

Green Hill Solar Farm

EN010170

Written Summary of the Applicants Oral Submissions at Issue Specific Hearing 6

Prepared by: Pinsent Masons LLP

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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 6

Written Summary of the Applicants Oral Submissions at Issue Specific
Hearing 6

Prepared by

Pinsent Masons LLP



1 Summary of Oral Submissions at Issue Specific Hearing 6

Agenda Item	Comment
1. Welcome, introductions, arrangements for the Hearing	The ExA introduced the hearing and made some preliminary remarks.
2. Purpose of Issue Specific Hearing 6	<p>Purpose of the hearing is to address matters raised by the ExA following its consideration of the application documents.</p> <p>The following parties introduced themselves during ISH6:</p> <p>The Applicant</p> <ul style="list-style-type: none"> • Claire Brodrick, Partner at Pinsent Masons LLP (solicitors for the Applicant) • Alison Dablin, Associate at Pinsent Masons LLP • Lesley Giles, Project Development Manager at Island Green Power • Jane Crichton, Technical Director at Lanpro • Charlotte Astrella, Associate EIA Consultant at Lanpro <p>North Northamptonshire Council (“NNC”)</p> <ul style="list-style-type: none"> • Gary Grant, Barrister at Kings Chambers • Nicola Thompson, Planning Consultant at North Northamptonshire Council <p>West Northamptonshire Council (“WNC”)</p> <ul style="list-style-type: none"> • Nicky Scaife, Major Projects Team Lead <p>Milton Keynes City Council (“MKCC”)</p> <ul style="list-style-type: none"> • Elizabeth Verdegem, Team Leader, Development Manager <p>Other Statutory / Non-Statutory body</p> <ul style="list-style-type: none"> • Vicky Fowler, on behalf of National Highways, from Gowling WLG • Philip Anthony, Stop Green Hill Solar • Shena Howell, Stop Green Hill Solar • Dr Marie Midgley, Stop Green Hill Solar • Kay Brown, Stop Green Hill Solar <p>Other Interested Parties</p> <ul style="list-style-type: none"> • Keith Burrell, resident
3. Matters for discussion at this Hearing 3.1 Discussion of the draft Development Consent Order (dDCO), involving the applicant and other interested parties (IPs), including:	The ExA introduced Agenda Item 3.
a) The applicant to provide a brief update on drafting of the dDCO following publication of the Examining Authority’s Schedule of Changes to draft Development Consent Order [PD-015], highlighting	<p>Ms Dablin, on behalf of the Applicant, confirmed the Applicant had reviewed the ExA’s proposed amendments and submitted an updated Draft DCO (Revision D) [REP5-008].</p> <p>Ms Dablin highlighted the key changes made to the Draft DCO articles and schedules from the previously submitted version.</p>



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<p>any key changes made to the dDCO articles or schedules from the previously submitted version</p>	<p>These included the correction of several minor typographical and formatting issues, including amendments to Article 2 and Article 42. A new definition was added into Article 2: a “written scheme of investigation: archaeological trenching”. This is a new certified document to govern a programme of further evaluative archaeological investigation work to be carried out post-consent. Requirement 12 in Schedule 2 has also been updated to reflect that the Applicant has agreed the written scheme of investigation that will apply to these post-consent evaluative archaeological investigations.</p> <p>The updated Requirement now provides for the further evaluative investigation to be carried out and the results to inform the written schemes of investigation for mitigation archaeological works, which will secure the specific mitigation required based on the detailed design of the Scheme.</p> <p>Article 18, which applies for the removal of human remains, has been revised further to discussions with the Joint Casualty and Compassionate Centre, and receipt of a licence for the works in relation to the potential military crash site which may be located within Field GF13. This Article provides clarity over what must be done in the event human remains are found, based primarily on the age of those remains. Were this article not included in the draft DCO and remains were found, it would be necessary to seek instructions from the Secretary of State on how to deal with the remains. It is considered expedient to include such instructions within the DCO to avoid any delays to the implementation of the Scheme. The Archaeological Mitigation Strategy [CR2-006] and the approved written schemes of investigation will apply to any historical remains that are found, whilst the notification and publicity process applies to any more recent remains. The exception to this is any remains covered by a licence issued under the Protection of Military Remains Act 1986, in which case the conditions of that licence apply. The Article also specifically applies the licence to any areas identified within the detailed construction environmental management plan. This reflects that the licence for works in relation to military crash sites is granted for a defined area, whilst there is potential for remains from crash sites to be more widely dispersed through agricultural activity. Including this expressly within the Article provides clarity and certainty that any remains that are potentially military in nature will be treated as such until advised otherwise, ensuring even if human remains are found outside the area to which licence applies, there is no confusion regarding which regime is to be followed.</p> <p>In Schedule 1, Work No. 1 has been updated to reflect the new NSIP thresholds following the Infrastructure Planning (Onshore Wind and Solar Generation) Order 2025.</p> <p>Requirement 9, which relates to biodiversity net gain, has been updated to secure that the Scheme will deliver a minimum 47% gain in habitat units.</p> <p>Requirement 21, which relates to decommissioning, has been amended to expressly require consultation with the relevant highway authority.</p> <p>Finally, the Applicant has incorporated protective provisions for the lead local flood authorities, following discussions relating to the disapplication of the requirement to obtain separate consents under section 23 of the Land Drainage Act 1991.</p>
<p>b) Any further local authority comments concerning the drafting of the proposed articles and schedules</p>	<p><u>North Northamptonshire Council</u></p> <p>The ExA confirmed it was clear on NNC’s and the Applicant’s positions on the Scheme’s 60-year operational period.</p> <p>In response to comments made by Mr Grant for NNC regarding Schedule 16 (Procedure for Discharge of Requirements) and the deemed consent provisions, Ms Brodrick, on behalf of the Applicant, referred to her explanation of the deemed consent mechanism in Issue Specific Hearing 3 (See Written Summary of the Applicant’s Oral Submissions at Issue Specific Hearing 3 [REP3-076]).</p> <p>Ms Brodrick explained that Mr Grant’s comment that there is no precedent for the deemed consent provisions was incorrect and referred to Oaklands Farm Solar Park Order 2026, Byers Gill Solar Order 2025, Tillbridge Solar Order 2025 and Fenwick Solar Farm Order 2026. Ms Brodrick confirmed that it would be made clear in the final Explanatory Memorandum which DCO examples given in the Explanatory Memorandum related to the deemed consent provisions.</p> <p>Ms Brodrick confirmed that the Applicant would extend the eight-week determination period in sub-paragraph 2(2) of Schedule 16 to ten weeks, to be consistent with the Mallard Pass Solar Farm Order 2024, and extend the time periods in paragraph 3 of Schedule 16 by five working days each.</p> <p>In response to comments by Mr Grant that if provisions of other DCOs were intended to be precedent, this would have been included within the Planning Inspectorate’s Advice Note Fifteen: drafting Development Consent Orders, Ms Dablin, on behalf of the Applicant, referred to the MHCLG</p>



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	<p>and DLUHC Guidance titled 'Planning Act 2008: Content of a Development Consent Order required for Nationally Significant Infrastructure Projects'. This provides at Paragraph 002 that there is no need to include provisions in a draft DCO contained in the Model Provisions, which are no longer relevant. "The current approach to drafting a DCO is set out in this guidance <u>supplemented by precedents from made DCOs in recent years...</u>" (emphasis added). It is therefore made clear that precedents from made DCOs should be relied on, over and above Model Provisions which were required when the Planning Act 2008 was in its infancy.</p> <p>In response to Mr Grant's comments on Requirement 2, Ms Dablin confirmed that the Applicant will amend "phasing area" in sub-paragraph 2(3) to "phasing areas".</p> <p><u>Milton Keynes City Council</u></p> <p>In response to comments made by Ms Verdegem, on behalf of MKCC, regarding Schedule 16 and MKCC's preference for the consent mechanism to follow the Town and Country Planning (Development Management Procedure) (England) Order 2015, Ms Brodrick explained that for projects of this scale, it is very important to have defined time periods within which the Applicant must work. These fixed periods are necessary to ensure that the project is not delayed, particularly so that the Applicant does not miss the grid connection date. She noted that the period has already been extended to ten weeks, and the Applicant cannot reasonably extend it further. Therefore, if the local authority does not determine the matter within that period, a deemed consent or deemed refusal mechanism is required to allow the Applicant to proceed with an appeal if necessary.</p> <p>Ms Brodrick advised that the Applicant would anticipate entering into a planning performance agreement (PPA) with the relevant authorities as it is in the Applicant's interest to identify and resolve any issues prior to the formal submission of applications to discharge Requirements. It is a risk for the Applicant if it does not have these discussions, as it risks the application being refused. In practice, the time limit and deeming provisions would only be engaged for where no action is taken by the relevant authority.</p> <p>The Applicant notes that Mr Grant highlighted that sub-paragraph 2(2)(c) of Schedule 16 provided for collaborative working. This limb allows the undertaker and the relevant planning authority to extend the determination period for an application for any consent, agreement or approval required by a Requirement.</p>
c) Any further comments from other IPs concerning the drafting of the proposed articles and schedules	<p><u>National Highways</u></p> <p>Mrs Fowler, on behalf of National Highways, confirmed the form of protective provisions had been agreed with the Applicant.</p> <p>In response to the comments made by Mrs Fowler, on behalf of National Highways, in respect of the request to be added as a consultee into Requirement 3, Ms Dablin, on behalf of the Applicant, explained that Schedule 16 of the draft DCO provides the procedure for the discharge of requirements, including Requirement 3. As drafted, this did not expressly require consultation on amendments to approved documents with the bodies listed in the 'parent' requirement. To address this, the Applicant will be updating the definition of "requirement consultee" in Schedule 16 to include any body referred to as being required to be consulted by the relevant planning authority in discharging that requirement; and, in relation to applications made under Requirement 3, any body required to be consulted in relation to the approval of the document to be amended. This approach clarifies that the relevant bodies are to be consulted on amendments, rather than leaving this to the discretion of the relevant planning authority, and will apply to any body listed in the Requirements so is not specific to National Highways.</p> <p>Ms Brodrick, on behalf of the Applicant, confirmed the amendment would only apply where an entity is specified in the relevant requirement. Ms Brodrick stated it was difficult to identify why National Highways would need to be consulted on matters not related to the strategic road network which are covered by the protective provisions, for example, a minor amendment to the plans related to a solar site. The Applicant does not consider it is necessary to consult National Highways on every element of the DCO, only those elements that are relevant to the use of the road network and National Highways' interests are covered by the protective provisions.</p> <p>In response to Mrs Fowler's comments on Requirement 10, Ms Dablin explained that this Requirement provides for the approval of both temporary and permanent fencing for the Scheme by the relevant planning authority. The cable route for the Scheme crosses the A45, part of the strategic road network, but does not otherwise interact with National Highways' undertaking. National Highways also benefits from extensive plan approval rights under the protective provisions and therefore has appropriate oversight to the extent elements such as fencing may interact with the strategic road network.</p>



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	<p>In relation to Requirement 11 (surface and foul water drainage), Ms Dablin explained that the protective provisions for National Highways apply to the strategic road network and land owner by National Highways, which would include the drainage that forms part of the strategic road network. In addition, the power to discharge water into drains under article 17 may only be exercised with the consent of the person to whom the drain belongs (Article 17(3)). Should there be any circumstance where there was a proposal to drain water into a highway drain that was part of National Highway's undertaking, but not captured by the protective provisions, the consent of National Highways as owner of the drain would nevertheless be required. It is not necessary to add National Highways as a consultee for Requirement 11. The consultees for this Requirement are the Environment Agency as regulator, and the statutory undertaker for water in the area.</p> <p>Ms Dablin explained that the outline Construction Environmental Management Plan [EX6/GH7.1_C] (oCEMP) provides for a wide range of environmental mitigation measures during the construction period. The Applicant understands from discussions with National Highways that the concern here relates to the potential for construction vehicles to track mud onto the highway and then onto the strategic road network. Whilst this concern is noted, National Highways is a consultee as relevant highway authority in respect of the construction traffic management plan and the operational traffic management plan. Both of these documents make provision for the relevant mitigation measures to address these concerns. For example, section 5.6 of the outline Construction Traffic Management Plan [EX6/GH7.9_C] expressly provides for wheel washing. The Applicant is confident that the protective provisions, combined with the Requirements where National Highways is a consultee, provides complete protection for National Highways and its undertaking.</p> <p>Post Hearing Note: To address the concerns raised by National Highways during the hearing, the Applicant has updated the oCEMP submitted at Deadline 6 to include an obligation on the Applicant to engage with National Highways in respect of mitigation measures relating to construction works on land adjacent to the SRN.</p> <p><u>Stop Green Hill Solar</u></p> <p>In response to a request for clarification in relation to the disapplication of the requirement for environmental permits for flood risk activities, Ms Brodrick explained that certain activities require an environmental permit. In this case, we are seeking not to obtain a permit for flood risk activities in the usual way, but instead would be required to submit documents to the Environment Agency under the protective provisions included in the DCO.</p> <p>Ms Dablin advised that a wide range of activities constitute flood risk activities. Of most relevance to the Scheme are activities within 8 metres of the bank of a main river bank (or 16 metres for tidal rivers). Other activities in the vicinity of main rivers, including the River Nene, are also covered, such as altering, repairing, or maintaining structures near the river. In respect of the Scheme, the activities that would require a flood risk activity permit primarily relate to the laying of a grid connection cable below the River Nene.</p> <p>Ms Brodrick confirmed that these activities will be managed through the protective provisions for the Environment Agency, set out in Schedule 15, Part 7 of the Draft Development Consent Order (DCO) [EX6/GH3.1_E]. These provisions provide a definition of "specified works", being works within 8 metres of a flood defence or drainage work, and others.</p> <p>The Environment Agency has agreed to the DCO disapplying the requirement for a standalone flood-risk activity permit, in exchange for the protective provisions being included in the draft DCO. This is consistent with the intention that a DCO should include everything needed within one consent, so as to minimise the other legislative processes that must be followed. The Environment Agency will only disapply the need for an environmental permit in respect of flood-risk activities. Therefore, if any other environmental permit is required for another type of activity, it would still need to be obtained through the usual permitting regime.</p> <p>In response to concern that this applies only to main rivers and not smaller watercourses, Ms Dablin explained that similar activities in relation to smaller watercourses are usually governed by the Land Drainage Act 1991, where an "ordinary watercourse consent" for works. The Applicant proposes to disapply section 23 of the Land Drainage Act 1991, providing protective provisions for the lead local flood authorities in Part 9 of Schedule 15 of the draft DCO. In the same way, instead of separately applying for an ordinary watercourse consent under the Land Drainage Act 1991, the application is made to the Lead Local Flood Authority under the protective provisions.</p> <p>Ms Dablin also confirmed, in response to concerns raised that the Applicant may not be aware of sluice gates in Northampton helping to prevent flooding in Peterborough, that the Applicant has been in discussions with the EA about the works required for the Scheme. The EA has highlighted flood defences in the area that the Scheme will need to seek to avoid, in order to ensure that the Scheme does not adversely affect</p>



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	<p>any flood defences.</p> <p>In relation to concerns about the potential for water used during a BESS fire being discharged under Article 17 (discharge of water) of the draft DCO, Ms Dablin confirmed that Article 17 only applies to clean water. Paragraph 5 of article 17 states that “<i>the undertaker must take such steps as are reasonably practicable to secure that any water discharged into a watercourse or public sewer or drain pursuant to [Article 17] is as free as may be practicable from gravel, soil or other solid substance, oil or matter in suspension</i>”. The intention of this paragraph is to permit clean water to be disposed of through sewers or existing watercourses, but it in no way permits the discharge of polluted water. Though the discussions with the Environment Agency, they have been very clear about making sure that the drainage proposals for the BESS are secure and that, in the event of a fire, all of the firefighting water would be retained so it can be treated, tested and disposed of in a safe way without polluting the environment.</p> <p>In response to Mr Anthony’s query on the terms of reference for the community liaison group, Ms Brodrick and relevant planning authorities present at ISH6 confirmed that the relevant planning authority would publish the terms of reference on its website and would consult with relevant parish councils and ward counsellors.</p> <p>In response to a question as to whether current water levels would be considered before any discharge is made into a watercourse, Ms Brodrick confirmed that all drainage activities will be undertaken strictly in accordance with the relevant management plans secured by the DCO. She explained that while the Order grants general powers to discharge water, those powers are expressly limited by detailed management plans, including the drainage management plan and other Scheme-specific documents that must be submitted for approval to the relevant local authorities, in consultation with bodies like the Environment Agency.</p> <p><u>Keith Burrell</u></p> <p>In response to concerns raised by Mr Burrell that planning authorities would not be able to effectively resource the discharge of requirements, Ms Brodrick explained that the Applicant is mindful of the availability of resources of relevant planning authorities. Planning performance agreements can be used to provide support to planning authorities outside of the formal statutory process. Ms Brodrick gave the example of West Burton Solar Project, a separate IGP project, where IGP is negotiating performance planning agreements (PPAs) to cover the discharge of requirements which demonstrates IGP’s intent. Whilst PPAs are voluntary, it is in the Applicant’s interest to enter into such agreements. This is to make sure that the relevant planning authority has had sight of the document and their concerns have been addressed, to ensure the project stays on programme and meets the grid connection date.</p> <p>In response to comments that the local authority’s building control department should be used and not a private building control company, Ms Brodrick responded that the DCO does not remove the need to comply with general law, including any building regulations that may apply. Ms Brodrick noted that other regulatory standards may apply to electrical infrastructure instead of building regulations.</p> <p><i>Post Hearing Note:</i> <i>The Applicant understands that there are general exemptions which apply to Building Regulations and one of those exemptions are buildings which people go into only intermittently and then only for the purpose of inspecting or maintaining fixed plant or machinery. The buildings associated with the operational phase of the Scheme where people can go into such as the control rooms associated with the 132kV and 400kV substations would only be intermittent for maintenance and monitoring and will not be permanently staffed. As stated by Ms Brodrick, the DCO does not remove the need to comply with general law, and if elements of the detailed design of the Scheme do trigger the need for Building Regulations, the obligation would be on the undertaker to comply and obtain consent at that time.</i></p> <p>In response to concerns that landowners may be left responsible for cleaning up rubbish and debris from the construction of the Scheme left in ditches, Ms Brodrick explained that the outline CEMP includes a number of mitigation measures to prevent damage to ditches or pollution events. The Applicant also has voluntary agreements with landowners that include provisions for repairing any damage. Where agreements may not be possible and compulsory acquisition powers must be used, there are provisions in the DCO that would apply in that situation. In the event works were being undertaken using temporary possession powers in article 31, paragraph 6 sets out that the undertaker must pay compensation to owners and occupiers for any loss or damage arising from the exercise of the temporary possession powers.</p> <p><i>Post Hearing Note:</i> <i>In addition, article 31(5) provides that, before giving up possession of land over which temporary possession has been taken, the Applicant must restore the land to the reasonable satisfaction of the owners. Collectively, these provisions ensure that landowners will not be</i></p>



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d) Examining Authority's (ExA) questions with respect to the proposed articles and schedules	<p><i>responsible for cleaning up any damage, rubbish or pollution from the construction of the Scheme.</i></p> <p>The ExA confirmed it understood the Applicant's Responses to the ExA's Proposed Changes to the dDCO [REP5-091] and had no further questions.</p>
3.2 Update with respect to the protective provisions included in schedule 15 of the dDCO	
a) The applicant will be asked by the ExA to provide an update on the negotiations concerning protective provisions.	<p>National Grid Electricity Transmission plc (NGET) – The Applicant has a meeting with NGET this Friday to understand their future projects in the area, and the potential interactions with the Scheme. The protection for these future projects is the only remaining area under discussion; insofar as the protective provisions relate to existing NGET apparatus, the form of protective provisions has been agreed. The Applicant will progress these discussions following the call on Friday with a view to reaching agreement before the end of Examination.</p> <p>Post Hearing Note: <i>Following the meeting held with National Grid on 13 February 2026, updated protective provisions and a draft side agreement have been sent to NGET's solicitor for consideration. The Applicant awaits comments and remains confident that matters will be agreed prior to the end of Examination.</i></p> <p>National Grid Electricity Distribution Limited (NGED) – The Applicant has provided further comments to NGED on the form of side agreement and has requested a meeting to discuss. The Applicant remains confident that the outstanding issues can be resolved before the end of Examination.</p> <p>Post Hearing Note: <i>The Applicant has now agreed the form of protective provisions and side agreement. The agreed form of protective provisions are included in the draft Development Consent Order (Revision E) [EX6/GH3.1_E]. Engrossments of the side agreement are being prepared for signature.</i></p> <p>Anglian Water Services Limited – The protective provisions for Anglian Water were updated in revision A of the draft DCO. These changes are visible in the tracked version: [REP1-009]. Following submission of this version of the DCO, Anglian Water confirmed the protective provisions were agreed. No changes have therefore been made to Part 5 of Schedule 15 since the agreed form of protective provisions was included in Revision A.</p> <p>National Highways – The Applicant and National Highways have now agreed the form of protective provisions and a side agreement. The protective provisions will be updated and included in the dDCO to be provided at Deadline 6.</p> <p>Post Hearing Note: <i>The agreed form of protective provisions are included in the draft Development Consent Order (Revision E) [EX6/GH3.1_E].</i></p> <p>Environment Agency – The Applicant has received confirmation that the EA is content to disapply the requirement to obtain flood risk activity permits, with the inclusion of protective provisions in the DCO. The Applicant has requested a number of amendments to the provisions for clarity, and is waiting for the EA's response.</p> <p>In response to the ExA's question on the EA's standard form protective provisions, Ms Dablin, on behalf of the Applicant, explained that not all the provisions in the standard form are applicable to the Scheme, for example in relation to tidal rivers, and therefore the Applicant had requested amendments.</p> <p>Post Hearing Note: <i>Following the hearing, the Applicant received confirmation from the EA that they were not willing to accept alterations to the standard form of protective provisions. The draft DCO submitted at Deadline 6 has been updated to include the EA's standard form of protective provisions [EX6/GH3.1_E].</i></p> <p>Cadent – The protective provisions and a side agreement have been agreed and engrossments are being prepared. Minor refinements to the protective provisions will be included in the dDCO to be provided at Deadline 6.</p> <p>Post Hearing Note: <i>The agreed form of protective provisions are included in the draft Development Consent Order (Revision E) [EX6/GH3.1_E].</i></p>



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	<p>LLFAs – The form of protective provisions has been agreed with NNC and WNC. The Applicant understands that MKCC is agreed to the principle of disapplying section 23 of the Land Drainage Act 1991, with minor comments having been made at Deadline 5 in MKCC’s Responses to the ExA’s Proposed Changes to the draft DCO [REP5-110]. These comments relate to the protective provisions providing for deemed consent as well as concerns around the timescales and fees involved.</p> <p>Post Hearing Note: <i>The Applicant has continued discussions with the LLFAs. MKCC confirmed on the 22 March 2026 that they are now content that the protective provisions are secured to cover the reasonable costs of the outsourcing required to cover the LMK LLFA drainage consents (to the IDB) and that the cost of outsourcing will be recoverable.</i></p>
b) Any further comments from IPs attending ISH6 concerning protective provisions	<i>The Applicant made no submissions under this agenda item.</i>
c) Any ExA questions concerning protective provisions	N/A