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8 October 2026

Dear Ms Giles,

PLANNING ACT 2008**APPLICATION FOR DEVELOPMENT CONSENT FOR THE GREEN HILL SOLAR FARM PROJECT**

This decision was made by Minister Curran, on behalf of the Secretary of State for Energy Security and Net Zero.

1. Introduction

- 1.1. I am directed by the Secretary of State for Energy Security and Net Zero (“the Secretary of State”) to advise you that consideration has been given to the Examining Authority’s (“ExA”) report dated 8 July 2026. The ExA consisted of 3 examining inspectors, Mark Harrison, Catherine Beeby and Rebecca Norman. The ExA conducted an Examination into the application submitted on 23 May 2026 (“the Application”) by Green Hill Solar Farm Limited (“the Applicant”) for a Development Consent Order (“DCO”) (“the Order”) under section 37 of the Planning Act 2008 (“the Planning Act”) for the Green Hill Solar Farm and associated development (“the Proposed Development”). The Application was accepted for Examination on 19 June 2025. The Examination began on 21 October 2025 and closed on 10 April 2026. The Secretary of State received the ExA’s Report of Findings and Conclusions and Recommendation to the Secretary of State (“the ExA’s Report”) on 8 July 2026.
- 1.2. On 10 August 2026 a letter seeking information was issued by the Secretary of State seeking information on several matters (“the first information request”).¹ On 28 August 2026, Interested Parties (“IPs”) were invited to comment on the responses received (“the first consultation”).² A further letter was issued on 28 August 2026, requesting further information

¹ <https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010170-001847-Green%20Hill%20Solar%20260810%20-%20%20First%20Information%20Request%20Letter%20final.pdf>

² <https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010170-001865-Green%20Hill%20-%20260818%20-%20invitation%20to%20all%20interested%20parties%20to%20comment.pdf>

("the second information request").³ On 15 September 2026, the Secretary of State invited all IPs to comment on responses to the second information request ("the second consultation")⁴.

- 1.3. The Order, as applied for, would grant development consent for an electricity generating station with a capacity of up to 500 megawatts ("MW") comprising of ground mounted solar arrays and associated development including Battery Energy Storage System ("BESS"), grid connection infrastructure and other infrastructure integral to the construction, operation and maintenance of the scheme [ER 1.1.3]. The site lies within the administrative areas of North Northamptonshire Council ("NNC"), West Northamptonshire Council ("WNC") and Milton Keynes City Council ("MKCC"), and is wholly in England. Part of the scheme (Green Hill G) would be immediately adjacent to the administrative boundary of Bedford Borough Council [ER 1.2.4].
- 1.4. The Applicant also seeks compulsory acquisition ("CA") and temporary possession ("TP") powers [ER 6.1.1], set out in the draft Order submitted with the Application.
- 1.5. Published alongside this letter on the Planning Inspectorate's National Infrastructure Project website⁵ is a copy of the ExA's Report. The ExA's findings and conclusions are set out in Chapters 3 to 7 of the ExA Report, and the ExA's summary of conclusions and recommendation is at Chapter 8. All numbered references, unless otherwise stated, are to paragraphs of the ExA's Report ["ER *.*.*"].

2. Summary of the ExA's Report and Recommendation

- 2.1. The principal issues considered during the Examination on which the ExA has reached conclusions on the case for development consent are set out in the ExA Report under the following broad headings:
 - The principle of the development;
 - Agriculture and soil;
 - Biodiversity and geological conservation;
 - Glint and glare;
 - Historic environment;
 - Hydrology, flood risk and drainage;
 - Landscape, visual and design;
 - Socio-economics;
 - Traffic and transport; and
 - Other environmental matters.
- 2.2. The ExA recommended that, subject to consultation on the outline Operational Environmental Management Plan ("oOEMP") and the protective provisions for National Grid

³ <https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010170-001868-Green%20Hill%20-%20260826%20-%20Request%20for%20Information%20.pdf>

⁴ <https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010170-001902-Green%20Hill%20-%20260902%20-%20Invitation%20to%20all%20interested%20parties%20to%20comment.pdf>

⁵ <https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010170>

Electricity Transmission (“NGET”) [ER 8.3.2 – 8.3.3], the Secretary of State should make the Order in the form set out in appendix C of the ExA’s Report [ER 8.4.1].

- 2.3. This letter is intended to be read alongside the ExA’s Report and, except as indicated otherwise in the paragraphs below, the Secretary of State agrees with the findings, conclusions and recommendations of the ExA as set out in the ExA Report, and the reasons for the Secretary of State’s decision are those given by the ExA in support of her conclusions and recommendations.

3. Summary of the Secretary of State’s Decision

- 3.1. The Proposed Development comprises a generating station which generates electricity directly from sunlight, is not an offshore installation and has a capacity in excess of 100 MW. It therefore falls within sections 14(1) and 15 of the Planning Act 2008 (the “2008 Act”) as a Nationally Significant Infrastructure Project (“NSIP”) and requires development consent pursuant to section 31 of the 2008 Act [ER 1.1.3].
- 3.2. Section 104(2) of the 2008 Act requires the Secretary of State, in deciding an application, to have regard to any relevant National Policy Statement (“NPS”) which has effect in relation to development of the description to which the Application relates, along with Local Impact Reports (“LIRs”) and other important and relevant matters. Subsection (3) requires that the Secretary of State must decide the application in accordance with the relevant NPS except to the extent that one or more of subsections (4) to (8) apply. The Secretary of State has determined this Application in accordance with the relevant NPSs and has concluded that subsections (4) to (8) are not applicable in this case.
- 3.3. The Secretary of State has considered the overall planning balance and, for the reasons set out in this letter, has concluded that the public benefits associated with the Proposed Development outweigh the harm identified, and that development consent should therefore be granted.
- 3.4. The Secretary of State has decided under section 114 of the 2008 Act to make, with modifications, an Order granting consent for the proposals in the Application. This letter is a statement of the reasons for the Secretary of State’s decision for the purposes of section 116 of the 2008 Act and the notice and statement required by regulations 31(2)(c) and (d) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (“the EIA Regulations”).
- 3.5. In making the decision, the Secretary of State has complied with all applicable legal duties and has not taken account of any matters which are not relevant to the decision.

4. The Secretary of State’s Consideration of the Application

- 4.1. The Secretary of State has considered the ExA’s Report and all other material considerations, including representations received after the close of the ExA’s Examination and responses to the Secretary of State provided during the decision-making stage. 1,262 Relevant Representations (“RRs”) were made in respect of the Application. Written Representations, responses to questions, and oral submissions made during the Examination were also taken into account by the ExA.
- 4.2. The Secretary of State has had regard to the LIR submitted by MKCC, NNC and WNC, environmental information as defined in regulation 3(1) of the EIA Regulations and to all

other matters which are considered to be important and relevant to the Secretary of State's decision as required by section 104 of the 2008 Act including relevant policy set out in the National Policy Statement EN-1: Overarching National Policy Statement for Energy ("NPS EN-1"), National Policy Statement for Renewable Energy Infrastructure (EN-3) ("NPS EN-3") and National Policy Statement for Electricity Networks Infrastructure (EN-5) ("NPS EN-5") as designated on 17 January 2024 [ER 2.3.1].

- 4.3. On 24 April 2025, a consultation on the draft revisions to NPS EN-1, EN-3 and EN-5 was launched and revised NPSs were laid in Parliament on 13 November 2025, which came into effect on 6 January 2026 ("the 2025 NPS"). The Secretary of State notes that, in accordance with the transitional provisions set out in section 1.6 of EN-1 (2025), the 2024 NPSs had effect for the ExA's consideration of this Application. As such, the Secretary of State has had regard to the 2024 NPSs in making this decision. Whilst the 2025 NPSs do not have effect for this Application, they are capable of being important and relevant considerations in the Secretary of State's decision-making process and have been considered accordingly in the making of this decision. References to NPSs in this letter are to the 2024 versions unless specifically stated otherwise.
- 4.4. The new National Planning Policy Framework ("NPPF") was published on 17 August 2026.
- 4.5. The 15 May 2024 Written Ministerial Statement regarding the use of BMV land was at the time of the Examination an important and relevant consideration for this Application. However, the Secretary of State notes that this statement has been incorporated into the new NPPF and is therefore superseded.
- 4.6. The Clean Power 2030 Action Plan, which was published on 13 December 2024 and updated in April 2025, sets out a pathway to a clean power system. The Secretary of State had regard to the NPPF and Clean Power 2030 Action Plan publications and finds that there is nothing contained within them which would lead her to reach a different decision on the Application.
- 4.7. The Secretary of State notes that the weighting descriptors used by the ExA differ from those laid out on page 175 of NPS EN-1. Having reviewed the ExA's considerations and conclusions, and having received clarifications from the ExA, the Secretary of State considers that where the ExA has referred to 'little' weight, this can be equated to 'limited' weight, and 'very great' can be equated to 'substantial'. The Secretary of State uses the descriptors in NPS EN-1 when ascribing her weightings and whilst the terminology differs to this limited extent, there is no disagreement with the ExA unless explicitly stated.
- 4.8. The Secretary of State agrees with the ExA's conclusions and the weight it has ascribed in the overall planning balance in respect of the following issues:
 - Glint and glare – Neutral weight [ER 3.5];
 - Historic built environment – Moderate negative weight [ER 3.6];
 - Hydrology and flood risk – Neutral weight [ER 3.7];
 - Socio-economic – Little negative weight [ER 3.9]; and
 - Traffic and transport – Little Negative weight [ER 3.10].
- 4.9. The Secretary of State agrees with the weighting ascribed by the ExA on the following matters but has provided further commentary and analysis, which is set out in this letter:

- The principle of the development [ER 3.2];
 - Agriculture and soil [ER 3.3];
 - Landscape and visual effects [ER 3.8]; and
 - Other environmental matters, specifically BESS fire safety [ER 3.11.13].
- 4.10. The ExA ascribed little positive weight to biodiversity and geological conservation [ER 3.4.69]. The Secretary of State instead ascribes it neutral weight.
- 4.11. The paragraphs below set out the matters where the Secretary of State has further commentary and analysis to add beyond that set out in the ExA's Report, including those matters on which further information has been sought.

The principle of the development

- 4.12. The ExA concluded that the Proposed Development is low carbon infrastructure as set out in paragraph 4.2.5 of NPS EN-1. It stated that the Proposed Development would contribute to the UK Government's urgent need to meet its energy security and net zero ambitions as set out in paragraphs 3.2.6 and 3.2.7 of NPS EN-1 and this should attract very great/substantial weight in favour of making the Order. It further concluded that the inclusion of a BESS would make the UK energy system more resilient and reduce costs in accordance with paragraphs 3.3.25 and 3.3.26 of NPS EN-1 [ER 3.2.82].
- 4.13. The ExA stated that the Applicant had met the requirements of section 5.3 of NPS EN-1 and that there would be a clear benefit from the project in respect of climate change [ER 3.2.83]. The ExA concluded that there is a need for the Proposed Development and that it would support the UK's transmission to net zero [ER 3.2.61].
- 4.14. The ExA stated that no particularly detailed arguments in relation to need and climate change were advanced by IPs [ER 3.2.60]. Instead, several IPs, including two local MPs, acknowledged the need for renewable energy generation but questioned whether the location of the project was appropriate [ER 3.2.60].
- 4.15. Several IPs queried the location of the Proposed Development and suggested that utilising rooftops and brownfield land would be more suitable locations than agricultural land [ER 3.2.62]. The Applicant's response to these concerns was that there was no suitable brownfield land that met the needs for the project in the vicinity of the Grendon Substation and that there were technical, legal, and landowner complexities that made using rooftop solar panels to achieve the scale unfeasible [ER 3.2.64]. The ExA concluded that the Applicant had considered reasonable alternatives and met the requirements of NPS EN-1 [ER 3.2.68].
- 4.16. Both NNC and WNC maintained their objection to the proposed 60-year lifespan of the project stating that a 40-year period referred to as 'typical' in NPS EN-3 would be materially preferable in respect of the Proposed Development's impact on local communities [ER 3.2.76]. The Applicant responded that it is not uncommon for solar farms to be consented for 60 years and that NPS-EN3 does not prohibit longer operational periods for solar farms [ER 3.2.78]. It also stated that nothing in the ES warranted a shorter operational period for the scheme [ER 3.2.77]. As there is an urgent need for renewable energy generation, the Applicant regarded the 60-year operational life of the project justifiable [ER 3.2.78].

- 4.17. During the Examination, the Stop Green Hill group raised concerns regarding the decommissioning of Green Hill Solar and the robustness of the outline Decommissioning Statement [ER 3.2.79]. The ExA considered that the Applicant had sufficiently justified the operational lifespan of 60 years for the project and that the decommissioning secured in Requirement 21 of the DCO was appropriate to ensure the decommissioning of the project [ER 3.2.81].

The Secretary of State's conclusion on the principle of development

- 4.18. The Secretary of State is satisfied that the need case for the Proposed Development is well-established and the Applicant's assessment sufficiently meets the policy requirements across NPS EN-1 and EN-3. The Secretary of State is satisfied that the Proposed Development would contribute materially towards the delivery of low carbon electricity generation and the achievement of the UK government's net zero objectives. The Secretary of State considers there will be clear benefits to climate change and agrees with the ExA that the Applicant has considered reasonable alternatives and met the requirements of NPS EN-1 [ER 3.2.68].
- 4.19. In accordance with paragraph 3.2.7 of NPS EN-1 (2024), and in agreement with the ExA, the Secretary of State ascribes substantial positive weight to the need for the Proposed Development. The Secretary of State also agrees with the ExA's conclusion that the inclusion of a BESS would make the UK energy system more resilient.
- 4.20. The Secretary of State notes the concerns raised by the IPs, including NNC and WNC, in respect of the 60-year operational period. However, she agrees with the ExA on this matter and considers there is no reason to amend the operational life in the Order, noting the Environmental Statement ("ES") and the Order are based on assessing and mitigating a project with a 60-year operational life.
- 4.21. The Secretary of State agrees with the ExA's conclusions that Requirement 21 is sufficient to secure the decommissioning and restoration of the scheme. The Secretary of State is satisfied that Requirement 21 accords with paragraphs 2.10.146 to 2.10.148 of NPS EN-3.
- 4.22. The Secretary of State further considers the operational life period in relation to agriculture and soil in sections 4.36 to 4.42 of this letter, and in relation to landscapes and visual effects in sections 4.84 to 4.90 of this letter. The Secretary of State sets out her considerations on the related matter of a restoration fund at section 7 of this letter.

Agriculture and soil

- 4.23. The ExA concluded that while balancing the residual adverse effects with the identified benefits, agriculture and soil considerations attracted moderate weight against the making of the Order [ER 3.3.70].

Permanent/temporary loss of best and most versatile agricultural land ("BMV") in substation and BESS areas

- 4.24. The Applicant argued in its ES [APP-571] and outline Soil Management Plan ("oSMP") that all land can be restored at the decommissioning stage to its pre-construction Agricultural Land Classification ("ALC") grade and therefore concluded that there would not be any permanent loss of BMV. However, the Applicant did acknowledge that in the areas where there would be removal of soil during construction, to create for example bases for tracks

and substations, agricultural land quality would be temporarily affected for the duration of the operational phase. This would include 11.3ha of BMV land. This is split into 7ha of land under tracks and inverters, and 4.3ha under the substations and BESS [APP-571].

The Secretary of State's conclusion on loss of BMV in substation and BESS areas

- 4.25. The Secretary of State acknowledges the Applicant's objective of restoring all of the agricultural land affected to the same ALC grade post decommissioning (5.17 of [APP-571]).
- 4.26. The Secretary of State notes that the majority of the site will be comprised of ground-mounted solar panels, secured via piling. The Secretary of State agrees with the Applicant that these areas constitute a temporary loss of BMV land given the relatively unintrusive nature of the panel installation and the avoidance of soil stripping and storage, creating fewer impediments to the agricultural land returning to arable management post-decommissioning. While the arable land will be out of agricultural production for the 60-year project lifespan, the Secretary of State is satisfied that the soil condition will not be fundamentally altered by the presence of the array, and considers the impacts temporary in nature.
- 4.27. However, for the areas where there would be the removal of soil during construction, the Secretary of State considered this matter in more detail. In the first information request, the Secretary of State wrote to the Applicant to request further justification for concluding that the land under the substation and BESS can be satisfactorily restored to its former ALC Grade following 60 years under concrete hard standings.
- 4.28. The Secretary of State welcomes the Applicant's comprehensive response to this request [C1-015], which sets out the principles of soil restoration and the best practice approaches the Applicant intends to follow. She also notes the commitment in the oSMP to produce an Aftercare Management Plan. She acknowledges the Applicant's updated oSMP aligns with good practice guidance and uses the most up to date research on this topic.
- 4.29. However, whilst the Secretary of State acknowledges that long-term storage and restoration of soils in areas of hardstanding to the same ALC grade is not unachievable, and the Applicant has put in place an adequate restoration plan, she considers it is not without risks to soil quality and composition, which present challenges to restoring the land to its previous ALC grade following decommissioning.
- 4.30. Consequently, the Secretary of State considers, on a precautionary basis, the 4.3ha of BMV land under the BESS and the substation to be permanently lost. The Secretary of State notes that this approach has been adopted on other solar farm developments⁶ to provide a worst-case scenario where uncertainty exists as to whether land can be returned to the same ALC grade, and has taken this into her consideration of weighting.

Agricultural continuity

- 4.31. Throughout the operational phase of up to 60 years, the Applicant states that the land under the Proposed Development would no longer be available for arable farming. Instead, the Applicant notes that agricultural use *could* continue during operation of the scheme, with the

⁶ <https://national-infrastructure-consenting.planninginspectorate.gov.uk/document/EN010149-001062>

grazing of grassland (land between and under the solar panels) by livestock, and therefore the land would not be entirely removed from agricultural use [ER 3.3.60].

- 4.32. The Applicant's outline Landscape Ecological Management Plan ("oLEMP") sets out the possibility for sheep grazing as a method grassland management, whilst also recognising the impact sheep grazing may have on depleting botanic diversity if not managed correctly. Sheep grazing under the panels is an option of grassland management, but it is not itself secured in the Order. In the Agricultural Circumstances ES chapter [APP-057], the Applicant also notes the possible benefits that the cessation of arable farming may have on the soil through a reduction in disturbance, including increasing soil organic carbon, improving soil structure, enhancing infiltration, and boosting soil microbial populations.

Secretary of State's conclusion on agricultural continuity

- 4.33. The Secretary of State welcomes the suggestion of sheep grazing under the solar panels, both as a form of continued agricultural use, but also as an option for managing grasslands, as set out in the Applicant's oLEMP [REP6-071]. However, the Secretary of State also acknowledges that while sheep grazing would mean the land would remain in agricultural use, the current use of the site is dominated by arable farming, and the rearing of sheep is not a directly translatable agricultural enterprise.
- 4.34. The Secretary of State notes that the ExA was disappointed in the fact that complementary co-locational uses for the land have not been secured and that the land might need to be mechanically maintained [ER 3.3.68]. The Secretary of State does not agree, as she does not consider it would be reasonable to require the Applicant to ensure a farmer keeps sheep on the fields throughout the lifetime of the Proposed Development if the external circumstances make the keeping of sheep untenable. She considers the oLEMP has adequate protections to ensure continued soil health and botanical diversity of the area under the panels in both the case of mechanical management, or through sheep grazing.
- 4.35. However, the Secretary of State agrees with the ExA [ER 3.3.68] that as sheep grazing is not secured it cannot be relied upon as a continuing use of agricultural land or mitigation for the loss of BMV, and consequently the Secretary of State ascribes it no weight in the planning balance.

Use of BMV and the 60-year operational lifespan

- 4.36. Several IPs raised objections during the Examination over impact on BMV land over the Proposed Development's 60-year operational lifespan. The concerns highlighted that 65% of BMV land would not be available for food production for the 60 years the Proposed Development would operate [ER 3.3.57].
- 4.37. The Applicant refuted the fact that the Proposed Development would have a significant impact on food production as the project would only occupy 0.027% of the UK's arable land. The Applicant highlighted that the high prevalence of BMV land within the 20km search area around the Grendon Substation made it not feasible to avoid BMV land for a scheme of this size [ER 3.3.61-3.3.62].
- 4.38. At the end of the Examination, NNC and WNC maintained their objection in relation to impacts on ALC graded land and argued that a 60-year operational period is more permanent than temporary, resulting in a permanent loss of BMV Land [ER 3.3.59].

- 4.39. The ExA concluded that the Applicant was cognisant of the requirement to avoid the use of BMV land where possible, and that any alternative proposal within a reasonable distance of the Grendon Substation grid connection would be likely to affect a similar scale of BMV land [ER 3.3.69].

Secretary of State's conclusion on use of BMV and the 60-year operational lifespan

- 4.40. In decision making, NPS EN-1 paragraph 5.11.34 is explicit that the Secretary of State should ensure that applicants do not site their scheme on BMV agricultural land without justification. Where schemes are to be sited on BMV agricultural land, the economic and other benefits of that land should be taken into account, and where development is demonstrated to be necessary, areas of poorer quality should be preferred to those of higher quality.
- 4.41. Notwithstanding that paragraph 2.10.22 of NPS EN-3 does not prohibit the development of ground mounted solar on BMV agricultural land, the impacts are expected to be considered as set out in NPS EN-3. On this matter, the Secretary of State is satisfied that justification has been provided for the siting on BMV agricultural land, considering economic and other benefits, and that there would be no conflict with NPS EN-1 or EN-3.
- 4.42. The Secretary of State places great importance on the protection of BMV land, especially given the 60-year lifetime of the scheme, but is satisfied that the Proposed Development's siting on BMV land has been justified, noting that the Applicant has reasonably evidenced the use of BMV land and met the relevant NPS tests.

Secretary of State's overall conclusion on agriculture and Soil

- 4.43. In agreement with the ExA, the Secretary of State accepts that whilst the 854.5ha of identified BMV land will not be available for arable farming for the 60-year lifetime of the Proposed Development, it could be available for grazing during that time but she notes that this is not secured through the Order, and therefore has not considered this in her weighting of the matter.
- 4.44. She acknowledges that whilst the 60-year operational period is a long time, it is a fixed-term, and is reversible, and therefore she disagrees with the views of NNC [REP7-030] and WNC [REP7-032] which believe that the length of the Proposed Development means the impacts overall are more permanent than temporary.
- 4.45. Overall, the Secretary of State acknowledges there are harms due to the long fixed-term, albeit reversible, use of BMV land. Taking this into account, as well as the precautionary view of considering the land under the BESS and substation as permanent loss, the Secretary of State nonetheless agrees with the ExA and ascribes moderate negative weight to soils and agriculture in the planning balance.

Biodiversity and geological conservation

- 4.46. The ExA concluded that when balancing the residual adverse effects with the identified benefits, biodiversity and geological conservation considerations attracted a little weight for the making of the Order [ER 3.4.69].

Biodiversity net gain

- 4.47. The ExA noted [ER 3.4.64] that Requirements 8 and 9 of the draft DCO (“dDCO”) would ensure that the proposed mitigation and biodiversity net gain (“BNG”) measures within the outline Ecological Protection and Mitigation Strategy (“oEPMS”) [REP7-017] and the Biodiversity Net Gain Assessment [REP1-043] would be delivered and maintained. It further noted that Requirement 9 of the dDCO [REP7-005] secures a minimum of 47% BNG in habitat units, a minimum of 10% BNG in hedgerow units and a minimum of 10% BNG in river units during the operational phase of the Proposed Development.

The Secretary of State’s conclusion on biodiversity net gain

- 4.48. The Secretary of State welcomes the Applicant’s BNG plans. Within these plans, she was pleased that the Applicant’s assessment conservatively assessed that the proposed grassland with the panel arrays will be of poor quality, given the impact of panel shading and the generally lower species diversity observed within panel arrays during monitoring. The Applicant’s BNG assessment [REP1-043] outlined how the Applicant’s habitat creation and enhancements will achieve BNG scores for the combined solar sites and cable route corridor of 58.36% for Habitat Units, 13.83% for Hedgerow Units, and 13.22% for Watercourse Units, albeit with not all trading rules being met.
- 4.49. The Secretary of State acknowledges that the exact percentages of BNG may vary slightly from those in the BNG Assessment [REP1-043] after alterations at the detailed design stage and that there may be a need for flexibility. Consequently, the Secretary of State is content with the Applicant’s Requirement wording within Requirement 9, which includes the slightly lower percentages of 47% for habitats, 10% for river units and 10% for hedgerows. She does however note that a specific metric has not been included in the Applicant’s proposed Requirement.
- 4.50. Section DM6 of the 2026 NPPF notes that a planning condition must be sufficiently precise to make it capable of being complied with and enforced. Noting this, and to bring the requirement into line with other recently consented solar farms, she has amended the Requirement to specifically mention the Defra metric will be used, unless otherwise agreed by the local planning authority in consultation with Natural England.
- 4.51. With this amendment having been made to the final Order, the Secretary of State has weighed this level of BNG positively in the wider consideration of the planning balance weighting for biodiversity and geological conservation.

Skylark

- 4.52. Surveys carried out between 2023 and 2025 and detailed territory analysis suggested that the current site of the Proposed Development contains 286 skylark territories, with an average territory density of 0.23 territories/ha [REP6-013], which aligns with the literature reference value⁷ for skylark densities in winter cereals (the dominant habitat regime within the Site).

⁷ Donald, P.F. (2004). The Skylark. Poyser, London.

- 4.53. The Applicant's ES [REP6-013] assessed that the displacement of ground nesting birds (including skylark and yellow wagtail) would lead to a significant adverse effect at a County level. Post-mitigation, the ES states that the residual displacement will still be a significant adverse effect at a District level.
- 4.54. The Applicant's mitigation strategy and skylark calculations are detailed in its oLEMP [C2-004] and ES [REP6-013]. The plan includes approximately 20.0 ha of territories formed from an arable crop rotation sown with spring-sown cereals, the provision of 58.7ha of permanent organic set-aside habitat, and creation of 88.5ha of meadow grassland. The meadow grassland will be managed by carrying out a late hay cut which is favourable for the species.
- 4.55. After questioning from the ExA regarding the Proposed Development's effect on the landscape and local community [ER 3.4.45], the Applicant removed panels from field AF29, and outlined that the land was to be used for ecological mitigation for skylark (a total of 2 extra territories). When combined, this leaves 44.6% of the baseline skylark habitats retained or mitigated.
- 4.56. At the end of the Examination, MKCC had remaining concerns with the level of skylark compensation proposed by the Applicant. MKCC commented [REP7-034] that no information appeared to have been gathered to establish whether surrounding land would be capable of absorbing the displaced pairs, commenting that it cannot be assumed that that surrounding land would be capable of absorbing the displaced pairs or that there would not be additional impacts on the wider population. MKCC [REP7-034] strongly disputed the Applicant's assumption that the loss of nesting opportunities will be offset by the increase in foraging opportunities, as MKCC considered both foraging and nesting opportunities are of equal importance for the survival of the population.
- 4.57. On this matter, the ExA acknowledged MKCC's concerns. However, the ExA also noted the submitted evidence, Change Application 2, and Natural England's final Statement of Common Ground ("SoCG") [REP7-038] which recorded agreement to proposed mitigation. On balance, the ExA considered that the skylark mitigation measures were acceptable [ER 3.4.50].

Secretary of State's conclusion on skylark

- 4.58. The Secretary of State notes that skylark are listed under Section 41 of the Natural Environment and Rural Communities Act 2006 as a species of principal importance for the conservation of biodiversity in England, and that skylark are listed as a Red List species in Birds of Conservation Concern.
- 4.59. Whilst Natural England commented that they are overall satisfied with the Proposed Development's embedded mitigation set out in Section 9.8 of the ES [REP6-013], the Secretary of State notes that Natural England have no specific remit regarding skylark, unless the species is a feature of a designated site, which is not the case for this Proposed Development. She further notes that Natural England's comments in its final SoCG [REP7-038] did not specifically refer to impacts on skylark.
- 4.60. However, having considered the Applicant's outline mitigation plans, the Secretary of State is satisfied that the plan currently contains sufficient detail on the potential impacts on skylark from the development, as well as considerable detail on the Applicant's proposed mitigation for skylark and other ground nesting species.

- 4.61. She recognises the Applicant's proposed efforts to manage the territory in a manner which is beneficial for skylark and other ground nesting birds set out in the oLEMP [C2-004], oEMPS [C2-006] and the ES [REP6-013]. She also acknowledges the additional skylark habitat that was proposed as a result of Change Request 2 and the associated removal of panels from field AF29.
- 4.62. The Secretary of State also recognises that there is no set level of mitigation which is required for impacts to skylark for large scale projects.
- 4.63. However, the Secretary of State is sympathetic to the concerns of MKCC, especially to those regarding the ability of the surrounding land to absorb the potentially significant number of displaced skylark. Furthermore, as the Applicant does not own the land surrounding the Proposed Development, there is no guarantee that the surrounding land will be available for the 60-year operational length of the Proposed Development to accommodate the influx of skylark displaced from the development.
- 4.64. The Secretary of State also notes Natural England's general standing advice for breeding birds⁸ which states that there should be a suitable amount of replacement habitat to compensate for the displacement, alongside paragraph 5.4.44 of EN-1, which states that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then the Secretary of State will give significant weight to any residual harm. Given this, the Secretary of State has weighed the effects from the Proposed Development on skylark negatively in the planning balance.

Data monitoring

- 4.65. Local Environmental Record Centres ("LERCs") are hosted and maintained by environmental Non-Governmental Organisations or Local Planning Authorities ("LPAs") to collate environmental monitoring data from citizen science, environmental research, and planning applications. The submission of data, which does not incur costs to the Applicant, enables the efficacy of avoidance/mitigation/compensation measures to be documented. It also significantly contributes to local and national reporting of progress towards statutory/policy biodiversity targets. Accurate and up-to-date data on species and habitats is also crucial in supporting other planning decisions in the area. Whilst not mandatory for solar projects, noting the above, as well as the Chartered Institute of Ecology and Environmental Management's guidance^{9,10} on the matter, the Secretary of State recognises the potential wide-reaching benefits that the sharing of environmental data can have.
- 4.66. Consequently, and in line with other recent decisions, in her second information request the Secretary of State invited the Applicant to revise its outline plans to include a commitment to regularly share pre-construction, construction, post-construction and operational survey and monitoring data with relevant LERCs and relevant national and regional environmental recording schemes.

⁸ https://www.gov.uk/guidance/wild-birds-advice-for-making-planning-decisions?utm_source=chatgpt.com

⁹ <https://cieem.net/wp-content/uploads/2019/02/Code-of-Professional-Conduct-April-2025.pdf>

¹⁰ <https://cieem.net/wp-content/uploads/2016/03/Accessing-and-Using-Biodiversity-Data-Guidance-in-the-UK-2023.pdf>

- 4.67. The Secretary of State welcomes the Applicant's response to her letter [C2-010], in which it updated their oLEMP [C2-004] and oEMPS [C2-006] to include a commitment to share records of notable species with the relevant environmental recording scheme.

The Secretary of State's overall conclusion on biodiversity and geological conservation

- 4.68. Accounting for the residual adverse impact on breeding skylark, and positive weight of the BNG/habitat enhancements proposed, and in disagreement with the ExA, the Secretary of State considers that biodiversity and geological conservation issues should be given neutral weighting in the making of the Order.

Landscape and visual effects

- 4.69. The ExA concluded that when considering all of the matters raised in examination, the harm to landscape and visual effects attracted moderate negative weight against the making of the Order [ER 3.8.99].

Emerging policies and Special Landscape Area

- 4.70. During the Examination, MKCC raised concerns over the inclusion of fields GF9 and GF13 in the Proposed Development because it considered these fields could potentially fall within the proposed Ouse Special Landscape Area ("SLA") arising from the emerging Milton Keynes City Plan 2050 (the "Emerging City Plan") [ER 3.8.41]. In its LIR [REP1-169], MKCC stated that including these two parcels of land would be detrimental to the character of the SLA, given the industrialising nature of the Proposed Development and the potentially highly visible nature of the Proposed Development in the area around Lavendon.
- 4.71. The Applicant submitted a representation to the Regulation 19 Emerging City Plan consultation, and provided a copy of this representation to the ExA in response to the ExA's Third Written Questions [REP6-061]. In the Applicant's representation, it set out how the scheme is located within the preferred area for solar development outlined in Part A of Emerging Policy GS7 (Wind and Solar Development Spatial Strategy), and supports Emerging Policy CEA6 (Low and Zero Carbon Energy Provision) within the wider Emerging City Plan. In its representation, the Applicant objected to the elements of the Emerging City Plan that relate to the SLA designation. In particular, the Applicant objected to the inclusion of the fields GF9 and GF13 into the Ouse Valley SLA, as the Applicant contended that those fields do not contribute to the purpose of the SLA. The Applicant [REP6-061] considered the full assessment criteria of the SLA, including (among others) cultural heritage, landscape quality and local distinctiveness.
- 4.72. The Applicant noted [REP6-061] that policy designations may overlap, but where this occurs the policies will typically be compatible with each other, which it did not consider to be the case in this situation, and concluded the fields GF9 and GF13 should be removed from the SLA designation.
- 4.73. At the close of the Examination, the Emerging City Plan was being examined, reaching the Regulation 19 stage. As the Emerging City Plan was still subject to change at the end of the Examination, the ExA afforded the plan little weight, and concluded that MKCC had not produced sufficient evidence to demonstrate that the Proposed Development would prejudice the plan or that the sites in question were critical to its delivery [ER 3.8.72].

- 4.74. On this matter, the ExA stated that the Secretary of State may wish to seek an update from MKCC on the Emerging City Plan [ER 3.8.72].

The Secretary of State's conclusion on emerging policies and Special Landscape Area

- 4.75. The Secretary of State understands that the Proposed Development is currently sited in an area defined by the Emerging City Plan as a preferred area for solar development, and the Secretary of State agrees with the ExA that MKCC did not provide sufficient information to conclude that the inclusion of the Proposed Development in fields GF9 and GF13 would threaten the viability of the plan.
- 4.76. Having considered MKCC's and the Applicant's submissions during the Examination, and given the plan is still not in its final form, she did not consider it necessary to ask for an update on the current plan. In agreement with the ExA, she has given the plan little weight [ER 3.8.72].

Visualisations and assessments

- 4.77. At the end of the Examination, disagreement remained between the Applicant, WNC, and NNC on the assessment of Sites E and F. NNC [REP7-030] and WNC [REP7-032] considered the Applicant's assessment understates the effects at Year 1 and Year 15 of the Proposed Development's operation, and NNC concluded that effects are also understated when the Proposed Development is assessed cumulatively with other sites in the local area at Year 1 and Year 15.
- 4.78. On this issue, the Applicant argued that the spatial nature of the Proposed Development combined with the proposed mitigation would mean the effects would result in a reduction to moderate/minor at Year 15.
- 4.79. Campaign to Protect Rural England ("CPRE") also raised concerns about the Applicant's assessment, specifically regarding the visualisation and photomontages of Lamport Hall [REP2-069][REP4-043], and was discontent with the Applicant's choice of viewpoints.
- 4.80. The ExA considered the visualisation and photomontages provided by the Applicant to be sufficiently representative of the key visual and landscape receptors [ER 3.8.75]. The ExA noted that there are disagreements between the Applicant and NNC's assessments of Sites E and F but regarded the Applicant's assessment of the impacts on the landscape to be reasonable and evidenced [ER 3.8.76].
- 4.81. On the matter of Lamport Hall, the ExA considered that the visualisations provided for this receptor were reasonable and concluded that as Lamport Hall had been scoped out of the heritage assessment, a specific viewpoint and visualisation for this property was not necessary [ER 3.8.77].

The Secretary of State's conclusion on visualisations and assessments

- 4.82. Having reviewed the information before her, the Secretary of State notes the ExA conclusion that the visualisations and photomontages are sufficiently representative of the key visual and landscape receptors, and that the Applicant's assessment of the impacts appears to be reasonable and evidenced.

- 4.83. The Secretary of State also agrees with the ExA [ER3.8.77] that given the Lamport Hall had been scoped out of the heritage assessment, a specific view point and visualisation for the property was not necessary.

Project lifespan

- 4.84. The proposed operational lifespan of the Proposed Development, as secured by Requirement 21 of the Order would be up to 60 years. During the Examination, multiple IPs raised concerns over the length of the Project, stating a 40-year lifespan was more appropriate and materially preferable, and the objection on this ground was maintained in the final SoCG with NNC [REP7-030] and WNC [REP7-032],
- 4.85. The ExA concluded that a 60-year operational period is justifiable and appropriately secured in the dDCO and control documents and therefore imposing a shorter timeframe was not justifiable [ER 3.8.88].

The Secretary of State's conclusion on project lifespan

- 4.86. On this matter, the Secretary considers that whilst 60 years is a considerable length of time, the Applicant has fully considered the landscape and visual impact of the scheme on the wider landscape for the full 60-year operational time frame, and has put in place sufficient mitigation for the whole lifetime of the Proposed Development.
- 4.87. The Secretary of State considers the outline Decommissioning Statement [REP6-045] secured by Requirement 21 of the DCO and other certified documents such as the oSMP [C1-010] will ensure the Proposed Development will be fully removed and restored at the end of its operational life. As the Proposed Development's impacts are reversible, and noting paragraph 2.10.58 of NPS EN-3 which confirms that time-limited consent is described as temporary, she disagrees with the IPs' comments that the impacts are more of a permanent nature than temporary [REP7-030].
- 4.88. The Secretary of State agrees with the ExA's conclusion that, with the provisions within the Order and the control documents, a 60-year operational period would not affect the application of the methodology or the findings or the overall conclusions in the ES around the long-term effects of the Proposed Development [ER 3.8.88]
- 4.89. The Secretary of State notes that the 60-year lifespan has been secured in numerous previous consented solar DCOs, including Mallard Pass Solar Farm, Cottam Solar Project, West Burton Solar Project, Gate Burton Energy Park, and Tillbridge Solar Project. Paragraph 2.10.57 of NPS EN-3 explicitly states that Applicant's may seek consent without a time-period, or for differing time-periods of operation.
- 4.90. The Secretary of State therefore concludes that the Applicant's proposed 60-year project lifespan is sufficiently reasoned, justified and secured. As such, it is therefore not necessary to lower the operation lifespan of the Proposed Development in this case.

Design, alternatives, and mitigation

- 4.91. The Applicant sets out its approach to design in its ES. Chapter 4 [REP6-011] sets out the full scheme description, including the Rochdale Envelope approach to design which allowed flexibility during the detailed design stage.

- 4.92. The Applicant's proposed mitigation includes green corridor and woodland planting, enhanced riparian native planting, hedgerow reinforcement and reinforced roadside vegetation, proposed new hedgerows and other ground cover [ER 3.8.56], as outlined in the Applicant's oLEMP [REP6-047]. The ExA was satisfied that the oLEMP and the provisions in the dDCO would secure the final design and mitigation measures post-consent [ER 3.8.85].
- 4.93. The Applicant's ES stated that following decommissioning, the area would benefit from the significantly enhanced tree and hedgerow planting, and stated that following decommissioning, the landscape would be left in a better condition than current day [REP4-018].
- 4.94. At the end of the Examination, there remained disagreement between the Applicant, NNC and WNC over the longer-term impacts of the Proposed Development on the wider landscape, with the LPAs stating that although the additional planting would improve the landscape structure, the Proposed Development would represent a fundamental and long-lasting alteration to the character of the area [REP7-030][REP7-032].
- 4.95. On this matter, the ExA acknowledged that the introduction of the Proposed Development into the landscape would result in adverse impacts and change the overall character of the area. However, the ExA also noted that the proposed mitigation would create new habitats that would have beneficial impacts on biodiversity and ecology, and post decommissioning these measures would remain in situ, forming a legacy landscape of robust mature networks of established planting [ER 3.8.80].
- 4.96. Many IPs, including local MPs submitted representations during the Examination that suggested a better alternative to the Proposed Development would be to utilise the roof space of many of the industrial buildings or carparks and brownfield land in and around Northampton [ER 3.8.66].
- 4.97. On these issues, overall the ExA concluded that the introduction of the Proposed Development would represent a significant change to the local landscape character and that the proposed mitigation measures would reduce some of the visual impacts of the Proposed Development but not all. The ExA acknowledged that some adverse effects on the landscape character would remain and there would be long-term effects on land use [ER 3.8.92]. The ExA noted that NPS EN-1 and NPS EN-5 acknowledged that virtually all nationally significant energy infrastructure projects will have adverse landscape and visual effects on the landscape. [ER 3.8.90]

The Secretary of State's conclusion on design, alternatives, and mitigation

- 4.98. The Secretary of State understands the Applicant's position set out in the Scheme Description [REP6-011] and EIA methodology chapters [APP-039] which set out how solar technology is constantly evolving, and the associated need for flexibility in the final design. She is content with the Applicant's Rochdale Envelope approach to addressing elements of the design which have not yet been determined.
- 4.99. She considers that the measures set out in the oLEMP [C2-004] satisfactorily mitigate the impacts of the Proposed Development as far as possible, and she agrees with the ExA that when established, the proposed planting would have a beneficial effect, whilst still

acknowledging that some of the mitigation would impact the existing open long-range views across the local landscape [ER 3.8.93].

- 4.100. She agrees with the ExA that the wording of Requirement 5 of Schedule 2 will ensure that the final detailed design must accord with the concept design parameters and principles, and the LPAs will have sufficient control over the discharging of the final detailed design.
- 4.101. On this issue of impacts post decommissioning, the Secretary of State agrees with the ExA [ER 3.8.80] that the extensive and robust network of planting that will be mature at the end of the lifetime of the Proposed Development will have a beneficial impact on the landscape structure.
- 4.102. The Secretary of State has considered the numerous representations suggesting roof top solar as an alternative to the scheme, but she does not consider these a viable alternative to the Proposed Development. In line with NPS EN-1 Paragraph 3.3.12, she considers that whilst decentralised and community energy systems contribute to targets on reducing carbon emissions, they do not replace the need for new large-scale electricity infrastructure to meet the government's energy objectives.

The Secretary of State's overall conclusion on landscape and visual

- 4.103. NPS EN-1 acknowledges that virtually all nationally significant energy infrastructure projects will have adverse landscape and visual effects on the landscape. NPS EN-1 also states that the Secretary of State will have to judge whether visual impacts on sensitive receptors outweigh the benefits of the project.
- 4.104. The Secretary of State agrees with the ExA's overall conclusion that the Landscape and Visual Impact Assessment ("LVIA") is satisfactory. She agrees with the conclusion that the relevant guidance has been followed when preparing the LVIA and that the DCO and oLEMP would secure the final design and mitigation appropriately.
- 4.105. As described above, she considers the 60-year proposed lifetime of the project has been adequately assessed, its impacts mitigated for, and the decommissioning has been satisfactorily secured.
- 4.106. The Secretary of State notes that there were disagreements between the LPAs and the Applicant regarding assessment of site E and F but agrees with the ExA's conclusion that the impacts have been reasonably assessed.
- 4.107. Overall, the Secretary of State agrees with the ExA that the Proposed Development would be in general accordance with NPS EN-1 [ER 3.8.99] and considers that residual effects result in landscape and visual impacts carrying moderate negative weight in the planning balance. The Secretary of State agrees with the ExA with respect to the moderate negative weighting that should be ascribed to this matter in the overall planning balance.

Other Environmental Matters - BESS fire safety

- 4.108. The Proposed Development includes a BESS at Green Hill BESS, with an option to install an additional BESS at Green Hill C [ER 3.11.17]. Under Requirement 6 of Schedule 2 to the rDCO, the Applicant is required to submit a battery storage safety management plan ("BSSMP") in accordance with an outline BSSMP to the local planning authority for approval,

in consultation with the Northamptonshire Fire and Rescue Service (“NFRS”) and the Environment Agency (“EA”).

- 4.109. During the Examination, several representations raised concerns regarding the proposed inclusion of the BESS in the Proposed Development [ER 3.11.26]. Many concerns from IPs were regarding the potential impacts on biodiversity, particularly regarding the proximity of the BESS to areas of ancient woodland. On these matters, the Secretary of State agrees with the ExA’s conclusions set out in [ER 3.4.31] to [ER 3.4.38], [ER 3.4.51] to [ER 3.4.56] and [ER 3.4.60] to [ER 3.4.69].
- 4.110. Other concerns regarding the BESS include fire safety and risks to the water environment, which was of particular concern to the EA. The ExA stated that automatically closing valves would be installed at BESS drainage outfalls, isolating the drainage system if triggered by fire detection systems, and would allow BESS firewater to be contained for later disposal or treatment [ER 3.11.28]. The ExA raised several questions relating to the use of such valves. Concerns about the reliability, testing, and level of specification were raised [ER 3.11.28]. The Applicant sought to address these concerns during the Examination [ER 3.11.29]. By the close of the Examination, the EA and the Applicant had submitted a signed SoCG recording agreement on all matters including BESS drainage and firewater containment [ER 3.11.32]. In its response to the first information request [C1-003], the EA reconfirmed it was content with the proposed mitigation and its status as a consultee to Requirement 6 (the oBSMP).
- 4.111. The ExA concluded at the end of the Examination that the Green Hill BESS and Green Hill C BESS would not result in adverse effects on fire safety during construction and operation and that further mitigation would be submitted for approval prior to decommissioning of the Proposed Development [ER 3.11.33]. The ExA therefore gave BESS fire safety a neutral weighting in the planning decision [ER 3.11.34].
- 4.112. Following the close of the Examination, the Secretary of State issued the first information request, including to NGET, requesting an update on its protective provisions for inclusion in the Order. In its response dated 24 August 2026, NGET raised concerns over potential fire risk arising from the BESS, and requested that Requirement 6 be amended to require NGET’s approval of the BSSMP [C1-005].
- 4.113. Both the Applicant and NGET commented further on this request in their responses to the second information request [C2-003, C2-010]. The Applicant acknowledged NGET’s concern over the potential for fire risk at the BESS to affect its assets but stated that the nearby infrastructure would remain safe due to the safety measures taken detailed in the outline BSSMP. The Applicant expounded that these measures including a combination of buffer distances measures providing physical separation between the BESS and NGET’s assets, as well as strict safety measures. The Applicant concluded that because of these measures, there was no credible risk to NGET’s assets from the BESS. The Applicant disagreed with NGET’s request to approve the BSSMP on the basis that NGET would not be expected to possess any relevant expertise in relation to BESS and BESS safety, and that the protective provisions would provide NGET with adequate oversight and control of works within 15m of their assets or that could adversely affect its apparatus.

The Secretary of State's conclusion on BESS fire safety

- 4.114. The Secretary of State agrees with the ExA's conclusion that BESS fire safety should be given neutral weighting in the making of the Order.
- 4.115. The Secretary of State has considered the representations from the Applicant and NGET as regard to the approval of the BSSMP under Requirement 6. The Secretary of State acknowledges NGET's concerns, but considers the protective provisions provide adequate oversight and control of works that could adversely affect its apparatus, and the existing requirement to consult the NFRS and EA will provide sufficient expertise and oversight to ensure the concerns regarding the BESS can be adequately addressed.
- 4.116. Therefore, the Secretary of State has decided to retain Requirement 6 as included in the Order.

5. HRA

- 5.1. The Secretary of State has undertaken a Habitats Regulations Assessment ("HRA") and has carefully considered the information presented during the Examination, including the HRA Report [REP5-079] as submitted by the Applicant, the Report on the Implications for European Sites [PD-014] as produced by the ExA, the ES, representations made by IPs, and the ExA's Report.
- 5.2. The Secretary of State's HRA is published alongside this letter. The paragraphs below should be read alongside the HRA which details in full the Secretary of State's reasoning for the conclusions set out in the HRA.
- 5.3. The Proposed Development had the potential to have a Likely Significant Effect on the following protected sites in regard to project alone effects and effects in-combination with other plans or projects:
- Upper Nene Valley Gravel Pits Special Protection Area; and
 - Upper Nene Valley Ramsar site.
- 5.4. Following updates made to assessments by the Applicant during Examination, the conclusions provided by the Applicant in the HRA Report [REP5-079] were agreed by NATURAL ENGLAND in its final SoCG [REP7-038]. The ExA concluded that adverse effects on integrity could be excluded, subject to the Secretary of State requesting the Applicant to update the oOEMP to secure the approach to mitigation for operational disturbance to Functionally Linked Land [ER 4.1.94].
- 5.5. Following the Applicant's update, and based on the information available to her, the Secretary of State is satisfied that the Proposed Development, either alone or in-combination with other plans or projects, will not cause an adverse effect on the integrity of any feature of any protected sites.

6. Land powers and related matters

- 6.1. The Applicant has applied for CA powers to acquire interests in land and rights over land. The details of the powers sought are included in chapter 6 of the ExA report to the Secretary of State [ER 6.3.3 and ER 6.3.4].

- 6.2. The ExA concluded that it was satisfied that there was a clear need for all the land included in the Book of Reference to be subject to CA or TP and there was a need to secure the land and rights required to construct the Proposed Development [ER 6.5.5]. The ExA was satisfied that the Applicant had demonstrated that all reasonable alternatives to CA have been adequately explored. The ExA was of the view that all reasonable efforts have been made to reach agreement with Affected Persons (“AP”) and that the Applicant had done all it reasonably could to identify any unknown landowners [ER 6.5.5].
- 6.3. The ExA considered that the powers sought satisfy the conditions set out in s122 and s123 of the PA2008 as well as the CA guidance. [ER 6.5.8]. The ExA confirmed that there is no Crown land within the Proposed Development and that the requirements of s135 of the PA2008 accordingly do not arise.
- 6.4. The ExA stated that there is a compelling case in the public interest for the CA and TP powers sought. The ExA further stated that the powers sought are proportionate and reasonably required to enable the delivery of the Proposed Development. The ExA recommended that the Secretary of State accept the CA and TP powers sought in the Order [ER 6.5.9]. At the end of the Examination, the ExA was satisfied that, based on the submitted information, the issues raised by statutory undertakers had been addressed [ER 6.5.1].
- 6.5. In their report, the ExA advised the Secretary of State to seek further information and updates in relation to PPs for NGET and further information on this issue is set out below [ER 8.3.3].

Protective provisions

- 6.6. PPs with statutory undertakers are set out in schedule 15 to the Order. By the end of the Examination, PPs were in agreed form with all statutory undertakers except NGET, whose objection remains outstanding. The ExA did not opine on the outstanding issues because it understood that the parties were close to agreement but advised the Secretary of State that the views of the Applicant and NGET be sought in respect of the outstanding matters [ER 7.6.2]. The Secretary of State accordingly sought updates from the Applicant and NGET in the first and second information requests as detailed below.

National Grid Electricity Transmission Plc

- 6.7. In the first information request, the Applicant and NGET were requested to provide updates regarding the PPs. The Applicant confirmed that all issues bar the definition of ‘acceptable insurance’ had been resolved. The Applicant repeated its position that the level of ‘acceptable insurance’ should be £20 million for use of the Proposed Development, increasing to £50 million where any maintenance works are carried out. NGET sought £50 million to be maintained for all periods given its concerns about the proximity and level of risk arising from the Proposed Development, particularly the battery storage facility (the “BESS”), (Work No. 2). [C1-015].
- 6.8. NGET stated that its preferred PPs provided an appropriate level of insurance cover given the proximity of the Proposed Development, and in particular the BESS, to its assets and the resultant level of perceived risk. NGET concluded by stating that the principle of insurance at this level had precedents in multiple DCOs and represented the standard requirements for NGET to ensure that their apparatus is sufficiently protected [C1-005].

- 6.9. The Secretary of State requested further justification for the different approaches to an acceptable level of insurance in the second information request from the Applicant and NGET.
- 6.10. NGET maintained its position in response to the second information request, arguing that £50 million represents a proportionate mechanism to ensure that financial resources are available to address potential liabilities, given the critical nature of its infrastructure and the potentially catastrophic consequences of asset damage. NGET further argued that the approach is consistent with established protective provisions for major infrastructure projects including the recent consented Peartree Hill Solar Farm Project [C2-003].
- 6.11. The Applicant changed its position and agreed to the higher level of acceptable insurance, but only in relation to the use of Work No. 2. The Applicant argued that as NGET's apparatus was only in the vicinity of Work No 2, the definition of 'acceptable insurance' should reflect this [C2-010].

The Secretary of State's conclusion on NGET protective provisions

- 6.12. The Secretary of State has considered both parties' views. She acknowledges the critical nature of NGET's infrastructure and the potentially catastrophic consequences of asset damage and the need for an appropriate level of insurance to be in place, even if the likelihood of such an event occurring is low. The Secretary of State also acknowledges that the NGET approach is consistent with the recently consented Peartree Hill Solar Farm Project. The Secretary of State disagrees with the Applicant's view that the higher level of 'acceptable insurance' should be restricted to Work No 2 for these reasons. She has therefore accepted NGET's drafting of the PPs.

The Secretary of State's overall conclusion on land powers and related matters

- 6.13. The Secretary of State has considered the analysis set out in the ExA's Report. The Secretary of State agrees with the ExA that there is a clear need for all the land included in the Book of Reference to be subject to CA or TP [ER 6.5.5]. The Secretary of State agrees that there is a need to secure the land and rights required to construct the Proposed Development which represents a significant public benefit to weigh into the balance, and that the Applicant has justified the reasoning for the land identified to be subject to such powers [ER 6.5.5]. The Secretary of State also agrees with the ExA that the powers sought satisfy the conditions set out in s122 and s123 of the PA2008 as well as the CA guidance [ER 6.5.8].
- 6.14. The Secretary of State notes that except for NGET all PPs were agreed with statutory undertakers by the close of the Examination [ER 6.5.8]. The Secretary of State has considered the NGET PPs above, and has confirmed that NGET's preferred PPs will be included in the made Order. The Secretary of State therefore considers that the powers sought meet the conditions set out in s127 and s138 of the PA2008 and CA guidance.
- 6.15. The Secretary of State has no reason to believe that the grant of the Order would give rise to any unjustified interference with human rights so as to conflict with the provisions of the Human Rights Act 1998.

7. Draft Development Consent Order and related matters

- 7.1. At the end of the Examination, the ExA highlighted several outstanding matters. The Secretary of State agrees with the ExA on all outstanding matters and provides further commentary on the requests for decommissioning and community fund below.
- 7.2. Following the Secretary of State's first information request, the Secretary of State received a response from NGET seeking an amendment to Requirement 6. The Secretary of State's consideration of this request is detailed at paragraph 4.114 of this letter above. The Secretary of State also received a response from the Applicant, seeking various amendments and her response to this request is detailed below.

Decommissioning fund and community fund

- 7.3. During the Examination, Stop Green Hill raised concerns regarding the decommissioning and the robustness of the outline Decommissioning Statement [ER 3.2.79]. Stop Green Hill requested that the Applicant provide a restoration bond to ensure that the decommissioning would be secured at the end of the scheme's 60-year lifespan. This concern was echoed by several parties who raised concerns that the Proposed Development might not be properly decommissioned at the end of its operational life due to changes in economic circumstances and/or changes in ownership. The parties therefore requested that some form of up-front restoration bond should be secured through the Order to ensure that the Proposed Development was properly decommissioned [ER 7.4.7].
- 7.4. The ExA considered that the Applicant had sufficiently justified the operational lifespan of 60 years for the project and that the decommissioning secured in Requirement 21 of the Order was appropriate to ensure the decommissioning of the project [ER 3.2.81]. The ExA stated that there was no precedent for securing a restoration bond through a made DCO and that NSP EN-1 does not mention such a mechanism [ER7.4.9].
- 7.5. The ExA reports that the Applicant has stated its commitment to providing a Community Benefit Fund ("CBF") which would be able to fund local projects [ER 7.4.10]. During the Examination, Parish Councils and members of the local community raised concerns that the CBF would not be guaranteed unless it was secured in the made Order, as they said voluntary community funding pledges for other developments in the area had not been forthcoming [ER 7.4.11]. The Applicant stated that it was committed to provide a CBF but as it is not required to mitigate the impacts of the Proposed Development, it cannot be taken into consideration by the ExA or the SoS when considering whether to grant the application [ER 7.4.10].
- 7.6. The ExA concluded that the CBF does not form part of the Application and therefore it was not able to add any reference to in the recommended Order.

Secretary of State's conclusion on decommissioning and community funds

- 7.7. In terms of a decommissioning fund, the Secretary of State notes the concerns raised by several IPs, including local MPs and the ExA's acknowledgment that the submitted funding statement contains less information than some other projects [ER 6.5.4]. The Secretary of State also acknowledges concerns raised by several parties who were concerned that restoration might not be properly carried out due to economic challenges in an unknown future and proposed a form of up-front restoration bond [ER 7.4.7].

- 7.8. The Secretary of State notes there is no policy requirement for a decommissioning fund to be imposed in NPS EN-3, and paragraph 2.10.68 of NPS EN-3 which states that solar panels can be decommissioned relatively easily and cheaply. She also notes the Applicant's response to the concerns raised in REP6-070 that it has entered into voluntary agreements with landowners where the solar PV panels are located, which the Applicant says includes measures requiring them to put in place decommissioning security for the benefit of those landowners [REP6-070]. She also agrees with the ExA's view that the operational period of up to 60 years is justifiable. The Secretary of State therefore agrees with the ExA that the approach to decommissioning, as secured by Requirement 21, is appropriate [ER 3.2.81].
- 7.9. The Secretary of State agrees with the ExA's conclusion that the CBF does not form part of the application. The Secretary of State further notes that CBF are voluntary. Moreover, community benefit funding should not be taken into consideration when affording such matters weight in the planning balance. This is because community benefit funding is not a material planning consideration in line with the *Newbury District Council v Secretary of State for the Environment* decision.¹¹ The Secretary of State has therefore not included a reference to the community fund in the made Order.

Changes requested by the Applicant in response to the first information request

- 7.10. In addition to the changes to the NGET PPs, and in response to the Secretary of State's first request for information, the Applicant produced an updated schedule of changes to the draft Order [C1-014], requesting several amendments.
- 7.11. The Secretary of State accepted the following amendment, after seeking comments from Natural England in her second information request:
- Amendment to Article 6 (Disapplication and modification of legislation, etc.) to ensure no impediment to the proposed restoration of the land to agricultural use following decommissioning, as has been assessed within the ES. The Applicant stated that this amendment was requested in response to comments made by Natural England during the examination of the Lime Down Solar Project (EN010168). In the second information request, the Secretary of State invited Natural England to comment, and it confirmed that it had no concerns around adding this requirement into the Order. The Secretary of State has therefore accepted this amendment.
- 7.12. The Secretary of State also accepted the following amendments:
- Corrections to Article 7 (defence to proceedings in respect of statutory nuisance) to remove duplication of text and reference to section 65 of the Control of Pollution Act 1974, which has been repealed.
 - In Schedule 1 (authorised development), amendment to Work No. 2(a) so that it no longer requires concrete foundations, and adding "foundations" to Work Nos. 3A, 3B and 3C.
 - In Schedule 13 (documents and plans to be certified), amendments to reflect updated documents in response to the first request for information.

¹¹ [1981] AC 578

- In Schedule 14 (arbitration rules), amendment to paragraph 8 (confidentiality) to provide that the arbitration hearing and documentation will be public, subject to a direction that it may be in private where necessary to protect commercially sensitive information only.

7.13. The Secretary of State has not accepted the following amendments:

- Amendment to the definition of “permitted preliminary works” in Article 2 (interpretation) to include the protection of apparatus. The Secretary of State has not made this change as she considers it would be an expansion of the scope of these works, and inconsistent with previously made DCOs.
- Insertion of new Requirement 10(3) to remove the need for approval for temporary fencing required for permitted preliminary works. The Secretary of State considers temporary fencing should remain subject to the approval of the relevant planning authorities.

8. Secretary of State’s Consideration of the Planning Balance and Conclusions

8.1. The Secretary of State acknowledges the ExA’s recommendation that the Order be made as set out in annex C of the ER [ER 8.4.1], subject to the resolution of the outstanding matters set out by the ExA in Section 8.3 of its report.

8.2. The Secretary of State agrees with the ExA’s conclusions and the weight it has ascribed in the overall planning balance in respect of the following issues:

- The principle of the development - Substantial positive weight
- Agriculture and soil - Moderate negative weight
- Air Quality - Neutral weight
- BESS Fire Safety - Neutral weight
- Electromagnetic Fields - Neutral weight
- Glint and glare - Neutral weight
- Ground conditions and contamination - Neutral weight
- Historic environment - Moderate negative weight
- Human Health - Neutral weight
- Hydrology, flood risk and drainage -Neutral weight
- Landscape and visual effects - Moderate negative weight
- Major accidents and disasters - Neutral weight
- Minerals - Neutral weight
- Noise and vibrations - Neutral weight
- Socio-economics impacts - Limited negative weight
- Traffic and transport – Limited negative weight
- Waste - Neutral weight

8.3. With regards to biodiversity and geological conservation, the Secretary of State disagrees with the ExA weighting of a little weight for the making of the Order [ER 3.4.69], and concludes neutral weight should be ascribed to this matter in the planning balance, for the reasons set out in paragraphs 4.52 to 4.64 of this letter.

- 8.4. All NSIPs will have some potential adverse impacts. In the case of the Proposed Development, most of the potential impacts have been assessed by the ExA as having not breached NPS EN-1, NPS EN-3 and NPS EN-5, subject in some cases to suitable mitigation measures being put in place to minimise or avoid them completely as required by NPS policy. The Secretary of State considers that these mitigation measures have been appropriately secured.
- 8.5. For the reasons given in this letter, the Secretary of State concludes that the benefits of the Proposed Development, namely the substantial positive weight ascribed to its need outweighs the totality of its adverse impacts.
- 8.6. The Secretary of State concludes that development consent should be granted for the Green Hill Solar Farm project. The Secretary of State does not believe that the national need for the Proposed Development as set out in the relevant NPSs is outweighed by the Development's potential adverse impacts, as mitigated by the proposed terms of the Order.
- 8.7. In reaching this decision, the Secretary of State confirms that regard has been given to the ExA's Report, the relevant Development Plans, the LIRs submitted by MKCC, NNC and WNC, the NPSs, NPPF, PPG, and to all other matters which are considered important and relevant to the Secretary of State's decision as required by section 104 of the Planning Act 2008. The Secretary of State confirms for the purposes of regulation 4(2) of the EIA Regulations that the environmental information as defined in regulation 3(1) of those Regulations has been taken into consideration.
- 8.8. The Secretary of State has therefore decided to accept ExA's recommendation to make the Order granting development consent, including the modifications set out in section 9 of this document.

9. Other Matters

Equality Act 2010

- 9.1. The Equality Act 2010 includes a public sector "general equality duty" ("PSED"). This requires public authorities to have due regard in the exercise of their functions to the need to eliminate unlawful discrimination, harassment and victimisation and any other conduct prohibited under the Equality Act 2010; advance equality of opportunity between people who share a protected characteristic and those who do not; and foster good relations between people who share a protected characteristic and those who do not in respect of the following "protected characteristics": age; gender reassignment; disability; marriage and civil partnerships¹²; pregnancy and maternity; religion and belief; race; sex and sexual orientation.
- 9.2. In considering this matter, the Secretary of State (as decision-maker) must pay due regard to the aims of the PSED. This must include consideration of all potential equality impacts highlighted during the Examination. There can be detriment to affected parties but, if there is, it must be acknowledged and the impacts on equality must be considered.

¹² In respect of the first statutory objective (eliminating unlawful discrimination etc.) only.

- 9.3. The Secretary of State has had due regard to this duty and has not identified any parties with a protected characteristic that might be discriminated against as a result of the decision to grant consent to the Proposed Development.
- 9.4. The Secretary of State is confident that, in taking the recommended decision, the Secretary of State has paid due regard to the above aims when considering the potential impacts of granting or refusing consent and can conclude that the Proposed Development will not result in any differential impacts on people sharing any of the protected characteristics. The Secretary of State concludes, therefore, that granting consent is not likely to result in a substantial impact on equality of opportunity or relations between those who share a protected characteristic and others or unlawfully discriminate against any particular protected characteristics.

Natural Environment and Rural Communities Act 2006

- 9.5. The Secretary of State notes the “general biodiversity objective” to conserve and enhance biodiversity in England, section 40(A1) of the Natural Environment and Rural Communities Act 2006 and considers the application consistent with furthering that objective, having also had regard to the United Nations Environmental Programme Convention on Biological Diversity of 1992, when making this decision.
- 9.6. The Secretary of State is of the view that the ExA’s Report, together with the Environmental Impact Assessment considers biodiversity sufficiently to inform the Secretary of State in this respect. In reaching the decision to give consent to the Proposed Development, the Secretary of State has had due regard to conserving biodiversity.

10. Modifications to the draft Order

- 10.1. Following consideration of the recommended Order provided by the ExA, the Secretary of State has made the following modifications to the recommended Order:
- Amendment to the Order preamble to insert section 140 of the 2008 Act as the project involves the construction of a generating station.
 - Amendment to the definition of “applicable period” in article 2 (interpretation) so that the five-year period runs from the date the Order is made, rather than the date it comes into force.
 - Amendment to the definition of “maintain” in article 2 (interpretation) to make clear that the power to maintain the authorised development does not extend to the removal, reconstruction or replacement of the whole of the authorised development.
 - Deletion of article 2(10) as it is considered inappropriate to remove assessment of materially new or materially different environmental effects, even where the change in question is characterised as positive or as a reduction in an assessed adverse effect.
 - Amendment to article 3 (development consent etc. granted by the Order) to clarify the requirements are included in the Order.
 - Amendments to article 5 (power to maintain the authorised development) to (a) qualify the maintenance power so that it is subject to any other provision of, or agreement made under, this Order; and (b) confirm that the power does not authorise works giving rise to environmental effects that have not been assessed in the environmental statement. This is to remove potential ambiguity as to the scope of the maintenance power.

- Amendment to paragraphs article 6(1)(c) and (d) (disapplication and modification of legislation, etc.) to narrow the disapplication of byelaws made under Section 66 of the Land Drainage Act 1991 and Schedule 25 to the Water Resources Act 1991 so that it applies only to byelaws requiring consent or approval for the carrying out of the authorised development. This is to ensure the disapplication is no broader than necessary.
- Insertion of article 6(4) to disapply regulation 3(2) of the Environmental Impact Assessment (Agriculture) (England) (No. 2) Regulations 2006 to enable restoration of land at decommissioning stage—assessed within the environmental statement—to proceed without triggering a separate EIA Agriculture screening application.
- Amendment to article 8(1) (street works) to confine the undertaker's power to enter streets specified in Schedule 4 (streets subject to street works) to that part of the street which is within the Order limits. This is to ensure the power is no broader than necessary.
- Amendment to article 10 (power to alter layout, etc., of streets) to require the prior written consent of the street authority before exercising the relevant powers.
- Article 11 (construction and maintenance of altered streets) has been amended to distinguish between permanent and temporary street alterations, clarify the respective maintenance obligations applying to each, and make provision for the maintenance of restoration works carried out under article 10(3).
- Amendments to Article 14 (access to works) to require the restoration of temporary accesses created under the Order. This is to ensure appropriate reinstatement of land following temporary works.
- Amendment to article 16(4)(b) (traffic regulation measures) to clarify that the undertaker must obtain the traffic authority's written consent prior to exercising the relevant power, removing any ambiguity as to timing.
- Amendment to article 16(5) (traffic regulation measures) to require the display of site notice for temporary traffic measures, and insertion of new article 16(8)(traffic regulation measures) to require the undertaker to serve a copy of any traffic regulation instrument on the traffic authority as soon as reasonably practicable after it is made. These amendments are to improve public awareness of traffic restrictions and ensure the traffic authority is formally notified of, and consents to, measures affecting its area.
- Amendments to article 17 (discharge of water) to prohibit damage to watercourses forming part of a main river, and to apply the Schedule 15 protective provisions, rather than the general consent regime, where the relevant infrastructure belongs to Anglian Water or another drainage authority. This is to strengthen protections for main rivers and drainage infrastructure.
- Article 18 (removal of human remains): the general notification/removal machinery in paragraphs (1)-(18) has been deleted, as historic remains are already addressed through the Archaeological Mitigation Strategy and approved written schemes of investigation, with separate legislation and licensing available if remains are found. The provision addressing remains covered by a Protection of Military Remains Act 1986 licence has been retained.
- Article 19(4)(b) (protective works to buildings): Deletion of the express extension of the power to enter adjacent land to land outside the Order limits.
- Amendment to article 21 (compulsory acquisition of land) to provide the compulsory acquisition of land is subject to the following include articles 25 (private rights over

- land), 27 (power to override easements and other rights), 29 (acquisition of subsoil only), and 30 (rights under or over streets). in list of articles to which article 21 is subject.
- Deletion of article 24(7) (compulsory acquisition of rights) because it is considered unnecessary as the power to acquire rights under paragraph (1) is not exhausted by a single exercise.
 - Amendments to article 25 (private rights) to remove paragraphs (4) and (9) which are unnecessary given the wider compulsory acquisition framework in the Order.
 - Amendment to article 26(5) (application of the 1981 Act) to capture an additional cross-reference in the modification of section 5B (1) of the 1981 Act. This is to ensure the modification is complete and accurate.
 - Amendment to article 29(1) (acquisition of subsoil only) to clarify that the subsoil acquisition power applies to land referred to in articles 21 and 24, rather than the Order land generally. This is to ensure the scope of the power is clearly defined.
 - Amendments to article 31(3) (temporary use of land for constructing the authorised development) to extend the notice period for temporary possession of land from 14 to 28 days, for consistency with the equivalent maintenance provision.
 - Amendment to article 32 (temporary use of land for maintaining the authorised development) to clarify that the power is subject to the restrictions set out in paragraph (2) of the same article.
 - Amendments to article 37 (consent to transfer benefit of the Order) to tighten the opening qualification in paragraph (1) by cross-referring specifically to paragraphs (3) and (8)
 - Article 39 (planning permission, etc.): deletion of provisions relating to the interaction between the Order and planning permissions granted under the Town and Country Planning Act 1990 to avoid potential ambiguity.
 - Amendment to article 40 (felling or lopping of trees and removal of hedgerows) to clarify that the general power set out in paragraph (1) is also subject to the restrictions set out in paragraph (2) of the same article.
 - Amendment to article 47(4) (procedure in relation to certain approvals) to extend the deemed approval period from six to ten weeks. This is to allow consenting authorities sufficient time to consider applications before deemed approval takes effect.
 - Amendment to article 48 (guarantees in respect of payment of compensation) to limit the powers conferred to the Order land rather than Order limits, consistent with previously made development consent orders, and to extend the application of the article to articles 29 (acquisition of subsoil only) and 30 (rights under or over streets).
 - Schedule 1 (authorised development): Amendments to update Work Nos. 2 and 3 at the request of the undertaker, and to the concluding paragraph words to characterise the residual works as associated development, necessary or expedient for the authorised development, and confined to the Order limits.
 - Schedule 2 (requirements):
 - Amendment to Requirement 2 (commencement of the authorised development) to fix the commencement deadline at five years from the date the Order comes into force. This is to ensure a definite commencement period.
 - Amendment to Requirement 9 (biodiversity net gain) to specify the metric by which biodiversity net gain is to be calculated.

- Amendment to paragraph (3) Requirement 11 (surface and foul water drainage) to add lead local flood authority as consultee, consistent with drainage-related requirements in recent DCOs.
- Amendment to Schedule 3 (legislation to be disapplied) to remove the qualification disapplying provisions only “*so far as... incompatible with the powers*” of the Order. This qualifier is unnecessary, as article 6(1)(f) already disapplies the Schedule 3 legislation on this same basis.
- Amendments to Part 3 of Schedule 15 (protective provisions) to reflect the terms of protective provisions preferred by NGET.
- Amendments to paragraph 4 of Schedule 14 (arbitration) to align time periods with previously made DCOs.
- Schedule 16 (procedure for discharge of requirements): (a) Insertion of paragraph 2(4) to require that an application include a statement confirming that the deemed-consent provision in paragraph 2(3) applies to it; (b) insertion of paragraph 4(2)(a) to impose a 42-day time limit on the undertaker for lodging an appeal, consistent with the equivalent time limit used in other appeal mechanisms.

10.2. In addition to the above, the Secretary of State has made various changes to the recommended Order which do not materially alter its effect, including changes to conform with the current practice for statutory instruments and changes in the interests of clarity and to ensure that the Order has its intended effect. The Order, including the modifications referred to above, is being published with this letter.

11. Challenge to decision

11.1. The circumstances in which the Secretary of State’s decision may be challenged are set out in the Annex to this letter.

12. Publicity for decision

12.1. The Secretary of State’s decision on this Application is being publicised as required by section 116 of the Planning Act 2008 and regulation 31 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.

12.2. Section 134(6A) of the Planning Act 2008 provides that a compulsory acquisition notice shall be a local land charge. Section 134(6A) also requires the compulsory acquisition notice to be sent to the Chief Land Registrar, and this will be the case where the Order is situated in an area for which the Chief Land Registrar has given notice that they now keep the local land charges register following changes made by Schedule 5 to the Infrastructure Act 2015. However, where land in the Order is situated in an area for which the local authority remains the registering authority for local land charges (because the changes made by the Infrastructure Act 2015 have not yet taken effect), the prospective purchaser should comply with the steps required by section 5 of the Local Land Charges Act 1975 (prior to it being amended by the Infrastructure Act 2015) to ensure that the charge is registered by the local authority.

Yours sincerely,



Head of Energy Infrastructure Planning

ANNEX A: LEGAL CHALLENGES RELATING TO APPLICATIONS FOR DEVELOPMENT CONSENT ORDERS

Under section 118 of the Planning Act 2008, an Order granting development consent, or anything done, or omitted to be done, by the Secretary of State in relation to an application for such an Order, can be challenged only by means of a claim for judicial review. A claim for judicial review must be made to the Planning Court during the period of six weeks beginning with the day after the day on which the Order or decision is published. The decision documents are being published on the date of this letter on the Planning Inspectorate website at the following address:

<https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010170>

These notes are provided for guidance only. A person who thinks they may have grounds for challenging the decision to make the Order referred to in this letter is advised to seek legal advice before taking any action. If you require advice on the process for making any challenge you should contact the Administrative Court Office at the Royal Courts of Justice, Strand, London, WC2A 2LL (0207 947 6655).

ANNEX B: LIST OF ABBREVIATIONS

Abbreviation	Reference
ALC	Agricultural Land Classification
AP	Affected Persons
BESS	Battery Energy Storage System
BMV	Best and Most Versatile land
BNG	Biodiversity Net Gain
BSSMP	Battery Storage Safety Management Plan
CA	Compulsory Acquisition
CBF	Community Benefit Fund
CPRE	Campaign to Protect Rural England
DCO	Development Consent Order
dDCO	draft DCO
EA	Environment Agency
ES	Environmental Statement
ExA	Examining Authority's report
HRA	Habitats Regulations Assessment
IPs	Interested Parties
LERCs	Local Environmental Record Centres
LIRs	Local Impact Reports
LPA	Local Planning Authority
LVIA	Landscape and Visual Impact Assessment
MKCC	Milton Keynes City Council
MW	Megawatts
NFRS	Northamptonshire Fire and Rescue Service
NGET	National Grid Electricity Transmission
NNC	North Northamptonshire Council
NPPF	National Planning Policy Framework
NPS	National Policy Statement
NPS EN-1	Overarching National Policy Statement for Energy
NPS EN-3	National Policy Statement for Renewable Energy Infrastructure
NPS EN-5	National Policy Statement for Electricity Networks Infrastructure
NSIP	Nationally Significant Infrastructure Project
oEPMS	outline Ecological Protection and Mitigation Strategy
oLEMP	outline Landscape Ecological Management Plan
oOEMP	outline Operational Environmental Management Plan
oSMP	outline Soil Management Plan
PSED	public sector "general equality duty"
RRs	Relevant Representations
SLA	Special Landscape Area
SoCG	Statement of Common Ground
the 2025 NPS	The NSPS which came into effect on 6 January 2026
the Applicant	Green Hill Solar Farm Limited

the EIA Regulations	Infrastructure Planning (Environmental Impact Assessment) Regulations 2017
the ExA's Report	Findings and Conclusions and Recommendation to the Secretary of State
the Planning Act	The Planning Act 2008
the Secretary of State	The Secretary of State for Energy Security and Net Zero
TP	Temporary Possession
WNC	West Northamptonshire Council