

Green Hill Solar Farm

EN010170

Schedule of Changes to the Draft Development Consent Order

Prepared by: Lanpro Services

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The Infrastructure Planning (Examination Procedure) Rules 2010

Rules 8(1)(c)



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Issue Sheet

Report Prepared for: Green Hill Solar Farm
Examination Deadline 1

Schedule of Changes to the Draft Development Consent Order

Prepared by

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Revision	Date	Prepared by	Approved by
Original	07/11/2025	PM	PM



1 Introduction

1.1 Purpose of the Document

- 1.1.1 This document sets out the changes that have been made to the Draft Development Consent Order, relating to the Development Consent Order Application (the 'Application') for Green Hill Solar Farm (the 'Scheme').



2 Schedule of Changes to the Draft Development Consent Order

Table 2.1: Schedule of Changes to the Draft Development Consent Order at Deadline 1

In document Location	Request	Rationale	Change Made	Relevant Doc Version
Table of Contents	Planning Inspectorate s51 advice	Table of Contents added	[Added Table of Contents]	A
Article 2(1)	Applicant	Removal of unused definition	“limits of deviation” means the limits of deviation shown for each numbered work on the works plans;	A
Article 2(1)	Planning Inspectorate s51 advice and Applicant	Clarification in response to s51 advice	“outline drainage strategy” means the document of that name relevant part of the flood risk assessment and drainage strategy identified in the table at Schedule 13 and which is certified by the Secretary of State as the outline drainage strategy for the purposes of this Order;	A
Article 18(13) and (17) (Removal of Human Remains)	Applicant	Corrections	(13) In this article— (a) references to a relative of the deceased are to a person who— (i) is a husband, wife, civil partner, parent, grandparent, child or grandchild of the deceased; or [...] (17) [...] (b) in relation to a right over land so acquired (whether or not by agreement), or the temporary use of land pursuant to articles 31 (temporary use of land for constructing the authorised development) or 32 (temporary use of land for maintaining the authorised development), so as to permit the exercise of that right or the temporary use of land by the undertaker in accordance with the provisions of this Order	A
Article 21	Applicant	Correction	(2) This article is subject to article 22 (time limit for exercise of authority to possess land temporarily or to acquire land compulsorily), article 24	A



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			(compulsory acquisition of rights), article 31 (temporary use of land for constructing the authorised development) and article 49 (Crown rights).	
Article 22(4)(a) (Time limit for exercise of authority to possess land temporarily or to acquire land compulsorily)	Applicant	Correction	(a) references to the 1965 Act include the modifications in article 28 (modification of Part 1 of the Compulsory Purchase Act 1965 Act); and	A
Article 25 (private rights)	Applicant	Clarification that the undertaker may, by positive notice, extinguish private rights. This amendment is consistent with the compensation provisions in (renumbered) paragraph (5), and reflects that there may be circumstances where the permanent acquisition or extinguishment of a private right is necessary. This approach is less onerous than the provisions contained in solar DCOs made to date which automatically extinguished all private rights where land	<p>[...]</p> <p>(4) The undertaker may by notice extinguish private rights and restrictive covenants over land subject to compulsory acquisition under this Order— (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 (b) on the date of entry on the land by the undertaker under section 11(1) (power of entry) of the 1965 Act.</p> <p>(5) Any person who suffers loss by the extinguishment, cessation of effect or suspension of any private right or restrictive covenant under this article is entitled to compensation in accordance with the terms of section 152 (compensation in case where no right to claim in nuisance) of the 2008 Act to be determined, in case of dispute, under Part 1 of the 1961 Act.</p>	A



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		<p>was acquired unless notice to the contrary was given.</p> <p>The amendment to paragraph (5) confirms that compensation is available where private rights cease to have effect where they are inconsistent with the exercise of compulsory acquisition powers as well as in circumstances where private rights are extinguished.</p>		
Article 31 (Temporary use of land for construction the authorised development)	Applicant	Corrections	<p>(5) [...]</p> <p>(e) restore the land on which any works have been carried out under paragraph (1)(f) insofar as the works relate to mitigation works identified in the environmental statement or required pursuant to the requirements in Schedule 2 (requirements);</p> <p>(f) remove any protective works which have been placed on the land under article 19 (protective works to buildings); or</p>	A
Article 39 (Planning permission, etc.)	Applicant	<p>Drafting has been added to explicitly manage the potential for the authorised development to interact with planning permissions granted under the Town and Country Planning Act 1990. This drafting is required to ensure that the authorised</p>	<p>Planning permission, etc.</p> <p>Operational land for the purposes of the 1990 Act</p> <p>39. (1) Following the coming into force of this Order, if planning permission is granted under the powers conferred by the 1990 Act for development any part of which is within the Order limits and which does not constitute any part of the authorised development then the carrying out of development pursuant to that planning permission does not constitute a breach of the terms of this Order.</p>	A



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		development does not extinguish existing planning permissions through the rationale set out in Hillside Parks Ltd v Snowdonia National Park (2022). It also ensures that the carrying out of the authorised development will not result in an enforceable breach of any planning condition in existing planning permissions. The article name has been updated accordingly. Further justification is set out in the updated Explanatory Memorandum submitted at Deadline 1.	<p>(2) Development consent granted by this Order is to be treated as specific planning permission for the purposes of section 264(3)(a) (cases in which land is to be treated as <u>not being</u> operational land) of the 1990 Act.</p> <p>(3) To the extent any development carried out or used pursuant to a planning permission granted under section 57 (requirement of planning permission) of the 1990 Act or compliance with any conditions of that permission is inconsistent with the exercise of any power, right or obligation under this Order or the authorised development—</p> <p>(a) that inconsistency is to be disregarded for the purposes of establishing whether any development which is the subject matter of that planning permission is capable of physical implementation; and</p> <p>(b) in respect of that inconsistency, no enforcement action under the 1990 Act may be taken in relation to development carried out or used pursuant to that planning permission, or compliance with any conditions of that planning permission, whether inside or outside the Order limits.</p> <p>(3) Any development or any part of a development within the Order limits which is constructed or used under the authority of a permission granted under section 57 of the 1990 Act, including permissions falling under paragraph (1) or (3), is deemed not to be a breach of, or inconsistent with, this Order and does not prevent the authorised development being carried out or used or any other function under this Order being exercised.</p> <p>(4) In paragraph (3), “enforcement action” means any enforcement action provided for under Part 7 of the 1990 Act.</p>	
Article 40 (Felling or lopping of trees and removal of hedgerows)	Applicant	Correction	<p>(1) [...]</p> <p>(b) constituting a danger to persons using the authorised development; or</p>	A



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Schedule 1 – Authorised Development – Work No. 2	Applicant	Amendments to reflect developments in battery technology	<p>Work No. 2— an energy storage facility comprising—</p> <p>(a) battery energy storage cells with automatic fire suppression system or dry pipe sprinkler system <u>system units each containing fire protection systems and components</u>;</p> <p>(b) a structure protecting the battery energy storage cells comprised in Work No. 2(a) and ancillary equipment, being either one container or multiple containers joined to each other, mounted on a reinforced concrete foundation slab or concrete piling;</p> <p>(c) interconnection units including heating, ventilation and air conditioning or liquid cooling systems and temperature management either housed within the containers comprised in Work No. 2(b), attached to the side or top of each of the containers, or located separate from but near to each of the containers;</p> <p>(d) conversion units including inverters, transformers, switchgear and energy management system;</p> <p>(e) monitoring and control systems housed within a container with Work No. 2(c) or located separately in its own container or control room;</p> <p>(f) electrical cabling including electrical cables connecting Work No. 2 to Work No. 3A;</p> <p>(g) bunded impermeable surface <u>or other form of containment system</u> to manage surface water drainage;</p> <p>(h) water storage facility for the purposes of firefighting water supply; and</p> <p>(i) bunded impermeable surface <u>or other form of containment system</u> and associated infrastructure to contain used firewater.</p>	A
Schedule 1 – Authorised	Applicant	Amendment to reflect that temporary access may be	Work No. 8 — works to facilitate access to Work Nos. 1 to 7 and 9 to 10 including—	



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Development – Work No. 8		required during periods of scheduled maintenance in addition to construction. Corrections	<p>(a) Work No. 8A— works to facilitate temporary construction, <u>maintenance</u> and decommissioning access to Work Nos. 1 to 7 and 9 to 10 including—</p> <p>(i) creation of accesses from the public highway;</p> <p>(ii) creation of visibility splays;</p> <p>(iii) works to alter the layout of any street or highway temporarily; and</p> <p>(iv) offsite works adjacent to highways land including those to structures, boundary features, drainage features on private land, in connection with the movement of abnormal indivisible loads.</p> <p>(b) Work No. 8B— works to facilitate permanent access to Work Nos. 1 to 6 and 9 to 10 including—</p> <p>(i) creation of accesses from the public highway;</p> <p>(ii) creation of visibility splays; and</p> <p>(iii) works to alter the layout of any street or highway permanently; <u>and</u></p> <p>(iv) offsite works adjacent to highways land including those to structures, boundary features, drainage features on private land, in connection with the movement of abnormal indivisible loads.</p>	
Schedule 2 – Requirements 7 and 8	Applicant	Amendment to ensure the appropriate body is consulted on the detailed landscape and ecological management plan and ecological protection mitigation strategy.	[...]in consultation with Natural England <u>the relevant statutory nature conservation body</u> .	A



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Schedule 2 – Requirement 9	Applicant	Clarification	9.—(1) No part of the authorised development may commence until a biodiversity net gain strategy for that part has been submitted to and approved by the relevant planning authority, in consultation with the relevant statutory nature conservation body.	A
Schedule 2 – Requirement 10	Applicant	Amendment to remove the requirement for fencing to be approved for permitted preliminary works. This change is to remove the administrative burden on the local planning authority to approve fencing for permitted preliminary works which may be small and very temporary in nature (for example, a fence erected around an archaeological trial trench for safety reasons).	(3) For the purposes of sub-paragraph (1), “commence” includes any permitted preliminary works.	A
Schedule 2 – Requirement 11	Applicant and Anglian Water	Following discussions, Anglian Water have been added as a consultee on the detailed surface water drainage scheme.	[...] (3) Before approving the written details under sub-paragraph (1), the relevant planning authority must consult with Anglian Water Services Limited or its successor in function as the relevant water undertaker.	A
Schedule 2 – Requirement 15	Examining Authority (ExA)	Correction	15.—(1) No part of the authorised development may commence until a construction traffic management plan for that part must be has been submitted to and approved by the relevant planning authority or, where the part falls within the administrative areas of multiple relevant planning authorities, each of the relevant planning authorities	A



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Schedule 5 – Alteration of Streets	Planning Inspectorate and Applicant	Corrections of Sheet Numbers	[Various]	A						
Schedule 6 – Streets and Public Rights of Way	Planning Inspectorate, ExA and Applicant	Corrections to include relevant colouring of streets subject to temporary closure powers. Corrections to sheet numbers. Corrections to distance of PRow Addition of 3 omitted PRow shown on the Public Rights of Way Plan.	[Various. Highways which may be subject to temporary closure are shaded green on the Streets Plan, whilst private roads are shaded green and outlined in yellow] [Part 2, Public Rights of Way to be Temporarily Closed] [Column 2] Approximately 0.45 m of Footpath reference TF/005 between points marked 14b/i and 14b/ii on sheet 14 of the public rights of way plan <table><tr><td>Borough of Milton Keynes</td><td>Approximately 984 m of Bridleway reference MK Lavendon 002 between points marked 18e/i and 18d/i on sheet 18 of the public rights of way plan</td><td>Temporarily closed along the route shown in green and labelled MK Lavendon 002 to facilitate the construction and maintenance of the authorised development</td></tr><tr><td>Borough of Milton Keynes</td><td>Approximately 437 m of Bridleway reference MK Lavendon 014 between points marked 18f/i and 18f/ii on sheet 18 of the public rights of way plan</td><td>Temporarily closed along the route shown in green and labelled MK Lavendon 014 to facilitate the construction and maintenance of the</td></tr></table>	Borough of Milton Keynes	Approximately 984 m of Bridleway reference MK Lavendon 002 between points marked 18e/i and 18d/i on sheet 18 of the public rights of way plan	Temporarily closed along the route shown in green and labelled MK Lavendon 002 to facilitate the construction and maintenance of the authorised development	Borough of Milton Keynes	Approximately 437 m of Bridleway reference MK Lavendon 014 between points marked 18f/i and 18f/ii on sheet 18 of the public rights of way plan	Temporarily closed along the route shown in green and labelled MK Lavendon 014 to facilitate the construction and maintenance of the	A
Borough of Milton Keynes	Approximately 984 m of Bridleway reference MK Lavendon 002 between points marked 18e/i and 18d/i on sheet 18 of the public rights of way plan	Temporarily closed along the route shown in green and labelled MK Lavendon 002 to facilitate the construction and maintenance of the authorised development								
Borough of Milton Keynes	Approximately 437 m of Bridleway reference MK Lavendon 014 between points marked 18f/i and 18f/ii on sheet 18 of the public rights of way plan	Temporarily closed along the route shown in green and labelled MK Lavendon 014 to facilitate the construction and maintenance of the								



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			<div> <div> Borough of Milton Keynes </div> <div> Approximately 247 m of Bridleway reference MK Lavendon 004 between points marked 18g/i and 18g/ii on sheet 18 of the public rights of way plan </div> <div> authorised development Temporarily closed along the route shown in green and labelled MK Lavendon 004 to facilitate the construction and maintenance of the authorised development </div> </div> <p>[Part 3, Temporary Use of Motor Vehicles on Public Rights of Way]</p> <p>[Column 2] Approximately 0.45 m of Footpath reference TF/005 between points marked 14b/i and 14b/ii on sheet 14 of the public rights of way plan</p>	
Schedule 9 – Land in which only new rights etc. may be acquired	Applicant	<p>Amendment to arrange plot numbers in ascending order for clarity.</p> <p>Amendments to reflect changes to the updated Book of Reference and Land Plan submitted at Deadline 1.</p>	<p>[...] 03-036, 04-037, 04-043, 04-037, 04-039-a [...]</p> <p>[...] 05-055-a, 05-055-b, [...]</p> <p>[...]12-163-a, 12-163-b, [...]</p>	A
Schedule 10 – Modification of compensation and compulsory	Applicant	Correction	<p>4. Part 1 (compulsory purchase under Acquisition of Land Act 1946) of the 1965 Act, as applied by section 125 (application of compulsory acquisition provisions) of the 2008 Act to the acquisition of land under article 20 (compulsory acquisition of land) and as modified by article 27 28</p>	A



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purchase enactments for the creation of new rights and imposition of new restrictive covenants			(modification of Part 1 of the Compulsory Purchase Act 1965), applies to the compulsory acquisition of a right by the creation of a new right under article 24 (compulsory acquisition of rights)—	
Schedule 12 – Hedgerows to be removed	Planning Inspectorate and Applicant	Corrections to colouring used for each type of hedgerow on the Hedgerow and Tree Protection Order Plan, and correction of plan name throughout.	[Various. Hedgerows are shaded orange, Potentially Important Hedgerows are shaded pale green, and Important Hedgerows are shaded green on the Hedgerows Plan.]	A
Schedule 13 – Documents and plans to be certified	Planning Inspectorate and Applicant	Correction of document reference and to include omitted document	[Various updates to reflect new versions of documents provided at Deadline 1]	A
Schedule 14 – Arbitration rules	Applicant	Corrections	<p>4. [...]</p> <p>(2) Within 28 days of the arbitrator being appointed, the claimant must provide both the respondent and the arbitrator with—</p> <p>(a) a written statement of claim which describes the nature of the difference between the parties, the legal and factual issues, the claimant’s contentions as to those issues, the amount of its claim or the remedy it is seeking; and</p> <p>[...]</p> <p>(3) [...]</p>	A



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			(b) all statements of evidence and copies of all documents on which it relies, including contractual documentation, correspondence (including electronic documents), legal precedents and expert witness reports; and [...] 6. [...] (5) [...] (a) if the arbitrator is satisfied that a variation of any fixed time limit is reasonably necessary to avoid a breach of the rules of natural justice and then; and	
Schedule 15 – Protective Provisions – Part 1	Applicant	Correction	2. [...] (e) any other mains, pipelines or cables that are not the subject of the protective provisions in Parts 2 to 6 8 of this Schedule;	A
Part 3 – NGET	Applicant	Various amendments to reflect the Applicant's preferred position and for clarification	[Various]	A
Part 5 – Anglian Water	Applicant and Anglian Water	Various amendments to reflect continuing discussions on the form of protective provisions.	[Various]	A
Part 5 – National Highways	Applicant and National Highways	Various amendments to reflect continuing discussions on the form of protective provisions.	[Various]	A
Part 7 – Environment Agency	Applicant and the	Various amendments to reflect continuing	[Various]	A



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	Environment Agency	discussions on the form of protective provisions.		
Various Footnotes	Applicant	Removal of duplicate footnotes to comply with drafting conventions.	[Various]	A