

# Green Hill Solar Farm

## EN010170

### Applicant's Response to the ExA Proposed Changes to the dDCO

Prepared by: Lanpro Services

Date: February 2026

Document Reference: EX5/GH8.1.36

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 5

The Applicant's Response to the ExA Proposed Changes to the dDCO

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Revision	Date	Prepared by	Approved by
Original	26/02/2026	AR / CA	JC



# 1 Introduction

## 1.1 Purpose of the Document

- 1.1.1 This document responds to the Examining Authority's (ExA) proposed schedule of changes to the draft Development Consent Order (dDCO), issued on 28 January 2026 **[PD-015]**. It provides the Applicant's response to each of the numbered proposed changes.



## 2 Schedule of Proposed changes to the draft Development Consent Order

**Table 2.1**

No	Article / Schedule	Text in dDCO Rev C	ExA's Recommended Amendment	Reason and Notes	Applicant's Response
1	Highways Act 1980 (o).	-	The first footnote (o) on page 5 should be a page 4 footnote.	Formatting error - applicant to check all footnote entries for any similar issues.	The footnote is included on page 5 because there is insufficient space on page 4. Footnote position and numbering is not manually controlled, and this footnote letter and location in the document is compliant with the SI Template.
2	Interpretation	Throughout	The order of "date of final commissioning" and "date of decommissioning" need to be swapped to ensure they are listed in correct alphabetical order	Typographic error.	The Applicant has corrected this error in the <b>draft DCO Revision D [EX5/GH3.1_D]</b> .
3	Interpretation	Throughout	"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	The ExA notes the applicant's views on the definition of "maintain" as set out in [REP3-076] and also the presence of article 5(3) in the dDCO. However, the ExA does consider that this proposed change is necessary to ensure consistency with other made DCOs. This change would align the definition of "maintain" closer to the definitions in	The ExA's recommended amendment is considered to conflict with the intention that the scheduled replacement of all solar modules and battery energy storage system units is permitted as maintenance. It is relevant that Article 5(3) does not authorise the



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			and "maintenance" and "maintaining" are to be construed accordingly;"	recently made Orders for Byers Gill, Cottam and Tillbridge solar farms.	<p>carrying out of any maintenance which is likely to give rise to any materially new or materially different effects in comparison with those reported in the environmental statement.</p> <p>In contrast to the approach taken in the recently made Orders referred to by the ExA, the scheduled replacement of all solar panels and batteries during the lifetime of the Scheme has been specifically assessed within the ES, and is therefore explicitly anticipated in the definition of maintenance. To retain clarity that scheduled replacement is a permitted maintenance activity, the text in bold was intentionally omitted in the draft DCO for the Scheme.</p>
4	Article 6 (Disapplication and modification of legislation, etc.)	-	The ExA understands that there are ongoing discussions between the applicant and the lead local flood authorities regarding mitigation relating to ordinary watercourses and the disapplication of provisions of the Land Drainage Act 1991 as explained in [REP3-076].		The Applicant has issued draft protective provisions to the lead local flood authorities (LLFAs). North Northamptonshire Council



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				<p>The ExA would ask the applicant for an update and the resulting implications, if any, for Article 6 and Schedule 3 of the dDCO.</p>	<p>has confirmed it has no comments, and West Northamptonshire Council have also confirmed they are satisfied with the protective provisions. Milton Keynes City Council has confirmed verbally that it is also agreed with the approach, and the Applicant awaits confirmation of this in writing.</p> <p>The protective provisions for the LLFAs are included in the draft <b>DCO Revision D [EX5/GH3.1_D]</b>, as Part 9 of Schedule 15.</p> <p>The Applicant has therefore received the necessary consent from the LLFAs to disapply the requirement to obtain consent for works that may obstruct the flow of ordinary watercourses under section 23 (prohibition of obstructions, etc. in watercourses) of the Land Drainage Act 1991. Written confirmation of this is provided in the Statements</p>



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					<p>of Common Ground with North Northamptonshire Council [EX5/GH8.3.1_B] and West Northamptonshire Council [EX5/GH8.3.2_B] and will be provided in respect of Milton Keynes City Council as soon as possible.</p> <p>No changes are required to be made to Schedule 3 of the DCO, which disapplies local legislation (being Acts of Parliament that apply to the local area) to the extent they are still in force and incompatible with the powers in the DCO.</p>
5	Article 18 (Removal of human remains)	-		<p>The ExA would ask the applicant to consider deletion of this article, as the Secretary of State has taken the view in previously granted Orders that such an article is not considered necessary or appropriate due to separate statutory requirements. See most recently the decision letter for the Five Estuaries Offshore Wind Farm.</p> <p>If this article is removed and re-numbering is required of remaining articles, please ensure that any cross references to later articles are amended accordingly throughout the dDCO.</p>	<p>The <b>Explanatory Memorandum (Revision C) [REP3-026]</b> explains that Article 18 has been included because there is a risk of human remains associated within the Order Limits identified by the undertaker in the course of its archaeological investigations (these findings are summarised in</p>



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					<p>the <b>Archaeological Mitigation Strategy [CR2-006]</b>, along with the proposed archaeological mitigation in respect of each are where burial features have been identified). The undertaker is not able to rule out the presence of human remains within the Order Limits. This provision is considered necessary so that the discovery of any remains does not delay the implementation of the Authorised Development.</p> <p>The article operates by permitting the undertaker to remove human remains that were interred more than 100 years ago and where no personal representative or relative is likely to object, before seeking instructions from the Secretary of State as to the reinterment of the remains. For any remains interred less than 100 years ago, the process for publishing notices and according with the wishes of</p>



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					<p>the deceased personal representative or relatives is set out in the article.</p> <p>In the absence of this article, where human remains are identified, the Applicant must comply with section 25 of the Burial Act 1857. In practice, this means that construction activity in the area where remains have been identified must stop whilst the Applicant applies to the Secretary of State for instructions for the removal of the human remains and subsequent reinterment.</p> <p>It is considered preferable for the Secretary of State to include instructions as to the removal of any identified human remains within the DCO in order that such a discovery does not delay the implementation of the Scheme. This is considered appropriate as the Archaeological Mitigation Strategy makes detailed</p>



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					<p>provision for the removal of archaeological remains. In the event human remains are not archaeological in nature, the Applicant will be able to commence the process of advertising for the deceased personal representatives or relatives without delay.</p> <p>This article has also been revised further to discussions with the Joint Casualty and Compassionate Centre (JCCC) and receipt of a licence for the works in relation to the potential crash site within Field GF13. The JCCC has advised that it is not possible to rule out human remains within this field based on the records they hold. In the event remains are found, they must be treated in accordance with the terms of the licence. The article has been updated to make this expressly clear in relation to any remains</p>



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					<p>identified within the area directly covered by the licence, and operates to extend the application of the licence to any remains that may be found elsewhere in Field GF13. This approach recognises the importance of the licence in ensuring military remains are treated appropriately, and reflects that the exact location of the crash site is unknown and that there is a potential for items to be moved within the field through ordinary agricultural activity.</p> <p>This article has precedent in the A303 (Amesbury to Berwick Down) Development Consent Order 2023, in the context of extensive historical burial grounds in the vicinity of Stonehenge, and appears in DCOs for solar projects where the potential for human remains has been identified, as in the case of this project, through archaeological surveys of</p>



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					<p>the Order Limits, including the Cottam Solar Project Order 2024.</p> <p>The Scheme is critical national priority infrastructure and Article 18 ensures that the discovery of a historic burial can be dealt with appropriately and efficiently, in accordance with the Archaeological Mitigation Strategy.</p>
6	Article 37 (Consent to transfer the benefit of the Order)	“(5) The notification referred to in paragraph (4) must state— (a) the name and contact details of the person to whom the benefit of the powers will be transferred or granted; (b) subject to paragraph (6), the date on which the transfer will take effect; (c) the powers to be	“(5) The notification referred to in paragraph (4) must state— (a) the name and contact details of the person to whom the benefit of the powers will be transferred or granted; (b) subject to paragraph (6), the date on which the transfer will take effect; © the powers to be transferred or granted; (d) pursuant to paragraph (8), the	To follow the Secretary of State's stated information requirements for receiving such notice, as set out in the recently made Five Estuaries Offshore Wind Farm DCO.	<p>The Applicant has reviewed recently made energy DCOs and notes that the amendments made by the Secretary of State in the Five Estuaries decision acted to make the drafting consistent with other development consent orders for offshore wind farms, including The Outer Dowsing Offshore Wind Farm Order 2026; The Morecambe Offshore Windfarm Generation Assets Order 2025.</p> <p>However, a review of other recently made energy DCOs</p>



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		<p>transferred or granted; (d) pursuant to paragraph (8), the restrictions, liabilities and obligations that will apply to the person exercising the powers transferred or granted; and (e) where relevant, a plan showing the works or areas to which the transfer or grant relates. (6) The date specified under paragraph (5)(b) must not be earlier than the expiry of 10 working days from the date of the receipt of the notification."</p>	<p>restrictions, liabilities and obligations that will apply to the person exercising the powers transferred or granted; and</p> <p><b>(e) confirmation of the availability and adequacy of funds for compensation associated with the compulsory acquisition of the Order land; and be accompanied by—</b></p> <p>(a) where relevant, a plan showing the works or areas to which the transfer or grant relates; and</p> <p><b>(b) a copy of the document effecting the transfer or grant signed by the undertaker and the person to whom the benefit of the powers will be transferred or granted."</b></p>		<p>finds this drafting has not been added by the Secretary of State: The Helios Renewable Energy Project Order 2025; The Cory Decarbonisation Project Order 2025; The Fenwick Solar Farm Order 2026.</p> <p>Reviewing the drafting of the draft DCO, the Applicant is confident that the proposed changes are not required.</p> <p>Article 37 (consent to transfer the benefit of the Order) provides at paragraph (7) that the notification given to the Secretary of State must be "signed by the undertaker and the person to whom the benefit of the powers will be transferred or granted as specified in that notification". This serves the same function as sub-paragraph (b) in the proposed amendment.</p>



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					<p>Article 48 (Guarantees in respect of payment of compensation) of the Order provides that the undertaker must not exercise the compulsory acquisition or temporary possession powers unless it has first put in place a guarantee, in a form and amount approved by the Secretary of State, or alternative form of security in a form and amount approved by the Secretary of State. The "undertaker", as defined in article 2(1), includes "any other person who for the time being has the benefit of the Order in accordance with article 36 (benefit of the Order) or article 37 (consent to transfer the benefit of the Order)".</p> <p>Article 37 requires the consent of the Secretary of State to the transfer of the benefit of the Order where it is still possible to utilise the compulsory acquisition powers, whilst article 48</p>



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					<p>applies to the undertaker (including any transferee) to ensure that an adequate guarantee of funds is in place before compulsory acquisition powers may be exercised. It is therefore not necessary to add the drafting in proposed paragraph (e) as it would duplicate, and potentially conflict with, existing article 48.</p> <p>©</p>
7	Article 42 (Certification of plans and documents, etc.)	“Sub-paragraph (3) “Before submitting the environmental statement in accordance with paragraph (1), the undertaker must substitute any figures or appendices contained therein with the final revision of that figure or appendix that was	Sub-paragraph (3) “Before submitting the environmental statement in accordance with paragraph (1), the undertaker must substitute any figures or appendices contained therein with the final revision of that figure or appendix that was submitted by the undertaker to the <del>planning inspectorate</del> <b>Planning Inspectorate</b> or the Secretary of State	Typographic error.	The Applicant has corrected this error in the <b>draft DCO Revision D [EX5/GH3.1_D]</b> .



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		submitted by the undertaker to the planning inspectorate or the Secretary of State prior to the making of this Order."	prior to the making of this Order.		
Schedule 1 Authorised Development					
8	Paragraph 2 (Authorised development)	"Work No. 1— a ground mounted solar photovoltaic generating station with a gross electrical output capacity of over 50 megawatts including—"	"Work No. 1— a ground mounted solar photovoltaic generating station with a gross electrical output capacity of over 50 megawatts including—"	Given that the Infrastructure Planning (Onshore Wind and Solar Generation) Order 2025 came into force on 31 December 2025 which amongst other things amended the threshold for onshore solar generating stations in England to be considered as a nationally significant infrastructure project from an installed capacity greater than 50 megawatts to one greater than 100 megawatts, the ExA would ask the applicant to consider whether the description of Work No.1 in Schedule 1 should be updated accordingly.	The Applicant notes that the transitional provisions in the Order apply only where a solar generating station is between the old and new thresholds (50MW and 100MW). Work No. 1 has been updated as follows:  "Work No. 1— a ground mounted solar photovoltaic generating station with a gross electrical output capacity of over <del>50</del> <b>100</b> megawatts including—". This change has also been made in the Explanatory Note.
9	Paragraph 2 (Authorised development)	"and further comprising such other works or	<del>"and further comprising such other works or operations for the</del>	The ExA considers that the description of Works Nos.1 to 10 and further associated development	This sub-paragraph is consistent with other recently made solar DCOs



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		<p>operations for the purposes of or in connection with the construction, operation and maintenance of the authorised development and which fall within the scope of the environmental impact assessment recorded in the environmental statement."</p>	<p><del>purposes of or in connection with the construction, operation and maintenance of the authorised development and which fall within the scope of the environmental impact assessment recorded in the environmental statement."</del></p>	<p>is sufficiently detailed to capture all elements of the proposed development that can be reasonably anticipated and therefore a 'catch all' sub-paragraph at the end is not necessary.</p>	<p>including Cottam Solar Project and Tillbridge Solar Project. The question of whether it was appropriate for development consent orders to contain a 'catch all' provision was specifically considered by the Secretary of State in Decision Letter for the Ipswich Rail Chord DCO. In this case, the Examining Authority considered that development consent could not be granted for elements of the project which, under the Requirements, needed prior approval of the relevant planning authority and may subsequently require a further assessment under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009. The Secretary of State considered that, if such elements were excluded at this stage from the scope of the development consent, they</p>



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					<p>could not be subject of a subsequent consent under the EIA Regulations, and the Requirements of the Order would not apply to them. The Secretary of State modified the description of further associated development in paragraph (k) so as not to exclude elements of the project. In his decision letter, the Secretary of State stated that he <i>“considers that in relation to the unspecified works ... it is appropriate that consent is limited to works which fall within the scope of the environmental impact assessment recorded in the environmental statement submitted with the Order application.”</i></p> <p>The Examining Authority had proposed that (k) be drafted as <i>“such other works as may be necessary or expedient for the purposes of or in connection with the construction of the</i></p>



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					<p><i>authorised project</i>". The Secretary of State, in order to ensure that all parts of the authorised development were subject to development consent and the Requirements, whilst recognising that further consent would be required for works resulting in new or materially different environmental effects, amended this paragraph to read "<i>such other works as may be necessary or expedient for the purposes of or in connection with the construction of the authorised project and which fall within the scope of the environmental impact assessment recorded in the Environmental Statement</i>".</p> <p>This sub-paragraph is therefore required to ensure that all parts of the Scheme, including those unforeseen elements that may be identified only during detailed design, are nevertheless within the</p>



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					<p>ambit of the DCO and the Requirements therein. The works are therefore consented as part of the authorised development, provided always they fall within the assessed Rochdale Envelope. As explained by the Secretary of State in the Ipswich Chord decision, this “catch all’ ensures that the Requirements apply to all parts of the Scheme, and by doing so secure that the mitigation identified as necessary within the Environmental Statement apply to all aspects of the Scheme, even elements that are currently unforeseen.</p>
10	Work No.1	-	<p>In relation to Work No.1, the ExA recommends the removal from the Works Plan (Revision D) [REP3-008] of Work Nos.1 and 1(d) from field reference AF29 (as identified in ES Figure 3.1.1 Field Numbering Plan [APP-191]) at Sheet 1 of 18 (for absolute clarity, this is the triangular field in the southern part of Green Hill A immediately to the east of Newland Road).</p> <p>Having reviewed all material submitted to the examination to date and also based on our own experience during</p>		<p>The Applicant has submitted a Change Request that includes as Change 4 the removal of solar panels from field reference AF29. This field will be retained for agricultural use as a skylark mitigation area.</p>



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			<p>unaccompanied and accompanied site inspections walking along Newland Road and the permissive path through site Green Hill A, were the ExA ultimately to make a recommendation to the Secretary of State that the Green Hill Solar Farm DCO be made we would not in our reasoning be able to justify the siting of solar arrays on field AF29.</p> <p>Field AF29 sits in a key position within Green Hill A and, due to its triangular shape, has a higher ratio of boundary to land area than other fields within the Order limits which are generally more regular square and rectangular shapes. From representations submitted by the local community and from our own observations it is clear that Newland Road Quiet Lane and the permissive path leading off it is a valuable and well-used recreational resource.</p> <p>Were solar panels to be constructed in field AF29 then mitigation, by way of the standard proposal to increase the height of boundary hedges would be introduced. This would, in the view of the ExA, create an unacceptable degree of harm to the landscape and character of Newland Road Quiet Lane and the permissive path off it. The experience of walking the permissive path in particular would be dominated by field after field of solar panels on both sides and a tunnelling effect of tall hedges with no respite.</p> <p>Leaving field AF29 in farming use or setting it aside for Work No.9 as a habitat management area would in the ExA's view significantly lessen the impact of Green Hill A on the local community and the landscape of the area. It would mean that the field boundary hedges of AF29 could be left at current heights as there would be no alien man-made features to screen. This would retain a more rural character to users of</p>		<p>The Applicant requires the cabling authorised by Work No. 1 to be routed through AF29 because it is the only way to connect the Scheme, from AF14 and AF28 to AF9, AF10 and AF11. However, the extent of the area within which this cabling may be laid has been reduced.</p> <p>The cabling will not impact the use of field AF29 as skylark mitigation.</p> <p>The effects of this change on the environmental impact assessment are described in the <b>Change Application and Supporting Environmental Information Report [CR2-024]</b>.</p>



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			Newland Road Quiet Lane. Being at the entrance to the permissive path, it would also make the start of any walk along the path more attractive and welcoming to walkers		
11	Requirement 5 (Detailed design approval)	"5.—(1) No part of Work Nos. 1, 2 or 3 may commence until details of— (a) the layout; (b) scale; (c) proposed finished ground levels; (d) external appearance; (e) hard surfacing materials; and (f) vehicular and pedestrian access, parking and circulation areas, relating to that part have been submitted and approved by the relevant planning authority for that part."	"...relating to that part have been submitted to and approved by the relevant planning authority for that part <b>or, where the part falls within the administrative areas of multiple relevant planning authorities, each of the relevant planning authorities.</b> "	Typographic error.  Additional text to acknowledge that the Order limits fall within multiple local authority areas and therefore approval of detailed design of Work Nos. 1, 2 or 3 might be required from more than one relevant planning authority.	The Applicant confirms that there are no areas of Work Nos. 1, 2 or 3 that cross administrative boundaries. Each Site is wholly contained within individual administrative areas. It is therefore not necessary to make this suggested change as the design of these Work Nos. will be site specific and will therefore be submitted for approval to the relevant planning authority only.
12	Requirement 7 (Landscape and	"(2) The landscape and ecological	"(3) The landscape and ecological management plan must be	To ensure that any necessary maintenance works are undertaken	The <b>Outline Landscape And Ecological Management Plan</b>



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	ecological management plan)	management plan must be substantially in accordance with the outline landscape and ecological management plan. (3) The landscape and ecological management plan must be implemented as approved."	implemented as approved <b>and maintained throughout the operation of the relevant part of the authorised development to which the plan relates."</b>	on site throughout the operational phase.	<p><b>[EX5/GH7.4_D]</b> provides for management, monitoring and maintenance.</p> <p>Requirement 7 states that the "landscape and ecological management plan must be substantially in accordance with the outline landscape and ecological management plan". This ensures that the ongoing monitoring and maintenance obligations set out in the outline landscape and ecological management plan will be secured as part of the detailed management plan. The Requirement also provides that the plan "must be implemented as approved", i.e. the ongoing obligations during operation contained within the detailed plan must be implemented. The suggested drafting is therefore considered unnecessary as any ongoing obligations are already secured by the requirement that the plan is implemented as approved.</p>



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					For these reasons, the Applicant has not made this change.
13	Requirement 8 (Ecological protection and mitigation strategy)	“(2) The ecological protection and mitigation strategy must be substantially in accordance with the outline ecological protection and mitigation strategy. (3) The ecological protection and mitigation strategy must be implemented as approved.”	“(3) The ecological protection and mitigation strategy must be implemented as approved and <b>maintained throughout the operation of the relevant part of the authorised development to which the plan relates.</b> ”	To ensure that any necessary maintenance works are undertaken on site throughout the operational phase.	The <b>Outline Ecological Protection and Mitigation Strategy [EX5/GH7.5_C]</b> provides for management, monitoring and maintenance. Requirement 8 states that the “ecological protection and mitigation strategy must be substantially in accordance with the outline ecological protection and mitigation strategy” and the strategy “must be implemented as approved”. For the reasons set out in response to question 12, the Applicant has not made this change.
14	Requirement 9 (Biodiversity net gain)	“(3) The biodiversity net gain strategy must be substantially in accordance with the outline landscape and	“(3) The biodiversity net gain strategy must be substantially in accordance with the outline landscape and ecological management plan and must be implemented as	To ensure that any necessary maintenance works are undertaken on site throughout the operational phase.	The biodiversity net gain strategy must be substantially in accordance with the <b>Outline Landscape and Ecological Management Plan [EX5/GH7.4_D]</b> which provides for management,



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		ecological management plan and must be implemented as approved."	approved <b>and maintained throughout the operation of the relevant part of the authorised development to which the plan relates."</b>		monitoring and maintenance, and must be implemented as approved. For the reasons set out in response to question 12, the Applicant has not made this change.
15		-	<p>The ExA recognises that, further to discussions at issue specific hearing 3 (ISH3), the applicant is considering whether requirement 9 should secure a greater than 10% gain in habitat units.</p> <p>In [REP3-076] the applicant stated an update would be provided at deadline 4. In [REP4-001] the applicant states that update will now instead be provided at deadline 5.</p> <p>The ExA requests that the applicant does respond at deadline 5 on this matter with no further delay, to inform the final round of hearings during the week of 9 March 2026.</p>		<p>The Applicant has updated Requirement 9 to secure that the Scheme will deliver a 47% gain in habitat units. This figure includes an appropriate buffer to take into account any changes in the metric between now and the commencement of the Scheme. A similar approach, including the use of a buffer, was taken in the Cottam Solar Project and the West Burton Solar Project. This change is included in the <b>draft DCO Revision D [EX5/GH3.1_D]</b>.</p>
16	Requirement 12 (Archaeology)	“(3) The written scheme of investigation must be substantially in	“(3) The written scheme(s) of investigation must be substantially in	Pluralised to be consistent with subparagraph (2), which recognises that multiple written schemes of investigation may be prepared,	The Applicant notes this comment. This Requirement has also been updated to reflect that the Applicant has



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		<p>accordance with the archaeological mitigation strategy.</p> <p>(4) The written scheme of investigation must be implemented as approved."</p>	<p>accordance with the archaeological mitigation strategy.</p> <p>(4) The written scheme(s) of investigation must be implemented as approved."</p>	<p>which cover different parts of the proposed development.</p>	<p>agreed the written scheme of investigation that will apply to further, post-consent evaluative archaeological investigations. The Requirement has been updated to confirm that this evaluative investigation must be carried out, and that the results must be taken into account in any written scheme of investigation for archaeological mitigation.</p> <p>The updated Requirement 12 in the <b>draft DCO Revision D [EX5/GH3.1_D]</b> now reads as follows:</p> <p><b>12.—</b>(1) The authorised development must not be commenced until the undertaker has carried out the programme of evaluative archaeological investigation in the written scheme of investigation: archaeological trenching.</p> <p>(2) No part of the authorised development may be</p>



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					<p>commenced until a written scheme of investigation for archaeological mitigation for that part has been submitted to and approved by the relevant planning authority or, where the part falls within the administrative areas of multiple planning authorities, each of the relevant planning authorities.</p> <p>(3) Any written scheme of investigation for archaeological mitigation submitted under sub-paragraph (2) must be substantially in accordance with the archaeological mitigation strategy and take into account the findings of any archaeological evaluations, including those carried out under sub-paragraph (1), and the final design of the authorised development.</p> <p>(4) Any written scheme of investigation approved</p>



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					under sub-paragraph (2) must be implemented as approved.
17	Requirement 14 (Operational environmental management plan)	"(3) The operational environmental management plan must be implemented as approved."	"(3) The operational environmental management plan must be implemented as approved <b>and maintained throughout the operation of the relevant part of the authorised development to which the plan relates.</b> "	To ensure that any necessary maintenance works are undertaken on site throughout the operational phase.	The operational environmental management plan must be substantially in accordance with the <b>Outline Operational Environmental Management Plan [EX5/GH7.2_C]</b> which provides for management, monitoring and maintenance, and must be implemented as approved. For the reasons set out in response to question 12, the Applicant has not made this change.
18	Requirement 21 (Decommissioning and restoration)	"(6) No decommissioning works must be carried out until the relevant planning authority has approved the decommissioning plan submitted in relation to those works, in	"(6) No decommissioning works must be carried out until the relevant planning authority has approved the decommissioning plan submitted in relation to those works, in consultation with the Environment Agency, <b>the relevant statutory</b>	The ExA considers that the request made by National Highways during the examination [REP4-042] to be added as a consultee to requirement 21 is a reasonable one.  The ExA also considers that Natural England should be consulted on the decommissioning plan, following the approach in the made Orders for Cottam and Tillbridge solar farms.	The Applicant has amended Requirement 21 to expressly require consultation with the relevant highway authority. The Applicant has not added the relevant statutory nature conservation body at this time as Natural England has confirmed it is satisfied with the Requirements it is



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		consultation with the Environment Agency."	<b>nature conservation body and the relevant highway authority."</b>		being consulted on and has not asked to be added as a consultee on the decommissioning plan.
Schedule 13 Documents to be certified					
19	All documents listed	-	In the final version of the dDCO Schedule 13 must be updated to ensure it includes reference to the most up to date version of each and every document to be certified under article 42 by the Secretary of State.	To ensure the correct documentation is cited and can be certified.	The Applicant notes this comment.
Schedule 15 Protective Provisions					
20	-	-	<p>The applicant and other interested parties with an interest in protective provisions should note that the ExA at this time is not suggesting any changes to the protective provisions included in the extant version of the dDCO [REP3-024]. That is because the ExA is aware that there are ongoing negotiations relating to the various sets of protective provisions.</p> <p>Whilst not suggesting changes to the proposed provisions at this stage to allow negotiations to continue, the ExA notes the concerns of National Highways in [REP3-093 and REP4-042] requesting that the words "Save in an emergency..." should be removed from the protective provisions for their benefit at paragraph 58(3) of Part 6. This request appears reasonable to</p>		The Applicant notes this comment and is continuing to engage with National Highways to agree the form of protective provisions.



No	Article / Schedule	Text in dDCO Rev C	ExA's Recommended Amendment	Reason and Notes	Applicant's Response
				<p>the ExA, and we would request that the applicant affords due regard to this suggested amendment.</p> <p>As part of the forthcoming third round of written questions from the ExA (ExQ3) and during the final round of hearings held in the week of 9 March 2026 we will be asking for updates from the applicant and interested parties on progress towards agreeing finalised protective provisions before the close of the examination.</p>	