



## Application by The Drovers Solar Farm Limited for an Order Granting Development Consent for The Drovers Solar Farm

### The Examining Authority's (ExA) schedule of proposed changes to the applicant's draft Development Consent Order (dDCO) (Revision 04) [\[REP4-003\]](#)

Issued on: 29 September 2026

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

Comments on this schedule should be submitted by **Deadline 5: 16 October 2026**

| Article/<br>Schedule                                          | ExA's proposed changes<br>Deletions shown as strike through ( <del>for example</del> )<br>Insertions shown in bold ( <b>for example</b> )                                                                                                                                                                           | ExA's reasoning and comments                                                                                                                                                                                                                                                                                              |
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| <b>Parts 1 (Preliminary) to 6 (Miscellaneous and General)</b> |                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                           |
| Interpretation<br>Article 2 -                                 | "maintain" includes inspect, repair, adjust, alter, remove, refurbish, reconstruct, replace (including scheduled replacement) and improve any part of, <b>but not remove, reconstruct or replace the whole of</b> , the authorised development and "maintenance" and "maintaining" are to be construed accordingly; | To allow a greater degree of control around the impacts from the proposed development, the ExA is minded to agree with the Borough Council of King's Lynn and West Norfolk (BCKLWN) and has amended the wording to that of the Springwell Solar Farm made Order 2026. The ExA considers this is reasonable and necessary. |
| Article<br>6(1)(a) to (d)                                     | 6.—(1) The following provisions do not apply in relation to the construction of any work or the carrying out of any operation required                                                                                                                                                                              | The ExA is minded to agree with Norfolk County Council's Lead Local Flood                                                                                                                                                                                                                                                 |



| Article/<br>Schedule   | ExA's proposed changes<br>Deletions shown as strike through (for example)<br>Insertions shown in bold (for example)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | ExA's reasoning and comments                                                                                                                                                                                                      |
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|                        | <p>for the purposes of, or in connection with, the construction, operation, maintenance or decommissioning of any part of the authorised development—</p> <p><del>(a) section 23 (prohibition of obstructions, etc. in watercourses) of the Land Drainage Act 1991(a);</del></p> <p><del>(b) section 32 (variation of awards)(b) of the Land Drainage Act 1991;</del></p> <p><del>(c) the provisions of any byelaws made under section 66 (powers to make byelaws)(c) of the Land Drainage Act 1991;</del></p> <p><del>(ad) the provisions of any byelaws made under, or having effect as if made under, paragraphs 5, 6 or 6A of Schedule 25 (byelaw making powers of the appropriate agency) to the Water Resources Act 1991(a);</del></p> <p>[Footnotes]</p> <p><del>(a) 1991 c. 59. Section 23 was amended by paragraph 192(2) of Schedule 22 to the Environment Act 1995 (c. 25), paragraphs 25 and 32 of Schedule 2 to the Flood and Water Management Act 2010 (c. 29) and S.I. 2013/755.</del></p> <p><del>(b) Section 32 was amended by S.I. 2013/755.</del></p> <p><del>(c) Section 66 was amended by paragraphs 25 and 38 of Schedule 2 to the Flood and Water Management Act 2010 and section 86 of the Water Act 2014 (c. 21).</del></p> | <p>Authority (NCC LLFA) that the disapplication of the Land Drainage Act appears to be premature and inappropriate as the Land Drainage Act 1991 remains relevant. The ExA considers this change is necessary and reasonable.</p> |
| Article 6(1)(e) to (g) | <p><del>(e) regulation 12 (requirement for environmental permit) of the Environmental Permitting</del></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <p>The ExA is minded to agree with the Environment Agency (EA) that Flood Risk</p>                                                                                                                                                |



| Article/<br>Schedule | ExA's proposed changes<br>Deletions shown as strike through (for example)<br>Insertions shown in bold (for example)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | ExA's reasoning and comments                                                                                                                                                                                                                                                                                                                                                                                           |
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|                      | <p><del>(England and Wales) Regulations 2016(b) in respect of a flood risk activity only;</del><br/><del>(b) (f)</del> the legislation listed in Schedule 3 (legislation to be disapplied) in so far as the provisions still in force are incompatible with the powers contained within this Order; and<br/><del>(c) (g)</del> the provisions of the Neighbourhood Planning Act 2017(c) insofar as they relate to the temporary possession of land under articles 31 (temporary use of land for constructing the authorised development) and 32 (temporary use of land for maintaining the authorised development) of this Order.</p> <p>[Footnotes]<br/>(a) 1991 c. 57. Paragraph 5 was amended by section 100 of the Natural Environment and Rural Communities Act 2006 (c. 16), section 84 of, and paragraph 3 of Schedule 11 to the Marine and Coastal Access Act 2009 (c. 23) and S.I. 2013/775. Paragraph 6 was amended by section 105 of, and paragraph 26 of Schedule 15 to, the Environment Act 1995, sections 224, 233 and 321 of and paragraphs 20 and 24 of Schedule 16 and Part 5(B) of Schedule 22 to the Marine and Coastal Access Act 2009 and S.I. 2013/755. Paragraph 6A was inserted by section 103(3) of the Environment Act 1995.<br/><del>(b) S.I. 2016/1154. Regulation 12 was amended by S.I. 2018/110.</del><br/><del>(be)</del> 2017 c. 20.</p> | <p>Activity Permits would not be necessary and therefore neither is disapplication. The ExA notes that the EA does not consent under Section 150 of the Planning Act 2008 to the removal of consent requirements (Refer to item 12-2 Statement of Common Ground [REP3-020]).</p> <p>The ExA is minded to agree with the EA that its protective provisions should also be removed as part of this overall approach.</p> |
| Article 40           | Felling or lopping of trees and removal of hedgerows                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | The ExA is minded to agree with the BCKLWN that the current wording is                                                                                                                                                                                                                                                                                                                                                 |



| Article/<br>Schedule                 | ExA's proposed changes<br>Deletions shown as strike through (for example)<br>Insertions shown in bold (for example)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | ExA's reasoning and comments                                                                                                                                                                                                                                                           |
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|                                      | 40.—(1) Subject to article 41 (trees subject to tree preservation orders), the undertaker may fell or lop any tree or shrub <b>within or overhanging land within the Order limits</b> <del>near any part of the authorised development</del> or cut back its roots, if it reasonably believes it to be necessary to do so to prevent the tree or shrub from—                                                                                                                                                                                                                                                                                                                                                                                                   | ambiguous and has amended the wording to that of the Springwell Solar Farm made Order 2026. The ExA considers this is reasonable and necessary. The ExA notes the Explanatory Memorandum [REP3-007] paragraph 4.6.10 refers to 'within or overhanging' rather than 'near any part of'. |
| Article 49                           | <del>Maintenance of drainage works</del><br>49.—(1) <del>Nothing in this Order, or the construction, operation, maintenance or decommissioning of the authorised development under it, affects any responsibility for the maintenance of any works connected with the drainage of land, whether that responsibility is imposed or allocated by or under any enactment, or otherwise, unless otherwise agreed in writing between the undertaker and the persons responsible.</del><br>(2) <del>In this article, "drainage" has the same meaning as in section 72 (interpretation) of the Land Drainage Act 1991(a).</del><br><br>[Footnote]<br>(a) <del>1991 c. 59. The definition was substituted by section 100(2) of the Environment Act 1995 (c. 25).</del> | The ExA is minded to agree with NCC LLFA that it does not see the need for Article 49. The ExA considers removal of this Article to be reasonable and necessary.                                                                                                                       |
| <b>Schedule 2 – Requirements (R)</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                        |
| R1                                   | Interpretation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | For consistency with the use of Breckland District Council elsewhere in the dDCO.                                                                                                                                                                                                      |



| Article/<br>Schedule                                                 | ExA's proposed changes<br>Deletions shown as strike through (for example)<br>Insertions shown in bold (for example)                                                                                                                                                                                                                                                                                                                                                                           | ExA's reasoning and comments                                                                                                                                                                             |
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|                                                                      | 1. In this Schedule, "relevant planning authority" means Breckland <b>District</b> Council.                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                          |
| R11                                                                  | Surface and foul water drainage<br>11.—(1) No part of the authorised development may commence until written details of the surface water drainage scheme and (if any) foul water drainage system for that part have been submitted to and approved by the relevant planning authority in consultation with the <b>Lead Local Flood Authority</b> , Environment Agency and Anglian Water Services Limited or its successor in function as the relevant water undertaker.                       | The ExA is minded to agree with BDC's proposed change. The ExA considers this is reasonable and necessary.                                                                                               |
| R12                                                                  | Archaeology<br>12.—(1) The authorised development must not be commenced until a programme of archaeological investigation has been carried out in accordance with the outline archaeological mitigation strategy.<br>(2) No part of the authorised development may be commenced until a written scheme of investigation for that part has been submitted to and approved by the relevant planning authority <b>in consultation with Norfolk County Council Historic Environment Service</b> . | The ExA is minded to agree with BDC's proposed change. The ExA considers this is reasonable and necessary.                                                                                               |
| <b>Schedule 11 – Land of which temporary possession may be taken</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                          |
| Schedule 11                                                          | (1) Plot reference number shown on the Land Plan<br>1-08, 2-12, 2-33, 2-34, 2-35, 4-46, <del>5-47, 5-49,</del><br><del>5-50, 5-51, 5-53, 5-54, 5-55, 5-56</del>                                                                                                                                                                                                                                                                                                                               | In respect of each plot in the Book of Reference (5-47, 5-49, 5-50, 5-51, 5-53, 5-54, 5-55, 5-56) National Highways (NH) is identified as either a Category 1 person (as Owner/Occupier) or a Category 2 |



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|                                            |                                                                                                                                           | <p>person (holding rights granted by a Deed of Exchange dated 17 December 1984).</p> <p>The ExA is minded to agree with NH that the proposal to acquire temporary possession over NH's land does not accord with the Government guidance on the basis that it not necessary or proportionate for these powers to be included in the DCO when an alternative approach is available. The ExA agrees with NH that given the extent of the works proposed and given the availability of NH's normal process for enabling such works, there is no need for these works to be included in the DCO.</p> <p>Plots 5-47, 5-49, 5-50, 5-51, 5-53, 5-54, 5-55 and 5-56 should be removed from the Book of Reference, the Order Limits, and any other relevant application documents in which they are currently referred to.</p> |
| <b>Schedule 15 - Protective Provisions</b> |                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Part 5 – For the protection of             | [The ExA requests that protective provisions for the protection of the Environment Agency are removed.]                                   | The ExA is minded to agree with the Environment Agency that because Flood Risk Activity Permits would not be                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |



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| the<br>Environment<br>Agency                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | necessary (and therefore neither is disapplication of Article 6(1)(e)) that the protective provisions for the Environment Agency should be removed. The ExA considers this is reasonable and necessary.                                                            |
| <b>Schedule 16 – Procedure for the discharge of requirements</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                    |
| Article 3                                                        | <p>(2) In the event that the relevant planning authority considers such further information to be necessary and the provision governing or requiring the application does not specify that consultation with a requirement consultee is required, the relevant planning authority must, within <del>2040</del> working days of receipt of the application, notify the undertaker in writing specifying the further information required.</p> <p>(3) If the provision governing or requiring the application specifies that consultation with a requirement consultee is required, the relevant planning authority must issue the consultation to the requirement consultee within <del>105</del> working days of receipt of the application, and must notify the undertaker in writing specifying any further information the relevant planning authority considers necessary or that is requested by the requirement consultee within <del>105</del> working days of receipt of such a request and in any event within <del>2045</del> working days of receipt of the application (or such other period as is agreed in writing between the undertaker and the relevant planning authority).</p> | The ExA is minded to agree with NH and the EA that the existing response times are insufficient. The ExA considers that the proposed changes are reasonable and necessary, and are consistent with the durations in the West Burton Solar Project made order 2025. |