

The Drovers Solar Farm

Schedule of Changes to the Draft Development Consent Order

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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/3.1.3]** in relation to the Development Consent Order (DCO) Application for the construction, operation, maintenance, and decommissioning of The Drovers Solar Farm (the Scheme).
- 1.1.2 This document will be updated at each deadline to reflect the changes made to the **draft DCO [APP/3.1.3]**. The document references have not been updated from the original submission. Please refer to the **Guide to the Application [APP/1.3.4]** for the list of current versions of documents.



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	“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; “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; <u>“date of final commissioning” means the date on which the authorised development commences operation by generating electricity on a commercial basis but</u>	1



In document Location	Request	Rationale	Change Made	Relevant Doc Version
			<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



In document Location	Request	Rationale	Change Made	Relevant Doc Version
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



In document Location	Request	Rationale	Change Made	Relevant Doc Version
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



In document Location	Request	Rationale	Change Made	Relevant Doc Version
			<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



In document Location	Request	Rationale	Change Made	Relevant Doc Version
		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



Table 2.2: Schedule of Changes to the Draft Development Consent Order at Deadline 2

In document Location	Request	Rationale	Change Made	Relevant Doc Version
Article 2(1)	Applicant	Correction to reflect the inclusion of “commercial use” as a defined term	“date of decommissioning” means in respect of each part of the authorised development, the date notified under requirement 20 that the commercial use of that part of the authorised development has permanently ceased to generate electricity on a commercial basis;	2
Article 2(1)	Applicant	Inclusion of a definition of a “permitted preliminary works environmental management plan” in order to reflect the addition of Requirement 13 (Construction environmental management plan) sub-paragraph (1) which requires the addition of a new control document covering permitted preliminary works	“permitted preliminary works environmental management plan” means the document of that name identified in the table at Schedule 13 and which is certified by the Secretary of State as the permitted preliminary works environmental management plan for the purposes of this Order;	2
Article 5(3)	Applicant	Clarification	(3) This article does not authorise the carrying out of any maintenance which is likely to give rise to any materially new or materially different effects in comparison with those reported that have not been assessed in the environmental statement.	2
Article 7	Applicant	Correction to footnote (g) to reflect the repeal of section 65 of the Control of Pollution Act 1974	(g) 1974 c. 40. Sections 61(9) and 65(8) were was amended by section 162 of, and paragraph 15 of Schedule 3 to, the Environmental Protection Act 1990 (c.	2



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			25). There are other amendments to the 1974 Act which are not relevant to the Order.	
Schedule 1, Work No. 1	Applicant	Clarification	[...] (c) 33 kV sub-distribution switch rooms, conversion units including foundations , inverters, transformers, switchgear, and monitoring and control systems; and	2
Schedule 1, Work No. 3A	Applicant	Clarification	[...] (v) electrical cabling; and (vi) earthworks, including soil stripping and site levelling; and- (vii) foundations .	2
Schedule 1, Work No. 4A	Applicant	Clarification	[...] (x) 3-phase power quality ready capacitor voltage transformers; and (xi) provision of stand-alone buildings to house duplicate feeder protection systems, commercial metering systems, protection and control equipment and user remote control and data acquisition apparatus; and- (xii) foundations .	2
Schedule 2, Requirement 10	Applicant	Clarification to address the fact that fencing in respect of permitted preliminary works will be controlled via the permitted	[...] (3) Sub-paragraph (1) does not apply to temporary fences, walls or other means of enclosure required as a result of permitted preliminary works.	2



In document Location	Request	Rationale	Change Made	Relevant Doc Version
		preliminary works environmental management plan		
Schedule 2, Requirement 13	Applicant	Inclusion of sub-paragraph (1) to require a new control document covering permitted preliminary works	(1) The permitted preliminary works must be carried out in accordance with the permitted preliminary works environmental management plan.	2
Schedule 2, Requirement 20	Applicant	Correction to reflect the inclusion of “commercial use” as a defined term	[...] (7) Within 28 days of any part of the authorised development permanently ceasing to generate electricity on a be in commercial use basis, the undertaker must notify the relevant planning authority.	2
Schedule 13	Applicant	Amendments to reflect new and updated documents at Deadline 2	[Changes not reproduced]	2
Schedule 16, paragraph 2	Applicant	Clarification	[...] (2) Where an application has been made to the relevant planning authority for any consent, agreement or approval required by a requirement, the relevant planning authority must give notice in writing to the undertaker of its decision on the application within a period of eight weeks beginning with the later of—	2



Table 2.3: Schedule of Changes to the Draft Development Consent Order at Deadline 3

In document Location	Request	Rationale	Change Made	Relevant Doc Version
Contents	Applicant	Update to reflect the removal of protective provisions for the protection of Exolum Pipeline System Limited, as this organisation has confirmed to the Applicant that it does not have any interests in the land relevant for the Scheme	[...] PART 6 – FOR THE PROTECTION OF EXOLUM PIPELINE SYSTEM LIMITED PART 67 – FOR THE PROTECTION OF DRAINAGE AUTHORITIES PART 78 – FOR THE PROTECTION OF ANGLIAN WATER PART 89 – FOR THE PROTECTION OF EASTERN POWER NETWORKS	3
Article 6(4)	Applicant	Amendment to provide for the modification of Regulation 3(2) of The Environmental Impact Assessment (Agriculture) (England) (No.2) Regulations 2006. This corrects an issue whereby land would become uncultivated for more than 15 years whilst used for the projects, and the EIA Agriculture Regs do not have an equivalent exemption for DCO EIA development	(4) Regulation 3(2) of The Environmental Impact Assessment (Agriculture) (England) (No.2) Regulations 2006 has effect as though after sub-paragraph (b) there were added— “(ba) constitutes development to which the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017;”.	3



In document Location	Request	Rationale	Change Made	Relevant Doc Version
Article 7(2)	ExA	Correction	(2) Section 61(9) (Prior consent for work on construction sites to include statement that it does not of itself constitute a defence to proceedings under section 82 of the Environmental Protection Act 1990) of the Control of Pollution Act 1974, does not apply where the consent relates to the use of the premises by the undertaker for the purposes of, or in connection with, the construction or maintenance or decommissioning of the authorised development.	3
Article 10(2)	Applicant	Clarification	(4) The powers conferred by paragraph (2) may must not be exercised without the consent of the street authority, such consent to be in a form reasonably required by the street authority.	3
Article 16(5)	ExA	Consistency with Springwell Solar Farm Order 2026	(5) The undertaker must not exercise the powers in paragraphs (1) or (2) unless it has— (a) given not less than 4 weeks' notice in writing of its intention so to do to the chief officer of police and to the traffic authority in whose area the road is situated; and (b) not less than 7 days before the provision is to take effect published the undertaker's intention to make the provision in one or more newspaper circulating in the area in which any road to which the provision relates is situated; and (c) displayed a site notice containing the same information at each end of the length of road affected.	3



In document Location	Request	Rationale	Change Made	Relevant Doc Version
Article 41(4)	Applicant	Ensuring notice is given to the relevant planning authority in respect of activities carried out by the Applicant in relation to trees subject to tree preservation orders	(4) Notice in writing of the proposed activities authorised by paragraph (1) must be given to the relevant planning authority— (a) in the case of activities urgently necessary to remove an immediate risk of serious harm, as soon as practicable after the activities become necessary; and (b) in any other case at least five working days prior to the date on which the activities are to be commenced.	3
Schedule 1, Work No. 2	Applicant	Amendment to allow greater flexibility in respect of design solutions and materials	[...] (b) a structure protecting the battery energy storage cells comprised in Work No. 2(a) and ancillary equipment, being either one container or multiple containers joined to each other, mounted on a reinforced concrete foundations s-slab or on pilingpiles;	3
Schedule 2, Requirement 20	Applicant	Clarification	20.—(1) The date of decommissioning: (a) with respect to each part of Work No. 1 must be no later than 60 years following the initial date of final commissioning; and [...] (9) In this requirement, “initial date of final commissioning” means the earliest date of final commissioning of any part of Work No. 1.	3



In document Location	Request	Rationale	Change Made	Relevant Doc Version
Schedule 13	Applicant	Amendments to reflect new and updated documents at Deadline 2	[Changes not reproduced]	3
Schedule 14, paragraph 8	ExA	Consistency with Springwell Solar Farm Order 2026	8.—(1) Hearings in this arbitration are to take place in public unless otherwise agreed by the arbitrator on application from one or both of the partiesSubject to subparagraphs (2) and (3), any arbitration hearing and documentation will be open and accessible by the public. (2) Materials, documents, awards, expert reports and any matters relating to the arbitration are confidential and must not be disclosed to any third party without prior written consent of the other party, save for any application to the courts or where disclosure is required under any legislative or regulatory requirementThe arbitrator may direct that the whole or part of a hearing is to be private or any documentation to be confidential where it is necessary in order to protect commercially sensitive information. (3) Nothing in this paragraph will prevent any disclosure of a document by a party pursuant to an order of a court in England and Wales or where disclosure is required under any enactment.	3
Schedule 15, Part 6	Applicant	Removal of protective provisions for the protection of Exolum Pipeline System Limited, as this organisation has confirmed to the Applicant that it does not have	[Changes not reproduced]	3



In document Location	Request	Rationale	Change Made	Relevant Doc Version
		any interests in the land relevant for the Scheme		
Schedule 15, Parts 7, 8 and 9	Applicant	Updated cross-references within the protective provisions for the benefit of drainage authorities, Anglian Water and Eastern Power Networks, given the amendment described in the row above	[Changes not reproduced]	3



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