
EAST YORKSHIRE SOLAR FARM

**East Yorkshire Solar Farm
EN010143**

Schedule of Changes to the draft DCO

Document Reference: EN010143/APP/8.20

The Infrastructure Planning (Examination Procedure) Rules 2010

September 2024
Revision Number: 03

2009

BOOM-POWER.CO.UK

BOOM
POWER

Revision history

Revision Number	Date	Details
00	June 2024	Deadline 1
01	July 2024	Deadline 3
02	September 2024	Deadline 5
03	September 2024	Between Deadlines 5 and 6

Prepared for:

East Yorkshire Solar Farm Limited

Prepared by:

Pinsent Masons LLP

© 2024 Pinsent Masons. All Rights Reserved.

Schedule of Changes to the draft DCO

Reference	Change	Reason for Change	Deadline
Table of Contents	SCHEDULE 15 – NOT USED DEEMED MARINE LICENCE UNDER THE 2009 ACT PART 1 – LICENSED MARINE ACTIVITIES PART 2 – CONDITIONS	To reflect the removal of the DML.	3
Table of Contents	The application has been examined by the Examining Authority appointed by the Secretary of State pursuant to chapter 3 of Part 6 of the 2008 Act and carried out in accordance with chapter 4 of Part 6 of the Infrastructure Planning (Examination Procedure) Rules 2010(a).	Errata / for clarity.	5
Table of Contents	44. Not used Deemed marine licence	To reflect the removal of the DML.	3
Article 2	“the 2009 Act” means the Marine and Coastal Access Act 2009(c).	Errata – no longer used.	5
Article 2	“date of final commissioning” means the date on which each part of the authorised development commences operation by generating electricity on a commercial basis but excluding the generation of electricity during commissioning and testing;	In response to ExQ 5.0.2 of the Examining Authority’s Written Questions 1 [PD-004] .	1
Article 2	“MMO” means the Marine Management Organisation, Lancaster House, Hampshire Court, Newcastle upon Tyne, NE4 7YH;	To reflect the removal of Article 35(4)-(8).	3

Reference	Change	Reason for Change	Deadline
Article 2	“overarching written scheme of investigation” means the document of that name identified in the table at Schedule 12 and which is certified by the Secretary of State as the overarching written scheme of investigation for the purposes of this Order;	To ensure appropriate certification of documents.	3
Article 6(1)(a)	section 23 (prohibition onf obstructions, etc. in watercourses) of the Land Drainage Act 1991(a);	Errata / for clarity.	5
Article 6(1)(g)	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 do not impact on the operation or maintenance of the River Ouse as a navigable river; and	Following discussions with the Canal and River Trust.	1
Article 7(1)(a)(i)	relates to premises used by the undertaker for the purposes of or in connection with the construction, maintenance or decommissioning of the authorised development and that the nuisance is attributable to the construction, maintenance or decommissioning of the authorised development in accordance with a notice served under section 60 (control of noise on construction sites) of the Control of Pollution Act 1974(a), or a consent given under section 61 (prior consent for work on construction site) of that Act; or	Errata / for clarity.	5
Article 11	(1) The undertaker, during and for the purposes of constructing or maintaining the authorised development, may temporarily close, prohibit the use of, restrict the use of, authorise the use of, alter or divert any street or public right of way and may for any reasonable time— (a) divert the traffic or a class of traffic from the street or public right of way;	Errata / for clarity.	1

Reference	Change	Reason for Change	Deadline
	<p>(b) authorise the use of motor vehicles on classes of public rights of way where, notwithstanding the provisions of this article, there is otherwise no public right to use motor vehicles; and</p> <p>(c) subject to paragraph 0, prevent all persons from passing along the street or public right of way.</p> <p>(2) The undertaker must provide reasonable access for pedestrians going to or from premises abutting a street or public right of way affected by the temporary closure, prohibition, restriction, alteration or diversion of a street or public right of way under this article if there would otherwise be no such access.</p> <p>(3) Without prejudice to the generality of paragraph (1), the undertaker may temporarily close, prohibit the use of, authorise the use of, restrict the use of, alter or divert—</p> <p>(a) the streets specified in column 2 of the table in Part 1 (streets to be temporarily closed) of Schedule 6 (streets and public rights of way) to the extent specified in column 3 of that table;</p> <p>(b) the public rights of way specified in column 2 of the table in Part 2 (public rights of way to be temporarily closed and diverted) of Schedule 6 to the extent specified in column 3 of that table;</p> <p>(c) the public rights of way specified in column 2 of the table in Part 3 (permanent use of motor vehicles on public rights of way) of Schedule 6 to the extent specified in column 3 of that table;</p> <p>(d) the public rights of way specified in column 2 of the table in Part 4 (temporary management of public rights of way) of Schedule 6 to the extent specified in column 3 of that table; and</p>		

Reference	Change	Reason for Change	Deadline
	<p>(e) the public rights of way specified in column 2 of the table in Part 5 (temporary use of motor vehicles on public rights of way) of Schedule 6 to the extent specified in column 3 of that table.</p> <p>(4) The undertaker must not temporarily close, prohibit the use of, authorise the use of, restrict the use of, alter or divert—</p> <p>(a) any street or public right of way specified in paragraph 0 without first consulting the street authority; and</p> <p>(b) any other street or public right of way without the consent of the street authority, and the street authority may attach reasonable conditions to any such consent.</p> <p>(5) Any person who suffers loss by the suspension of any private right of way under this article is entitled to compensation to be determined, in case of dispute, under Part 1 (determination of questions of disputed compensation) of the 1961 Act.</p> <p>(6) Without prejudice to the scope of paragraph (1), the undertaker may use any street or public right of way which has been temporarily closed under the powers conferred by this article and within the Order limits as a temporary working site.</p> <p>(7) In this article expressions used in this article and in the 1984 Act have the same meaning.</p> <p>(8) Nothing in this article prevents the undertaker from temporarily closing, prohibiting the use of, authoring the use of, restricting the use of, altering or diverting a street or public right of way under this article more than once.</p>		

Reference	Change	Reason for Change	Deadline
	<p>(9) The undertaker, during and for the purposes of carrying out the authorised development, may stop up, prohibit the use of, restrict the use of, alter or divert any public right of way within the Order limits which is added to the definitive map and statement (within the meaning of the Wildlife and Countryside Act 1981) on or after 21 November 2023.</p>	<p>To ensure that the Applicant can deal with any new public right of way added to the definitive map and statement on or after the date of the Application for this Project.</p>	<p>1</p>
<p>Article 17</p>	<p>(2) Subject to paragraph (11), bBefore any such remains are removed from the Order limits the undertaker must give notice of the intended removal, describing the Order limits and stating the general effect of the following provisions of this article, by—</p> <p>...</p> <p>(11) No notice is required under paragraph (2) before the removal of any human remains where the undertaker is satisfied—</p> <p style="padding-left: 40px;">(a) that the remains were interred more than 100 years ago; and</p> <p style="padding-left: 40px;">(b) that no relative or personal representative of the deceased is likely to object to the remains being removed in accordance with this article.</p> <p>(12) In the case of remains in relation to which paragraph (11) applies, the undertaker—</p> <p style="padding-left: 40px;">(a) may remove the remains;</p> <p style="padding-left: 40px;">(b) must apply for direction from the Secretary of State under paragraph (13) as to their subsequent treatment; and</p>	<p>To allow the Applicant reasonable scope to dispense with the notice requirements if the remains are of a sufficient age and their removal is unlikely to be objected to.</p> <p>N.B. This is now superseded (see row below).</p>	<p>1</p>

Reference	Change	Reason for Change	Deadline
	(c) must deal with the remains in such manner, and subject to such conditions, as the Secretary of State directs.		
Article 17	Removal of article.	For consistency with the recently granted Gate Burton Energy Park Order 2024, Mallard Pass Solar Farm Order 2024 and Sunnica Energy Farm Order 2024, as there are no known burial grounds within the Order limits.	3
Article 23(1)(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	As a result of Issue Specific Hearing 1 (ISH1) on the draft DCO [AS-008].	1
Article 25(3)(a)	Schedule 2A (counter-notice requiring purchase of land not in notice to treat) to the 1965 Act as modified by Schedule 10 (modification of compensation and compulsory purchase enactments for the creation of new rights and imposition of new restrictive covenants) ;	Errata / for clarity.	5
Article 32	Where a street is altered or diverted or its use is temporarily prohibited or restricted under article 8 (street works), article 9 (power to alter layout, etc., of streets), article 10 (construction and maintenance of altered streets) or article 11 (temporary closure of streets and public rights of way) any statutory undertaker whose apparatus is under, in, on, along or across the street has	Errata / for clarity.	1

Reference	Change	Reason for Change	Deadline
	the same powers and rights in respect of that apparatus, subject to Schedule 14 (protective provisions), as if this Order had not been made.		
Article 35(3)(b)	Removal of article.	For consistency with the recently granted Gate Burton Energy Park Order 2024 and Mallard Pass Solar Farm Order 2024, noting that Article 35(3)(a) of the DCO permits the transfer of benefit without the Secretary of State's consent if the transferee is the holder of a generation licence (or other licence holder under the Electricity Act).	3
Article 35(5)	Where the consent of the Secretary of State is not required, the undertaker must notify the Secretary of State and, if the transfer or grant of the benefit includes the whole or part of the benefit of the provisions of the deemed marine licence, the MMO in writing before transferring or granting a benefit referred to in paragraph (1).	As a result of Issue Specific Hearing 1 (ISH1) on the draft DCO [AS-008] . N.B. This is now superseded (see row below).	1

Reference	Change	Reason for Change	Deadline
Article 35(4)-(8)	Removal of sub-paragraphs of article.	To reflect the removal of the DML.	3
Article 38(1)	Subject to paragraph (2) and article 39 (trees subject to tree preservation orders) the undertaker may fell or lop any tree or shrub near any part of within or overhanging 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—	As a result of Issue Specific Hearing 1 (ISH1) on the draft DCO [AS-008] .	1
Article 39(1)	<p>39.—(1) Subject to paragraph (2) , Tthe undertaker may fell or lopmust not under the powers of this article fell, lop, prune, or cut back the roots of any tree that which is the subject to of a tree preservation order.</p> <p>(2) The undertaker may fell or lop any tree which is within or overhanging land within the Order limits that is subject to a tree preservation order which was made after [21 November 2023], or cut back its roots, if it reasonably believes it to be necessary to do so in order to prevent the tree from obstructing or interfering with the construction, maintenance or operation of the authorised development or any apparatus used in connection with the authorised development.</p> <p>(2)(3) In carrying out any activity authorised by paragraph (2)(1)—</p> <p>(a) the undertaker must do no unnecessary damage to any tree and must pay compensation to any person for any loss or damage arising from such activity; and</p> <p>(b) the duty contained in section 206(1) (replacement of trees) of the 1990 Act does not apply.</p> <p>(3)(4) The authority given by paragraph (2)(1) constitutes a deemed consent under the relevant tree preservation order.</p>	As a result of Issue Specific Hearing 1 (ISH1) on the draft DCO [AS-008] and to ensure the protection of trees subject to a TPO on or before the date of the Application for this Project. Also amending corresponding cross-references.	1

Reference	Change	Reason for Change	Deadline
	(4) (5) Any dispute as to a person's entitlement to compensation under paragraph (3) (2), or as to the amount of compensation, is to must be determined under Part 1 (determination of questions of disputed compensation) of the 1961 Act.		
Article 44	Removal of article.	To reflect the removal of the DML.	3
Schedule 2, Requirement 3	<p>(3) Where under any of the requirements the approval, agreement or confirmation of the relevant planning authority or both relevant planning authorities is required, that approval, agreement or confirmation must be provided in writing.</p> <p>(4) Within 14 days of the date of final commissioning the undertaker must serve written notice of the date of final commissioning on the relevant planning authority.</p>	Following discussions with North Yorkshire Council.	1
Schedule 2, Requirement 6(3)	For the purposes of sub-paragraph (1), "commence" includes part (h) (site clearance (including vegetation removal, demolition of existing buildings and structures)) and part (i) (advanced planting to allow for an early establishment of protective screening) of permitted preliminary works.	As a result of Issue Specific Hearing 1 (ISH1) on the draft DCO [AS-008].	1
Schedule 2, Requirement 7(1)	No part of the authorised development may commence until a biodiversity net gain strategy has been submitted to and approved by the relevant planning authority for that part , in consultation with the relevant statutory nature conservation body.	Following advice from the Planning Inspectorate under section 51 of the Planning Act 2008.	Pre-app.

Reference	Change	Reason for Change	Deadline
Schedule 2, Requirement 10(1)	No part of the authorised development may commence, and no part of the permitted preliminary works for that part comprising the intrusive archaeological surveys may start, until a W written S scheme of i investigation for that part has been submitted to and approved in writing by the relevant planning authority for that part or, where the part falls within the administrative areas of East Riding of Yorkshire Council and North Yorkshire Council, both relevant planning authorities.	To secure Overarching WSI submitted at Deadline 1.	3
Schedule 2, Requirement 10(2)	The written scheme of investigation must be substantially in accordance with the overarching written scheme of investigation and must be implemented as approved.	To secure Overarching WSI submitted at Deadline 1.	3
Schedule 2, Requirement 11(3)	The plan submitted and approved pursuant to sub-paragraph (1) must include a construction resource site waste management plan that includes details of proposals to minimise the use of natural resources and unnecessary materials. must be substantially in accordance with the framework site waste management plan and must be implemented as approved.	Following advice from the Planning Inspectorate under section 51 of the Planning Act 2008.	Pre-app.
Schedule 2, Requirement 13(1)	No part of the authorised development may commence until a construction traffic management plan for that part has been submitted to and approved by the relevant authority for that part or, where the part falls within the administrative areas of both East Riding of Yorkshire Council and North Yorkshire Council, both relevant authorities. Such approval to be in consultation with Network Rail Infrastructure Limited, the relevant highway authority and National Highways Limited.	Following discussions with National Highways.	1

Reference	Change	Reason for Change	Deadline
Schedules 4-8	Various amendments to reflect updates to information shown on other plans and for naming consistencies.	Ongoing updates.	Between Deadlines 5 and 6
Schedule 12	Various updates to dates/revision numbers.	Ongoing updates.	Between Deadlines 5 and 6
Schedule 12	Amended Schedule, split it into three parts comprising the documents forming part of the environmental statement to be certified, examination documents forming part of the environmental statement to be certified and other documents to be certified.	To add clarity on the specific references of documents to be certified, in line with other recent energy DCOs	1
Schedule 14, Part 1, paragraph 4	Regardless of the temporary prohibition or restriction of use of streets under the powers conferred by article 11 (temporary closure of streets and public rights of way), a utility undertaker is at liberty at all times to take all necessary access across any such street and to execute and do all such works and things in, upon or under any such street as may be reasonably necessary or desirable to enable it to maintain any apparatus which at the time of the prohibition or restriction was in that street.	Errata / for clarity.	1
Schedule 14, Part 3, paragraph 19	“specified work” means so much of the authorised development as is in, on, under, over or within 8 metres (or 9 metres in the case of any drainage work under the control of the Ouse and Derwent Internal Drainage Board) of a drainage work or is otherwise likely to affect the flow of water in any watercourse.	Following discussions with the Ouse and Derwent Internal Drainage Board.	1

Reference	Change	Reason for Change	Deadline
Schedule 14, Part 3, paragraph 20(1)	Before commencing construction of a specified work, the undertaker must submit to the drainage authority plans of the specified work (such plans to include any proposals for access for maintenance to the drainage work) and such further particulars available to it as the drainage authority may reasonably require within 14 days of the submission of the plans.	Following discussions with the Ouse and Derwent Internal Drainage Board.	1
Schedule 14, Part 4, paragraph 27(2)	“the waterway” means each and every part of the River Trent Ouse within the order limits and includes any works, lands or premises belonging to the Canal & River Trust, or under its management or control, and held or used by the Canal & River Trust in connection with its statutory functions.	Following advice from the Planning Inspectorate under section 51 of the Planning Act 2008.	Pre-app.
Schedule 14, Part 4, paragraph 28(6)	The consent of the Canal & River Trust pursuant to sub-paragraphs (1) to (5) must not be unreasonably withheld or delayed but may be given subject to reasonable terms and conditions provided that it will not be reasonable for the Canal & River Trust to withhold or delay consent or impose terms and conditions that would prevent the undertaker from complying with the protective provisions in this Part of this Schedule or any condition contained in Schedule 2 (Requirements) or Part 2 of Schedule 15 (Deemed Marine Licence Conditions) to this Order.	To reflect the removal of the DML.	3
Schedule 14, Part 4, paragraph 31(5)	The withholding of an approval of the engineer under this paragraph 31 will be deemed to be unreasonable if it would prevent the undertaker from complying with any condition contained in Schedule 2 (Requirements) or Part 2 of Schedule 15 (Deemed Marine Licence Conditions) to this Order.	To reflect the removal of the DML.	3

Reference	Change	Reason for Change	Deadline
Schedule 14, Part 4	Various amendments to the Canal and River Trust protective provisions.	Following discussions with the Canal and River Trust.	1
Schedule 14, Part 6	Various amendments to the protective provisions for the protection of railway interests.	Following discussions with Network Rail Infrastructure Limited.	1
Schedule 14, Part 7, paragraph 81(1)	Where any street or public right of way is stopped up under article 11 (temporary closure of streets and public rights of way), if National Grid has any apparatus in the street or accessed via that street National Grid must be entitled to the same rights in respect of such apparatus as it enjoyed immediately before the stopping up and the undertaker must grant to National Grid, or must procure the granting to National Grid of, legal easements reasonably satisfactory to National Grid in respect of such apparatus and access to it prior to the stopping up of any such street or highway but nothing in this paragraph affects any right of the undertaker or National Grid to require the removal of that apparatus under paragraph 84 or the power of the undertaker, subject to compliance with this sub-paragraph, to carry out works under paragraph 86.	Errata / for clarity.	1
Schedule 15, Part 1, paragraph 3(3)	The activity set out in sub-paragraph (2) is authorised in relation to the construction, maintenance and operation and decommissioning of those elements of Work No. 3 of Schedule 1 (authorised development) of this Order as defined in paragraph 1 of this Schedule, and any further associated development listed in Schedule 1 (authorised development) in connection with Work No. 3, which are located within the area of the River Trent Ouse bounded by the coordinates specified in paragraph 4.	Following advice from the Planning Inspectorate under section 51 of the Planning Act 2008.	Pre-app.

Reference	Change	Reason for Change	Deadline
		N.B. This is now superseded (see row below).	
Schedule 15	Removal of the deemed marine licence.	The Applicant is exempt from the requirement to include a DML in the DCO, and notes that a similar approach has been taken on the recently-granted Gate Burton Energy Park Order 2024.	3
Schedule 16, paragraph 2(3)	<p>(3) Where an application has been made to the relevant planning authority for any consent, agreement or approval required by requirement 3, the relevant planning authority must give notice to the undertaker of its decision on the application within a period of eight weeks beginning with the later of—</p> <p>(a) — the day immediately following that on which the application is received by the authority;</p> <p>(b) — the day immediately following that on which further information has been supplied by the undertaker under paragraph 3; or</p> <p>(c) — such longer period that is agreed in writing by the undertaker and the relevant planning authority.</p>	Following discussions with North Yorkshire Council, and as discussed during ISH1, to avoid duplication.	1

Reference	Change	Reason for Change	Deadline
Schedule 16, paragraph 2(3)	Subject to paragraph 4, in the event that the relevant planning authority does not determine an application within the period set out in sub-paragraphs (2) and (3) , 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	Updated cross-referencing following the deletion above.	1
Schedule 16, paragraph 2(4)	Any application made to the relevant planning authority pursuant to sub-paragraphs (2) and (3) must include a statement to confirm whether it is likely that the subject matter of the application will give rise to any materially new or materially different environmental effects compared to those in the environmental statement and if it will then it must be accompanied by information setting out what those effects are.	Updated cross-referencing following the deletion above.	1
Schedule 16, paragraph 2(5)	Where an application has been made to the relevant planning authority for any consent, agreement or approval required by a requirement included in this Order and the relevant planning authority does not determine the application within the period set out in sub-paragraphs (2) and (3) and is accompanied by a report pursuant to sub-paragraph (4) (5) which states that the subject matter of such application is likely to give rise to any materially new or materially different environmental effects compared to those in the environmental statement then the application is to be taken to have been refused by the relevant planning authority at the end of that period.	Updated cross-referencing following the deletion above.	1
Schedule 16, paragraph 4	Appeals Fees	Errata / for clarity.	1
Explanatory Note	A copy of the Order plans and the book of reference mentioned in the Order and certified in accordance with article 40 (certification of plans and documents, etc) of this Order may be inspected free of charge during working	To provide a location for inspection of documents.	1

Reference	Change	Reason for Change	Deadline
	hours at XX East Riding of Yorkshire Council at County Hall, Beverley, East Riding of Yorkshire, HU17 9BA.		