

Green Hill Solar Farm

EN010170

Applicant Comments on Responses to the ExA Proposed Changes to the dDCO

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 6

The Applicant Comments on Responses to the ExA Proposed Changes to the dDCO

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1 Introduction

1.1 Purpose of the Document

- 1.1.1 This document has been prepared by the Applicant and responds to comments made at Deadline 5 to the Examining Authority's (ExA) proposed schedule of changes to the draft Development Consent Order (dDCO), issued on 28 January 2026 **[PD-015]**



2 The Applicant Comments on Responses to the ExA Proposed Changes to the dDCO

2.1 North Northamptonshire Council [\[REP5-112\]](#)

Reference	Theme	Issue	Comment / Issue Raised	Applicant's Response
NNC-001	Development Consent Order	Project Lifespan	As raised in written and oral representations by NNC, NNC would like to see Requirement 21 amended to 40 years and not 60 years. (page 47 of the dDCO).	<p>The Applicant maintains the position set out in the Written Summary of the Applicant's Oral Submissions and Responses at Issue Specific Hearing 1 [REP1-162] and the Written Summary of the Applicant's Oral Submissions and Responses at Issue Specific Hearing 2 [REP3-075].</p> <p>As the Applicant has previously set out, the typical operational period of 40 years is based on the current anticipated design life of a solar panel. However, it is becoming apparent that the panels might last longer. The Applicant wants to avoid a requirement to decommission panels</p>



				<p>that are still functional. In addition, the Scheme provides for the replacement of the panels themselves. The replacement of all solar panels and batteries has been specifically assessed within the Environmental Statement. Finally, the Scheme will deliver Critical National Priority infrastructure, and therefore the renewable energy produced by the Scheme should not be limited to 40 years.</p>
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2.2 Milton Keynes City Council [\[REP5-110\]](#)

Reference	Theme	Issue	Comment / Issue Raised	Applicant's Response
MKCC-001	Development Consent Order	Discharge Requirements	MKCC are supportive of the change from six weeks to eight weeks for the discharge of any requirements, as well as the requirement to treat each condition as a separate application (Schedule 16 (2), (2 – (2)) change, page 39 of Schedule of Changes to Draft DCO rev B), which would allow LPAs to deal with conditions under the same time constraints as other similar submissions, and better deal with capacity constraints.	The Applicant notes this comment.
MKCC-002	Development Consent Order	Schedule 16 (2-(3))	MKCC do not support the inclusion of deemed consent as currently worded (Schedule 16 (2 – (3))) which is not conducive to collaborative working. If a deemed consent provision is considered necessary, it should	The provision reflects a well-established approach, used in recently made solar DCOs including the Fenwick Solar Farm Order 2026, the Tillbridge Solar Order 2025, the West Burton Solar Project Order 2025, and



			<p>follow the same format as existing legislation (Articles 27 to 30 of the Town and Country Planning (Development Management Procedure) (England) Order 2015) in order to provide less procedural ambiguity for LPAs.</p>	<p>the Cottam Solar Project Order 2024. It provides a clear, time-bound process for the discharge of requirements.</p> <p>Its inclusion is necessary to avoid delays to the Scheme, which is designated as a project of Critical National Priority (CNP). Projects of this scale require defined time periods, particularly to ensure that the Scheme can achieve the grid connection date.</p> <p>The provision remains proportionate. It enables the relevant planning authority to request further information, with the eight-week determination period beginning the day after the further information is supplied. In addition, where an application is likely to have materially different environmental effects from those reported in the environmental statement,</p>
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				<p>the application will be deemed refused if the LPA does not determine it within the determination period, providing an additional safeguard.</p> <p>The Applicant acknowledges MKCC's position but maintains that the procedure, as drafted, represents a proportionate approach. Please also refer to MKCC-003, below.</p>
MKCC-003	Development Consent Order	Planning Performance Agreement (PPA)	While it is understood that the DCO cannot require the applicant to enter into a Planning Performance Agreement (PPA), MKCC would be supportive of the applicant entering into a PPA to deal with the conditions. This would allow timescales, phasing and submission requirements to be agreed, leading to more efficient determination of the conditions, and avoiding refusal in favour of amendments,	The Applicant would anticipate entering into a planning performance agreement (PPA) with the relevant authority's post-consent. It is in the Applicant's interest to identify and resolve any issues prior to the formal submission of applications to discharge Requirements and anticipates carrying out collaborative working supported by a PPA.



			additional information and collaborative working.	
MKCC-004	Development Consent Order	Protective Provisions	<p>The MKCC LLFA have raised the following concerns with the wording in the DCO regarding Protective provisions and the consenting process.</p> <p>There is a need to ensure that there will be no deemed consent for drainage consent applications, as there is a risk that there may be inadequate information, or a large number of cases to review at the same time.</p>	<p>The protective provisions for lead local flood authorities (LLFA) in Part 9 of Schedule 15 of the Draft Development Consent Order (Revision E) [EX6/GH3.1_E] largely reflect the existing regime under section 23 of the Land Drainage Act 1991. Under that regime, the LLFA has 2 months to consider an application for consent, and if no decision is made in that time, consent is deemed given.</p> <p>Under the protective provisions, the LLFA may request further information, and doing so 'resets' the two-month timescale for a decision. The protective provisions also provide for recovery of the LLFA's reasonable costs in considering an application, as opposed to the flat fee of £50 for</p>



				<p>applications made under s23 of the Land Drainage Act 1991.</p> <p>Following discussions with MKCC, the Applicant understands that it is agreed that s23 of the Land Drainage Act 1991 should be disapplied and the Protective Provisions for LLFAs apply in respect of MKCC's area. This will be reflected in the final statement of common ground to be provided at Deadline 7.</p>
MKCC-005	Development Consent Order	Internal Drainage Board (IDB)	<p>It is understood that all LPAs outsource their consenting process; MKCC consents are dealt with by the Internal Drainage Board (IDB). Currently the fees received for drainage consents do not cover the costs of the work involved. Timeframes and capacity are also an issue, and an agreement to phase submissions would be supported. While there</p>	<p>As noted in response to MKCC-004, above, the protective provisions provide for the LLFA to recover their reasonable costs from the Applicant. This will include the cost of outsourcing the consenting process to the IDB. The costs that may be recovered are those that may be sustained – (a) in the examination or approval of plans and evidence; (b) in inspecting the proposed</p>



			<p>understandably needs to be consistency across the LLFAs, there is a need to ensure that costs can be covered, and some agreement should be put in place to achieve this.</p>	<p>site for and construction of any specific work or any protective works required by the LLFA; and (c) in carrying out of any surveys or tests by the LLFA that are reasonably required in connection with the construction of the specified work. It is considered that this fee recovery structure will enable proper resourcing for the applications to be considered. Please also refer to the Applicant's response to MKCC-003, above.</p> <p>Following discussions with MKCC, the Applicant understands that it is agreed that s23 of the Land Drainage Act 1991 should be disapplied and the Protective Provisions for LLFAs apply in respect of MKCC's area. This will be reflected in the final statement of common ground to be provided at Deadline 7.</p>
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