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# Rosefield Solar Farm (EN010158)

**Rosefield Solar Farm – Buckinghamshire Council’s ISH2  
Post Hearing Note**

Buckinghamshire Council

May 2026

## Buckinghamshire Council's ISH2 Post Hearing Note

1. In line with the Examination Timetable, Buckinghamshire Council (**the Council**) provides the following information and submissions following Issue Specific Hearing 2 held on 22 May 2026.

### Item 1: Welcome, introductions, arrangements for the hearing

2. Mr Daniel Kozelko introduced himself as counsel for the Council. Mr Kozelko introduced Ms Zenab Hearn (Principal Planner at the Council) and Mr James Duncan online (Highways Officer at the Council).

### Item 4: Articles and requirements

3. **Article 2(1) “maintain”**: the Council made submissions that it considered the meaning of “maintain” to be suitably constrained by Article 5(2) of the draft DCO. Mr Kozelko asked for confirmation that the wording of Article 5(2) referred back to the description of effects for EIA purposes, which the Applicant confirmed it did. Mr Kozelko further asked for confirmation that such works would therefore not be the subject of automatic discharge under Schedule 16 if the Council failed to act on an application to discharge, which the Applicant confirmed was the case.
4. **Article 2(1) “permitted preliminary works”**: the Council confirmed that it was satisfied that the scope of “permitted preliminary works” was now adequately confined by the constraints applied on such works by the OLEMP in Requirement 7 of Schedule 2 of the draft DCO.
5. **Article 8**: the Council was asked whether it considered Article 8 should contain an express notice provision. The Council considered that Article 9 and the permit scheme may provide the notice required in respect of Article 8, but it wished to take this away for further consideration.
6. *Post-hearing submission: the Council consider that Article 9 is sufficient for notice if all occasions where Article 8 is used are captured by the provisions of Article 9. The Council wishes to explore this in discussion with the Applicant. It is noted action point 3 is addressed to this with a deadline of Deadline 3; however, per p.36*

*of the transcript the Council sought Deadline 4 for this action point and will seek to update then following discussion of the matter.*

7. **Article 10:** the Council was asked whether it wished for a notice provision to be included in Article 10. The Applicant was open to adding such a provision, but queried whether it should be captured in uniform with the permit Scheme. The Council confirmed that it should have notice whenever possible.
8. *Post-hearing submission: as with Article 8, the Council considers it should always have notice. The Council notes the Applicant has taken this away to consider and the Council wishes to explore this in discussion with the Applicant.*
9. **Article 12:** the ExA asked the Council to comment on its suggestion of a requirement to return streets and public rights of way to the same condition in which they were before being temporarily used for works. The Applicant confirmed it considered the matter was covered by the ORWAS and OCTMP. The Council considered that such a provision should be included as it will always be reasonable to require such a return to the original condition (so it should not be left to be discussed subsequently in detailed design). Mr Kozelko identified that such a provision was sometimes included in DCOs, although this was not uniform. He noted it was included in the DCO for Byers Gill and the DCO for Stonestreet Solar.
10. **Article 16:** there was a discussion of the Council's suggested wording in respect of s.278 agreements. The Council noted that its suggested wording came from the Sizewell DCO. The Applicant and Council confirmed that discussions were ongoing on this matter, and would be explored further after the hearings.
11. **Article 22:** the Council was asked whether it considered there should be wording in the DCO that compulsory acquisition not extend to mines and mineral rights. The Applicant pointed to the inclusion of this in the mineral code incorporated into the DCO. The Council noted that it had not considered this.
12. *Post-hearing submission: the Council agree that this matter should be secured by the DCO, but is content to not make independent submissions on the point and to leave the matter to be resolved by the ExA.*
13. **Article 23(2):** the Council was asked to comment on the provisions providing for an extension of the time to use compulsory acquisition powers in certain

circumstances where a judicial review was brought. The Council confirmed that it had no comment to make, but noted that the issue might be resolved in any event by the Planning and Infrastructure Act 2025.

14. **Article 31:** the Council was asked to comment on the powers of temporary possession in Article 31. The Council confirmed that it understood the redline area for the cable route to be drawn in the manner it was because that is as far as the Applicant currently considers it can narrow down the cable route. The Council also asked for confirmation that the Article 31 power can only be used in respect of land that is the subject of other compulsory acquisition powers which the Applicant confirmed. Thus the Council understood that Article 31 would always be less a power than the other compulsory acquisition powers that the Applicant could use.
15. **Article 37:** the Council was asked to comment on the power of the Applicant to transfer part of the DCO. The Council confirmed that the power to transfer is constrained by oversight of the Secretary of State and that nothing arose which concerned it about such power.
16. *Post-hearing submission: the Council has no independent point to make on this provision and considers the matter should be resolved by the ExA.*
17. **Article 41:** the Council was asked to comment on the disapplication of certain provisions related to tree protection orders. The Council noted that it understood the reason for this to be because the matter should instead be dealt with by the OLEMP and Detailed LEMP. The Council understands in any event that the Applicant will be looking at this issue further.
18. **Schedule 2, Requirement 8:** the Council notes the confirmation that this requirement applies to all fencing. The Council notes that the Applicant has accepted it will apply the wording from requirement 8(5) to 8(6) and 8(7) to make clear the requirement to fence in accordance with the approved designs.
19. **Schedule 2, Requirement 14:** the ExA queried the working time and noise provisions included in the OCEMP. The Council confirmed that it would confirm this issue with its expert. It also confirmed that it understood the OCEMP to control work outside of normal working hours sufficiently, but it would confirm this with its officer.

20. *Post-hearing submission: the Council's expert has been on leave since ISH2 and the Council has not yet been able to confirm this issue with him. The Council will confirm matters as soon as possible and at latest for Deadline 4 in line with action point 13.*
21. **Schedule “substantially”**: the ExA queried the use of the word “substantially” in Schedule 2. The Council confirmed that this word, related to the detailed plans and how they must fit within the outline plans as secured in the DCOs, was apparently standard. The Council raised no concerns.
22. **Schedule 16**: the Council was asked to comment on the provisions of Schedule 16. The Council confirmed that it wished to speak to the Applicant further about this Schedule, including the time limits which should be “proportionate”.
23. *Post-hearing submission: the Council will pursue this with the Applicant and notes action point 14 with a deadline of Deadline 4.*
24. **Article 6**: the Council asked whether Article 6 should disapply s.106 of the Water Industry Act 1991, noting that a bespoke water discharge provision is included in Article 18 of the draft DCO. The Council raised this because of a concern about the ongoing Gatwick Airport DCO litigation. The Council welcomed the clarification that the Applicant wished to wait for the outcome of that judicial review to clarify the point.
25. **Schedule 2, Requirement 20**: the Council raised a concern relating to what would happen to decommissioning in the context of the relevant undertaker for the Scheme being dissolved before the decommissioning took place. The Council understood that the Applicant will address this issue subsequent to the hearing.