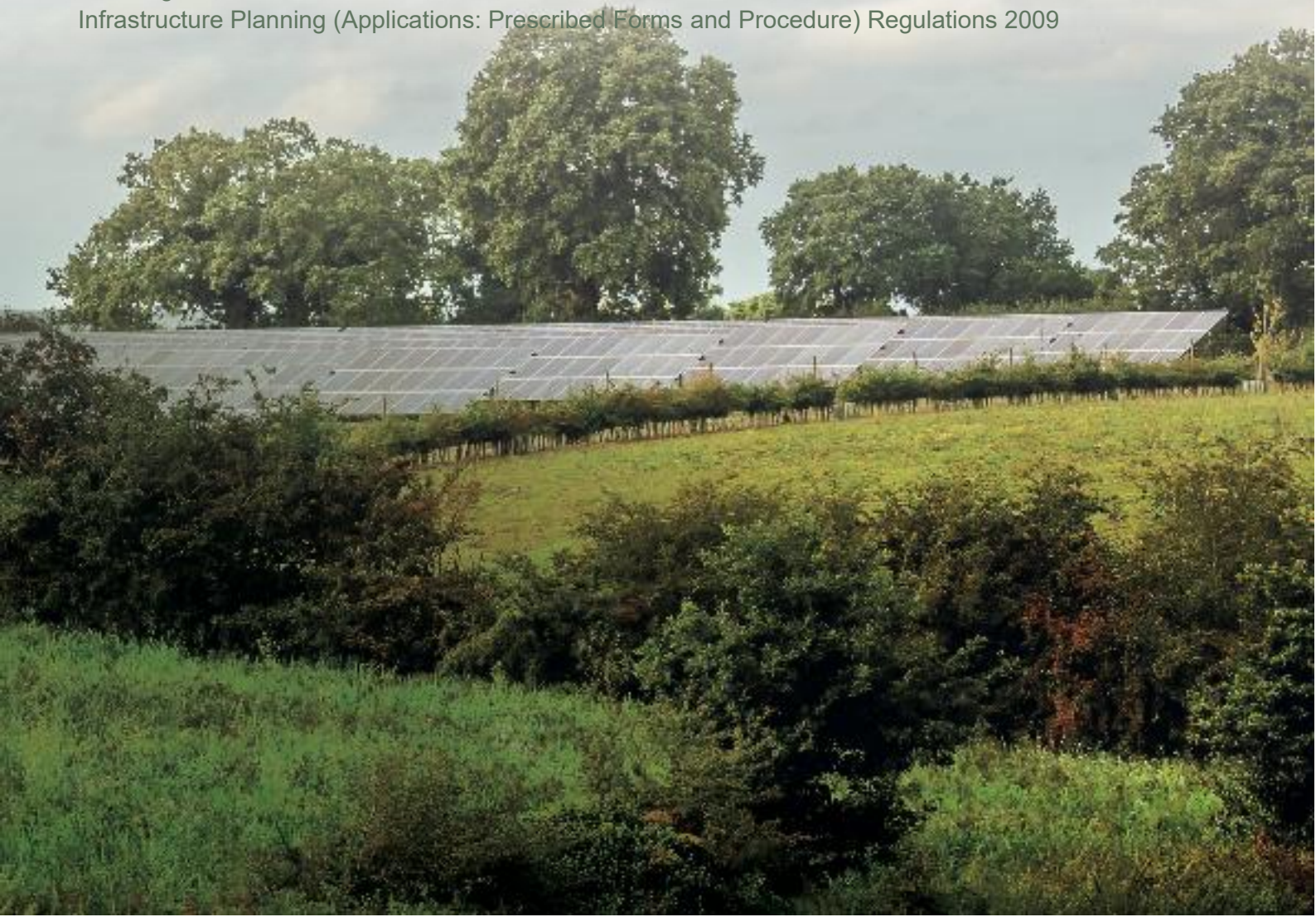
THE DROVES
SOLAR FARM

The Droves Solar Farm

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

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1 Introduction

1.1.1 This document has been prepared on behalf of The Droves Solar Farm Limited (the Applicant) in relation to an application (the DCO Application) for a Development Consent Order (DCO) to be made to the Secretary of State (SoS) to construct, operate and maintain, and decommission The Droves Solar Farm (the Scheme), pursuant to the Planning Act 2008 (PA 2008).

1.1.2 This document provides the Applicant's response to the Examining Authority's (ExA) **Schedule of Changes to the draft DCO [PD-012]** which was issued on 29 September 2026.

2 Applicant's Response to ExA's Schedule of Changes to the draft DCO

Article / Schedule	ExA's proposed changes	ExA's reasoning and comments	Applicant's response
Parts 1 (Preliminary) to 6 (Miscellaneous and General)			
Interpretation Article 2 -	"maintain" includes inspect, repair, adjust, alter, remove, refurbish, reconstruct, replace (including scheduled replacement) and improve any part of, **but not remove, reconstruct or replace the whole of,** 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.	The Applicant does not agree with this proposed amendment to the **draft DCO [APP/3.1.5]**. BCKLWN propose an amendment to the definition of "*maintain*" in the **draft DCO [APP/3.1.5]** so that it would expressly provide that the Applicant could not "*remove, reconstruct or replace the whole of the Scheme*" as part of its maintenance. The Applicant wishes to note that it does not anticipate undertaking such works. However, the Applicant's position remains firm in this respect – i.e. that it does not consider the proposed amendment to be necessary – because the complete replacement of the solar panels has been fully assessed throughout the Environmental Statement (ES). As a result, the proposed definition of "*maintain*" is accurate and should not be altered. In respect of the comparison to the Springwell Solar Farm Order 2026 (which contains the wording proposed by BCKLWN in respect of the definition in question), the key differentiating factor is that that project did not have an ES which assessed the complete replacement of solar panels. Therefore, it is not appropriate for the definition of "*maintain*" in the **draft DCO [APP/3.1.5]** to mirror this other project, as the Applicant has (unlike that project) assessed the complete replacement throughout the ES. The Applicant acknowledges the ExA's reasoning on this matter and accepts that the Secretary of State will decide on this wording when determining the DCO.
Article 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 for the purposes of, or in connection with, the construction, operation, maintenance or decommissioning of any part of the authorised development— ~~(a) section 23 (prohibition of obstructions, etc. in watercourses) of the Land Drainage Act 1991(a);~~ ~~(b) section 32 (variation of awards)(b) of the Land Drainage Act 1991;~~	The ExA is minded to agree with Norfolk County Council's Lead Local Flood 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.	The Applicant does not agree with this proposed amendment to the **draft DCO [APP/3.1.5]**. NCC LLFA (with whom the ExA are minded to agree) state that "*the Applicant has demonstrated that there is at least one ordinary watercourse on site*". This is entirely incorrect. The Applicant has not undertaken modelling on an ordinary watercourse – there are no ordinary watercourses within the Order limits and this has been confirmed by flood experts via Site observations and Ordnance Survey Mastermapping data, which details the course of drains and ordinary watercourses. **ES Appendix 12.2: Flood Risk Assessment [REP4-024]** was informed by a 2D direct rain-on-grid model, which was used to verify the overland surface water pathway identified on the Environment Agency Flood Map for Planning. This pathway drains from south to north along the western

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	~~(c) the provisions of any byelaws made under section 66 (powers to make byelaws)(c) of the Land Drainage Act 1991;~~ (**a~~d~~**) 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); [Footnotes] ~~(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.~~ ~~(b) Section 32 was amended by S.I. 2013/755.~~ ~~(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).~~		extent of Work Nos. 2 - 4. There are also no in-channel works proposed for ordinary watercourses outside the Order limits. Therefore, the LLFA's points in respect of this matter are incorrect (given that they rely on the presence of ordinary watercourses within the Order limits – which is false) and the Applicant therefore considers its proposed disapplication of the relevant provisions of the Land Drainage Act 1991 to be proportionate and in accordance with common practice for solar DCOs – it is precedented and appropriate, rather than premature, and sufficient investigation, information and evidence has been provided for this disapplication. The Applicant acknowledges the ExA's reasoning on this matter and accepts that the Secretary of State will decide on this wording when determining the DCO. The Applicant notes that its drafting is consistent with the corresponding provisions in the recently-made Green Hill Solar Farm Order 2026.
Article 6(1)(e) to (g)	~~(e) regulation 12 (requirement for environmental permit) of the Environmental Permitting (England and Wales) Regulations 2016(b) in respect of a flood risk activity only;~~ **(b)** ~~(f)~~ 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 **(c)** ~~(g)~~ 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. [Footnotes] (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.	The ExA is minded to agree with the Environment Agency (EA) that Flood Risk 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]). The ExA is minded to agree with the EA that its protective provisions should also be removed as part of this overall approach.	The Applicant does not agree with this proposed amendment to the **draft DCO [APP/3.1.5]**. As set out throughout the Applicant's submissions into the Examination, Article 6(1)(e) of the **draft DCO [APP/3.1.5]** permits the disapplication of Regulation 12 of the Environmental Permitting (England and Wales) Regulations 2016 in relation to flood risk activities only, namely the requirement to obtain a Flood Risk Activity Permit (FRAP). The Applicant has been engaged in discussions with the EA on this matter for some time, but the parties have reached a position of 'agreeing to disagree'. Whilst the majority of the Order limits are located within Flood Zone 1, a small section of Work No. 11 (Mitigation and Enhancement Area), associated with the Skylark plots, is situated within Flood Zones 2 and 3. As a result, activities could potentially be undertaken on the floodplain of a main river, more than 8 metres from the riverbank, including activities such as stockpiling. The Applicant's view is that, in accordance with the Government's guidance on Flood Risk Activities: Environmental Permits, such activities could require a FRAP. The inclusion of the disapplication provision serves as a contingency measure intended to avoid unnecessary duplication of consenting requirements, rather than reflecting any expectation that a FRAP would be required across the Scheme as a whole. In addition, consistent with this approach, the Applicant amended the EA's protective provisions at Deadline 1 in Part 5 of Schedule 15 to the **draft DCO [APP/3.1.5]** to mirror the EA's preferred wording in full. As the Applicant continues to seek the disapplication of the FRAP regime as a contingency measure, it intends to retain those protective provisions within the **draft DCO [APP/3.1.5]**.

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	2013/755. Paragraph 6A was inserted by section 103(3) of the Environment Act 1995. ~~(b) S.I. 2016/1154. Regulation 12 was amended by S.I. 2018/110.~~ (**b~~c~~**) 2017 c. 20.		The Applicant acknowledges the ExA's reasoning on this matter and accepts that the Secretary of State will decide on this wording when determining the DCO. The Applicant notes that its drafting is consistent with the corresponding provisions in the recently-made Green Hill Solar Farm Order 2026.
Article 40	Felling or lopping of trees and removal of hedgerows 40.—(1) Subject to article 41 (trees subject to tree preservation orders), the undertaker may fell or lop any tree or shrub **within or overhanging land within the Order limits** ~~near any part of the authorised development~~ or cut back its roots, if it reasonably believes it to be necessary to do so to prevent the tree or shrub from—	The ExA is minded to agree with the BCKLWN that the current wording is 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'.	The Applicant does not agree with this proposed amendment to the **draft DCO [APP/3.1.5]**. The Applicant does not agree (as suggested by BCKLWN) that the scope of works allowed by Article 40 of the **draft DCO [APP/3.1.5]** could result in adverse impacts to key landscape features which adjoin the Order limits (including Bartholomew's Hill Plantation), nor that the current drafting allows substantial works to trees bordering the site limits without any additional controls available, nor that the current drafting does not sufficiently protect adjoining landscape features. As set out in the **Written Summary of Applicant's Oral Submissions and Responses to Action Points at ISH2 and ISH3 [REP4-035]** and the **Applicant's Response to Local Impact Reports [REP2-027]**, but summarised here for reference, Article 40 is based on a model provision included in a number of made and consented DCOs. The provision enables the undertaker to fell or lop any tree or shrub near any part of the Scheme or cut back its roots – crucially, though, the drafting states that this can only be done if the Applicant reasonably believes it to be necessary to do so to prevent the tree or shrub from: (a) obstructing or interfering with the construction, maintenance or operation of the Scheme; (b) constituting a danger for persons using the Scheme; or (c) obstructing or interfering with the passage of construction vehicles. The power is therefore sufficiently controlled and proportionate (i.e. it is not an open-ended ability). The meaning of "*near*" in this drafting must be understood in this context – the provision would apply only to trees or shrubs in sufficient proximity to the Order limits to give rise to those issues and would not provide a broader, unrestricted power. Restricting the power solely by reference to the geographical extent of the Order limits, as suggested by BCKLWN and the ExA, could create practical difficulties. By way of example, a tree located outside the Order limits could become damaged and fall towards the Scheme, posing a risk to users of the Scheme, yet would fall outside the scope of the power if the drafting were amended as suggested by BCKLWN and the ExA. It is more proportionate for the scope of the power to be defined by the nature of the harm or interference caused by trees and shrubs, rather than by a strict geographical limitation. Bartholemew's Hill Plantation (which is referenced by BCKLWN as part of its concern over this drafting) does not lie within the Order limits and, therefore, the Applicant has no control over the plantation's management. However, the Applicant is not aware of any reasons why

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			the plantation should not continue to be managed in its current form, in line with best practice. The Applicant acknowledges the inconsistency with the **Explanatory Memorandum [APP/3.2.4]** flagged by the ExA and has therefore updated that document at Deadline 5 to be consistent with the **draft DCO [APP/3.1.5]**. The Applicant acknowledges the ExA's reasoning on this matter and accepts that the Secretary of State will decide on this wording when determining the DCO. The Applicant notes that its drafting is consistent with the corresponding provisions in the recently-made Green Hill Solar Farm Order 2026.
Article 49	~~Maintenance of drainage works~~ ~~49. (1) 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.~~ ~~(2) In this article, "drainage" has the same meaning as in section 72 (interpretation) of the Land Drainage Act 1991(a).~~ [Footnote] ~~(a) 1991 c. 59. The definition was substituted by section 100(2) of the Environment Act 1995 (c. 25).~~	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.	The Applicant does not agree with this proposed amendment to the **draft DCO [APP/3.1.5]**. NCC LLFA (with whom the ExA are minded to agree) state that there is no precedent in made DCOs for Article 49. However, the Applicant refers to the M25 Junction 10/A3 Wisley Interchange DCO 2022, the A66 Northern Trans-Pennine DCO 2024, and the London Luton Airport Expansion DCO 2025 for examples of where this wording has been included in statutory instruments by the Secretary of State. As stated above, there are no ordinary watercourses within the Order limits and this has been confirmed by flood experts via Site observations and Ordnance Survey Mastermapping data, which details the course of drains and ordinary watercourses. The Applicant considers that Article 49 of the **draft DCO [APP/3.1.5]** is a sensible inclusion that makes it clear that any realignment of award drains or other works to them that are carried out as part of the Scheme do not affect the existing allocation of responsibility for maintenance of those drains, unless this is agreed between the Applicant and the responsible party. The provision gives certainty to both the Applicant and to those that possess that responsibility, and enables agreement on reallocation of responsibilities to be reached where it is appropriate. As stated in the **Written Summary of Applicant's Oral Submissions and Responses to Action Points at ISH2 and ISH3 [REP4-035]**, it is recorded in **ES Chapter 12: Water Resources [REP4-021]** that no field drainage was observed during site walkovers and that the landowner was unaware of any field drainage systems within the Order limits. However, paragraph 12.6.66 of **ES Chapter 12: Water Resources [REP4-021]** identifies an irrigation system in proximity to the Order limits (Field 4). Pursuant to Article 72(1)(b) of the Land Drainage Act 1991, the definition of 'drainage' includes irrigation. Article 49 of the **draft DCO [APP/3.1.5]** would therefore ensure that the operation of the irrigation system could be protected should any part of that system encroach within the Order limits.

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			The Applicant acknowledges the ExA's reasoning on this matter and accepts that the Secretary of State will decide on this wording when determining the DCO.
Schedule 2 – Requirements (R)			
R1	Interpretation 1. In this Schedule, "relevant planning authority" means Breckland **District** Council.	For consistency with the use of Breckland District Council elsewhere in the dDCO.	The Applicant agrees with this proposed amendment to the **draft DCO [APP/3.1.5]** and has updated the wording accordingly at Deadline 5.
R11	Surface and foul water drainage 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 **Lead Local Flood Authority,** 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.	The Applicant does not agree with this proposed amendment to the **draft DCO [APP/3.1.5]**. Requirement 11 of Schedule 2 to the **draft DCO [APP/3.1.5]** requires the Applicant to submit "*to the relevant planning authority*" (i.e. BDC) the written details of the surface water drainage scheme and (if any) foul water drainage system. As part of this approval, the relevant planning authority is entitled to consult with any other organisation they deem necessary, which can include NCC in its role as LLFA. The Applicant therefore considers it unnecessary for the possibility of such consultation to be expressly set out on the face of the **draft DCO [APP/3.1.5]**. Expressly naming a body on the face of the **draft DCO [APP/3.1.5]** would create a statutory obligation to consult that body. This could create difficulties where an organisation ceased to exist or changed status, and therefore the Applicant's preference is to rely on the usual consultation processes associated with the discharge of Requirements. The Applicant acknowledges the ExA's reasoning on this matter and accepts that the Secretary of State will decide on this wording when determining the DCO.
R12	Archaeology 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. (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 **in consultation with Norfolk County Council Historic Environment Service**.	The ExA is minded to agree with BDC's proposed change. The ExA considers this is reasonable and necessary.	The Applicant does not agree with this proposed amendment to the **draft DCO [APP/3.1.5]**. Requirement 12 of Schedule 2 to the **draft DCO [APP/3.1.5]** requires the Applicant to submit "*to the relevant planning authority*" (i.e. BDC) a written scheme of investigation. As part of this approval, the relevant planning authority is entitled to consult with any other organisation they deem necessary, which can include NCC Historic Environment Service. The Applicant therefore considers it unnecessary for the possibility of such consultation to be expressly set out on the face of the **draft DCO [APP/3.1.5]**. Expressly naming a body on the face of the **draft DCO [APP/3.1.5]** would create a statutory obligation to consult that body. This could create difficulties where an organisation ceased to exist or changed status, and therefore the Applicant's preference is to rely on the usual consultation processes associated with the discharge of Requirements

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			The Applicant acknowledges the ExA's reasoning on this matter and accepts that the Secretary of State will decide on this wording when determining the DCO. The Applicant notes that its drafting is consistent with the corresponding provisions in the recently-made Green Hill Solar Farm Order 2026 (i.e. no specified consultation with any other organisations on the face of this requirement).
Schedule 11 – Land of which temporary possession may be taken			
Schedule 11	(1) Plot reference number shown on the Land Plan 1-08, 2-12, 2-33, 2-34, 2-35, 4-46~~, 5-47, 5-49, 5-50, 5-51, 5-53, 5-54, 5-55, 5-56~~	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 person (holding rights granted by a Deed of Exchange dated 17 December 1984). 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. 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.	The Applicant does not agree with this proposed amendment to the **draft DCO [APP/3.1.5]**. The Applicant refers to the **Applicant's Response to Deadline 4 [APP/8.28]**, in respect of submissions made by National Highways (reference NH2-1) on this matter, for its full response to the ExA's proposed amendment. The Applicant acknowledges the ExA's reasoning on this matter and accepts that the Secretary of State will decide on this wording when determining the DCO.
Schedule 15 – Protective Provisions			
Part 5 – For the protection of the Environment Agency	[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 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.	The Applicant does not agree with this proposed amendment to the **draft DCO [APP/3.1.5]**. The Applicant has responded to this matter in full above (in respect of the ExA's proposed changes regarding Article 6(1)(e) to (g) of the **draft DCO [APP/3.1.5]**). The Applicant acknowledges the ExA's reasoning on this matter and accepts that the Secretary of State will decide on this wording when determining the DCO.

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Schedule 16 – Procedure for the discharge of requirements			
Article 3	(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 **20**~~10~~ working days of receipt of the application, notify the undertaker in writing specifying the further information required. (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 **10**~~5~~ 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 **10**~~5~~ working days of receipt of such a request and in any event within **20**~~15~~ working days of receipt of the application (or such other period as is agreed in writing between the undertaker and the relevant planning authority).	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.	The Applicant does not agree with this proposed amendment to the **draft DCO [APP/3.1.5]**. As part of the discharge process, the Applicant is required (under paragraph 2(1) of Schedule 16 to the **draft DCO [APP/3.1.5]**) to submit a copy of the documentation to the relevant named consultee at the same time as submitting it to the relevant planning authority. As a result, consultees have access to the documentation from the first day of the submission being made and, once the application is validated, the following eight-week determination period provided for under paragraph 2(2) of Schedule 16. In addition, paragraph 3(2) of Schedule 16 currently allows consultees a further ten working days to request additional information, which the Applicant considers is proportionate (given the above). The relevant planning authority can consider this information and/or request further information. It is not in the Applicant's interest to submit documents for discharge without discussion in advance, as doing so would be likely to delay the process rather than facilitate efficient determination. Further, there is no need for a specific statutory requirement for pre-submission consultation. Early engagement is already in the Applicant's interests, as it supports the timely and efficient discharge of Requirements. The discharge process also covers a broad range of plans and documents of varying complexity. While some submissions may concern relatively minor matters that can be reviewed quickly, others are likely to be more detailed and warrant the full determination period. The wording and timeframes proposed are precedented in the Longfield Solar Farm Order 2023 and the Tillbridge Solar Order 2025, both of which were made by the Secretary of State with those timings agreed. The Applicant therefore does not propose to depart from this established precedent by making the amendments sought. The Applicant acknowledges the ExA's reasoning on this matter and accepts that the Secretary of State will decide on this wording when determining the DCO.

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