may, for the purposes of constructing, operating or maintaining, <u>or decommissioning</u> the authorised development, alter the layout of any street and, without limitation on the scope of this paragraph, the undertaker may—	1
Article 17(1)	ExA	Consistency with West Burton Solar Project Order 2025	(1) Subject to paragraphs (3), (4) and (8)(7) the undertaker may use any watercourse or any public sewer or drain for the drainage of water in connection with the construction or maintenance or decommissioning of the authorised development and for that purpose may lay down, take up and alter pipes and may, on any land within the Order limits, make openings into, and connections with, the watercourse, public sewer or drain	1



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Article 17(5)	ExA	Consistency with West Burton Solar Project Order 2025	<u>(5) Where the undertaker discharges water into, or makes any opening into, a watercourse, public sewer or drain belonging to or under the control of a drainage authority, the provisions of Part 7 of Schedule 15 (protective provisions) apply in substitution for the provisions of paragraphs (3) and (4).</u>	1
Article 17(8)(a)	ExA	Consistency with West Burton Solar Project Order 2025	(8) (a) <u>“drainage authority” means the drainage board concerned within the meaning of section 23 of the Land Drainage Act 1991;</u>	1
Article 25	Applicant	Clarification that the undertaker may, by positive notice, extinguish private rights. This amendment is consistent with the compensation provisions in (renumbered) paragraph (5), and reflects that there may be circumstances where the permanent acquisition or extinguishment of a private right is necessary. This approach is less onerous than the provisions contained in solar DCOs made to date which automatically extinguished all private rights where land was acquired unless notice to the contrary was given. The amendment to paragraph (5) confirms that compensation is	[...] <u>(4) The undertaker may by notice extinguish private rights and restrictive covenants over land subject to compulsory acquisition under this Order—</u> <u>(a) from the date of acquisition of the land, or of the right, or of the benefit of the restrictive covenant by the undertaker, whether compulsorily or by agreement; or</u> <u>(b) on the date of entry on the land by the undertaker under section 11(1) (power of entry) of the 1965 Act.</u> (5) Any person who suffers loss by the extinguishment, <u>cessation of effect</u> or suspension of any private right or restrictive covenant under this article is entitled to compensation in accordance with the terms of section 152 (compensation in case where no right to claim in	1



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		available where private rights cease to have effect where they are inconsistent with the exercise of compulsory acquisition powers as well as in circumstances where private rights are extinguished.	nuisance) of the 2008 Act to be determined, in case of dispute, under Part 1 of the 1961 Act.	
Article 42(3)	Applicant	Correction	(3) Before submitting the environmental statement in accordance with paragraph (1), the undertaker must substitute any figures or appendices contained therein with the final revision of that figure or appendix that was submitted by the undertaker to the planning inspectorate <u>Planning Inspectorate</u> or the Secretary of State prior to the making of this Order.	1
Schedule 1, Work No. 1	Applicant	Amendment to the description of Work No. 1 following the amended threshold for onshore solar generating stations regarding the amount of installed capacity required to be considered as a nationally significant infrastructure project in the Infrastructure Planning (Onshore wind and Solar Generation) Order 2025	Work No. 1 — a ground mounted solar photovoltaic generating station with a gross electrical output capacity of over 50 <u>100</u> megawatts including—	1
Schedule 1, Work No. 2	Applicant	Amendment to enable flexibility in the type of piling used for BESS,	[...] (b) a structure protecting the battery energy storage cells comprised in Work No. 2(a) and ancillary equipment,	1



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		for example to allow for steel piling	being either one container or multiple containers joined to each other, mounted on a reinforced concrete foundation slab or concrete piling;	
Schedule 1, Work No. 2	Applicant	Correction	[...] (c) interconnection units including heating, ventilation and air conditioning or , liquid cooling systems and temperature management either housed within the containers comprised in Work No. 2(b), attached to the side or top of each of the containers, or located separate from but near to each of the containers	1
Schedule 2, Requirement 5	ExA	Clarification	(1) [...] relating to that part have been submitted <u>to</u> and approved by the relevant planning authority for that part.	1
Schedule 2, Requirement 8	Applicant	Consistency with Requirement 15	<u>(3) Before approving the operational traffic management plan the relevant planning authority must consult with the relevant highway authority.</u>	1
Schedule 2, Requirement 9	Applicant	Clarification	(1) No part of the authorised development may commence until a biodiversity net gain strategy <u>for that part</u> has been submitted to and approved by the relevant planning authority for that part in consultation with the relevant statutory nature conservation body.	1
Schedule 2, Requirement 13	Environment Agency	Consultation confirmation	<u>(3) Before approving the construction environmental management plan the relevant planning authority must consult with the Environment Agency.</u>	1



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Schedule 2, Requirement 14	Environment Agency	Consultation confirmation	<u>(3) Before approving the operational environmental management plan the relevant planning authority must consult with the Environment Agency.</u>	1
Schedule 2, Requirement 15	Applicant	Correction	(1) No part of the authorised development may commence until a construction traffic management plan for that part must be <u>has been</u> submitted to and approved by the relevant planning authority.	1
Schedule 2, Requirement 16	ExA	Correction	(3) Before approving the public right of way and permissive path management plan the relevant planning authority shall <u>must</u> consult with the relevant highway authority.	1
Schedule 2, Requirement 20	Applicant	Amendment to ensure that associated development cannot remain in place beyond the decommissioning date of the relevant part of Work No. 1. This provides certainty and prevents the operational lifetime of the authorised development being extended by later-commissioned ancillary works	(1) The date of decommissioning: <u>(a) forwith respect to</u> each part of the authorised development <u>Work No. 1</u> must be no later than 60 years following the date of final commissioning; <u>and</u> <u>(b) with respect to the associated development in Work Nos. 2, 3, 6, 7, 8, 9, 10 and 11 must be no later than the date of decommissioning for the part of Work No. 1 to which such associated development relates, and where such associated development relates to more than one part of Work No. 1 must be no later than the latest date of decommissioning of the parts of Work</u>	1



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			<u>No. 1 to which such associated development relates.</u>	
Schedule 13	Applicant	Amendments to reflect new and updated documents at Deadline 1	[Changes not reproduced]	1
Schedule 15, Part 5	Applicant	Amendments to form of Protective Provisions proposed in favour of the Environment Agency as a result of discussions with the Environment Agency	[Changes not reproduced]	1
Schedule 16, paragraph 1	Applicant	Updated definition to clarify that the relevant bodies are to be consulted on amendments to approved documents, rather than being left to the discretion of the relevant planning authority	(1) [...] “requirement consultee” means— <u>(a) any body or authority named in a requirement as a body to be consulted by the relevant planning authority in discharging that requirement; and;</u> <u>(b) in relation to an application made under requirement 3 to amend an approved document (as defined in requirement 3), any body or authority that was required to be consulted in relation to the approval of that approved document; and</u>	1
Schedule 16, paragraph 1	Applicant	Amendment to provide clarification that each application for discharge of a requirement or other consent will be treated as	<u>(2) In the event an application is made to discharge more than one consent, agreement or approval, this must be treated as though separate applications were made for the discharge of each consent, agreement or approval.</u>	1



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		separate applications, even if made at the same time		
Schedule 16, paragraph 2	Applicant	Correction	(3) Subject to <u>sub</u> -paragraph 4, in the event that the relevant planning authority does not determine an application within the period set out in sub-paragraph (1)(2) , the relevant planning authority is to be taken to have granted all parts of the application (without any condition or qualification) at the end of that period.	1
Explanatory Note	Applicant	Amendment to the description following the amended threshold for onshore solar generating stations regarding the amount of installed capacity required to be considered as a nationally significant infrastructure project in the Infrastructure Planning (Onshore wind and Solar Generation) Order 2025	This Order authorises The Drovers Solar Farm Limited (referred to in this Order as the undertaker) to construct, operate, maintain and decommission a ground mounted solar photovoltaic generating station with a gross electrical output capacity over <u>50100</u> megawatts and associated development. The Order would permit the undertaker to acquire, compulsorily or by agreement, land and rights in land and to use land for this purpose.	1



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