# OAKLANDS FARM SOLAR PARK

## Applicant: Oaklands Farm Solar Ltd

Planning Statement
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Planning Act 2008

**The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009**

# OAKLANDS FARM SOLAR PARK

## PLANNING STATEMENT

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# CONTENTS

# EXECUTIVE SUMMARY

This Planning Statement has been prepared on behalf of Oaklands Farm Solar Ltd (hereafter the Applicant) in respect of a planning application (the Application) for a Development Consent Order (DCO) for the Oaklands Farm Solar Park (hereafter referred to as the Proposed Development). Oaklands Farm Solar Ltd is a wholly owned subsidiary of BayWa r.e UK Limited. This Planning Statement should be read in conjunction with the other technical documents and drawings submitted to support the Application.

The Proposed Development comprises a proposed solar farm with an associated Battery Energy Storage System. The Proposed Development would have a generating capacity of over 50MW and would be situated on 191 hectares of land at Oaklands Farm to the south-east of Walton-on-Trent and to the west of Rosliston in south Derbyshire (the Site). The solar farm itself, comprising photovoltaic panel arrays, a central electricity substation and Battery Energy Storage System together with access, landscaping and other works would be located on 135 hectares of agricultural land currently in use for arable production and grazing.

A high voltage underground electricity cable would run from the on-site substation through land at Fairfield Farm and Park Farm to the north to connect the solar farm to the national grid via an electricity substation located at the former Drakelow Power Station which sits south of Burton-upon-Trent. This would allow the export of electricity to the national electricity transmission network (NETS). The BESS will allow the controlled release of energy to the NETS enabling the energy to be provided when required.

As the Proposed Development would be an onshore generating station with a generating capacity of over 50MW an application for a Development Consent Order is being made under the Planning Act 2008 to the Planning Inspectorate, for determination by the Secretary of State for Energy Security and Net Zero.

Sections 1 and 2 of this Planning Statement introduce the Application and describe the Site.

Section 3 sets out the key legislative and policy context. The Government, through the Climate Change Act 2008, made the UK the first country in the world to set legally binding carbon budgets, aiming to cut emissions (versus 1990 baselines) by 34% by 2020 and by at least 80% by 2050. The Energy White Paper, Powering our Net Zero Future, published in December 2020, increased the Government's ambition to decarbonise the UK, committing to net zero carbon by 2050. This commitment has also been reiterated by Derbyshire County Council (DCC) through their Spatial Energy Study. The Proposed Development would contribute towards meeting the Country's and Region's goal and requirements. It would also support the Government's energy planning policy within the National Policy Statements which states that there is a **Critical National Priority** for new nationally significant low carbon infrastructure to be delivered and which at the same time confirms that new large solar energy infrastructure will be essential to urgently deliver the Government's objectives of a secure, affordable, and low carbon energy sector.

Section 4 provides details on the Proposed Development as well as a summary of the operation, construction and decommissioning phases of the Proposed Development. Section 5 summarises the key benefits which the Proposed Development would deliver, which include renewable energy generation, improved grid resilience, biodiversity net gain, new permissive paths and employment opportunities.

This Planning Statement provides a detailed assessment of the Proposed Development against the relevant National Policy Statements and any other local policies. The Proposed Development's compliance with the relevant legislation and planning policies are set out in Section 7 -Planning Appraisal of the Proposed Development and is informed by the relevant chapters of the Environmental Statement [Document 6.1].

The Proposed Development seeks to avoid and mitigate impacts on the environment and sensitive receptors through its location and design, whilst ensuring that the end use will make a significant contribution to the UK's urgent requirement for the delivery of large amounts of new renewable energy generation capacity and infrastructure.

Section 21 of this Planning Statement presents the conclusion and 'planning balance' of the Proposed Development following a detailed assessment of the Development and its likely effects on the environment and sensitive receptors. Section 21 concludes that it has not been possible to avoid all impacts from the Proposed Development, but they have been minimised, wherever possible. This has been done through careful design and detailed mitigation strategies. This is then balanced against the benefits of the scheme which includes renewable energy generation to power around 35,000 homes, contribution to meeting net zero targets and decarbonising the energy sector, improved electricity grid resilience, a significant net gain in Biodiversity, the provision of a new permissive path and creation of employment opportunities.

This Planning Statement confirms that the Proposed Development is in accordance with relevant policies, and specific policy tests set out in the relevant National Policy Statements (NPSs) for Energy. EN-1 makes clear that given the level and urgent need for new nationally significant energy infrastructure the Secretary of State (SoS) will start with a presumption in favour of granting consent to applications for energy Nationally Strategic Infrastructure Projects (NSIP), with that presumption applying unless any more specific and relevant policies within the NPSs clearly indicate that consent should be refused. In this case there are no conflicts with national policies identified which would outweigh that presumption in favour of the Application.

With the delivery of the Proposed Development being a Critical National Priority, this Planning Statement therefore submits that Development Consent for the Proposed Development should be granted by the SoS.

# 1 INTRODUCTION

## 1.1 OVERVIEW

1.1.1 This Planning Statement has been prepared on behalf of Oaklands Farm Solar Ltd ("the Applicant") in relation to an Application for a Development Consent Order (DCO) for the development of the Oaklands Farm Solar Park ("The Proposed Development").

1.1.2 The Proposed Development comprises a solar farm with an associated Battery Energy Storage System. The Proposed Development would have a generating capacity of over 50MW and would be situated on 191 hectares of land at Oaklands Farm to the south-east of Walton-on-Trent and to the west of Rosliston in south Derbyshire (the Site). The solar park itself, comprising photovoltaic panel arrays, a central electricity substation and Battery Energy Storage System (BESS) together with access, landscaping and other works would be located on 135 hectares of agricultural land currently in use for arable production and grazing. A high voltage underground electricity cable would then run through land at Fairfield Farm and Park Farm to the north to connect the solar park to the national grid via an electricity substation located at the former Drakelow Power Station which sits south of Burton-upon-Trent. As the Proposed Development would be an onshore generating station with a generating capacity of over 50MW it constitutes a Nationally Strategic Infrastructure Project (NSIP) for which an application for a DCO is being made under the Planning Act 2008 (The Act) to the Planning Inspectorate, for determination by the Secretary of State for Energy Security and Net Zero (SoS).

1.1.3 The Site lies within the administrative area of Derbyshire County Council (DCC) and the District Authority of South Derbyshire District Council (SDDC).

1.1.4 The Powering Up Britain – Energy Security Plan (2023) sets out a need for 70GW of solar energy generation by 2035 in the UK. This represents a fivefold increase on the current installed capacity in less than 12 years. This represents a significant shift in energy policy and demonstrates the transition taking place to renewable energy and a low-carbon economy with solar now forming a key role within that transition.

1.1.5 The Proposed Development is therefore a prime opportunity to deliver a critical part of the portfolio of solar energy generation that is urgently required to deliver the target of 70GW of low-cost energy by 2035 and to meet the Government's ambitious net zero target by 2050.

## 1.2 PURPOSE AND STRUCTURE OF THE PLANNING STATEMENT

1.2.1 This Planning Statement is submitted as part of a suite of technical documents and drawings which support the Application, in accordance with section 5(2)(q) of the Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009 (as amended) (APFP 2009).

1.2.2 This Planning Statement considers and assesses the Proposed Development against relevant planning policy and other material considerations that are important and relevant to the Proposed Development.

1.1.1 This document should be read in conjunction with other documents and plans submitted as part of the application to ensure a comprehensive understanding of the Proposed Development. The full application package is set out in the Application Guide [Document 1.4] and the Electronic Index [Document 1.5]

1.2.3 The Planning Statement is structured as follows:

(a) **Section 1 – Introduction:** Provides an overview of the Proposed Development, the Purpose of the Planning Statement, the Applicant, Legislative Context, and Pre-application consultation undertaken by the Applicant;

(b) **Section 2 – The Site and Surroundings:** Describes the existing land uses and characteristics of the Proposed Development, the land affected by the DCO, an overview of the relevant planning history of the Site and any designations, in the local plan or other relevant to the Proposed Development;

(c) **Section 3 – Legislative and Policy Context:** Outlines the decision-making process, the planning policy context and any other legislation and policy considered to be important and relevant to the determination of the consent applied for by the Applicant;

(d) **Section 4 - 5 – Proposed Development and Benefits:** Summarises the Proposed Development and its benefits;

(e) **Sections 6-25 – Planning Appraisal:** An explanation of the Proposed Development's compliance with the Policies outlined in Section 5; and

(f) **Section 26 – Conclusion:** Summarises and concludes the planning statement.

## 1.3 THE APPLICANT

1.3.1 Oaklands Farm Solar Limited is a wholly owned subsidiary of BayWa r.e UK Ltd (BayWa). BayWa is a global developer of large-scale renewable energy projects. The company has delivered 625 solar projects worldwide totalling approximately 1900MW, including at least 32 solar projects in the UK totalling approximately 578MW. The Applicant has previously developed ground mounted solar schemes at Bracks Farm, in Cambridge, as well as Bann Road in Northern Ireland (NI) which is the largest solar project in NI.

## 1.4 PRE-APPLICATION CONSULTATION

1.4.1 The DCO consenting process is a front-loaded process and requires pre-application consultation to be carried out before submitting an application for a DCO. The pre-application consultation ensures the applicant can publicise their proposals widely and consult with the local community, Local Authorities, statutory bodies and persons with an interest in the land potentially affected by the Proposed Development.

1.4.2 The Applicant has carried out in an extensive statutory and non-statutory consultation as the Proposed Development has developed and evolved. The nature and details of the consultation process is set out in the Consultation Report and Appendices [Document 5.1] which complies with the relevant sections of The Act. A summary of the stages of consultation undertaken has been provided in the table below.

| STAGE/CONSULTATION PHASE | KEY DATES | DESCRIPTON |
|---|---|---|
| Non-Statutory engagement and consultation | Ongoing since March 2021 | Initial discussions were held with host authorities (officers and elected members), the public, and other stakeholders through extensive informal consultations. |
| Statement of Community Consultation (SoCC) | Spring 2022 | A draft SoCC document was shared with the host Local Planning Authorities and other LPAs prior to formal consultation. The SoCC was published on 7th April 2022. |
| Environmental Impact Assessment Scoping Request and Scoping Opinion | Submitted 20th August 2021, issued 30th September 2021 | Request to the Secretary of State, via Planning Inspectorate, for EIA Scoping Opinion. Planning Inspectorate issued Scoping Opinion after consultation with relevant prescribed bodies under regulation 10(6) of the EIA Regulations 2017. Further response from South Derbyshire District Council was received on 17th January 2022. |
| Statutory Consultation | 21st April 2022 – 6th June 2022 | The Statutory Consultation sought views and feedback on the proposal from a range of stakeholders and communities. This included |

| | | |
|---|---|---|
| | | issuing a consultation newsletter, press releases, formal notices, public exhibitions both online and in person and website updates. |
| Post-Statutory Engagement | | Further informal consultation and engagement with stakeholders was undertaken to resolve matters raised as part of the Statutory Consultation to resolve matters prior to submission. This engagement will form part of the Statement of Common Ground with prescribed consultees in due course. |
| Targeted Non-Statutory Consultation | 9th March 2023 – 21st April 2023 | As a result of feedback received during consultation and ongoing design development a number of changes have been made to the Proposed Development. This included amendments to the Site, Layout, Landscape Strategy and transport conditions. Therefore, additional targeted consultation was undertaken to ensure that all stakeholders are aware of these changes and given the opportunity to comment on these changes. |
| Further Targeted Non-Statutory Consultation | 5th October 2023 January 2024 | Further minor amendments to the Proposed Development were made following the previous Targeted Non-Statutory Consultation which did not change the Site. Only stakeholders with an interest in land in the vicinity of specific changes were consulted to inform them of the updates and to provide the opportunity for comment ahead of the application being submitted. |

1.4.3 The ongoing consultation with the DCC and SDDC ("the Host Authorities") have comprised regular meetings where updates have been provided on the Proposed Development, based around topics such as the development the design, procedural matters and discussions with technical topic specialists on different matters.

1.4.4 The discussions with the Host Authorities have played a significant role in informing and shaping the design and development of the Proposed Development and the content of the application, including the ES [Document 6.1], and in providing invaluable local context.

## 1.5 THE DRAFT DEVELOPMENT CONSENT ORDER

1.5.1 The Application is accompanied by a draft Development Consent Order [Document 3.1], which is accompanied by its Explanatory Memorandum [Document 3.2].

1.5.2 If granted, the Development Consent Order would provide the 'Undertaker' (i.e the Applicant) with various Principal Powers, the ability to undertake Street Works, Supplemental Powers, Powers of Acquisition and General Powers to undertake the Authorised Development, which is set out in the form of a number of specific

Works which are listed and discussed in Section 4 of this Statement. The rights afforded to the undertaker are separately the subject of the Statement of Reasons [Document 4.1], Funding Statement [Document 4.3] and Book of Reference [Document 4.4] which form part of the Application.

1.5.3 The Development Consent Order would include various Requirements with which the undertaker needs to comply. Some of those Requirements make provision for further details to be submitted to and approved by South Derbyshire District Council, as the local planning authority. The Requirements are referred to at various points during this Statement, as they are often the mechanism for securing the mitigation identified through the Environmental Statement in respect of the various environmental matters discussed during this Planning Statement.

1.5.4 There are 24 Requirements set out in the draft DCO. In summary, the following Requirements are referred to specifically within this Statement, with reference to be made to the draft DCO [Document 3.1] for the full wording of these Requirements:

- 5 – Detailed Design Approval – requires full details of the final design of the Proposed Development to be submitted to SDDC for approval;
- 6 – Implementation and Maintenance of Landscaping – provides for the approved landscaping to be implemented and maintained in accordance with an approved Landscape and Ecological Management Plan;
- 7 – Arboricultural Method Statement – provides for a full AMS to be submitted for approval which deals with the retention and protection of trees;
- 8 – Landscape and Ecological Management Plan – requires a full LEMP to be approved by SDDC, in accordance with the outline LEMP which forms part of the Application, to deal with the implementation of landscaping and biodiversity enhancements;
- 9 – Construction Environmental Management Plans – requires a full CEMP to be approved by SDDC, in accordance with the outline CEMP which forms part of the Application, to control the construction process;
- 10 – Construction Traffic Management Plan – requires a full CTMP to be approved by SDDC, in accordance with the outline CTMP which forms part of the Application, to detail the measures to manage construction traffic;
- 11 – Operational Environmental Management Plan – requires a full OEMP to be approved by SDDC, in accordance with the outline OEMP which forms part of the Application, to manage the operation of the Proposed Development;

- 12 – Battery Safety Management Plan – requires a BSMP to be approved by SDDC, in accordance with the outline BSMP submitted as part of the Application, to manage the risk of fire within the BESS;

- 13 – Land Contamination – requires a Contamination Risk Assessment to be approved by SDDC setting out how any potential contamination will be dealt with;

- 14 – Public Rights of Way Diversions – requires a Public Rights of Way Management Plan to be approved by SDDC, setting out how any temporary closures of Public Rights of Way during construction would be managed;

- 15 – Operational Noise – requires an Operational Noise Assessment to be approved by SDDC which details how operational noise will be managed;

- 16 – Fencing and Other Means of Enclosure – requires details of all permanent and temporary fencing to be approved by SDDC;

- 17 – Surface and Foul Water Drainage – requires details of surface and foul water drainage to be approved by SDDC;

- 18 – Archaeology – requires a written scheme of investigation to be approved by SDDC, detailing how any potential archaeological assets will be identified and addressed;

- 19 – Permissive Path – requires details of the proposed permissive path to be approved by SDDC;

- 20 – Construction Hours – sets out the permitted construction hours for the Proposed Development;

- 21 – Decommissioning and Restoration – details the approach to be taken at the point of decommissioning, including requiring a Decommissioning Environmental Management Plan and a Decommissioning Traffic Management Plan to be approved by SDDC.

1.5.5 Other Requirements not specifically listed above address time limits for commencement (1), the phasing of the Proposed Development (2), the method seeking written approval (22), amendments to the approved details (23) and consultation (24).

# 2 THE SITE AND SURROUNDINGS

## 2.1 OVERVIEW

2.1.1 The Site is shown on the Site Location Plan [Doc. Ref 2.1] and comprises 191ha of land located within the administrative areas of SDDC and DCC. The Site comprises four distinct areas, as shown in Figure 1.3 of the ES [Document 6.1] which in summary are:

(1) Oaklands Farm Area - contains the proposed solar PV panel array, BESS, substation and other ancillary elements including landscaping and a permissive path together with means of permanent operational site access.

(2) Fairfield Farm Area – contains the proposed cable route between the solar park and the grid connection point including temporary access to that area for the purposes of construction and decommissioning.

(3) Park Farm Area - comprises the proposed cable route between the Solar Park and the grid connection point including temporary access to that area for the purposes of construction and decommissioning.

(4) The Drakelow Power Station Area – comprises the final part of the cable route and the point of connection to the National Grid, including permanent means of operational access.

## 2.2 THE SITE

2.2.1 The Site has been designed to avoid designated and environmentally sensitive areas where possible. There are no listed buildings, Scheduled Monuments or registered parks and gardens within the Site. None of the land within the Site is covered by any statutory landscape designations, such as National Parks, or Areas of Outstanding Natural Beauty (AONB). Figures 1.5, 6.1 and 6.2 of the ES [Document 6.1] illustrate the environmental constraints on and around the Site.

2.2.2 The Drakelow Power Station Area primarily comprises previously developed land and includes the Drakelow substation where the final section of underground cable and grid connection point would be located. This area also includes a small part of the wooded area between Walton Road and the Drakelow Substation which is covered by a blanket Tree Preservation Order (TPO) (TPO number 122).

2.2.3 The Fairfield Farm Area and Park Farm Area are located between Rosliston Road in the south and Walton Road in the north with the Park Farm Area comprising land used for pastoral farming and the Fairfield Farm Area comprising arable fields. These areas also include short sections of an unnamed ordinary watercourse which would be crossed by the underground cable and temporary access tracks. A small

section of the Grove Wood Local Wildlife Site lies within the eastern part of the Park Farm Area of the Site.

2.2.4 The Oaklands Farm Area comprises agricultural land in pastoral and arable use to the south of Rosliston Road, northwest of Catton Lane and northeast of Coton Road. The Oaklands Farm Area also wraps around the north and east of the Oaklands Farmstead and a small part of the Area extends south of Coton Road. Land use in the Oaklands Farm area comprises medium-large scale mixed arable and pastoral fields, enclosed by low-clipped hedgerows with occasional hedgerow trees, and post and wire fencing. There are a number of sporadic, small copses and ponds across the Oaklands Farm part of the Site.

2.2.5 The topography of the wider area is gently rolling with some localised undulations, rising to a maximum elevation of 90m AOD in the centre of the area, and generally falling towards the unnamed ordinary watercourse to the northeast at 59m AOD.

2.2.6 There are multiple overhead transmission and distribution lines running through the Site. Part of the Site is within flood zone 2 which covers a small northern part of the Oaklands Farm Area and passes through the Park Farm and Fairfield Farm Areas and tightly follows the alignment of unnamed ordinary watercourse. The entire site is designated as part of the National Forest which covers 200 sq. miles of land in the Midlands covering parts of Derbyshire, Leicestershire and Staffordshire and aims to link the two ancient Forests of Charnwood and Needwood.

2.2.7 There is an existing network of public rights of way (PRoW) in proximity to the Site although only Footpath SD48/9/1 crosses the Site. This PRoW runs east to west connecting the settlement of Rosliston in the east and Walton-on-Trent to the west of the Site. It also forms part of the Cross Britain Way which is a Long Distance Path.

## 2.3 WIDER AREA

2.3.1 In terms of the immediate surroundings, to the west the northern element of the Site is bounded by an area of woodland including a pond and a number of agricultural buildings associated with Park Farm. To the north the Site is defined by Walton Road and the area around the relevant sections of Drakelow Power Station.

2.3.2 The eastern part of the Oaklands Farm Area is defined by an unnamed ordinary watercourse, Redferns Wood and Thompsons Wood, beyond which is the settlement of Rosliston. To the west is defined by a cluster of trees/wooded area known as Coppershill Spinney, together with Coton Road and the access track of Walton Hill Farm. The immediate area around the Site to the south of Walton Road is characterised by arable and pastoral fields, agricultural farms and buildings, dispersed dwellings and sporadic wooded areas.

2.3.3 There are a number of settlements within proximity of the Site as shown by the Site Location Plan [Document 2.1]. The settlements include: Rosliston (east), Walton-on-Trent (west), Swadlincote (northwest) and Burton Upon Trent (north).

2.3.4 Several adopted Roads either border or run through the Site. Coton Road runs northwest to southwest and connects Walton-on-Trent to Coton-in-the-Elms to the southeast of the Site with a small part passing through the southern part of the Site. Catton Lane runs southwest to northeast and provides road links to Rosliston. Rosliston Road runs east-west and connects Walton-on-Trent to Rosliston and passes through a short section of the Site in the centre. Walton Road runs southwest to northeast and abuts and cuts through the northern part of the Site before becoming Main Street to the southwest and Rosliston Road in the northeast. This route also provides a connection to the A444 in the north (which provides routes southbound towards Coventry and the M42 and northbound to Buton-upon-Trent and the A38).

2.3.5 To the west of the Site lies further agricultural land primarily used for arable farming. The River Trent lies circa 1.4 km west/northwest of the Site beyond Walton-on-Trent. The River Trent meanders northeast wrapping round Drakelow Nature Reserve and the elements of the former Drakelow Power Station which are not within the Site. To the east of the Site lies more agricultural land which separates Swadlincote and the southeastern part of the urban area of Buton upon Trent.

2.3.6 The River Mease SAC and SSSI are located around 4.4km to the south of the Site and the Proposed Development lies within the Risk Impact Zone. The Coppershill Spinnery potential Local Wildlife Site (LWS) lies adjacent to the Site to the west of the Oaklands Area. There are then a small number of LWS and potential LWSs within 2km of the Site.

2.3.7 The nearest heritage assets are the two Grade II listed buildings in close proximity to the Park Farm Area which are the Gate Piers at the Drakelow Lodge Entrance to Drakelow Power Station to the northwest of Walton Road and Grove Farmhouse located at Park Farm. The nearest Conservation Area is approximately 400m northwest of the Site at the closest point in Walton-on-Trent to the Site. The nearest Scheduled Ancient Monument is the hillfort 230m southwest of Old Hall Cottages around 1km to the west of the Oaklands Farm Area.

2.3.8 The nearest ancient woodland is Grove Wood located approximately 55m to the east of the Park Farm Area.

## 2.4 PLANNING HISTORY, LOCAL PLAN ALLOCATIONS AND EASEMENTS

2.4.1 The solar panels are primarily located on agricultural land and the relevant planning history of the land within the Site is therefore limited. There are a number of planning permissions relating to agricultural permitted development comprising largely of agricultural barns at points across the Site area. Applications

in 2009 and then again in 2011 were approved for the installation of a high-pressure steel gas pipeline through part of the land within the Site. The proposed site layout has accommodated the pipeline and the relevant easements have been applied.

2.4.2 Within the northern part of the Site lies the Former Drakelow Power Station. Only a very small part of the Former Power Station Site lies with the Site. The majority of the Former Drakelow Power Station is being redeveloped to provide a new mixed-use residential-led development to the northeast of the Site and is allocated under Policy H6 in the SDDC Local Plan Part 1 for up to 2,239 dwellings. Part of the Former Drakelow Power Station is also allocated as a committed Strategic Employment Land Allocation in SDDC Local Plan 1 under policy E1F. This comprises 12 ha of land adjacent to the southwest of the residential development which has planning permission to be redeveloped for industrial and business purposes. The Proposed Development does not fall within either of the allocations H6 or E1F and does not adversely affect the allocations in anyway.

2.4.3 The remaining area of the Former Drakelow Power Station is allocated in the Local Plan 2 under Policy BNE12 for development for Use Class B1, B2, B8 and for energy purposes to assist in the regeneration of the previously developed land. Part of the Proposed Development does fall within the broad allocation BNE12 comprising a short section of the cable north of Walton Road and the grid connection point. However, this type of development is acceptable within the Former Drakelow Power Station allocation as it is for energy purposes, relates to existing infrastructure and does not prevent the redevelopment of the Former Drakelow Power Station site.

2.4.4 Figure 2.1 provides an extract from the South Derbyshire Adopted Policies Map showing the Drakelow area.

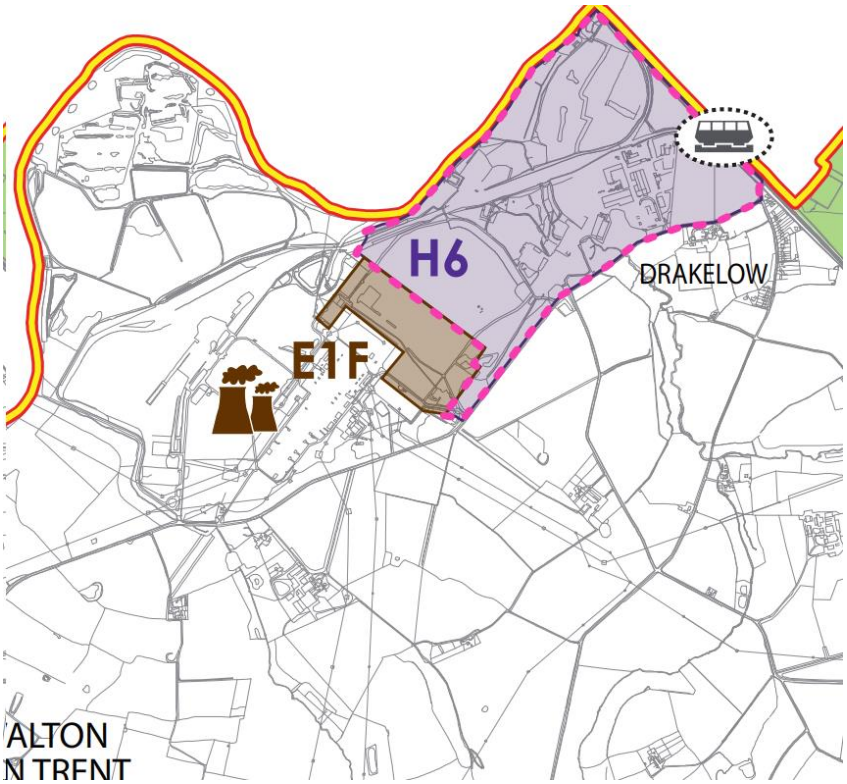


FIGURE 2.1: EXTRACT FROM THE SOUTH DERBYSHIRE ADOPTED POLICIES MAP

2.4.5 Within this part of the Site there is an extensive history relating to the operation of the land/site as a Power Station, potential proposed uses post decommissioning. **Appendix A** presents an overview of the relevant planning history that has been identified.

# 3 LEGISLATIVE AND POLICY CONTEXT

## 3.1 INTRODUCTION

3.1.1 This section of the Planning Statement outlines the legislative framework and the planning policy context for the Proposed Development. Section 4.2 sets out the relationship of the Proposed Development with the Planning 2008 Act (The Act).

3.1.2 Subsections 5.3 and 5.4 introduce the national and local planning policy and other documents that the Applicant expects to be important and relevant to the decision and that as such are considered in this Planning Statement.

3.1.3 Section 5.5 introduces other national policy documents which the SoS may consider to be important and relevant to its decision.

## 3.2 LEGISLATIVE CONTEXT

3.2.1 The Planning Act 2008 provides the legislative basis for the application and defines the process under which consent for Nationally Significant Infrastructure Projects (NSIPs) are sought. The Act sets out that projects meeting certain defined criteria are classified as NSIPs. It requires developers of NSIPs to obtain a DCO to permit the construction, operation, maintenance and decommissioning of the project.

3.2.2 The Proposed Development is an NSIP under Sections 14(1)(a) and 15(2) of The Act by virtue of the following:

(1) The Proposed Development comprises the construction of a generating station (Section14(1)(a) of The Act);

(2) It would be located in England (Section 15(2)(a) of The Act);

(3) It would not generate electricity from wind (Section 15(2)(aa) of The Act);

(4) It would not be an offshore generating station (Section 15(2)(b) of The Act); and

(5) Its capacity would be more than 50MW (Section 15(2)(c) of The Act).

3.2.3 Section 115 of The Act sets out that development consent may be granted for ***"development for which development consent is required"*** or for ***"associated development".*** In the case of the Proposed Development, the development which constitutes ***"development for which development consent is required"*** is described as Work No.1 in Schedule 1 of the draft DCO [Doc. Ref 3.1] which constitutes the NSIP for which development consent is required, being a ground mounted solar photovoltaic generating station with a gross electrical output

capacity of over 50 MW, including solar panels fitted to mounting structures and balance of solar system plant. Works Nos. 2 to 10, including Work No. 2 (BESS), are associated development.

3.2.4 Following a change in the law[1], the BESS (Work No. 2) would not now be considered an NSIP in its own right but is capable of being associated development within the meaning provided in section 115 of The Act.

3.2.5 Section 115 of the PA2008 also provides that for development to be considered 'associated development' it must be associated with the NSIP which is being granted development consent and be located within England. The provisions of The Act do not provide a detailed framework for what type of development is capable of being associated development. However, guidance has been published to assist with this entitled 'Guidance on associated development applications for major infrastructure projects' (Department for Communities and Local Government April 2013) ('Associated Development Guidance'). It provides the following principles:

(1) There must be a direct relationship between the associated and principal development. Therefore, the associated development must support the construction or operation of the principal development;

(2) The associated development must not be an aim but subordinate to the principal development;

(3) The associated development will not be considered as such if it is only necessary as an alternative revenue for the applicant. Cross subsidy is possible, but if the associated development is only necessary for this purpose, then it would not be considered associated development;

(4) Associated development should be proportionate to the nature and scale of the principal development; and

(5) Associated development will generally be typical of the development brought forward along with the relevant type of principal development or of a kind which is usually necessary to support a particular type of project.

3.2.6 It is noted that Annex A & B of the Associated Development Guidance (which was written and published prior to the change in legislation that removed BESS from being an NSIP in its own right) does not include reference to BESS. However, it is clear from paragraph 12 of the guidance that the lists provided in the annex are illustrative only and are therefore not intended to be exhaustive or fully inclusive.

[1] Infrastructure Planning (Energy Storage Facilities) Order 2020 and Electricity Storage Facilities (Exemption) (England and Wales) Order 2020

3.2.7 The Applicant considers that the BESS is demonstrably consistent with the principles set out in the Associated Development Guidance for the reasons set out below.

3.2.8 The Applicant considers that Work No. 2 for the BESS, as explained in the Explanatory Memorandum [Doc. Ref 3.2], has a direct relationship with Work No.1, the principal development (i.e. the ground mounted solar photovoltaic generating station with a gross electrical output capacity of over 50 megawatts). The BESS will support the operation of Work No. 1 by storing electricity produced during times of peak capacity until it needs to be released. This increases the efficiency of Work No. 1; aiding both its operation as a generating station and the export of electricity to the NETS. Importantly, the BESS would not be constructed without Work No. 1, and as such is evidently dependent on it.

3.2.9 Whilst the BESS may be utilised to provide the Proposed Development an ability to cross subsidise through, for example, the release of electricity at commercially advantageous times, this is not the sole purpose of the BESS, as it will also increase the efficiency in the operation of the Proposed Development. The BESS is, therefore, not necessary for the solitary purpose of cross subsidising the Proposed Development.

3.2.10 Considering the export capacity secured by the Applicant, under Work No. 1 and Work No. 2, the BESS' inclusion in the DCO as associated development is proportionate to the nature and scale of the principal development. Finally, the Applicant considers that the BESS is the type of associated development that is typical of being brought forward alongside the principal development.

## 3.3 SECTION 104 OF THE PLANNING ACT 2008

3.3.1 Section 104 of The Act addresses the making of a decision on an application for a development consent order where a National Policy Statement (NPS) has effect to the development to which the application relates.

3.3.2 The National Policy Statements (NPS) set out the policy basis for NSIP developments. These are sector specific, covering: energy; transport; and water, wastewater and waste. There are six Energy NPSs, each covering one of the following matters: overarching energy policy; fossil fuels; renewable energy; oil and gas supply and storage; electricity networks; and nuclear power.

3.3.3 The Energy NPSs are specific in terms of which energy generation technologies they cover. These were recently updated (apart from EN-6 on nuclear power) and published on 23 November 2023 before subsequently being designated on 17th January 2024.

3.3.4 Section 1.3.4 of EN-1 confirms that it covers electricity generating stations which meet the thresholds set out in the Planning Act 2008. Section 1.6.1 of EN-3 confirms that it covers solar photovoltaic projects of more than 50MW in England.

EN-5 states at Section 1.6.2 that it covers above ground electricity lines, subject to various criteria being met. The Proposed Development does not include any above ground electricity lines. However, Section 1.6.4 then confirms that EN-5 will in addition apply to other kinds of electricity networks infrastructure, including underground cables at any voltage, where that infrastructure is subject to the 2008 Act by virtue of it being associated development for which consent is sought along with an NSIP.

3.3.5 On that basis the NPSs which have effect in respect of this NSIP are EN-1: Overarching National Policy Statement for Energy, EN-3: Renewable energy infrastructure and EN-5: Electricity Networks Infrastructure. The details of the applicable NPSs are discussed in the following sections of this Statement.

3.3.6 In those cases where an NPS has effect then the Planning Act 2008 states that the Secretary of State (SoS) in making its decision, must have regard to:

(a) Any National Policy Statement which has effect in relation to the development of the description to which the application relates (a "relevant national policy statement");

(b) any local impact report (within the meaning given by section 60(3)) submitted to the Secretary of State before the deadline specified in a notice under section 60(2);

(c) any matters prescribed in relation to development of the description to which the application relates; and

(d) any other matters which the Secretary of State thinks are both important and relevant to the Secretary of State's decision.

3.3.7 Section 104(3) of the Act states that the SoS must decide the application in accordance with any relevant NPS, except to the extent that one or more of subsections (4) to (8) applies:

(4) This subsection applies if the Secretary of State is satisfied that deciding the application in accordance with any relevant national policy statement would lead to the United Kingdom being in breach of any of its international obligations.

(5) This subsection applies if the Secretary of State is satisfied that deciding the application in accordance with any relevant national policy statement would lead to the Secretary of State being in breach of any duty imposed on the Secretary of State by or under any enactment.

(6) This subsection applies if the Secretary of State is satisfied that deciding the application in accordance with any relevant national policy statement would be unlawful by virtue of any enactment.

(7) This subsection applies if the Secretary of State is satisfied that the adverse impact of the Proposed Development would outweigh its benefits.

(8) This subsection applies if the Secretary of State is satisfied that any condition prescribed for deciding an application otherwise than in accordance with a national policy statement is met.

## 3.4 NATIONAL POLICY CONTEXT

### Energy National Policy Statements

3.4.1 The Energy NPSs were first designated on 19 July 2011 but have since been revised for the first time, with the current versions designated on 17th January 2024. They set out matters, principles and impacts that will form the basis of the SoS's decision on DCO applications for Energy NSIPs. The relevant NPSs to this NSIP are EN-1 Overarching National Policy Statement for Energy, EN-3 Renewable Energy Infrastructure, EN-5 Electricity Networks Infrastructure.

### *EN-1 – Overarching National Policy Statement for Energy*

3.4.2 NPS EN-1 sets out general principles, processes and impacts to be taken into account for all types of energy NSIP development covered by the Energy NPSs. Parts 1 to 4 of EN-1 set out a number of introductory themes, the Government's general policy on energy and energy infrastructure, the need for new nationally significant infrastructure projects and assessment principles. Part 5 then sets out a number of generic impacts of energy NSIP development.

3.4.3 Part 2 of EN-1 now sets out the commitment to achieving net zero by 2050, meeting net zero, the pressing need to decarbonise the energy sector and increase the security of future energy supplies.

3.4.4 Part 3 sets out the need for new nationally significant energy infrastructure projects which now introduces and includes a need for nationally significant solar projects. It is confirmed at paragraph 3.3.20 that, along with wind; solar electricity generation will help to reduce costs for consumers and provide a clean and secure source of electricity supply, and that a secure, reliable, affordable, net zero consistent system in 2050 is likely to be composed predominantly of wind and solar. It also confirms that solar projects above 50MW will continue to be defined as NSIPs.

3.4.5 Part 4 sets out the Assessment Principles including the general policies for the assessment of applications relating to energy infrastructure. Paragraph 4.1.3 sets out a presumption in favour of granting consent to applications for energy NSIPs given the level and urgency of need for new infrastructure unless any more specific

and relevant policies set out in the relevant NPSs clearly indicate that consent should be refused.

3.4.6 Paragraph 4.1.5 states that in considering any Proposed Development and when weighing the adverse impacts against its benefits, the Secretary of State should take into account the following:

- "its potential benefits including its contribution to meeting the need for energy infrastructure, job creation, reduction of geographical disparities, environmental enhancements, and any long term or wider benefits;

- its potential adverse impacts, including on the environment, and including any long-term and cumulative adverse impacts, as well as any measures to avoid, reduce, mitigate or compensate for any adverse impacts, following the mitigation hierarchy"

3.4.7 Paragraph 4.1.6 goes on to state that in this context, the SoS should take into account environmental, social and economic benefits and adverse impacts, at national, regional and local levels. Paragraph 4.1.7 adds that where the SoS considers that there would still be residual adverse effects after the implementation of mitigation measures, those residual effects should be weighed against the benefits of the Proposed Development.

3.4.8 Importantly, it notes that in the case of NSIPs which "qualify as CNP Infrastructure, it is likely that the need case will outweigh the residual effects in all but the most exceptional cases.". However, this does not apply to residual impacts which present an unacceptable risk to, or interference with, human health and public safety, defence, irreplaceable habitats, unacceptable risk to the achievement of net zero, offshore to navigation, or onshore to flood and coastal erosion risk.

3.4.9 Paragraphs 4.1.12 to 4.1.15 state that the SoS may consider matters that are both important and relevant to their decision-making and that this may include Development Plan documents or other documents in the Local Development Framework as well as any draft Development Plan documents. In doing so, where there is a conflict between these documents and an NPS, the NPS prevails for the purpose of SoS decision making given the national significance of the infrastructure.

3.4.10 Section 4.2 identifies the Critical National Priority for low carbon infrastructure, confirming the Government has committed to fully decarbonising the power system by 2035, subject to security of supply, to underpin its 2050 net zero ambitions. To achieve this, it requires the UK to increase the supply of low carbon energy which is dependent on deployment of renewable and nuclear power generation, alongside hydrogen and CCUS and which can only be delivered if the development of new low carbon sources of energy is at speed and scale.

3.4.11 Consequently, as set out at paragraph 4.2.3, the Government has therefore concluded that there is a Critical National Priority (CNP) for the provision of

nationally significant low carbon infrastructure. Paragraph 4.2.4 confirms that Low carbon infrastructure for the purposes of this policy means:

- for electricity generation, all onshore and offshore generation that does not involve fossil fuel combustion (that is, renewable generation, including anaerobic digestion and other plants that convert residual waste into energy, including combustion, provided they meet existing definitions of low carbon; and nuclear generation), as well as natural gas fired generation which is carbon capture ready.

- for electricity grid infrastructure, all power lines in scope of EN-5 including network reinforcement and upgrade works, and associated infrastructure such as substations. This is not limited to those associated specifically with a particular generation technology, as all new grid projects will contribute towards greater efficiency in constructing, operating and connecting low carbon infrastructure to the National Electricity Transmission System

- for other energy infrastructure, fuels, pipelines and storage infrastructure, which fits within the normal definition of "low carbon", such as hydrogen distribution, and carbon dioxide distribution.

- for energy infrastructure which is directed into the NSIP regime under section 35 of the Planning Act 2008, and fit within the normal definition of "low carbon", such as interconnectors, Multi-Purpose Interconnectors, or 'bootstraps' to support the onshore network which are routed offshore.

- Lifetime extensions of nationally significant low carbon infrastructure, and repowering of projects

3.4.12 Paragraph 4.2.15 notes that where residual non-HRA impacts remain after the mitigation hierarchy has been applied, these residual impacts are unlikely to outweigh the urgent need for this type of infrastructure. Therefore, in all but the most exceptional circumstances, it is unlikely that consent will be refused on the basis of these residual impacts unless the exceptions set out above at 3.3.5 of this Statement apply. Paragraph 4.2.16 adds that the starting point for decision-making that such infrastructure is to be treated as if it has met any tests which are set out within the NPSs, or any other planning policy, which requires a clear outweighing of harm, exceptionality or very special circumstances.

3.4.13 This means that the Secretary of State will take as a starting point that CNP Infrastructure will meet the following, non-exhaustive, list of tests:

- where development within a Green Belt requires very special circumstances to justify development;

- where development within or outside a Site of Special Scientific Interest (SSSI) requires the benefits (including need) of the development in the location proposed to clearly outweigh both the likely impact on features of

the Site that make it a SSSI, and any broader impacts on the national network of SSSIs.

- where development in nationally designated landscapes requires exceptional circumstances to be demonstrated; and
- where substantial harm to or loss of significance to heritage assets should be exceptional or wholly exceptional

3.4.14 Paragraph 4.2.18 adds that any HRA residual impacts will continue to be considered under the framework set out in the Habitats Regulations.

3.4.15 Section 4.3 sets out the environmental effects/considerations of NSIPs and notes that all proposals for projects that are subject to the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) must be accompanied by an Environmental Statement (ES) describing the aspects of the environment likely to be significantly affected by the project.

3.4.16 Paragraph 4.3.9 of EN-1 states that the relevance or otherwise to the decision-making process of the existence (or alleged existence) of alternatives to the Proposed Development is in the first instance a matter of law. It clarifies that from a policy perspective the NPS does not contain any general requirement to consider alternatives, or to establish whether the proposed project represents the best option.

3.4.17 The NPS then sets out a number of considerations for all energy NSIPs, with the following relevant to the Proposed Development: Health; Environmental and Biodiversity Net Gain; Criteria for good design for Energy Infrastructure; Climate Change Adaptation and Resilience; Network Connection; Pollution Control and Other Environmental Regulatory Regimes; Safety; Hazardous Substance; Common Law Nuisance and Statutory Nuisance; Security Considerations

3.4.18 The NPS EN-1 introduces new sections for environmental and biodiversity net gain. Paragraph 4.5.2 states: "Although achieving biodiversity net gain is not an obligation for projects under the Planning Act 2008, energy NSIP proposals should seek opportunities to contribute to and enhance the natural environment by providing net gains for biodiversity where possible."

3.4.19 Part 5 of EN-1 provides a list of Generic Impacts which are relevant to energy infrastructure. Each generic impact has been addressed in this Statement, with the following generic issues considered relevant to the Proposed Development:

- Air quality and Emissions;
- Greenhouse Gas Emissions;
- Biodiversity and Geological Conservation;
- Civil and Military Aviation and Defence Interests;

- Dust, Odour, Artificial Light, Smoke, Steam and Insect Infestation;
- Flood Risk;
- Historic Environment;
- Landscape and Visual;
- Land Use, Including Open Space, Green Infrastructure, and Green Belt;
- Noise and Vibration;
- Socio-Economic Impacts;
- Traffic and Transport;
- Resource and Waste Management; and
- Water Quality and Resources

### *EN-3 - Overarching National Policy Statement for Energy*

3.4.20 The 2011 version of EN-3 did not include solar PV as a technology within the scope of the NPS. The now designated 2024 version of NPS EN-3, as confirmed at paragraph 1.6.1, includes solar NSIP developments. There are now policies specific to the development of solar NSIPs at section 3.10. These include matters that applicants should consider in factors influencing site selection and design, technical considerations, impacts and mitigations.

3.4.21 Factors influencing site selection and design include:

- Irradiance and site topography;
- Network connection;
- Proximity of a site to dwellings;
- Agriculture land classification and land type;
- Accessibility;
- Public rights of ways; and
- Security and lighting.

3.4.22 Technical considerations include:

- Capacity of a site;

- Site layout design, and appearance;
- Project lifetime;
- Decommissioning; and
- Flexibility in the project details

3.4.23 Impacts include:

- Biodiversity and ecological conservation;
- Landscape, visual and residential amenity;
- Glint and glare;
- Cultural Heritage;
- Construction including traffic and transport noise and vibration;

3.4.24 Mitigations include:

- Agriculture Land classification and land type;
- Biodiversity and ecological conservation;
- Landscape, visual and residential amenity;
- Glint and Glare;
- Cultural Heritage; and
- Construction including traffic and transport noise and vibration.

3.4.25 It then sets out the approach the SoS should take to the decision-making process for those matters to be considered.

### *EN-5 – Electricity Networks Infrastructure*

3.4.26 NPS EN-5 sets out the policies relating to high voltage long distance transmission and distribution infrastructure. Section 1.6 confirms that the NPS covers above ground electricity lines with a nominal voltage of 132kV or above, whose length is greater than 2km and which are not a replacement line or subject to specific exemptions within The Act. The high voltage cable connecting the Project Substation with the Drakelow substation would be 132kV but would be installed entirely underground.

3.4.27 However, EN-5 confirms at paragraph 1.8.2 that any other electricity infrastructure development is covered by this NPS where it "constitutes associated development for which consent is sought along with an NSIP such as a generating station…". NPS EN-5 therefore has effect in the case of this Application due to the inclusion within the Proposed Development of inverters, transformers, switchgear, cabling, and substations that form part of the Proposed Development.

## 3.5 OTHER NATIONAL PLANNING POLICY CONTEXT

3.5.1 The following national policy is considered to be important and relevant to this application.

### National Planning Policy Framework (NPPF, 2023)

3.5.2 This Planning Statement assesses the Proposed Development against the policies within the NPPF as it considered to be important and relevant in the SoS's decision.

3.5.3 The NPPF was last revised in December 2023 and sets out the Government's planning policies for England. It is a material consideration for determining planning applications under the Town and Country Planning Act 1990 (TCPA 1990) and is primarily concerned with development at a local or regional scale. Paragraph 5 confirms the NPPF does not contain specific policies for NSIPs and that applications in relation to NSIPs are to be determined in accordance with the decision-making framework set out in The Act and relevant NPSs, as well as any other matters that are relevant.

3.5.4 Given the above, the NPPF is considered to be important and relevant where policies are applicable to the Proposed Development but is to be given less weight in the SoS's decision making process than the relevant policies in the designated Energy NPSs.

### National Infrastructure Planning Guidance

3.5.5 There are a range of guidance documents published by Government that relate to The Act and the consenting process. These have helped guide the application and reference is made to the guidance where necessary.

### National Planning Practice Guidance

3.5.6 National Planning Practice Guidance supports the policies set out within the NPPF. The guidance provides more detailed interpretation on a range of topics to assist with implementing the policies of the NPPF. Key sections include Renewable and Low Carbon Energy (last updated 18 June 2015) and Practical Guidance on Climate Change (last updated 27 March 2015).

## 3.6 LOCAL PLANNING POLICY CONTEXT

3.6.1 The Local Planning Policy Context is considered to be important and relevant to the decision-making process and provides local detail, understanding and context to the Proposed Development. The Proposed Development is located entirely within the boundaries of Derbyshire County Council (DCC) and South Derbyshire District Council (SDDC).

3.6.2 Both DDC and SDDC are the host authorities for the Proposed Development and their Development Plan Documents are considered to be important and relevant to the decision-making process.

### *Derbyshire County Council*

3.6.3 The Derbyshire County Council Development Plan comprises the following:

(1) the saved policies contained within the Derby and Derbyshire Minerals Local Plan (adopted 2000 and amended in 2002);

(2) the saved policies contained within the Derby and Derbyshire Waste Local Plan (adopted 2005);

(3) The Landscape Character of Derbyshire (2014);

(4) D2N2 Energy Strategy (2019-2030);

(5) Derbyshire and Derby Minerals Local Plan (2022-2038) – Pre-submission Draft (2023);

(6) Derbyshire Spatial Energy Study (2022); and

(7) Derbyshire County Council's Climate Change Strategy: Achieving Net Zero (2021-2025);

3.6.4 The Derbyshire Climate Change Strategy, the Derbyshire Environment and Climate Change Framework and the Derbyshire Spatial Energy Study are considered to be important to and relevant to the SoS's decision. The reason for this is due to the documents setting out the need for Solar energy and ground mounted solar to provide energy security for Derbyshire as well as meeting their own and the Government's goal to decarbonise by 2050. Appendix A of the Derbyshire Spatial Energy Study sets out the methodology of how ground mounted Solar will contribute to the decarbonisation of the energy supply providing low-cost energy to the consumer. Further detail on the Derbyshire Spatial Energy Study is provided in section 7 of this Planning Statement.

3.6.5 There are no policies identified within the Derby and Derbyshire Minerals Local Plan or the Waste Local Plan which are considered to be directly relevant to the Site or the Proposed Development.

### *South Derbyshire District Council (SDDC)*

3.6.6 The South Derbyshire District Development Plan comprises:

(1) South Derbyshire Local Plan Part 1 (2016);

(2) South Derbyshire Local Plan Part 2 (2017);

(3) Local Green Spaces Plan (2020);

(4) South Derbyshire Design Guide (SPD) (2017);

(5) Trees & Development (SPD) (2004);

(6) Planning & Lighting Design A Guide to Help Developers Design out Light Pollution (SPD) (2017);

(7) Cycling Strategy (SPD) (2001); and

(8) South Derbyshire Issues and Options (October 2022)

3.6.7 Part 1 of the SDDC Local Plan deals with the long-term vision, objectives and strategy for the spatial development of South Derbyshire. Part 2 proposes non-strategic housing allocates and detailed development management policies. It is the policies within both parts of the Local Plan which are referred to throughout this Statement, and Appendix B contains the full wording of any policies referred to within this Statement. SDDC is undertaking a review of its Local Plan, but that review remains at a relatively early stage and as such does not contain any aspects of direct relevance to this application.

3.6.8 As with the NPPF, DPDs and SPDs are prepared to guide decision making on planning applications submitted to Local Planning Authorities (in this case the Host Authority SDDC), rather than DCO applications for energy NSIPs which are to be decided by the SoS. However, DPDs and SPDs may be important and relevant to the SoS's decisions, particularly where the document contains a policy that identifies an allocated site, a safeguarded land use, or an environmental designation, or provide information regarding the mitigation of impact from a development that may affect the assessment of the Proposed Development. However, in this case no aspects of the DPDs and SPDs have been identified which are considered to go beyond the national or local policies discussed in this Statement in respect to the Site or Proposed Development.

## 3.7 OTHER IMPORTANT AND RELEVANT LEGISLATION AND POLICIES

3.7.1 This section sets out legislation and policy, other than planning legislation and policy, that the Applicant considers is likely to be important and relevant to the SoS's decision.

## Legislation

### *Climate Change Act 2008*

3.7.2 The Climate Change Act 2008 (CCA2008) set legally binding carbon budget and commitments to reduce emissions by 34% by 2020 and at least 80% by 2050 compared to 1990 levels. It sets out that this will be achieved through "*through investment in energy efficiency and clean energy technologies such as renewables, nuclear and carbon capture and storage*".

3.7.3 Further legislation, commitments and polices has consolidated the requirements of the CCA2008 such as the UK Low Carbon Transition Plan (2009) and UK Clean Growth Strategy (2017).

3.7.4 In May 2019 the UK Parliament declared a national Environment and Climate Change Emergency. The Climate Change Act 2008 (2050 Target Amendment) Order 2019 subsequently increased the reduction in emissions compared to 1990 levels from 80% to 100% by 2050, on the basis of developments in scientific knowledge and climate change which had taken place since 2008.

### *Climate Change Committee. The Sixth Carbon Budget*

3.7.5 In April 2021, following recommendation The UK government announced a further target to reduce emissions by 78% compared to 1990 levels by 2035, which would bring the UK more than three-quarters of the way to net zero by 2050. This became law in June 2021 via The Carbon Budget Order 2021.

### *Environment Act 2021*

3.7.6 The Government states that the aim of the Environment Act 2021 is to clean up the country's air, restore natural habitats, increase biodiversity, reduce waste and make better use of our resources through producer responsibility. It also sets out a requirement to provide 10% biodiversity net gain on all developments.

3.7.7 The secondary legislation has yet to be published but the current information from the Government states that BNG will apply to NSIPs from November 2025.

### Levelling Up and Regeneration Act 2023

3.7.8 The Levelling-Up and Regeneration Act 2023 (LURA) seeks to amend the consenting process for NSIPs by condensing the examination time to minimise delays along with other measures such as replacement of Environmental Impact Assessment (EIA) with Environmental Outcomes Reports (EORs).

3.7.9 However, Secondary Legislation is required to implement the relevant parts of the LURA setting out the processes and requirements and to effectively implement

the Act. At the time of submission, the Secondary Legislation has not been published and the transitionally arrangements are not fully disclosed.

### National Policies and Guidance

#### *Clean Growth Strategy (BEIS) 2018*

3.7.10 The Clean Growth Strategy is a Policy Paper which aims to guide ways to grow national income whilst cutting greenhouse gas emissions. It notes the improvements made in the costs of renewable power sources like wind and solar, and the increased levels of electricity being generated from those sources, together with the high value jobs, industries and companies' renewable energy technologies are helping to create. The Policy Paper identifies a number of key areas for progress which includes finding ways to deliver clean, smart, flexible power.

#### *A Green Future: Our 25 Year Plan to Improve the Environment (2018) and Environmental Improvement Plan (2023)*

3.7.11 The 25 Year Environment Plan set out 10 goals to be achieved over the next 25 years which include:

1) clean air;
2) clean and plentiful water;
3) thriving plants and wildlife;
4) reduced risk of harm from environmental hazards like flooding and drought;
5) the more sustainable and efficient use of resources from nature;
6) enhanced beauty, heritage and engagement with the natural environment;
7) mitigation and adaption to climate change;
8) minimisation of waste;
9) management of exposure to chemicals; and
10) enhanced biosecurity.

3.7.12 This includes achieving clean growth and a transition to a low carbon economy particularly through de-carbonising the energy sector. These goals are carried forward in the EIP.

3.7.13 The Environmental Improvement Plan (EIP) 2023 for England is the first revision of the 25 Year Plan. It builds on the previous vision with a new plan setting out the Government will work with landowners, communities and businesses to deliver the goals for improving the environment, matched with interim targets to measure progress. The aim is to restore nature, reduce environmental pollution, and increase the prosperity of the country.

### *Energy White Paper: Powering our Net Zero Future (2020)*

3.7.14 This document sets out how the UK will reach net zero emissions by 2050. It notes that as reliance on gas and coal fired electricity generations reduces clean electricity will become the predominant form of energy, entailing a potential doubling of electricity demand and consequently a fourfold increase in low-carbon electricity generation. It adds there is a need to secure this transition while ensuring reliability, resilience and affordability of energy. To deliver this, it anticipates increasing clean electricity generation fourfold with a need to decarbonise electricity in order to deliver the net zero targets and aims for a fully decarbonised, reliable and low-cost power system by 2050.

3.7.15 It states that a low-cost, net zero consistent system is likely to be composed predominantly of wind and solar. It notes that onshore wind and solar will be key of the future generation mix, along with offshore wind. To do this it will require sustained growth in the capacity of these sectors in the next decade to ensure that UK Government is able to meet net zero emissions in all demand scenarios.

### *National Infrastructure Strategy (2020)*

3.7.16 The National Infrastructure Strategy sets out plans to transform UK infrastructure in order to level up the country, strengthen the Union and achieve net zero emissions by 2050. It is in response to the National Infrastructure Commissions (NIC) 2018 National Infrastructure Assessment which undertook a review of the United Kingdom's infrastructure needs to 2055 and beyond.

3.7.17 The strategy seeks to address issues that have restricted UK infrastructure from progressing including 'stop-start' public investment, insufficient funding for regions outside of London, slow adoption of new technology, policy uncertainty that undermines private investment, and project delivery plagued by delays and cost overruns.

3.7.18 A key aim of the Strategy is to enable the UK to meet its net zero emissions target by 2050 through decarbonisation. It recognises that to achieve this the share of generation from renewables needs to dramatically increase with a greater generation capacity required from onshore wind and solar. It notes the Government will continue to support the Contracts for Difference regime which helps reduce the initial high upfront costs of renewable energy generation.

### *Net Zero Strategy: Build Back Greener (2021)*

3.7.19 This strategy sets out policies and proposals for decarbonising all sectors of the UK economy to meet our net zero target by 2050.

### *UN Climate Change Conference COP27 (2022)*

3.7.20 The countries reaffirmed their commitment to limit global temperature rise to 1.5°C above pre-industrial levels at COP26: The Glasgow Climate Pact. Governments were required to strengthen their 2030 targets and to prepare National Climate Plans by the end of 2023 to phase out fossil fuels and increase low-emission and renewable energy generation within their clean energy mix. This is to ensure that countries and Governments remain committed to the agreements made at COP26.

### *British Energy Security Strategy (2022)*

3.7.21 This Strategy seeks to ensure that the UK can become more independent and resilient with regard to its energy requirements. It sets out the broad method for achieving this whilst also meeting the net zero targets. Key to this is accelerating the roll out of renewables to aid the transition away from fossil fuels.

3.7.22 For solar it set an ambition for up to 70GW of solar by 2035 as well as making improvements in network infrastructure and connectivity and to streamline network charging rules by 2024.

### Powering Up Britain – Energy Security Plan (2023)

3.7.23 The Government's Powering Up Britain – Energy Security Plan (2023) complements the Government's broader Powering Up Britain (2023) document and sets out a need to transition to a low carbon economy in which low carbon energy generation will have a significant role in the decarbonisation process. It sets out that the key commitment to achieving this is the need for 70GW of solar energy generation by 2035. This represents a fivefold increase on the current installed capacity in less than 12 years. It notes that ground-mount solar is one of the cheapest forms of electricity generation and is readily deployable at scale. Ground mounted solar developments should be directed to brownfield, industrial and low and medium grade agricultural land.

## Local Policies and Guidance

### *Derbyshire Climate Change Strategy (2022 – 2025)*

3.7.24 Vision Derbyshire is a collective commitment between Derbyshire's County, District and Borough Councils, to strategically collaborate to improve outcomes for people and places, speak with one voice as a county, and coordinate resources better and more sustainably. This sets out a number of strategic visions including strengthening the low carbon economy and sustainable transport, travel and infrastructure.

### *SDDC Climate Emergency and Environmental Management (2019), Climate and Environment Strategy (2021) and Climate and Environment Action Plan 2021-30 (2022)*

3.7.25 SDDC declared a Climate Emergency in June 2019, in which it committed to:

- Strive to make all South Derbyshire District Council owned activities carbon neutral by 2030 and achieve carbon neutrality across South Derbyshire before the Government target of 2050.
- Call on the UK Government to provide the powers and resources to make the 2030 target realistic.
- Work with partners across the District and region to deliver this goal through all relevant strategies.

3.7.26 The Climate and Environment Strategy (2021) set out a broad approach to tackling climate change in which the Council also committed to preparing an Action Plan which was published on 3rd July 2022.

# 4 THE PROPOSED DEVELOPMENT

## 4.1 INTRODUCTION

4.1.1 The Proposed Development comprises a solar park with an associated Battery Energy Storage System (BESS). The Proposed Development would have a generating capacity of over 50MW and would be situated on 191 hectares of land at Oaklands Farm to the south-east of Walton-on-Trent and to the west of Rosliston in south Derbyshire.

4.1.2 The solar farm itself, comprising photovoltaic panel arrays, a central electricity substation and BESS together with access, landscaping and other works would be located on 135 hectares of agricultural land currently in use for arable production and grazing. A high voltage underground electricity cable would then run through land at Fairfield Farm and Park Farm to the north to connect the solar farm to the national grid via an electricity substation located at the former Drakelow Power Station which sits south of Burton-upon-Trent. As the Proposed Development would be an onshore generating station with a generating capacity of over 50MW an application for a Development Consent Order is being made under the Planning Act 2008 to the Planning Inspectorate, for determination by the Secretary of State for Energy Security and Net Zero.

4.1.3 A full description of the proposed works is provided in Chapter 4 of the ES [Doc. Ref 6.1], with the Proposed Development summarised for ease in this section of the Planning Statement.

## 4.2 THE PROPOSED DEVELOPMENT

### *Policy Context*

4.2.1 Section 4.7 of EN-1 sets out the criteria for good design for energy infrastructure which seeks to ensure that good design is embedded within the project development.

4.2.2 EN-3 recognises that solar farms will have their own technical requirements to ensure that they are viable and efficient. EN-3 also notes that the solar arrays will be arranged in a manner that maximises their efficiency and output and that the type, spacing and aspect of panel arrays will depend on the physical characteristics of the Site such as site elevation. EN-3 recognises that the precise details of NSIPs are unlikely to be confirmed at the point of submitting the application. For solar projects this include details relating to the type, number and dimensions of the panels, layout and spacing, type of inverter or transformer and the inclusion, or not, of energy storage.

4.2.3 The Proposed Development is defined through the Application in a number of ways. The dDCO [Document 3.1] and Works Plans [Document 2.3] establish a series of Works which will take place across different parts of the Site. The Design Parameters set out within the ES [Document 6.1] define the parameters for each of those Works, which are then assessed in the ES using the 'Rochdale Envelope' approach, in order to provide for an element of flexibility as set out in EN-3. Allowing for an appropriate element of flexibility is considered to be important, particularly in order to allow for any technological advances in solar generation and battery storage to be taken into account. The Illustrative Concept Design and other illustrative details provided as Figures to Chapter 4 of the ES then demonstrate how the Proposed Development could come forward, with those Works and defined Parameters.

4.2.4 The Design Statement [Document 7.2] describes in detail the approach to the design of the Proposed Development and how that has evolved during the preparation of the Application to demonstrate good design and to take account of various matters, including consultation with local stakeholders and statutory bodies and continued technical assessment of the Site and the Proposed Development.

### *The solar park*

4.2.5 The main solar arrays would comprise solar photovoltaic panels fixed to ground mounted structures, arranged in parallel south facing lines. The electricity created is transferred from the panels to string inverters; small installations strategically placed within the arrays which convert the electricity from direct current (DC) to alternating current (AC) for export to the grid, before being transferred via transformer stations set close to the solar arrays onto the central Project Substation.

4.2.6 The solar arrays proposed for the Proposed Development would have a maximum height of 2.7m above ground level, with a minimum height of 0.8m above ground level, providing flexibility for different panel sizes or technologies to be employed. The panels would be fixed in position and installed at an angle of between 15 and 22 degrees. The mounting structures would be installed using driven steel piles, set some 2m into the ground, apart from at one location on the Site where concrete foundations may need to be used due to the presence underground of a local water main.

4.2.7 The solar photovoltaic panels would have glass which is coloured dark blue or black to maximise efficiency. The frame of the panels and the mounting structures would be bare metal (either aluminium or stainless steel) in colour.

4.2.8 The full potential extent of the solar arrays is defined by Work No.1 on the Works Plans [Document 2.3]. However as demonstrated in the application by aspects such as the tree retention plan, and as then shown on the illustrative layout plan [Document 6.1 - Environmental Statement – Figure 4.1], in reality the location,

layout and extent of the solar arrays would directly reflect existing field boundaries and the presence of existing mature trees.

### BESS

4.2.9 The proposed BESS would perform two roles. In the first instance it would be designed to store electricity generated by the solar arrays in order to discharge that to the grid when market and grid conditions are most favourable. The proposed BESS would provide an ancillary service in being able to import electricity from the grid and storing it until it is most required.

4.2.10 As demonstrated through the Design Parameters the BESS comprises a fenced compound of up to 0.8ha containing a series of batteries within containers and ancillary equipment including power conversion system units, an auxiliary transformer and monitoring systems. There would be a maximum of 78 containers, each of which would fit within standard dimensions of 9.43m by 1.73m in footprint with a height of up to 2.52m and would be dark green or recessive grey in colour.

4.2.11 The BESS would then include up to 13 power conversion system units which would be containers of a similar design and scale to the battery containers, at a footprint of 6.1m by 2.44m and a height of up to 2.9m. A single BESS auxiliary transformer would be constructed which is larger, at up to 8.5m by 4.9m footprint and up to 3m high.

4.2.12 Each battery container would have an internal fire suppression system which would be automatically triggered in the event of a significant temperature increase. Sufficient spacing would then be provided between individual containers in order to prevent a thermal runaway incident from spreading across different battery containers. Provision has also been made within the design parameters for the inclusion of sufficient water supply and water containment as an alternative method of preventing thermal runaway across multiple units, together with containment infrastructure beneath and around the BESS to capture any firefighting water for testing prior to its discharge or removal from site.

### *Project Substation*

4.2.13 The Project Substation acts as the connection point for the various string inverters and small transformers located throughout the solar arrays and increases the voltage of the Alternating Current electricity from 33 kilovolts to a level, in this case 132 kilovolts, which is suitable to be transferred to the National Grid. The Project Substation would comprise up to 2 large 33/132 kilovolt transformers, situated in an area of up to 0.6ha in the central part of the Site, adjacent to the BESS. The substation would contain various elements including a control building, Static Synchronous Compensator Units, a staff welfare unit, storage units, fire water storage and deluge system, parking and storage areas and associated CCTV systems, fencing and gates. The highest feature would be 132kV harmonic filter compound which would be up to 7m high.

4.2.14 The Project Substation would have specific parts set on impermeable foundations, with the remainder of the compound comprising permeable crushed stone and type 1 hardstanding.

### *Cable route and crossing points*

4.2.15 A 132kV cable would be laid from the Project Substation to the Drakelow substation to the north, to connect the Proposed Development to the national grid. The cable would be laid entirely underground and would primarily be laid using an open trenching method, with the trench up to 3m deep and wide. Provision has been made for a corridor of 50m to provide flexibility as to the final routing of the cable and to allow for the works associated with the installation of the cable to take place within that corridor.

4.2.16 From the point at which the cable leaves the Project Substation it would head north through Oaklands Farm before reaching Rosliston Road, which would be crossed either using trenching or directional drilling, with a maximum depth of 20m should directional drilling be used. After crossing Rosliston Road the cable would continue to run north through Fairfield Farm and Park Farm before reaching Walton Road. During that section the cable would be required to cross a watercourse at several locations; one to the south of Rosliston Road, one at Rosliston Road itself and three just to the north of Rosliston Road, with provision made within Work No4B to stop up watercourses in order to install the cable and permanent or temporary culverts as necessary. If watercourses are crossed with trenching, then the cable would be laid at 1.7m below the watercourse or the cable would run through culvert structures if culverting was used.

4.2.17 At Walton Road the cable would cross into land associated with the Drakelow substation, using either trenching or directional drilling to cross Walton Road. Open trenching would then be used to route the cable through the land adjacent to Drakelow substation before the cable enters the Drakelow substation itself. It is expected that some trees and vegetation will be needed to be removed from that aspect of the route, albeit important trees or those with ecological potential would be retained. Work No.5 then makes provision for the general technical works required to connect the cable to the substation itself, including jointing bays, fibre bays, cable ducts and electrical kiosks and cabinets.

### *Fencing and enclosure*

4.2.18 Work No.7 makes provision for various designs of fencing to be used across the Proposed Development, with some 11,000m of perimeter fencing proposed across the development in total. The standard approach would be to use standard deer fencing commonly used at solar farms which is wire mesh attached to 2.1m-high wooden posts which are piled into the ground. Where greater security is required, such as alongside public roads, 2.1m wire mesh fencing attached to steel posts would be used, potentially with a single line of barbed wire.

4.2.19 The BESS and Project Substation would be surrounded by robust steel palisade security fencing of up to 3m high for added security and protection for from high voltage electrical infrastructure.

4.2.20 Other fencing used where appropriate within the development would be 1.5m post and wire agricultural stock fencing.

4.2.21 All access points will be secured with appropriate metal gates and security measures to prevent unauthorised access to the Proposed Development.

### *Lighting, CCTV and other ancillary equipment*

4.2.22 EN-3 acknowledges that a certain level of security and lighting will be required to secure the Site and various equipment as well as providing safety precautions.

4.2.23 CCTV would be installed at appropriate locations around the Solar Park site with up to 250 cameras proposed, with the CCTV to be mounted on 3.51m poles. Temporary lighting would be used for construction around the construction compounds, with permanent lighting restricted to security lighting on buildings, storage and welfare units which would be downward facing.

4.2.24 Up to 10 small weather stations would be placed around the Solar Park site.

### *Landscaping and ecological enhancements*

4.2.25 Various new habitats would be created across the Site, with Work No.9 making provision for specific landscape areas and with Work No.7 providing more generally for landscaping across the wider solar park site. An Outline Landscape and Ecological Management Plan is included in the application, with a full LEMP to be submitted under Requirement 8. The LEMP makes provision for the creation of new habitats, including woodland and scattered trees, grassland, hedgerow, standing water and running water, and then specifies the measures to manage and enhance that habitat. The Applicant has had regard wherever possible when proposing that new landscaping to the guidance provided for the National Forest, as set out in Local Plan Policy INF8. Overall, the Proposed Development is assessed as creating a biodiversity net gain of 125% in habitat units, 20% in hedgerow units and 20% gain in river units across the Site.

### *Permissive Paths*

4.2.26 A new permissive path is proposed within the solar array area, which would link PROW SD/13/4/1 to the south of the Site through to PROW SD13/1/1 where it meets the eastern boundary of the Site, and to SD38/6/4 which is the Cross Britain Way, thereby providing a direct footpath connection between those PROWs which does not exist at present. The path would either be a short-mown corridor or

wooden board walk and would be contained as necessary by fencing and landscaping.

### *Drainage Infrastructure*

4.2.27 Surface water within the solar array areas will be allowed to percolate naturally into the underlying soil.

4.2.28 The BESS compound and Project Substation would include impermeable subbases to contain any fire water runoff. The BESS would be entirely placed on an impermeable subbase, with elements of the Project Substation being contained and with other elements being placed on permeable hardcore bases which would be naturally draining. Water arising from the impermeable areas of the BESS and substation would be contained with bunds and in the event of a fire event would be directed using control valves to be contained within a containment tank/pond.

4.2.29 Where access tracks are being constructed, they would use compacted gravel so as to remain permeable, with a crossfall designed towards a drainage trench to contain and allow excess water to naturally infiltrate into the soil.

### *Access - Wider Connections*

4.2.30 The Site sits between the A38 to the west as it runs between Burton-upon-Trent and Lichfield, and the M42/A42 to the east as it runs between Ashby-de-la-Zouch and Tamworth. The A444 connects both roads and runs to the north of the Site. A network of roads then sits in the vicinity of the Site and bisect the various parcels and farmsteads identified, including Walton Road to the north, Rosliston Road in the centre and Coton Road to the south.

### *Construction and decommissioning accesses*

4.2.31 During the construction phase the preferred route for construction vehicles accessing the Site would be from the north west/west via the not yet constructed Walton Bypass, which would link the Site to the A38 to the west and which would allow construction vehicles to enter the Site from Walton Road in the north before travelling south through Park Farm and Fairfield Farm to reach the Site itself.

4.2.32 However there continues to be doubt regarding the delivery of the Walton Bypass within the timeframe required. A series of backup routes have therefore been identified and assessed. Those comprise a primary Heavy Goods Vehicle (HGV) route entering the Site via Walton Road from the north-east, having travelled from the A38 via Burton-on-Trent. Secondary access routes for light goods and small vehicles would be from the south and south-west or via that same primary HGV route. Any abnormal loads would reach the Site from the east, from the A42 via Coton-in-the-Elms, which would also function as a secondary HGV route in the event of emergencies like temporary road blockages or closures.

4.2.33 Under that backup scenario the Primary construction and decommissioning access route for HGVs would be used, which involves the creation of a new temporary construction haul road across private agricultural land to avoid HGVs going through the villages of Walton-on-Trent and Rosliston. The new route would be created off Walton Road to the north, where separate entry and exit points are proposed. A circulatory, one-way arrangement would be established around Park Farm, with a new temporary construction haul road then installed across agricultural land to reach the Oaklands Solar site to the south, constructed from compacted stone and gravel, geo membrane or mown grass as appropriate. The haul road will run south to Rosliston Road, where HGVs would cross with appropriate traffic management to enter the main Oaklands Farm site. HGVs will return along this route running north to exit the Oaklands Farm site, ensuring that all HGV movements to and from site will utilise the new temporary haul road to avoid having to go through the villages of Walton-on-Trent and Rosliston, limiting impact on the local road network.

4.2.34 Small construction vehicles would also be able to access the Oaklands Farm site from the east and west via existing farm access points off Coton Road and Catton Lane. Abnormal loads would enter the Site from Coton Road in the south, via an improved existing farm access.

4.2.35 A new access would be created to the north of Walton Road into the land adjacent to the Drakelow substation, for the purposes of constructing the cable connection as it crosses Walton Road and continues to link to the point of connection within the Drakelow substation.

4.2.36 During the construction phase the various construction accesses and exits from the Site would be managed by a combination of temporary traffic lights or banksmen.

4.2.37 Following the completion of the construction process the temporary construction track north of Rosliston Road would be removed and the ground reinstated.

4.2.38 At the end of the life of the Proposed Development, a similar temporary haul road for HGVs following the same route and parameters as the described construction track, would be installed to facilitate decommissioning.

### *Operational Accesses*

4.2.39 During operation the main access to the Site would be from Coton Road in the south, via the improved existing farm access. Small operational vehicles would continue to be able to access the Site via existing farm accesses off Coton Road to the west and via Catton Lane, but with all vehicles exiting the Site at the main entrance/exit on Coton Road. The construction access point and haul road installed to the south of Rosliston Road would be retained during operation but would be gated and only available for access to respond to emergency incidents such as accidents or injury to personnel.

4.2.40 At Drakelow substation the new junction and construction access installed by the Applicant for laying cabling to connect to the national grid would be retained for the purposes of any monitoring and management of the cable route. National Grid's existing operational access into the Drakelow substation would be used for any maintenance works required specifically within the substation itself, at the point of the cable connecting into the substation infrastructure.

### *Internal Tracks*

4.2.41 A series of internal tracks would be constructed to provide operational access across the solar park and would be constructed from compacted stone and gravel with a weed membrane, or mown grass corridors. Culverts would be used where those tracks would cross existing watercourses.

## 4.3 THE PROPOSED WORKS

4.3.1 All works that are part of the Proposed Development are listed in Part 1 to Schedule 1 of the draft DCO [Document 3.1]. A summary of the works proposed to facilitate the Proposed Development are set out below:

- **Work No. 1** – a ground mounted solar photovoltaic generating station;
- **Work No. 2** – a battery energy storage system compound;
- **Work No. 3** – works in connection with a new 132/33kV onsite substation;
- **Work No. 4** – works to trench and lay 132 kilovolt electrical cables connecting Work No. 3 and Work No. 5;
- **Work No. 4A** – crossing Rosliston Road with electrical cabling;
- **Work No. 4B** – temporary stopping up of watercourses to trench and lay cables, installation of culverts, drainage and other features to cross watercourses;
- **Work No. 4C** – crossing Walton Road with electrical cabling;
- **Work No. 4D** - crossing Coton Road with electrical cabling;
- **Work No. 5** – connection and installation works to the existing transmission network substation including works to trench and lay 132 kilovolt electrical cables connecting to Work No. 4C;
- **Work No. 5A** – construction, operational maintenance and decommissioning access for Work No. 5;

- **Work No. 5B** – access to National Grid operational land for the construction, operational maintenance and decommissioning for Work No. 5;
- **Work No. 6** - temporary construction and decommissioning of access track and compounds;
- **Work No. 7** – general works;
- **Work No. 8** – works to facilitate access for all works excluding Work No. 5;
- **Work No. 9** – works for areas of habitat management; and
- **Work No. 10** – works to implement new permissive path through Site.

4.3.2 The locations of the above Works are shown on the Works Plans [Document 2.3] with the permitted location of each Work No. identified by the corresponding Works Area.

## 4.4 GENERATING CAPACITY

4.4.1 EN-3 confirms that the capacity of solar generation should be measured in alternating current (AC) based on the maximum capacity of the installed inverters rather than the direct current (DC) capacity of the solar panels before inversion. The current grid connection agreement between the Applicant and NGET allows for the initial anticipated electricity generation capacity of the Project, of circa 168MW, to be exported to the grid. This may increase or decrease subject to further agreement with NGET and efficiency of solar panels to generate electricity. Further details are provided in the Grid Connection Statement [Document 7.3]. This confirms that the capacity of the Proposed Development is in excess of 50MW (AC).

4.4.2 Paragraph 2.10.55 notes that the efficiency of solar panels degrades over time and proposes that applicants may consider 'overplanting' as a way of mitigating this. However, solar panels generally require replacing after 20-25 years and as the technology improves the efficiency of a solar panel is likely to improve as well. Therefore, in order to address degradation, the applicant would replace any degraded solar panels with new solar panels on a like-for-like basis. This approach is accepted in Paragraph at 2.10.67.

## 4.5 CONSTRUCTION

4.5.1 Subject to being granted consent and following a final decision, the earliest construction could start would be in 2026. Construction is expected to take up to 24 months, with operation assessed as being no earlier than mid-2027. Appendix

4.1 of the ES sets out an indicative construction programme. The Proposed Development will be built in phases although construction of the different phases is likely to be delivered concurrently.

4.5.2 It is estimated that an average of 114 construction workers will be onsite during construction, which is then likely to peak at up to 150 workers. Fewer staff will be required during less busy parts of the construction period. Working hours on site will run from 7am until 7pm Monday to Friday and 8am until 2pm on Saturdays with no working on Sundays, or Bank/public holidays.

4.5.3 Measures to control and minimise the impacts of construction are set out in the Outline Construction and Environmental Management Plan (OCEMP) [Document Outline Construction Traffic Management Plan (OCTMP) attached at Appendix 4.3 and 10.1 of the ES [Document 6.1] respectively. Both documents seek to ensure that the construction process will avoid, reduce or mitigate any potential impacts through construction on the environment and local community. Detailed versions of these documents would then be prepared following the granting of any DCO for the Proposed Development to control the construction activities. The requirement for those final versions of the CEMP and CTMP is secured by Requirements 9 and 10 of the dDCO.

## 4.6 OPERATION

4.6.1 During the operational phase of the Proposed Development activity within the Site will be limited to vegetation management, equipment maintenance and servicing, replacement and renewal of any components that fail, and monitoring. It is anticipated that maintenance and servicing would include the inspection, removal, reconstruction, refurbishment or replacement of faulty or broken equipment and adjusting and altering the PV Array orientation to ensure the continued effective operation of the Proposed Development and improve its efficiency.

4.6.2 Along the Grid Connection Route, operational activity will consist of routine inspections and any reactive maintenance such as where a cable has been damaged.

4.6.3 The connection to the existing National Grid network at Drakelow Power Station will be maintained by National Grid Electricity Transmission (National Grid Electricity Transmission).

4.6.4 Once the construction phase of development has been completed it is anticipated that there will be up to three permanent staff onsite during the operational phase with additional staff attending when required for work relating to but not limited to maintenance and cleaning activities. Parking onsite will be provided for a small number of vehicles will be provided. An office, small warehouse and plant storage buildings are proposed as part of Work No. 8.

4.6.5 An outline Operational Environmental Management Plan (OEMP) has been submitted in support of the application and provides further detail on how the Proposed Development will be managed over its lifetime [Appendix 4.4 of the ES – Document 6.1].

4.6.6 During operation, no part of the Proposed Development will be continuously lit. Manually operated and motion-detection lighting will be utilised for operational and security purposes around electrical infrastructure such as inverters, transformers and switchgear across the Solar PV Array Works Area, and within the BESS Compound, the proposed Substations and connection points to the National Grid in the Site. Any lighting will be directed downward and away from boundaries. Perimeter lighting for the Solar PV Array Works Areas will be infra-red only, and not 'visible light' will be utilised, except at the Site entrance points.

4.6.7 The Proposed Development is designed to have an operational life span of 40 years.

## 4.7 DECOMMISSIONING

4.7.1 Once the development has reached its operational life the Proposed Development will be decommissioned. Decommissioning is expected to take between 12 and 24 months and will be undertaken in phases. The land where the ground mounted Solar PV panels are installed will be returned to its original use after decommissioning. An assessment would be undertaken prior to decommissioning as to whether there are any factors, for example the presence of ecological features, which means that it would on balance be best to leave particular aspects of the development (for example a buried cable) in situ.

4.7.2 The cabling on or near the surface, inverters, transformers, switch gear, fencing and any other ancillary infrastructure along with the onsite battery shortage system will be removed and, recycled and disposed of following best practice following the waste hierarchy. All waste will be disposed of following the legislation at the time of decommissioning.

4.7.3 A Decommissioning Environmental Management Plan will be prepared to control the decommissioning process and would include timescales, proposed works and methods of decommissioning including traffic management. This will be agreed in advance with the local planning authority and is secured by a requirement of the DCO.

# 5 BENEFITS OF THE PROPOSED DEVELOPMENT

5.1.1 The key benefits of the Proposed Development are as follows:

- The ability to generate a significant amount of electricity, some 138MW, from a renewable energy source, capable of powering some 35,000 homes and contributing to the urgent need for new low and zero carbon energy infrastructure in the UK and delivering a development which national policy identifies as being a Critical National Priority.
- Including an energy storage element to the development, ensuring that electricity generated by the solar arrays can be stored and released to the grid as appropriate, but also helping to improve the resilience and flexibility of the wider electricity network by allowing electricity to be imported and stored before being released when appropriate.
- Securing a biodiversity net gain of 125% in habitat units, 20% in hedgerow units and 20% in river units, through a comprehensive scheme of landscaping and biodiversity improvements around the Site.
- Creating a new permissive path through the Proposed Development which will provide connectivity across the Site and improve the connectivity of the Public Rights of Way network in the surrounding area;
- Create employment opportunities and economic activity, particularly during the construction phase when it is expected that an average of 149 jobs will be created, with an equivalent of 8 full time jobs being created during the operation of the Proposed Development.

5.1.2 Prior to construction commencing, the Applicant will actively engage with local residents to discuss the programme of work, address any concerns raised and determine how the Principal Contractor can minimise the impacts of construction on local residents.

## 5.2 COMMUNITY BENEFIT FUND

5.2.1 The Applicant has committed to providing a Community Benefit Fund, details of which are available at the Applicant's website[2]. The Applicant has confirmed an annual community benefit of £55,000 a year for the 40-year lifetime of the Proposed Development, with that money intending to be distributed to local causes via a local community fund. Full details of the mechanism for applying for that funding and of the type of projects which could benefit from that would be

[2]www.baywa-re.co.uk/en/solar/oaklands-solar-farm

defined closer to the point of the Proposed Development becoming operational, should Development Consent be secured.

5.2.2 The Community Benefit Fund does not form part of the DCO application and the funding provided is not required in order to mitigate the impacts of the Proposed Development. The SoS cannot therefore apply any positive weight to the presence of a Community Benefit Fund when assessing this Application, and as such the Community Benefit Fund is not included within any planning balance presented within this Planning Statement.

# 6 PLANNING APPRAISAL OF THE PROPOSED DEVELOPMENT

## 6.1 INTRODUCTION

6.1.1 This following section assesses the Proposed Development against the planning policy context identified in section 4 of this Statement. Those policy requirements are primarily set out in NPS EN-1, NPS EN-3 and NPS EN-5. It also includes the National Planning Policy Framework at a national level as well as the Local Policies set out in the Derbyshire County Council Local Plan and the South Derbyshire District Council Local Plan which are considered important and relevant to the decision-making process.

6.1.2 Appendix C provides a table directing where relevant sections of the NPS and Local Plan Policies have been addressed in specific documents.

6.1.3 The appraisal deals with the following matters:

(1) Principle of and Need for the Proposed Development;

(2) Air Quality and Emissions;

(3) Greenhouse Gas Emissions and Climate Change;

(4) Biodiversity and Geological Conservation;

(5) Civil and Military Aviation and Defence Interests;

(6) Dust, Odour, Artificial Light, Smoke, Steam and Insect Infestation;

(7) Flood Risk;

(8) Historic Environment;

(9) Landscape and Visual;

(10) Agricultural Land, Land Use and Contamination;

(11) Noise and Vibration;

(12) Socio-Economic Impacts and Human Health;

(13) Transport and Access;

(14) Resource and Waste Management;

(15) Water Quality and Resources;

(16) Glint and Glare;

(17) Major Accidents and Disasters and Safety;

(18) Other Matters (Arboriculture, Minerals and Waste Safeguarding, Electric and Electro-Magnetic Fields and Utilities).

# 7 PRINCIPLE OF AND NEED FOR THE PROPOSED DEVELOPMENT

## 7.1 POLICY SUMMARY

7.1.1 Paragraph 3.3.20 of EN-1 confirms that a secure, reliable, affordable, net zero consistent national energy system in 2050 is likely to be composed predominantly of wind and solar. Paragraph 3.3.62 adds that the Government has concluded that there is a Critical National Priority (CNP) for the provision of nationally significant low carbon infrastructure.

7.1.2 Paragraph 3.3.63 identifies that the urgent need for CNP Infrastructure to achieving energy objectives, together with the national security, economic, commercial, and net zero benefits, will in general outweigh any other residual impacts not capable of being addressed by the application of the mitigation hierarchy. EN-1 is clear that Government strongly supports the delivery of CNP Infrastructure and it should be progressed as quickly as possible.

7.1.3 EN-1 later confirms, at paragraph 4.2.4, there is a CNP for the provision of nationally significant low carbon infrastructure which includes for electricity generation, all onshore and offshore generation that does not involve fossil fuel combustion i.e. solar generation and for electricity grid infrastructure, all power lines in scope of EN-5 including network reinforcement and upgrade works, and associated infrastructure such as substations.

7.1.4 Consequently EN-1 confirms that the overarching need case for each type of energy infrastructure and the substantial weight which should be given to that need is the starting point the assessment of energy infrastructure applications.

7.1.5 The NPPF confirms in chapter 14 that the planning system should support the transition to a low carbon future in a changing climate and it should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources; and support renewable and low carbon energy and associated infrastructure.

7.1.6 At the County level the Vision Derbyshire Climate Change Strategy (2022 – 2025) is a shared commitment across Derbyshire's County, district and borough councils, to strategically collaborate to improve outcomes for people and places, speak with one voice as a county, and coordinate resources better and more sustainably. The Strategy sets out a county-wide target of net zero by 2050 which is aligned with the UK's legal commitment to deliver net zero by 2050. A strategic vision is strengthening the low carbon economy.

7.1.7 The D2N2 Local Enterprise Partnership (LEP) is a collaboration between Derby, Derbyshire, Nottingham and Nottinghamshire City and County Councils to deliver

recovery and growth to the area. Their Energy Strategy sets a number of targets to be delivered by 2030 including achieving 100% low carbon energy supply with 60% of D2N2 electricity consumption generated by local low carbon sources.

7.1.8 The Derbyshire Spatial Energy Study (2022) assesses the current situation and the future of the energy system in Derbyshire. It notes that energy consumed in Derbyshire is now largely sourced from outside the region, and supplied through the national electricity grid, but that energy generated within Derbyshire (some 270.5MW in 2021) comprises primarily renewable sources, being 76.2% solar, 10.3% onshore wind and 10% energy from waste. Energy demand in Derbyshire is expected to rise due to various factors (including population increase and further non-domestic development), whilst the County needs to reduce carbon emissions by some 13.5% a year in order to meet its local and regional carbon reduction targets. The document identifies that between 50 – 300MW of low carbon energy generation could be developed in Derbyshire up to 2040, with commercial solar PV included in that mix, albeit the Study is considering solar PV schemes of up to 50MW. The Study also notes the potential for renewable and low carbon energy to generate significant socio-economic benefits at national, regional and local scales.

7.1.9 South Derbyshire District Council (SDDC) declared a Climate Emergency in June 2019 and committed to:

- Strive to make all South Derbyshire District Council owned activities carbon neutral by 2030 and achieve carbon neutrality across South Derbyshire before the Government target of 2050.
- Call on the UK Government to provide the powers and resources to make the 2030 target realistic.
- Work with partners across the District and region to deliver this goal through all relevant strategies.

7.1.10 The Council have prepared a Climate and Environment Strategy (2021) and a Climate and Environment Action Plan 2021-30 (2022) to deal with how SDDC will reduce Council emissions across the Council services.

7.1.11 Policy SD6 of the SDDC Local Plan supports renewable and other energy developments and ancillary buildings or infrastructure subject to the following considerations:

i) that the environmental effects of the proposal have been appropriately considered and schemes will not give rise to unacceptable impacts on landscape or townscape character, ecology, the historic environment or cultural heritage assets.

ii) that proposals will not give rise to unacceptable impacts on local amenity, or give rise to safety concerns, as a result of noise, shadow flicker, electromagnetic interference, emissions to the air or ground, odour or traffic generation and congestion.

## 7.2 APPLICANT ASSESSMENT

7.2.1 NPS EN-1 confirms the Government has concluded that there is a **Critical National Priority** (CNP) for the provision of nationally significant low carbon infrastructure. The NPS defines low carbon infrastructure as including:

- for electricity generation, all onshore and offshore generation that does not involve fossil fuel combustion (that is, renewable generation, including anaerobic digestion and other plants that convert residual waste into energy, including combustion, provided they meet existing definitions of low carbon; and nuclear generation), as well as natural gas fired generation which is carbon capture ready.

- for electricity grid infrastructure, all power lines in scope of EN-5 including network reinforcement and upgrade works, and associated infrastructure such as substations. This is not limited to those associated specifically with a particular generation technology, as all new grid projects will contribute towards greater efficiency in constructing, operating and connecting low carbon infrastructure to the National Electricity Transmission System

7.2.2 Therefore, solar generation falls within the definition of being low carbon infrastructure and thus the delivery of this NSIP is a Critical National Priority. Paragraph 3.3.63 confirms there is an urgent need for CNP Infrastructure which is key for the Government to achieve their energy objectives and Net Zero.

7.2.3 This urgent and pressing need to provide low carbon infrastructure and solar generation stems from the changing position of the UK's approach to energy generation and the net zero targets over the last 10 years or so. The UK is legally bound through the Climate Change Act 2008 (CCA2008) to reduce carbon emissions. The CCA2008 is underpinned by further legislation and policy measures which have developed in the last 15 years. This is also coupled with an increased need and urgency for decarbonisation in order to meet the UK's obligations under the Paris Agreement (2015) to stop the world's average temperature rising more than two degrees, or ideally 1.5°C.

7.2.4 To help achieve this, the CCA2008 (as amended in 2019) legally commits the UK Government to reducing carbon emissions by 100% by 2050 against the 1990 emissions including a legally binding commitment for the UK to reach net zero carbon emissions by 2050. The Government's Energy White Paper: Powering our Net Zero Future published in 2020 identifies the Government's aim for a fully decarbonised, reliable and low-cost power system by 2050 and that the future energy generation mix for this system is likely to be composed predominantly of wind and solar.

7.2.5 The UK Government's Net Zero Strategy (2021) proposes to guarantee the UKs homes and businesses are supplied with affordable, clean, and secure electricity by 2035. Most notably, the plan sets ambitious targets to completely decarbonise the UK energy system by 2035, as well as supporting low carbon fuel supply, and

seeks to accelerate the deployment of low-cost renewable generation, such as wind and solar. The British Energy Security Strategy (2022) confirms that the current solar capacity of the UK is at 14GW and the Strategy seeks to achieve a five-fold increase by 2035 to a capacity of 70GW in just 13 years. It also reaffirms the need for the UK to be more self-sufficient in its energy supplies and less susceptible to world events, such as Russia's illegal invasion of Ukraine.

7.2.6 The Powering Up Britain: Energy Security Plan (2023) builds upon the previous documents and reiterates the commitment to delivering 70GW of solar by 2035. It recognises that "ground-mounted solar is one of the cheapest forms of electricity generation and is readily deployable at scale. The Government seeks large scale ground-mounted solar deployment across the UK, looking for development mainly on brownfield, industrial and low and medium grade agricultural land. It also recognises that "solar and farming can be complementary, supporting each other financially, environmentally and through shared use of land."

7.2.7 There are further national, regional and local targets and objectives to deliver low carbon energy generation and to achieve net zero. At the County level the Derbyshire Spatial Energy Study highlights that levels of renewable energy in the County are strong, with solar PV playing an important role in that mix. However the County is still reliant on energy generated from outside the County area and has aspirations to increase the amount of renewable energy generated in order to meet its own carbon reduction targets. Similarly South Derbyshire District Council, through its Local Plan, makes clear its support for renewable energy generation, where environmental factors have been appropriate considered.

7.2.8 In light of the above, the 2024 NPSs reflect the UK's approach and current policy regarding low carbon and renewable energy generation, which reflects advances in technology which have taken place since the original suite of NPSs which were designated in 2011. Consequently, there is a clear trajectory and direction of travel in the UK is heading in with regard to energy supply and security, tackling climate change, net zero objectives and the need to transition to a low carbon economy. The Proposed Development is by definition a Nationally Significant project and would make an important contribution to the delivery of renewable energy generation technology which is required to decarbonise the energy system to meet the UK's commitments to reduce greenhouse gas emissions and reach net zero carbon emissions by 2035 and 2050, as well as contributing to the need for 70GW of solar by 2035. NPS EN-3 sets out this need in section 2.10.9 – 2.10.17.

7.2.9 Notwithstanding this, Paragraphs 3.2.6 to 3.2.8 of EN-1 confirm that the Government has demonstrated that there is by definition a need for all types of NSIPs covered by EN-1, and furthermore, that the need is urgent. In so doing, the Government has determined that substantial weight should be given to this need when considering applications for Development Consent under the Planning Act 2008 and that there is no requirement to consider separately the specific contribution of any individual project to satisfying the need established in this NPS.

7.2.10 Given the policy context outlined above, it is submitted that the starting point for the assessment of this Application is compelling in that national policy makes clear that there is an overriding and urgent need for all new large scale, ground mounted solar generation with the delivery of such schemes having been identified as a Critical National Priority infrastructure. National policy therefore establishes a presumption in favour of granting consent for that infrastructure and that is the starting point from which this Application has to be assessed, and is the context against which subsequent sections of this Statement need to be read. Those Sections, in accordance with EN-1, then demonstrate how the Applicant has applied the mitigation hierarchy in order to demonstrate that the impacts of the Proposed Development have been avoided, reduced and mitigated.

# 8 AIR QUALITY AND EMISSIONS

## 8.1 POLICY SUMMARY

8.1.1 EN-1 sets out the generic impacts to be considered for Air Quality and Emissions in section 5.2. EN-1 acknowledges that air quality and emissions can have an adverse effect on air quality at the construction, operation and decommissioning phases of a development. Air emissions include particulate matter (for example dust) up to a diameter of ten microns (PM10) and up to a diameter of 2.5 microns (PM2.5) as well as gases such as sulphur dioxide, carbon monoxide and nitrogen oxides (NOx). Emissions have the potential to lead to adverse impacts on health, on protected species and habitats, or on the wider countryside and species.

8.1.2 Paragraph 5.2.8 confirms that where the project is likely to have adverse effects on air quality the applicant should undertake an assessment of the impacts of the proposed project as part of the ES.

8.1.3 EN-3 does not provide any further solar specific impacts for consideration given the nature of solar generation and the lack of air quality impacts typically related to that technology.

8.1.4 The NPPF confirms that decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement.

8.1.5 Policy SD1 of the SDDC Local Plan Part 1 confirms the Council will support development that does not lead to adverse impacts on the environment or amenity of existing and future occupiers within or around Proposed Developments. This policy will also consider the potential for development to affect designated Air Quality Management Areas (AQMAs).

## 8.2 APPLICANT ASSESSMENT

8.2.1 Impacts on Air Quality have been assessed in Chapter 16 – Other Issues of the ES [Document 6.1] which is supported by an Air Quality Assessment (AQA) attached at Appendix 16.1 to the ES.

8.2.2 Potential operational impacts on air quality would arise from additional traffic associated with the Proposed Development. However, due to the low level of vehicle trip generation associated with the Proposed Development and given the Site is outside of an Air Quality Management Area as South Derbyshire have not

designated any such areas, the operational phase of the Proposed Development was screened out of the AQA.

8.2.3 Therefore, any impacts on Air Quality would be associated with the construction phase. Air quality impacts arising from the decommissioning phase would be expected to remain within those impacts assessed for construction.

8.2.4 Chapter 16 and the AQA has had regard to the local air quality with six monitoring stations being located in proximity to the Site. The South Derbyshire DC LAQM Annual Status Report 2023 confirms that only $NO_2$ is monitored in the district and the monitoring is not continuous. The results show that none of the monitoring locations have exceeded the annual mean threshold of 40 µg/$m^3$ over the last 5-year period.

8.2.5 The AQA found that the construction works in terms of dust soiling and health would have a low to negligible impact on air quality which the ES confirms as being not significant. As noted, it is considered that these effects would be the same/similar for the decommissioning stage.

8.2.6 In terms of construction vehicles, it has been estimated that there would be a maximum annual average daily trip (AADT) of 14 heavy duty vehicles and 67 light duty vehicles. The AQA confirms that no assessment of the construction traffic is required as it does not meet the thresholds for assessment and as the health impacts due to emissions from construction phase transport emissions would be insignificant. It is considered that these effects would be the same/similar for the decommissioning stage.

8.2.7 The nearest AQMAs are the Burton-Upon-Trent AQMA No.2 (A5189 / A444 junction), Burton-Upon-Trent AQMA No.1 (covering a stretch of the A5121 and A511) in East Staffordshire DC and AQMA no. 2 (stretch of A38 to the northeast of Lichfield) in Lichfield DC. All three are designated for exceedances in Nitrogen dioxide $NO_2$. It is likely that some construction and decommissioning vehicle trips will pass through these AQMAs on arriving and departing the Site. However, due to the low number of vehicle movements during construction and decommissioning which are below the screening criteria threshold set out in Chapter 16 of the ES [Document 6.1], the impacts are negligible and therefore any effect would not be significant.

8.2.8 The ES assesses the potential for cumulative effects to occur, either from cumulative dust generation at the construction stage or cumulative combustion related pollutants from other projects. No significant cumulative air quality effects are expected. Air quality impacts on ecological receptors are dealt with in detail at Chapter 6 and are concluded to be insignificant.

8.2.9 Notwithstanding this, standard industry practices to mitigate any potential air quality impacts during construction will be implemented and are set out in the Outline Construction Environmental Management Plan (OCEMP) (see Appendix 4.3 of the ES) [Document 6.1]. Requirement 9 of the Draft DCO (dDCO) secures

the provision of a detailed Construction Environmental Management Plan including a Dust Mitigation Plan. The same provisions are made at the decommissioning stage which are set out in the Outline Decommissioning Environmental Management Plan (ODEMP) (see Appendix 4.4 of the ES) [Document 6.1]. Requirement 21 of the Draft DCO (dDCO) secures the provision of a detailed Decommissioning Environmental Management Plan.

8.2.10 EN-1 affords significant weight to any deterioration in air quality, whether or not defined air quality limits would be breached. However, the Proposed Development does not conflict with any national or local air quality limits and has a negligible effect on air quality. The Proposed Development therefore complies entirely with the Air Quality sections of EN-1.

# 9 GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE

## 9.1 POLICY SUMMARY

9.1.1 EN-1 sets out the generic impacts to be considered for greenhouse gas emissions in section 5.3. EN-1 acknowledges at paragraph 5.3.1 that "significant levels of energy infrastructure development are vital to ensure the decarbonisation of the UK economy. The construction, operation and decommissioning of that energy infrastructure will in itself, lead to GHG [Greenhouse Gas] emissions." EN-1 then refers to section 2 of the NPS which details the vital role energy infrastructure will play in decarbonisation.

9.1.2 Section 2 of EN-1 confirms the UK's target to achieve net zero Greenhouse Gas ('GHG') emissions by 2050 through the Climate Change Act 2008 (2050 Target Amendment) Order 2019. A further target to reduce GHG emissions by at least 68 per cent from 1990 levels by 2030 was then set in December 2020 and in April 2021, a target was set to reduce GHG emissions by 78 per cent by 2035 compared to 1990 levels.

9.1.3 Subsequent Government strategies such as the Net Zero Strategy and Powering Up Britain, have set out how these targets will be met and the role of energy infrastructure in doing so. Paragraph 2.3.4 of EN-1 confirms that this requires a significant amount of new energy infrastructure, both large nationally significant developments and small-scale developments, and that there is a need to dramatically increase the volume of energy supplied from low carbon sources (paragraph 2.3.5). EN-1 acknowledges there is a need to transform the energy system into one that use low carbon processes in which decarbonising the energy sector is a key priority.

9.1.4 EN-1 also at section 4.10, Climate Change Adaptation and Resilience, acknowledges efforts to end our contribution to climate change must accelerate by reaching Net Zero GHG emissions with adaptation also necessary to manage the impacts of current and future climate change. It recognises the need for new energy infrastructure to be able to adapt to changing climates and conditions without significant adverse impacts.

9.1.5 Paragraph 5.3.4 requires all proposals for energy infrastructure projects to include a GHG assessment as part of their ES and sets out the criteria for assessment. The mitigation steps at paragraphs 5.3.5-5.37 seeks to minimise GHG emissions at all stages of the project and embed nature-based or technological solutions to mitigate or offset the emissions of construction and decommissioning.

9.1.6 Paragraph 5.3.12 confirms that the SoS does not need to assess individual applications for planning consent against operational carbon emissions and their

contribution to carbon budgets, net zero and our international climate commitments.

9.1.7 EN-3 does not provide any further solar specific impacts for consideration given the nature of solar generation.

9.1.8 As set out in section 6.1, SDDC declared a Climate Emergency in June 2019. Strategic objective 1 of the SDDC Local Plan Part 1 seeks to ensure development addresses the causes and effects of climate change and Policy S1 requires new development to tackle climate change.

## 9.2 APPLICANT ASSESSMENT

9.2.1 Solar generation has a direct beneficial effect on greenhouse gas emissions by generating cleaner, renewable energy and allowing the UK transition to a low carbon economy with a securer and less volatile energy supply that contributes to decarbonising the energy industry. As a renewable energy development, the operation of the Proposed Development does not generate any significant greenhouse gas emissions (GHG) directly from its operation. The only emissions associated with the Proposed Development once operational are the emissions from a small number of vehicles. In addition, there will be an embodied GHG impact during construction and decommissioning and some aspects of the operational maintenance of the Proposed Development.

9.2.2 Chapter 13 of the ES [Document 6.1] has undertaken a GHG Emissions Assessment in accordance with Paragraph 5.3.4 of EN-1. This found the construction phase to have the greatest adverse impact on GHG through embodied carbon in construction materials accounting for 98% of the total emissions generated by the Proposed Development. The estimated total GHG emissions for construction are 104,2418 tCO2e (tonnes of Carbon Dioxide equivalent). The annual GHG emissions over the approximate 16-month construction programme represents 78,163 tCO2e per annum. When comparing the annualised GHG emissions, the construction phase would represent 0.02% of the UKs 4th Carbon Budget (2023 to 2027) which the ES assessed as having a negligible to minor adverse effect on the climate.

9.2.3 During operation the maintenance activities associated with embodied carbon and transport of replacement parts and equipment will account for 99% of the total emissions equating to approximately 91,610 tCO2e over the 40-year period or 2,290 tCO2e per year of operation. However, in factoring the estimated energy generation of the Proposed Development (estimated at 5,653,501 MWh) it has been estimated that 859,332 tCO2e would be emitted should that amount of energy be generated from non-renewable sources, based on the current BEIS UK grid factor. This demonstrates that the avoided GHG emissions as a result of the Proposed Development would be in the region of 767,723 tCO2e. This represents a worst-case scenario in which the BEIS grid factor does not account for maintenance, land use change or worker transport requirements associated with

energy generation, and thus the GHG emission saving from the operational phase of the Proposed Development is likely to be even greater. Based on the avoided GHG emissions the ES has found the operational phases to have a moderate to major beneficial effect that is significant.

9.2.4 In assessing the decommissioning effects on GHG, it was calculated that 382 tCO2e would be emitted representing 0.4% of the construction phase emissions. As the current carbon budgets do not cover beyond 2037, decommissioning has not been assessed against this. However, based on comparison between the construction and decommissioning GHG emissions, the ES found there to be negligible to minor adverse (not significant) effect on the climate.

9.2.5 Overall, the estimated GHG emissions is 196,209 tCO2e and the Proposed Development would result in a total GHG emissions saving of 663,123 tCO2e which in EIA terms represents moderate to major beneficial effect which is significant.

9.2.6 However, the Proposed Development would also provide a valuable contribution to the decarbonisation of the UK economy and energy sector in and meeting the wider climate change goals including transitioning to net zero. Section 2 of EN-1 sets out the need to decarbonise the energy sector and achieve net zero emissions in accordance with the original 2050 target and the further target for UK to reduce GHG emissions by 68 per cent by 2030 and 78 per cent by 2035 compared to 1990 levels. The Net Zero Strategy (2021) set out objectives for the energy system to ensure our supply of energy always remains secure, reliable, affordable, and consistent with meeting our target to cut GHG emissions to net zero by 2050.

9.2.7 This requires a substantial increase in renewable energy provision. Additional solar generation is required as part of energy infrastructure mix to achieve the UKs targets and the British Energy Security Strategy states that government expects a five-fold increase in combined ground and rooftop solar deployment by 2035 which equates to up to 70GW in 13 years. In addition to this, EN-1 identifies solar generation in section 4.2 as a Critical National Priority (CNP) for which there is an overriding need. Therefore, the Proposed Development would positively contribute to meeting this urgent need for low carbon generation and this should be afforded substantial positive weight.

9.2.8 In addition to having a direct positive impact on climate change and assessing GHG emissions, EN-1 also requires energy infrastructure projects to ensure they can adapt to climate change and are resilient. Chapter 16 of the ES [Document 6.1] has assessed the Proposed Development against climate change adaption and resilience. The climatic changes in the UK are forecasted as increased temperatures, increased rainfall, greater wind speeds and frequency of storms and increased sunshine hours.

9.2.9 The ES found that changes in climate conditions would likely affect the landscape and visual impacts and ecology on the basis that the operational lifespan of the Proposed Development is 40 years. However, the Outline Landscape and

Ecological Management Plan which sets out the enhancements and mitigations relating to those matters includes the provision of planting climate change resilient species, creation of new resilient habitats and other features which would result in a minor effect that is not significant.

9.2.10 In addition, the operation of the Proposed Development would be subject to climatic conditions. The solar panels and other equipment become less efficient at extreme temperatures and whilst these temperatures are not expected in this part of the UK during the Proposed Development's operational lifespan the equipment installed will be designed to cope with more extreme weather conditions. This includes accounting for greater wind speeds, additional load from snow and anti-soiling to remove dust and dirt from the surface of the panels. Overall, there would be a minor effect on the resilience of the Proposed Development which is not significant.

9.2.11 In summary, the Proposed Development represents a significant beneficial effect in avoided GHG emissions during operation and its proposed design and control measures during all phases of the Proposed Development demonstrates the Proposed Development's compliance with climate mitigation and adaptation policies set out in national and local planning policy. The Proposed Development therefore complies entirely with the GHG Emission and Climate Change sections of EN-1.

# 10 BIODIVERSITY AND GEOLOGICAL CONSERVATION

## 10.1 POLICY SUMMARY

10.1.1 Section 4.6 of EN-1 confirms Biodiversity Net Gain (BNG) is a key component of Environmental Net Gain. The Environment Act 2021 contains provisions for the introduction of a requirement for the provision of 10% BNG on all developments but for NSIPs this is not expected to come into effect until November 2025. Paragraph 4.6.1 confirms that BNG is not currently an obligation for applicants to achieve. Section 4.6 provides further guidance for providing BNG once mandatory and paragraph 4.6.3 adds that appropriate weight will be provided to environmental and biodiversity net gain, although any weight given to gains provided to meet a legal requirement (for example under the Environment Act 2021) is likely to be limited.

10.1.2 EN-1 then sets out the generic impacts to be considered for biodiversity and geological conservation in section 5.3. The Government's policy for biodiversity is set out in the Environmental Improvement Plan 2023 and the National Pollinator Strategy. Paragraph 5.4.2 confirms the aim is to halt overall biodiversity loss in England by 2030 and then reverse loss by 2042, support healthy well-functioning ecosystems and establish coherent ecological networks, with more and better places for nature for the benefit of wildlife and people.

10.1.3 Paragraphs 5.4.4 to 5.4.5 confirm when a Habitats Regulations Assessment is required. It adds that SSSIs should be afforded a high degree of protection and that development on or within an SSSI should not normally be permitted. EN-1 also acknowledges that Local and Regional Sites are of substantive nature conservation value and make an important contribution to ecological networks and nature's recovery. EN-1 sets out broad protection for ancient woodland, other irreplaceable habitats, habitats and species.

10.1.4 EN-1 confirms that where a project is subject to EIA an ES should set out any effects on internationally, nationally, and locally designated sites of ecological or geological conservation importance (including those outside England), on protected species and on habitats and other species identified as being of principal importance for the conservation of biodiversity, including irreplaceable habitats.

10.1.5 Policy BNE3 of the SDDC Local Plan Part 1 states that development which contributes to the protection, enhancement, management and restoration of biodiversity and delivers net gains in biodiversity wherever possible will be supported. The policy includes provisions to protect designated sites and requires applicants to undertake sufficient surveys and assessments so as to understand fully the likely impacts of a scheme and the mitigation required. Policy BNE7 of the Local Plan part 2 provides policy guidance in relation to trees, woodlands and hedgerows which are important in terms of their ecological value.

## 10.2 APPLICANT ASSESSMENT

10.2.1 Chapter 6 of the ES [Document 6.1] assesses the likely significant impacts of the Proposed Development on ecological receptors along with reports detailing the extensive survey works of the ecological habitats and species likely to be affected by the Proposed Development as well as trees and hedgerows at Appendices 6.2 – 6.14.

10.2.2 The Assessment comprised the identification of designated sites and non-designated ecological receptors within a defined likely zone of influence. In addition, a Biodiversity Net Gain (BNG) Assessment Report is also submitted as part of the Application (Appendix 6.12). Whilst it is not an obligation for NSIPs to provide a BNG at the point of submission, the importance of BNG is recognised by the Applicant and has therefore been provided. The BNG Assessment Report confirms that the Proposed Development would result in a net gain of some 125.07% in habitat units, 20.35% of hedgerow units and 19.82% in river units, with the final net gain to be confirmed at the detailed design stage which is secured by a requirement of the DCO. Therefore, the Proposed Development commits to demonstrating a net gain in biodiversity across all unit types which is significantly above the 10% starting point which will be introduced for NSIPs from 2025.

### Phase 1 Habitat Survey

10.2.3 The ES records the results of a Phase 1 Habitat survey undertaken of the proposed site in 2020 which was then updated in 2023 to confirm if the findings were still valid (see Appendix 6.3 and 6.5). The Site supports a range of habitats, including the following main habitat types: arable fields and improved grasslands with smaller areas of semi-improved neutral grasslands, ponds, standing water, running water, species-rich and species-poor hedgerows, scrub, woodland, tall ruderal vegetation and bare ground.

### International and National Sites

10.2.4 The ES confirms there are no internationally or nationally designated sites for nature conservation within the application boundary. The River Mease Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) were recorded 4.4km to the south of the Site. No further statutory designated sites were recorded within a 5km buffer of the Study Area.

10.2.5 No significant construction stage impacts are expected on the River Mease SAC and SSSI due to their distance from the proposal site. There is potential for contamination as the Site is hydrologically linked, with the southern tip of the Site boundary falling within the River Mease Catchment area as shown in Figure 6.2.2 of Appendix 6.2. However, embedded mitigation in the form of the OCEMP (Appendix 4.3 of the ES) would minimise any potential contamination issues. The

ES has confirmed that the effects during decommissioning will be no greater than the construction effects any potential contamination would be controlled as set out in the ODEMP (Appendix 4.5 of the ES).

10.2.6 The ES has confirmed that no adverse effects are predicted in relation to operational effects on International or National designated sites and no mitigation is therefore required.

10.2.7 Notwithstanding this, The ES and application is also supported by ES Appendix 6.1 which provides a Report to Inform the Habitats Regulation Assessment (HRA) in accordance with the duties imposed by the Conservation of Habitats and Species Regulations 2017 (as amended). The purpose of this is to provide the Competent Authority with sufficient information to enable them to determine whether or not an Appropriate Assessment is required, and to carry out an Appropriate Assessment if necessary.

10.2.8 The Shadow HRA Screening Assessment found that it was unable to rule out the potential for likely significant effects associated with water quality and quantity, spread of invasive non-native species, and disturbance to otter during construction, alone or in-combination, on the River Mease SAC. The Shadow Appropriate Assessment found the Proposed Development will not result in an adverse effect on the integrity of any European site, either alone or in combination with other plans and developments as there is certainty in the reliability, deliverability and efficacy of the avoidance and mitigation measures which will be implemented. Therefore, sufficient information has been provided to the Competent Authority to enable them to assess the Proposed Development in accordance with the Habitat Regulations.

10.2.9 In summary there would be no likely significant effects on internationally or nationally designated ecological receptors as a result of the Proposed Development.

### Regional and Local Sites

10.2.10 A total of 14 Local Wildlife Sites (LWS), four potential LWS (pLWS) and one nature reserve were recorded within 2km of the Site. This includes Grove Wood LWS, which was recorded within the Site in the north at Park Farm and Coppershill Spinney pLWS adjacent to the Site in the west at Oaklands Farm. The remaining LWS and pLWS were located approximately 480m or more from the Site.

### Ancient woodland, ancient trees, veteran trees and other irreplaceable habitats

10.2.11 An Arboricultural Impact Assessment (AIA) has been submitted in support of the ES (Appendix 6.14). This has identified three ancient trees, three veteran trees and an area of ancient woodland (Grove Wood) as being in proximity to the Site. However, the AIA confirms that all ancient trees, veteran trees and areas of

ancient woodland outside of the areas of Proposed Development and their RPAs and buffers will be kept free from any development and construction activities. It is noted that a small part of the 15m buffer zone and/or RPA of four of the ancient and veteran trees (T49, T56, T30 and T3) lies within the Site, particularly along the cable route and temporary access routes. Where these overlap with the works plan, the 15m buffer zones will be applied at the detailed design stage to ensure the ancient and veteran trees remain unaffected during construction, as shown by the Illustrative Design Plans [Figure 4.1 of the ES – Document 6.1]. For T30, the RPA and 15m buffer zone is already affected by an existing road. Consequently, no new Proposed Development would be located within the buffer zones. The protection of ancient and veteran trees would be secured through Requirement 10 of the dDCO which requires an Arboricultural Method Statement to be submitted for approval prior to commencement of any phase of the development.

10.2.12 The ancient woodland identified at Grove Wood to the northeast lies 30m outside of the Site and would therefore be unaffected by the Proposed Development. The ES does not identify any other irreplaceable habitats within the Site or within proximity to the Site.

10.2.13 The ES confirms there would be no operational effects on the ancient woodland, ancient trees, veteran trees and other irreplaceable habitats. The ES has confirmed that the effects during decommissioning will be no greater than the construction effects any potential contamination would be controlled as set out in the ODEMP (Appendix 4.5 of the ES).

10.2.14 Therefore, in light of the mitigation there would be no significant effects on ancient woodland, ancient trees, veteran trees and other irreplaceable habitats.

### Protection and enhancement of habitats and species

10.2.15 The Proposed Development will result in the temporary loss of grassland and localised sections of the unnamed watercourse, and the permanent loss of arable fields, small, localised sections of hedgerow and scrub. The installation of the solar arrays, cable trenching, construction access tracks and supporting infrastructure will primarily result in the loss of habitats of low ecological value, including improved grassland and arable land but will also result in the small loss of discrete sections of hedgerow, scrub, trees and watercourse.

10.2.16 However, the proposed mitigation measures set out in the Landscape and Ecological Management Plan (LEMP) (Appendix 5.6 of the ES) seeks to mitigate the effects identified above. This includes minimising habitat loss, damage, disturbance and contamination, enhancements to existing habitats and the creation of new habitats through additional planting. Therefore, in light of the mitigation the ES concludes there would be no significant effects on habitats.

10.2.17 The DEMP would confirm at a later date as to whether any of the features created as a result of the Proposed Development would be retained and whether any

equipment such as underground cables would be retained in situ to minimise disruption to habitats and species.

10.2.18 In terms of protected species, the ES has identified there is potential for bats, reptile, badgers, otters and breeding birds to be present within the Site as well as a number of invasive plant species. The ES concludes that the construction, operation and decommissioning effects on reptiles and otters to be not significant.

10.2.19 For bats, badgers and breeding birds, the Proposed Development would result in some loss of habitats and would directly affect the protected species onsite. The Illustrative design of the Proposed Development demonstrates how embedded design measures are being used to mitigate for any habitat loss, for example by avoiding the removal of any trees considered to have potential for bat roosting. Further measures to protect protected species and habitats are set out in the OCEMP, ODEMP and Outline Landscape and Ecological Management Plan (OLEMP) at Appendix 4.3, 4.5 and 5.1. Full details for each plan are secured via Requirements 5, 8 and 20 of the dDCO.

10.2.20 The construction impacts were assessed as being not significant within the ES. A minor residual adverse effect at the local level was predicted for Skylark at the construction and operational phase due to reductions in the availability of nesting habitat, which was not considered to be significant within the ES. Significant beneficial effects were predicted at the operational phase in relation to features such as non-statutory designated sites, habitats, bats, badger, reptiles, otter, breeding birds (excluding skylark) and invertebrates.

10.2.21 In conclusion, the location of the Site and the nature of the Proposed Development means that there will be no impacts arising on designated sites at the international, national and regional level. At the local level the various mitigation measures to be employed will ensure the impacts on locally designated sites and important habitats are similarly avoided. The mitigation hierarchy has then been applied, using a comprehensive understanding of the ecological features present on or in the vicinity of the Site to propose appropriate mitigation in order to avoid significant effects. The use of intensively farmed arable land and the introduction through the Proposed Development of new areas of landscaping, planting, habitat creation and other enhancements then creates a significant level of biodiversity enhancement across the Site, and the Proposed Development in that respect complies with national and local policies and provides that Biodiversity Net Gain prior to that becoming required by legislation.

# 11 CIVIL AND MILITARY AVIATION AND DEFENCE INTERESTS

## 11.1 POLICY SUMMARY

11.1.1 EN-1 sets out in section 5.5 the generic impacts to be considered in relation to all aerodromes, covering civil and military activities, as well as aviation technical sites, meteorological radars and other types of defence interests. Paragraph 5.5.2 seeks to ensure collaboration and co-existence between aviation, defence and energy industry stakeholders so that neither is unduly compromised.

11.1.2 NSIPs should take account of impacts on aerodromes and safeguarding of areas of airspace around aerodromes used by aircraft, including taking off or on approach and landing, which are described as "obstacle limitation surfaces" (OLS).

11.1.3 Paragraph 5.5.22 states energy infrastructure development may interfere with the operation of Communications, Navigation and Surveillance (CNS) systems such as radar, interfere with the UK weather radar network and defence interests. However, it is recognised that this is directed more towards wind turbines and windfarms or other energy infrastructure that is tall.

## 11.2 APPLICANT ASSESSMENT

11.2.1 Solar energy generation does not involve any tall structures and does not generate any vibrations, bird strikes, thermal plume turbulence or other issues. Therefore, impacts on civil and military aviation and defence interests are limited.

11.2.2 There is a potential for glint and glare from the solar farm to affect aircraft and this is discussed in Section 23 of this Statement and within Chapter 14 of the ES [Document 6.1]. Any other potential major risks and hazards associated with the Proposed Development are discussed in Section 25 of this Statement and Chapter 16 of the ES.

11.2.3 The Glint and Glare Study (GGS) [Appendix 14.1 of the ES] has assessed the potential effect of the Proposed Development on aviation. The nearest aerodromes are Grangewood Airfield, Sittles Farm Airstrip, Fisherwick Airfield, Streethay Farm Airstrip, and Tatenhill Airfield with the latter being the only CAA licensed aerodrome. The GGS has undertaken a detailed analysis of potential glint and glare effects on the Grangewood Airfield as this is the nearest to the Site approximately 4.4km to the southeast of the Site.

11.2.4 This found there to be a 'low potential for temporary after-image' towards pilots using the final approaches, base legs, or base leg joins at Grangewood Airfield. This level of glare is acceptable in accordance with the associated guidance and

industry best practice. Based on this assessment, the GGS concluded there to be no significant impacts upon the other identified aerodromes.

11.2.5 With regard to other CNS infrastructure, Weather warning and forecasting infrastructure and other defence interests, the Proposed Development would have no adverse impact on these assets, infrastructure or interests as no tall structures are proposed that would interfere with their operation.

# 12 DUST, ODOUR, ARTIFICIAL LIGHT, SMOKE, STEAM, AND INSECT INFESTATION

## 12.1 POLICY SUMMARY

12.1.1 Section 5.7 of EN-1 identifies that during the construction, operation and decommissioning of energy infrastructure there is potential for the release of a range of emissions such as odour, dust, steam, smoke, artificial light and infestation of insects. All have the potential to have a detrimental impact on amenity or cause a common law nuisance or statutory nuisance under Part III, Environmental Protection Act 1990. However, they are not regulated by the environmental permitting regime, so mitigation of these impacts will need to be included in the Development Consent Order.

12.1.2 EN-3 acknowledges there is a need for security and lighting for solar projects but the impact of lighting and other security measures on the landscape and visual amenity should be minimised.

12.1.3 Policy SD1 of the SDDC Local Plan Part 1 confirms the Council will support development that does not lead to adverse impacts on the environment or amenity of existing and future occupiers within or around Proposed Developments. Part ii) of Policy SD6 requires energy developments to not give rise to unacceptable impacts on local amenity or give rise to safety concerns.

## 12.2 APPLICANT ASSESSMENT

12.2.1 The Application is accompanied by a Statement of Statutory Nuisance [Document 7.4] which confirms that the construction, operation and maintenance and decommissioning of the Proposed Development has not been identified as being capable of causing a statutory nuisance.

12.2.2 Matters relating to dust are discussed in Section 7 of this Statement, with the potential dust issues considered to be low and with mitigation set out in the OCEMP and ODEMP during the construction and decommissioning phases respectively. As a solar project, the potential for odour, smoke, steam or insect infestation is negligible. This is because there are no emissions or combustion associated with the generating process and the proposed energy infrastructure is one that does not require the importation of waste or food products to generate electricity.

12.2.3 The presence of smoke, steam or odour would be an indication of a serious malfunction of the equipment which is an unlikely event but has been discussed in Section 25 of this Statement and Chapter 16 of the ES [Document 6.1].

12.2.4 The Proposed Development does include artificial lighting across all phases. Chapter 5 of the ES [Document 6.1] has assessed the impact of lighting. It is proposed that lighting will be kept to a minimum during construction with the construction compound only lit 1 hour before sunrise and after sunset. Overnight security will be downward facing and designed to limit light spill. There are a limited number of receptors around the Site limited mainly to users of the Cross Britain Way and local roads. Given the temporary nature of any construction lighting the ES has assessed this as being a short term minor adverse effect.

12.2.5 Once operational, no lighting of the solar panels is required other than alarm lights on all transformer stations which are only activated in case of theft. If the lights become activated, blue or yellow (depending on selected model) flashes will illuminate. Other security lighting associated with the operational compound would also be activated in case of intruders. Other operational lighting would only be in use if there are employees onsite which would generally be during standard office hours unless there is an emergency.

12.2.6 The effects of lighting during decommissioning have not been assessed in the ES as this was scoped out of the assessment in agreement with the Planning Inspectorate. However, the impacts of lighting are considered to be similar to that of construction phase which would be localised and short term.

12.2.7 Lighting forms part of the OCEMP and ODEMP and would be included as part of the CEMP and DEMP secured by Requirement 9 and 21 of the DCO respectively.

12.2.8 In summary no impacts will arise from the Proposed Development in respect of dust, artificial light or steam, either at the construction, operational or decommissioning stage, which have the ability to have a detrimental impact on amenity. In accordance with EN-1 reasonable steps have been taken to put mitigation measures in place to minimise the potential for detrimental impacts to occur.

# 13 FLOOD RISK

## 13.1 POLICY SUMMARY

13.1.1 Section 5.8 of EN-2 sets out the policy for Flood Risk for energy NSIPs. It seeks to ensure that energy infrastructure should be resilient to the risk of flooding, including the increased risk posed by climate change, and should reduce the disruptive impacts of flooding on those homes and businesses that rely on that infrastructure. Although flooding cannot be wholly prevented, its adverse impacts can be avoided or reduced through good planning and management.

13.1.2 Paragraph 5.8.6 states that all sources of flood risk should be taken into account to avoid inappropriate development in areas at risk of flooding, and to steer new development to areas with the lowest risk of flooding. It adds that the Sequential Test and Exception Test should be applied where necessary. Paragraph 5.8.12 states that development should be designed to ensure there is no increase in flood risk elsewhere, accounting for the predicted impacts of climate change throughout the lifetime of the development.

13.1.3 The threshold for a flood risk assessment (FRA) and the criteria to be included is set out in Paragraph 5.8.13 – 5.8.15. Paragraph 5.8.17 adds that development (including construction works) will need to account for any existing watercourses, or any land likely to be needed for future structures or features. EN-1 requires applicants to work with the EA and other bodies prior to submission of the application where projects are either affected or add to flood risk. Projects are required to manage surface water and the impact of the natural water cycle on people and property through the use of SuDS. Paragraphs 5.8.25 – 5.8.35 set out the considerations for implementing SuDS.

13.1.4 EN-3 adds that an FRA will need to consider the impact of drainage but acknowledges that as solar PV panels will drain to the existing ground, the impact will not, in general, be significant. Paragraph 2.10.85 adds that where access tracks need to be provided, permeable tracks should be used, and localised SuDS, such as swales and infiltration trenches, should be used to control any run-off where recommended. It adds that solar projects should avoid the need to alter/impact existing drainage systems and watercourses and culverting these should also be avoid. Where this is unavoidable applicants should demonstrate that no reasonable alternatives exist and where necessary.

13.1.5 EN-5 defers to the policies set out in EN-1 with regard to flood risk.

13.1.6 The NPPF and National Planning Policy Guidance provides further details upon flood risk and the application of the Sequential Test and Exceptions Test.

13.1.7 Policy SD2 of the SDDC Local Plan Part 1 sets out the local policy for Flood Risk. It states that a sequential approach will be taken and the development of sites with a higher risk of flooding will only be considered where essential for

regeneration or where development provides wider sustainability benefits to the community that outweigh flood risk. It requires the use of SuDS, the potential restoration of culverted watercourses, enhancement of watercourses in accordance with the objectives of the Water Framework Directive and to ensure the Proposed Development does not result increased flood risk elsewhere.

## 13.2 APPLICANT ASSESSMENT

13.2.1 Chapter 8 of the ES [Document 6.1] addresses the Water Environment and includes an assessment of flood risk. Details on water quality are discussed in section 22 of this Statement. A separate Flood Risk Assessment (FRA) is provided at Appendix 8.1 to the ES. This has identified the majority of the Site as being within Flood Zone 1 and therefore at low risk of flooding. The areas of the Site which are located within Flood Zone 3 are limited to a corridor that closely follows the ordinary watercourse that passing through the cable route and access track route. Flood Zone 3 passes through the northern park of the Oaklands Farm area, Fairfield Farm area and the southern part of the Park Farm Area. There are no areas designated as Flood Zone 2. The solar array, BESS and substation lie within Flood Zone 1 and are not at risk of flooding.

13.2.2 To facilitate the construction access tracks and underground cable will require five crossings of the watercourse with three of these accommodating the cable and construction and operational traffic and a further two accommodating the cable only. Cable crossings will either be trenched across and reinstated or directionally drilled. Permanent watercourse crossings will be constructed of concrete with soil or other organic material for load bearing and to secure culvert structure. The culvert pipe diameter will be up to 1m and the lengths will be determined at construction.

13.2.3 The access track to north of Rosliston Road would be removed once construction has been completed and the only section retained for the operational lifetime of the Proposed Development is the short section to the south of Rosliston Road which will serve as an emergency access point for the Proposed Development.

13.2.4 The construction access tracks would use compacted gravel/type 1 aggregate so as to remain permeable, with a crossfall designed towards a trench to contain and allow excess water to naturally infiltrate into the soil. Where the access tracks are retained for operational purposes, these will either be compacted gravel/type 1 aggregate or mowed grass tracks.

13.2.5 Due to potential contamination in the event of a fire, the BESS and Substation will be bunded and lined and all surface water will be drained to an underground attenuation tank with pollution control devices in the form of valves will be fitted to the tank outfall to prevent the release of water should a fire be detected on Site. Water would be released at a rate equivalent to the existing greenfield runoff rate of 13.7l/s and 6l/s at the BESS and substation respectively. The attenuation

tanks allow for sufficient storage capacity in the event of a fire where no water can be released during the event.

13.2.6 The FRA confirms there is no formal drainage infrastructure for the solar panels given surface water would percolate directly to the ground. This would be intercepted by vegetation beneath the panels and the infiltration reflects that of the greenfield situation. There is likely to be an improvement as the ground beneath the solar panels would be permanently vegetated whereas with the existing agricultural use there are periods of bare and compacted earth which increase levels of the surface water runoff.

13.2.7 Once installed, the underground electric cable between the solar array and the grid connection point would not result in any additional flood risk to the Site or elsewhere as this would be located underground.

13.2.8 In light of a small part of the Site being located within Flood Zone 3, it is necessary for a Sequential Test to be applied. Following construction, it would only be the underground cable and a short section of internal access track to provide emergency access to site that would lie within Flood Zone 3. The access tracks and cable route that pass-through Flood Zone 3 provide the most direct route to the Grid Connection Point at Drakelow and results in minimal impact to landscaping and the existing land use and minimises the disruption for the landowners. It also provides a logical route which follows the existing high voltage overhead power lines to Drakelow. Development in Flood Zone 3 is unavoidable in order to provide the cable connection to Drakelow.

13.2.9 The emergency access has been provided in this location given it provides the shortest route from the public highway to the northern part of the operational site. In addition, the track would already be in place during construction and retaining this access track would result in minimal impact rather than constructing a new emergency access track to the east or west outside of Flood Zone 3. Therefore, this route for the emergency access track and underground cable is sequentially preferable to any other alternative. Further details on the Site selection process and Sequential Test are provided in Chapter 3 of the ES.

13.2.10 Solar Farms are classified as Essential Infrastructure in Annex 3 of the NPPF but must pass the Exceptions Test for sites located in Flood Zone 3 in accordance with the NPPG. In turning to the Exceptions Test, the NPPF sets out two parts a) and b).

13.2.11 Part a) requires the development to demonstrate that it would provide wider sustainability benefits to the community that outweigh the flood risk. The wider sustainability benefit to the community includes the provision of energy infrastructure that is of Critical National Priority where there is an established urgent need for new solar generation as set out in section 6. The Proposed Development also makes a significant contribution to tackling climate change and enables the avoidance of GHG emissions as set out in section 10. The Proposed

Development will have a national significance, through its contribution to decarbonisation of the UK's electricity generation.

13.2.12 In addition to this there are a number of landscape and ecological benefits as set out in Chapters 5 and 6 of the ES including a significant net gain in biodiversity well above and ahead of the 10% requirement which is expected to be introduced for NSIPs in 2025. Further benefits of the Proposed Development are set out in section 3.9 which, includes job creation in the local area during construction and decommissioning. In taking into account all these wider sustainability benefits to the community the impacts of the small area of flood risk are significantly and demonstrably been outweighed by the benefits.

13.2.13 Part b) requires the development to be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. The areas within Flood Zone 3 comprise an underground cable and emergency access track. Both of these are capable of being submerged during times of flood and would not pose a safety risk for any users. Alternative accesses that lie within Flood Zone 1 can be used to access the Site in an emergency should this access track be flooded and impassable. It would also not displace flood water elsewhere as the access track will be permeable and allowed to flood as necessary.

13.2.14 Paragraph 173 of the NPPF sets out the criteria for where development should only be allowed in areas at risk of flooding subject to meeting the criteria a) – e). The most vulnerable development which primarily includes the substation and BESS are located in Flood Zone 1 and the areas of lowest flood risk as documented in the Design Statement [Document 7.2]. The part of the Site that is within Flood Zone 3 is flood resilient and whilst the access track may be unusable during flood events, the Proposed Development would continue to operate should that part of the Site be inundated with flood water.

13.2.15 The Proposed Development is supported by a sustainable drainage system as set out in Appendix 8.1. Any residual risk can be safely managed by avoiding the access track during flood events and alternative access routes to the public highway are available if this emergency access route is unavailable. Details of the proposed Emergency Plan which would form part of the Operational Environmental Management Plan required through Requirement 11.

13.2.16 This therefore demonstrates that the part of the development that is within an area at risk of flooding is acceptable and it meets the criteria a) to e) of Paragraph 173 of the NPPF.

13.2.17 Further criteria are set out in the NPPG for flood risk and it is confirmed that the Proposed Development will remain operational in times of flood, the FRA has confirmed there would be no net loss of floodplain storage arising from the Proposed Development and there would be no permanent impedance of water flows and nor would the Proposed Development would not result in increased flood risk elsewhere.

13.2.18 In summary, the Proposed Development is almost entirely within Flood Zone 1. The areas of the Site within Flood Zone 3 include a short section of the construction/decommissioning access track which would be removed upon completion of construction/decommissioning, a short section of the construction access track running south from Rosliston Road which would then form the emergency access track, and the underground cable. All these elements are compatible with flood water should flooding occur in these areas and measures are proposed to ensure that alternative means of emergency access would be available. Should these areas become flooded it would not prohibit the safe operation of the Proposed Development. It has also been demonstrated that the Sequential Test has been met and the Exceptions Test has been passed. Therefore, the Proposed Development would not result in any adverse impacts on flood risk and accords with the relevant planning policy in respect of flood risk.

# 14 HISTORIC ENVIRONMENT

## 14.1 POLICY SUMMARY

14.1.1 Section 5.9 of EN-1 sets out the policy relating to the historic environment. Paragraphs 5.9.1 – 5.9.8 defines both designated and non-designated heritage assets. It adds that non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to Scheduled Monuments or Protected Wreck Sites should be considered subject to the policies within the NPS for designated heritage assets.

14.1.2 EN-1 requires that the historic environment should be assessed as part of an EIA. The assessment should be proportionate to the importance of heritage assets, provide a description of their significance and assess the impact of the Proposed Development on that significance. Where a site has the potential to include heritage assets with an archaeological interest, the applicant should carry out appropriate desk-based assessment followed by any additional recommended investigations.

14.1.3 EN-1 requires Applicants to consider whether the impacts on the historic environment will be direct or indirect, temporary, or permanent. Paragraphs 5.9.16 – 5.9.21 sets out a preference of retention over loss and recording and states that any loss needs to be justified. It also requires heritage data to be published and provided to the relevant Historic Environment Record and notes that requirements should be imposed to ensure any further works are completed in a timely manner in accordance with a Written Scheme of Investigation.

14.1.4 EN-3 sets out solar specific policy in respect of the historic environment at paragraphs 2.10.107 – 2.10.119. It adds that solar developments are likely to affect above and below ground heritage assets such as setting of heritage assets and historic landscape character and archaeological deposits. It adds that solar developments can have a positive impact on heritage assets.

14.1.5 Below ground heritage assets are most likely to be affected by proposed cabling, substation foundations or mounting supports for solar panels and the investigation works required should be proportionate to the sensitivity and extent of any proposed ground disturbance in the associated study area.

14.1.6 EN-3 requires consideration of the results of Historic Environment Assessments in the design proposal and seek to conserve heritage assets where possible appropriate to their significance. It adds that large scale solar farms can also substantially harm the significance of a heritage asset through impacting its setting.

14.1.7 EN-5 adds at Paragraph 2.9.25 point 3 that underground cables can be potentially very disruptive to archaeological and heritage assets.

14.1.8 Policy SD2 of the SDDC Local Plan Part 1 requires renewable energy development to not result in unacceptable impacts on the historic environment or cultural heritage assets. Policy BNE2 sets out the considerations for heritage assets in the District where there is an expectation to protect, conserve and enhance the assets and their settings.

14.1.9 Policy BNE10 of the Local Plan Part 2 provides broader policy guidance on designated and non-designated heritage assets.

## 14.2 APPLICANT ASSESSMENT

14.2.1 Chapter 7 of the ES [Document 6.1] addresses the historic environment including cultural heritage and archaeology. This includes a description of the significance of the heritage assets and the contribution of their setting to their significance, as required by EN-1.

14.2.2 A study area of 1km was defined for the purposes of buried archaeology. A core study area of 2.5km for the setting of heritage assets has been defined with a wider study area of 2.5 – 5km for any further assets susceptible to change. These study areas are based on best practice and in consultation with the Landscape and Visual Impact Assessment specialists undertaken within the ES. The Historic Environment Assessment (HEA) has been undertaken and is provided at ES Appendix 7.1. This has assessed the effects of the Proposed Development on listed buildings and Conservation Areas, as well as those to archaeological heritage assets, so fulfils the purposes of a Heritage Statement and an archaeological desk-based assessment.

14.2.3 No designated heritage assets are located within the Site and there are only six Historic Environment Record (HER) entries within the Site itself. These include:

- An undated enclosure of possible later prehistoric to Romano-British date (MDR7113);
- A possible Roman Road north of Park Farm (MDR11325);
- Drakelow Park – medieval deer park pale and post-medieval parkland elements (peripheral plantations and a section of driveway and avenue associated);
- Medieval ridge and furrow (LUC 6 and 8);
- Post-medieval field boundaries; and
- Post-medieval extraction/quarrying pits.

14.2.4 Geophysical survey (magnetometry) of the Solar PV Site and Grid Connection Corridor has been undertaken for the Proposed Development and has identified

potential for further unrecorded below-ground heritage assets. Those below ground heritage assets have assessed on the basis that they could potentially be of national, regional or local importance, but that based on the results of the Geophysical Survey the likelihood of them being of national significance is very low.

14.2.5 A number of heritage assets have been identified as having potential to be affected by the Proposed Development, with the location of these shown on the Historic Environment Plan [Document 2.8]. This includes:

- Park Farm – a farmhouse which is a Grade II listed building (List Entry No. 1096453).
- Entrance to the former Drakelow Park – gate piers and wing walls (Listed Building Grade II, List Entry No. 1158871) and adjacent non-designated lodge building.
- Walton-on-Trent Conservation Area and associated heritage assets.
- Borough Walls Iron Age hillfort – Scheduled Monument (1017742).
- Oaklands Farm – farmhouse and attached storage range plus Oaklands Farm Cottages, both non-designated.
- Church of St Mary, Rosliston – Grade II* listed building (List Entry No. 1159242).
- Church of St Mary, Coton in the Elms – Grade II listed building (List Entry No. 1096452).

14.2.6 Construction effects have the potential to affect known and unknown archaeological heritage assets. In all instances, subject to mitigation, the construction effects have been assessed as resulting in less than substantial harm to the known archaeological heritage assets. This mitigation is likely to comprise a staged programme of archaeological works to be detailed in a Written Scheme of Investigation (WSI) agreed in consultation with the DCC Archaeological Officer and secured by Requirement. This mitigation will not reduce the level of effects to the heritage assets but will provide a record of any features lost as a result of development, preserving them by record. This follows industry best-practice to address effects to heritage assets.

14.2.7 For unknown archaeological heritage assets there is the potential for assets of local, regional and national importance which are of low to high value to be affected during construction, where the harm may range from a very low level of less than substantial harm to total loss. This therefore has the potential to give rise to a significant adverse effect, albeit the likelihood of a significant adverse effect is considered minimal on the basis that based on the Geophysical Survey the potential for assets of national importance is considered to be very low.

14.2.8 However, EN-3 acknowledges that below ground impacts on archaeological deposits are likely to be limited for solar PV developments and there may be a positive impact as archaeological assets may be protected as the Site is removed from regular ploughing. EN-1 adds that where there is a high probability or potential that a development site may include as yet undiscovered heritage assets with archaeological interest, requirements can be used to ensure appropriate procedures are in place for the identification and treatment of such assets discovered during construction. As with the known archaeological assets, a detailed WSI will be prepared in agreement with the DCC Archaeological Officer and will include provisions to adequately mitigate any potential impacts on the unknown archaeological heritage assets.

14.2.9 The predicted construction and decommissioning effects on above ground heritage assets would be indirect and short-term and would not affect the significance of the setting of any of the above ground heritage assets and is not significant.

14.2.10 In terms of the operational effects, the Proposed Development has the potential to affect the significance of the setting of the heritage assets listed in the section above. The ES has concluded that there would be no harm to the setting of Park Farm, Entrance to the former Drakelow Park, Assets at Walton-on-Trent or Borough Walls Iron Age Hillfort Scheduled Monument as the Proposed Development would have no effect on these assets.

14.2.11 The ES has found that a very low level of less than substantial harm would occur to the setting of Church of St Mary, Coton in the Elms and a less than substantial harm to Oaklands Farm farmhouse and storage range, Oaklands Farm Cottages and Church of St Mary, Rosliston with that impact not assessed as being significant.

14.2.12 As set out above and in the HEA, the Proposed Development has the potential to result in both significant and non-significant effects to designated and non-designated assets. The harm at the level of substantial harm or total loss has been assessed on the basis of there being unknown archaeological assets. The likelihood of any asset being completely lost is minimal but remains a residual risk. A suitable programme of mitigation to address the harm to unknown archaeological assets would be agreed with the LPA which would likely include methods such as preservation by record and preservation in situ. This programme of excavation and recording would compensate for any loss or harm of these heritage assets enabling a greater understanding and appreciation of their heritage value.

14.2.13 Requirement 18 of the dDCO secures this mitigation by requiring further archaeological investigations prior to the commencement of the development. This will then inform whether further archaeological works are required and the detailed design stage of the Proposed Development.

14.2.14 In assessing the potential harm and actual harm posed by the Proposed Development, the range of harm and any loss needs to be assessed against the substantial public benefits that outweigh that harm or any loss. The public benefits

of the Proposed Development are set out in section 3.9 of this Statement. In addition, the public benefits also include the provision of energy infrastructure that is of Critical National Priority where there is an established urgent need for new solar generation as set out in section 7. As set out in Paragraph 3.3.63 of EN-1 the urgent need for CNP Infrastructure to achieving the Government energy objectives, together with the national security, economic, commercial, and net zero benefits, will in general outweigh any other residual impacts not capable of being addressed by the application of the mitigation hierarchy.

14.2.15 As demonstrated in this section, and in detail within the ES, appropriate measures are being taken both through embedded design, surveying activity and mitigation measures to ensure that impacts on designated and undesignated heritage assets being appropriately addressed and managed. Any residual harm at any level and/or any total loss which cannot be addressed through proposed mitigation in the first instance is then outweighed by the urgent need for CNP infrastructure such as this Proposed Development. In summary, the Proposed Development accords with relevant policies relating to the historic environment in EN-1, EN-3 and local policies and this weighs in favour of granting the DCO.

# 15 LANDSCAPE AND VISUAL

## 15.1 POLICY SUMMARY

15.1.1 The landscape and visual policies are set out in section 5.10 of EN-1 which confirms that the effects will vary between energy projects. Some energy projects will have greater effects on landscape and visual amenity particularly those with stacks or emissions.

15.1.2 Paragraph 5.10.4 notes that the landscape effect arises not only from the sensitivity of the landscape but also the nature and magnitude of change proposed by the development. Paragraph 5.10.5 adds that virtually all nationally significant energy infrastructure projects will have adverse effects on the landscape, but there may also be beneficial landscape character impacts arising from mitigation. EN-1 requires projects to be carefully designed, having regard to siting, operational and other relevant constraints to minimise harm to the landscape and provide reasonable mitigation.

15.1.3 It notes that National Parks, the Broads and AONBs have the highest status of protection in relation to landscape and natural beauty as well as Heritage Coasts. Paragraph 5.10.12 states that outside of nationally designated areas there are highly valued landscapes at a local level where consideration should be given to the landscape character assessments within a local development plan. However, it adds that locally valued landscapes should not be used in themselves to refuse consent, as this may unduly restrict acceptable development.

15.1.4 In terms of visual effects, EN-1 states that all proposed energy infrastructure is likely to have visual effects for many receptors around proposed sites and the Secretary of State will have to judge whether the visual effects on sensitive receptors, such as local residents, and other receptors, such as visitors to the local area, outweigh the benefits of the project.

15.1.5 EN-3 adds that solar projects should mitigate any landscape and visual impacts particularly through the use of screening with native hedges, trees and woodlands. The use and height of security fencing should be kept to a minimum and incorporate existing landscape features to assist with screening and security. Lighting should also minimise with passive infra-red (PIR) technology and should be designed and installed in a manner which minimises impact.

15.1.6 In terms of landscape and visual impact EN-5 sets out the approach for cabling in that although the Government expects the use of overhead lines to be appropriate, it recognises that there will be cases where it is not. This includes where cables cross designated or highly valued landscapes, the cost and feasibility of overhead cables and routing and methods of installation.

15.1.7 The SDDC Local Plan Part 1 sets out the local landscape policy approach in Policy BNE4. This requires the character, local distinctiveness, and quality the landscape

and soilscape will be protected and enhanced. Key valued landscape components such as mature trees, established hedgerows and topographical features within development sites should be retained unless it can be demonstrated that the loss of features will not give rise to unacceptable effects on local landscape character. Development that will have an unacceptable impact on landscape character (including historic character), visual amenity and sensitivity and cannot be satisfactorily mitigated will not be permitted.

15.1.8 The Local Plan requires developments to have regard to the landscape types and landscape character areas identified in The Landscape Character of Derbyshire. Proposals should have regard to the woodland and tree planting, landscape management and habitat guidance set out in this document and demonstrate that mitigation proposals are appropriate to the character of the landscape.

15.1.9 For sites within the National Forest Area, SDDC Local Plan Policy BNE1, developers will be expected to demonstrate that close regard has been paid to the landscape types and landscape character areas identified in the National Forest Landscape Character Assessment both within the design of the Proposed Development and in the incorporation of woodland planting and landscaping. Policy INF8 of the SDDC Local Plan Part 1 provides further guidance for developments with the National Forest and requires industrial, commercial and leisure developments over 1ha to incorporate tree planting and landscaping in accordance with National Forest Planting Guidelines

15.1.10 Policy BNE7 of the Local Plan Part 2 provides policy guidance in relation to trees, woodlands and hedgerows which are important in terms of their amenity, ecological, landscape or historic value. Policy INF7 of the Local Plan Part 2 sets out that the Council will seek to conserve, enhance and wherever possible extend green infrastructure.

## 15.2 APPLICANT'S ASSESSMENT

15.2.1 Chapter 5 of the ES [Document 6.1] assesses the landscape and visual impacts of the Proposed Development. The Proposed Development is not located within any national, regional or local designated landscapes. The Site lies entirely within the Natural England National Character Area (NCA) 72 Mease/Sence Lowland described as broadly being a gently rolling landscape with rounded clay ridges and shallow valleys, with a more undulating landform in the north-west. There are a mix of agricultural fields, parklands, woodland with towns lying on the fringes of the National Character Area (NCA), only a very small percentage of it is urban.

15.2.2 The DDC Landscape Character of Derbyshire, divides the NCA into two. The large character types with the Site are entirely within the Village Estate Farmlands landscape character type (LCT). This area is characterised by gently rolling lowlands, mixed farming, broadleaf plantations and game coverts, stream corridors, medium to large regular and sub-regular field patterns, winding country lanes and small nucleated hilltop villages.

15.2.3 Chapter 5 of the ES [Document 6.1] has included the impact on this Landscape Character Type within the Landscape Assessment set out in Appendix 5.3 of the ES along with other Landscape Character Types in proximity to the Site including those that lie outside of Derbyshire. The ES has also assessed landscape features of value within and surrounding the Site as well as assessing the visual impact. It has been assumed that the landscape and visual impacts during decommissioning would be no greater than those during construction.

15.2.4 The ES has set out mitigation in the Outline Landscape and Ecological Management Plan (OLEMP) in Appendix 5.6 of the ES and has been considered as primary mitigation designed into the Proposed Development. The OLEMP makes provision for the creation of new habitats, including woodland and scattered trees, grassland, hedgerow, standing water and running water, and then specifies the measures to manage and enhance that habitat.

15.2.5 During construction, the ES concludes that there is likely to be major adverse (significant) effects on the landscape both within the Site and within 0.5km of the Site with no minor adverse effects beyond 0.5km. The construction works would be barely perceptible from outside of the LCT. However, all effects during construction are temporary and short term.

15.2.6 In terms of operational landscape impacts, the ES has assessed the effects at years 1 and 10. At the Site level, there is an inevitable change to the landscape within the Site boundary and this has been assessed as being a major adverse effect at year 1 reducing to a moderate adverse effect at year 10 once the proposed landscaping mitigation has established. The same conclusion was made in respect of the impacts on landscape within 0.5km of the Site. Beyond 0.5km, there is a minor adverse effect on the wider LCT and a barely perceptible impact beyond the LCT.

15.2.7 In terms of the visual impacts, a 5km study area was agreed with the SDDC and DCC. A Zone of Theoretical Visibility (ZTV) exercise was then undertaken to ascertain where the Proposed Development would be visible within the study area. This has allowed the ES to scope out certain receptors from further assessment as views to the Site and of the built form of the Proposed Development are restricted either by topography or intervening landscape features or buildings. The ES acknowledges that there would be some visibility of the Proposed Development beyond 5km notably around the hamlet of Callingwood to the north-west and within the Outwoods area of Burton upon Trent to the north. However, the ES concludes that the impacts on visibility and landscape would be low due to the low-lying nature of the Proposed Development and the filtering provided by layers of intervening vegetation.

15.2.8 In accordance with the ZTV and 5km study for the scoped-in local communities the ES found there to be a moderate adverse effect on views from Rosliston, a minor adverse effect on Coton-in-the-Elms and a negligible effect on Swadlincote at both construction and operation phase. The ES also found moderate significant adverse effects on road users within 2.5km of the Proposed Development at

construction and operation phases with the exception of Coton Road/Church Street receptor where there is a major adverse effect during construction and operation reducing to moderate adverse effect at year 10. The operational effect on the Unnamed Road between Walton-on-Trent and Church Street also reduces to minor adverse effect at year 10.

15.2.9 There is a major adverse effect on views from the Cross Britain Way during construction and operation reducing to moderate adverse effect at year 10. On other ProWs to the north there is a minor adverse effect within 2.5km of the Site and a negligible effect on those 2.5-5km. For those which are south of the Site and within 2.5km, there is a moderate adverse impact during construction and operation reducing to a minor adverse effect at year 10.

15.2.10 No cumulative landscape or visual effects were found on landscape character and on visual amenity.

15.2.11 The ES in its assessment has found there would be adverse impacts as a result of the Proposed Development, which given the nature of the existing site and the Proposed Development is inevitable and this is recognised in EN-1. The effects that are deemed to be significant are limited to the Site and the surrounding area in proximity to the Site at a local level. These adverse effects have been considered in light of the primary mitigation designed into the Proposed Development as set out in the OLEMP. The effect on the landscape would be reversible with the built element of the Proposed Development removed once its operational lifetime has been reached and therefore the Site would be returned to its previous condition or similar.

15.2.12 EN-1 acknowledges that virtually all nationally significant energy infrastructure projects will have adverse effects on the landscape meaning there that a certain level of landscape and visual harm is expected and is acceptable. However, it adds that there may also be beneficial landscape character impacts arising from mitigation. EN-1 requires projects to be designed carefully from the outset to minimise the impact on the landscape. The Design Statement [Document 7.2] details how this was considered in the development of the Proposed Development.

15.2.13 A key design feature includes siting the substation, BESS and office and welfare unit within a central part of the Site where there is a slight dip in the topography to minimise its appearance in the landscape. The primary mitigation in the OLEMP includes enhancing and maintaining existing hedgerows, enhancing and maintaining existing trees and woodland, planting new woodland trees, scattered individual trees, planting new hedgerows, planting of species-rich meadow grassland and planting of native scrub land. The proposed mitigation in the OLEMP has been informed by the NCA, LCT and the National Forest Strategy and helps address a number of objectives as set out in the OLEMP.

15.2.14 The new woodland and hedgerows and the reinforced hedgerows seek to screen the Proposed Development from short, medium and long-distance views with the

woodland planted around areas that are more exposed in the landscape and to views particularly around the Oaklands Farmstead.

15.2.15 Existing hedgerows within the Site and around the boundaries are to be enhanced and strengthened with additional planting and new hedgerows planted to maintain and emphasise the existing field patterns and break up the form and massing of the extent of the solar array. The boundary hedgerows will screen the Proposed Development from views with views being from close public vantage points once established. Views from the Cross Britain Way and new permissive path would be mitigated through new hedgerow planting, enhance existing hedgerows and planting of wildflower meadow grassland. This ensures both paths have a sense of openness within the Site rather than being tightly enclosed by hedgerows either side of the paths as shown within the visualisations in the ES.

15.2.16 In terms of fencing, the more substantial steel palisade security fencing is limited to surrounding the BESS, substation and office and welfare building in the centre of the Site for security and safety reasons and would be up to 3m in height. This type of fencing is limited to this area of the Site and is screened by enhanced existing hedgerows. The remainder of the Site is secured by deer fencing which comprises 2.1m stock wire mesh deer fencing with wooden posts piled into ground up to 2m including mammal gaps and may utilise a single line of barbed wire. If more secure fencing is required, then metal posts would be installed. Other fencing would be 1.5m post and wire agricultural stock fencing for contain grazing animals within the Site such as sheep. This accords with the approach set out Paragraph 2.1.99 in EN-3 which requires the use of substantial security fencing to be minimised and the predominant fencing type is similar to that used for agricultural purposes, which is congruous within the wider landscape.

15.2.17 The impact of lighting of the Proposed Development is discussed in section 13 of this Statement. Chapter 5 of the ES has assessed this impact in which during construction there would be a temporary minor adverse impact and during operation the impact of lighting would negligible.

15.2.18 The proposed landscape enhancements would result in a number of beneficial effects to the landscape through the additional hedgerow and tree planting, enhancing existing hedgerows and provision of wildflower meadows which contribute to landscape objectives of the NCA, LCT and National Forest Strategy.

15.2.19 In summary, the Proposed Development is likely to result in some harm to the landscape and visual amenity of the Site and surrounding area. Both EN-1 and EN-3 accept that this is inevitable for nationally significant energy infrastructure projects. However, a suite of embedded mitigation has sought to mitigate these impacts where possible and this mitigation can have a beneficial effect in the long term. This proposed mitigation through the OLEMP is secured via Requirement 8 and will be confirmed at the detailed design stage. Any residual landscape and visual amenity harm is then outweighed by the public benefits of the Proposed Development including the urgent need for CNP infrastructure and particularly as EN-1 accepts there will inevitably be some harm to the landscape arising from

NSIPs. Therefore, the Proposed Development accords with relevant policies relating to landscape and visual impacts in EN-1, EN-3 and local policies and this weighs in favour of granting the DCO.

# 16 AGRICULTURAL LAND, LAND USE AND CONTAMINATION

## 16.1 POLICY SUMMARY

16.1.1 Section 5.11 of EN-1 sets out policy relating to land use. It states at Paragraph 5.11.1 that an energy infrastructure project will have a direct effect on the existing use of the proposed site and may have indirect effects on the use, or planned use, of land in the vicinity for other types of development. Given the likely locations of energy infrastructure projects there may be particular effects on open space including green and blue infrastructure.

16.1.2 EN-1 acknowledges at Paragraph 5.11.3 that many forms of energy infrastructure will require greenfield land in order to be delivered. Paragraph 5.11.4 notes that development of land will affect soil resources, including physical loss of and damage to soil resources through land contamination and structural damage. Indirect impacts may also arise from changes in the local water regime, organic matter content, soil biodiversity and soil process.

16.1.3 The Government's policy is to ensure there is adequate provision of high-quality open space and sports and recreation facilities to meet the needs of local communities. Connecting people with open spaces, sports and recreational facilities all help to underpin people's quality of life and have a vital role to play in promoting healthy living.

16.1.4 It notes that green and blue infrastructure can also enable developments to provide positive environmental, social, health and economic benefits. Green infrastructure includes green space such as parks and woodlands but also other environmental features such as street trees, hedgerows and green walls and roofs. Well designed and managed green and blue infrastructure provides multiple benefits at a range of scales.

16.1.5 EN-3 provides criteria for factor influencing site selection and design for large scale, ground mounted solar schemes. EN-3 notes that solar is a highly flexible technology and as such can be deployed on a wide variety of land types. It generally directs solar to suitable previously developed land, brownfield land, contaminated land and industrial land.

16.1.6 EN-3 sets out that where agricultural land is being development the use of land which is classified as poor quality agricultural land, such as grade 3b, 4 and 5 of the Agricultural Land Classification, is preferred over the use of higher quality "Best and Most Versatile" (BMV) agricultural land which is defined as land in grades 1, 2 and 3a of the Agricultural Land Classification. However, importantly, EN-3 also notes that 'land type should not be a predominating factor in determining the suitable of the Site location' and that the development of ground mounted solar arrays is not prohibited on Best and Most Versatile Agricultural Land. EN-3

recognises that at the scale of development required for NSIPs some use of agricultural land is likely, with Applicants asked to explain their choice of site, noting the preference for the type of land expressed in EN-3, as well as considering factors such as the use of Soil Management Plans and whether land can continue to be used for agricultural use.

16.1.7 Paragraph 2.10.127 of EN-3 states that the Defra Construction code of practice for the sustainable use of soils on construction sites provides guidance on ensuring that damage to soil during construction is mitigated and minimised. Mitigation measures focus on minimising damage to soil that remains in place, and minimising damage to soil being excavated and stockpiled. The measures aim to preserve soil health and soil structure to minimise soil carbon loss and maintain water infiltration and soil biodiversity. Mitigation measures for agricultural soils include use of green cover, multispecies cover crops - especially during the winter minimising compaction and adding soil organic matter.

16.1.8 Paragraph 2.10.145 adds that the applicant should put forward appropriate mitigation measures to minimise impacts on soils or soil resources.

16.1.9 EN-5 does not provide specific policy on land use.

16.1.10 The DDC Derbyshire Spatial Energy Study discusses appropriate locations for ground-mounted solar PV arrays within the County, albeit only for solar projects that generate up to 49.9MW. It confirms that within the County there are fewer constraints to ground mounted solar PV across an area of land running broadly from the southwest to the northeast, which includes the Site.

16.1.11 Policy BNE4 part E of the SDDC Local Plan Part 1 states the Council will seek to protect soils that are 'Best and Most Versatile', (Grades 1, 2 and 3a in the Agricultural Land Classification) and wherever possible direct development to areas with lower quality soils.

16.1.12 Policy SD4 of the SDDC Local Plan Part 1 deals with contamination, noting that where there is any potential for contamination it will be necessary for an applicant to demonstrate that any necessary remediation measures will be incorporated. Policy INF7 of the Local Plan Part 2 sets out that the Council will seek to conserve, enhance and wherever possible extend green infrastructure.

## 16.2 APPLICANT'S ASSESSMENT – SITE SELECTION

16.2.1 Chapter 3 of the ES [Document 6.1] sets out in detail the processes and considerations undertaken in selecting the Site for the Proposed Development, including an assessment of alternatives and a feasibility assessment of the Site to confirm irradiance levels, topography and any environmental constraints associated with the area around the Site.

### *Irradiance and site topography*

16.2.2 EN-3 recognises that the efficiency of solar generation is limited by the ability to be positioned in such a way as to maximise the exposure of the solar panels to the sunlight to ensure maximum efficiency. It is also necessary to direct solar generation to areas of the UK where the irradiance levels are sufficient to ensure the solar photovoltaic panels can operate efficiently and Proposed Developments to be commercially viable. Figure 4.1 below shows that the Site lies in area with a suitable level of Global Horizontal Irradiance (GHI) which is the amount of terrestrial irradiance falling on a surface horizontal to the surface of the earth. This shows that the Site would generate a minimum of 2.6kWh/$m^2$. This is also confirmed by the map on page 85 of the DDC Derbyshire Spatial Energy Study which shows the Site as lying within an area that would generate between 2.5 and 2.7 kWh/$m^2$/day. The Spatial Energy Study records that of the 270.5MW of electricity generated in Derbyshire in 2021, some 76.2% was from solar, which demonstrates the opportunity for solar generation in the Derbyshire area. Notwithstanding the fact that the Spatial Energy Study does not specifically cover NSIPs, the location of the Proposed Development in the southwest of the County generally accords with DDC's own spatial analysis of where a ground mounted PV project should best be located.

16.2.3 In terms of the Site itself, the topography is gently rolling and undulating with no steep slopes. The maximum elevation is 90m AOD in the centre of the area, and slowly falls towards the unnamed ordinary watercourse to the northeast to 59m AOD. This represents suitable topography for a large-scale ground mounted solar array where the land can be used efficiently and the panels arranged without compromising their efficiency, particularly as there are no steep slopes that are north facing.

16.2.4 This enables the panel arrays to have a south facing aspect to maximise the irradiance levels. In addition, the surrounding topography and landscape would not compromise the irradiance levels through overshadowing or shading. Consequently, and as acknowledged at paragraph 2.10.19 of EN-3, the topography and irradiance levels are sufficient for the project to be commercially viable, therefore ensuring that the Proposed Development would be deliverable.

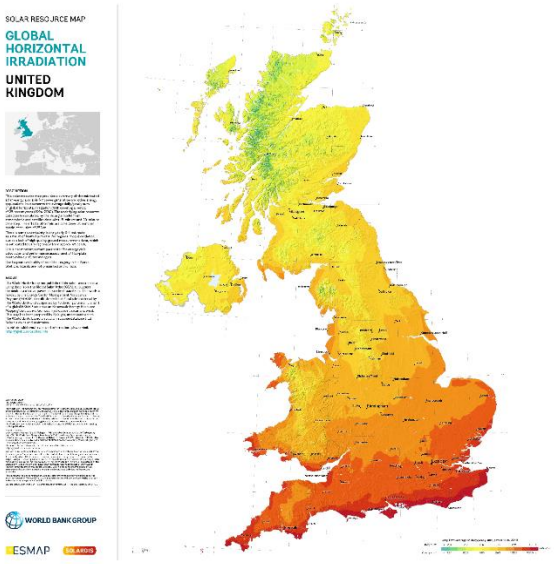


Figure 4.1: A map showing the Global Horizontal Irradiance (GHI) levels across the UK (courtesy of 2020 The World Bank, Source: Global Solar Atlas 2.0, Solar resource data: Solargis)

### *Network connection*

16.2.5 EN-3 recognises that to maximise existing grid infrastructure, minimise disruption to existing local community infrastructure and/or biodiversity and reduce overall costs applicants may choose a site based on nearby available grid export capacity. As set out in Chapter 3 of the ES, the Applicant undertook an assessment of grid capacity of the English and Welsh distribution network and national grid network to identify connection points (substations) with suitable and available capacity. This assessment identified National Grid's Drakelow substation in South Derbyshire as being of suitable scale and with significant potential capacity.

16.2.6 The available capacity at Drakelow enabled a more detailed site assessment and search as described Chapter 3 of the ES [Document 6.1] and further information on the grid connection point is contained within the Grid Connection Statement [Document 7.3]. As documented within the ES [Document 6.1] It was considered that there was a sufficient amount of land in close proximity to the Drakelow Substation which was available and which could accommodate a large-scale solar PV development.

16.2.7 Ensuring close proximity to a Substation ensures the distance the cabling has to travel to connect to the substation is limited result in minimal disruption to the local community. The proximity to Drakelow Substation has enabled the undergrounding of the grid connection cabling thereby reducing the visual impacts of the Proposed Development. The design evolution has addressed the environmental effects identified through the EIA along with consultation feedback, and the Proposed Development has avoided, minimised and mitigated effects wherever possible, which includes those impacts of installing that cable.

## 16.3 APPLICANT'S ASSESSMENT - LAND USE AND AGRICULTURAL LAND

### Land Use

16.3.1 The Site is not located within the Green Belt and is not within any other nationally designed areas such as a National Park or Area of Outstanding Natural Beauty (National Landscape). The Derbyshire County Spatial Energy Study identifies the presence of the Peak District National Park, the Derwent Valley Mills World Heritage Site and Green Belt land (including at Derby and Burton-upon-Trent) within the County, which means that areas of the County are particularly sensitive to energy development. The Site is not within any of those designations which the sensitivity to large scale energy development would be heightened.

16.3.2 The Site is primarily located on greenfield agricultural land, with a small part of the Site being within previously developed land at the grid connection point in the Drakelow Area of the Site. As documented in EN-3, whilst solar is a locationally flexible technology the siting of a solar array is subject to the other factors affecting site selection, such as grid connection and network capacity. In this location the presence of the former Drakelow Power Station, which was once one of the main electricity generating facilities in the country, and the continued presence of the Drakelow substation, means that the Site benefits from proximity to the grid and grid capacity. However, it would not be possible to deliver a development of the scale of the Proposed Development in proximity to Drakelow using entirely previously developed land, brownfield land, contaminated land and industrial land. As recognised in EN-3 the situation in that respect is not untypical, as solar developments which are of a Nationally Significant scale are likely to involve some element of agricultural land.

### Agricultural Land

16.3.3 The impact of the Proposed Development on agricultural land and soils is dealt with in full in Chapter 15 of the ES [Document 6.1].

16.3.4 The Site comprises a mix of agricultural land which is classified as being of Grade 2, 3a and 3b quality soil. The assessment in the ES concludes that in real terms across the 191 hectares of the total Site (which includes the solar array area and the high voltage cable route and connection to Drakelow), some 36 hectares (18.8 percent) is Grade 2, 79 (41.4 percent) hectares is Grade 3a, 70 hectares (36.7 percent) is Grade 3b or estimated Grade 3b and 6 hectares (3.1 percent) is non-agricultural or urban. In total, reflecting the approach set out in EN-3, which equates to 115 hectares of the Site being Best and Most Versatile land. It is however important to set that figure against a wider context, as follows.

16.3.5 As documented in Chapter 15 of the ES [Document 6.1], having identified the opportunity of grid connection and grid capacity at the Drakelow substation, the Applicant undertook to identify whether any sites existed in the vicinity of the

substation which would provide for a commensurately significant level of electricity generation, whilst having regard to other constraints and the level of BMV agricultural land. That assessment did not identify any sites considered to be suitable for development and which were preferential to the Site when considered in the context of relevant constraints and the amount of BMV agricultural land. The use of some BMV agricultural land is therefore necessary in order to realise the opportunity presented by the Drakelow substation, the Site and the Proposed Development to deliver infrastructure identified as being a Critical National Priority. That approach is not contrary to national policy as set out in EN-1 and EN-3, given that policy does not prohibit development on BMV land.

16.3.6 The Proposed Development, in accordance with the mitigation hierarchy, then seeks to minimise the actual impact of the Proposed Development on the BMV land present within the Site, as set out in Chapter 15 of the ES [Document 6.1]. That approach includes embedded design mitigation, in particular the location of the BESS and substation on Grade 3a land in the centre of the Oaklands Farm Area, with a small area being within Grade 3b. The BESS and Project Substation, as set out in ES Chapter 15, represent the only potential permanent loss of agricultural land. It is not possible to avoid the use of BMV land for those elements of the Proposed Development entirely, due to the need to balance other factors such as proximity to residential dwellings, but the siting of those elements ensures that Grade 2 land is avoided.

16.3.7 The ES has assessed the impacts on BMV land and states that the direct impacts on the soil itself is limited given that the installation of the solar arrays is not significantly intrusive, as they are installed on steel frames with steel legs driven into the ground. This does not require extensive excavation of removal of any soil. The main impacts arise from trenching the cables, provision of access tracks and the installation of the central compound comprising the BESS, substation and office and welfare facilities.

16.3.8 In accordance with paragraph 2.10.34 of EN-3 an Outline Soil Management Plan (OSMP) has then been prepared and submitted as part of the CEMP at Appendix 4.3 of the ES. This has been provided as embedded mitigation which has been factored into the design of the Proposed Development to minimise the impact on soils and BMV land. The OSMP sets out principles and procedures for good practice (embedded mitigation measures) and bespoke mitigation measures in soil handling, storage and reinstatement to be used for the Proposed Development. This outline plan describes the principles that the Principal Contractor will follow to minimise adverse effects on the nature and quality of the soil. The OSMP includes provisions such as the replacing of topsoil when that is removed for the installation of the cable. The ES takes the position that areas such as the BESS are capable of being restored to their former quality at the point of decommissioning, but that for the purposes of assessment a worst-case scenario is assumed where that cannot be achieved.

16.3.9 At the operational stage there are then positive benefits identified for the soils on the site, arising from the management of the land for grassland, including some

sheep grazing, rather than its current intensive agricultural management. Taking the soils present out of intensive agricultural use would have a minor effect on the farm business and local economy. In terms of economic and food production effects this is limited to minor or negligible on the basis of the Site providing a very small contribution to the overall level of food production at a local and national scale.

16.3.10 The ES places the Proposed Development in the context that the amount of BMV land included within the Site represents some 0.003% of the BMV land available nationally. The Proposed Development similarly represents a negligible amount of BMV agricultural land within Derbyshire, of some 0.066%, and some 0.5% of the BMV land available within South Derbyshire. Those figures then need to be appraised against the context that the Site would be used for the purposes of solar generation for 40 years, after which it would be returned to agriculture, that elements of the Site would still be used for agricultural purposes (i.e. sheep grazing), that OSMP manages impacts on the soils present and that areas such as the BESS and Project Substation are potentially capable of being restored.

16.3.11 National Policy recognises that the use of some agricultural land to deliver projects of a Nationally Significant scale is inevitable and does not prohibit the use of BMV agricultural land. In the case of the Proposed Development it is submitted that appropriate efforts have been made to identify whether there were other opportunities to bring forward a commensurate level of solar PV electricity generation on land in the vicinity of the Drakelow substation and the grid connection opportunity that provides. At the outset the Site, when identified, does not contain solely BMV land. The mitigation hierarchy has then been followed to minimise the impact of the Proposed Development on agricultural land as a resource generally and on the soils present on the Site. When set against the Critical National Priority to deliver new nationally significant infrastructure, the urgent need to do that and the commitments at a more local level to reduce carbon emissions, it is submitted that the temporary loss of the BMV land present on the Site does not as part of a wider planning balance outweigh the starting presumption in favour of granting development consent for new Nationally Significant energy generation.

## 16.4 APPLICANT'S ASSESSMENT - CONTAMINATION

16.4.1 Contamination is assessed in Chapter 9 of the ES along with Appendix 9.1: Land Quality Desk Study and Preliminary Coal Mining Risk Assessment. Overall, the ES found that there would be no significant effects as a result of the Proposed Development. The existing agricultural land use present a low risk of contamination being found on site during construction. However, there are source points of historic land use and activities which may pose potential contamination risks associated with areas of made ground where former pits/ reservoir/ ponds have been filled in and in the area of former buildings at New Barn in field O12. This would have a negligible effect if no contamination is found or a minor beneficial effect if there is contamination found and remedial works are

undertaken. Further investigation is secured by Requirement 13 of the dDCO which also captures the procedure for discovering previously unknown contamination on site. Any construction related contained would be controlled by the CEMP secured by Requirement 9.

16.4.2 During operation, there would be a low risk of contamination. No hazardous materials would be stored onsite and the only risk of contamination would be from the BESS should a fire break out. The BESS is set within a bunded slab which drains to a pollution-controlled attenuation tank to contain any contaminated water in the event of a fire. The Outline Battery Storage Safety Management Plan (OBSSMP) provides further details on the procedure for dealing with potential contamination issues with the BESS and is secured by Requirement 12 in the dDCO.

16.4.3 The decommissioning effects would be similar to the construction effects and therefore negligible to minor beneficial. A decommissioning environmental management plan (DEMP) is secured by requirement 21 of the dDCO.

16.4.4 This confirms that at construction, operation and decommissioning there would be no adverse impacts arising from contamination in light of the proposed mitigation and control measures.

## 16.5 APPLICANT'S ASSESSMENT - OPEN SPACE AND RECREATIONAL ACCESS

16.5.1 In terms of open space, EN-1 has a wider definition of open space than that of the Town and Country Planning Act 1990 and extends to all open space of public value. The Site is currently predominantly in agricultural use with the exception of the grid connection point at Drakelow and the unnamed ordinary watercourse with the associated banks/adjacent land. Whilst the Proposed Development would occupy greenfield land, this land is not publicly accessible except for a short stretch of the Cross Britain Way and does not comprise open space which is for public use.

16.5.2 It is acknowledged that the Site currently has an appearance of openness that may contribute some public value. The Site is at the same time in an area which includes a number of above ground power lines and the context of the industrial character of the former Drakelow power station to the north.

16.5.3 The OLEMP includes enhancements which would take place as part of the Proposed Development, including improvements to the unnamed ordinary watercourse and the surrounding area to the north of the Oaklands Farm Area and including planting scattered trees and wildflower meadow, scattered tree planting and wildflower meadow around the main solar arrays Oaklands Farm Area. Various areas of new hedgerow planting are also then proposed. The provision of a full LEMP is secured by Requirement 8 of the dDCO.

16.5.4 The Site has been chosen to avoid direct impacts on the PRoW network where possible. The only Public Right of Way (PRoW) on the Site is the Cross Britain Way, which is also a Long Distance Path, and crosses a short section of the Proposed Development site from east to west. The enhancements include, the creation of a new permissive path connecting the Public Right of Way at the south of the site to the wider Public Right of Way Network to the east and to the Cross Britain Way.

16.5.5 During construction the Cross Britain Way will be monitored by a banksman and if walkers need to cross the Site during construction, they will be accompanied to ensure safe passage. The Outline Construction Environmental Management Plan attached at Appendix 4.3 of the ES [Document 6.1] sets out how the users of the PRoW will be managed. Outside of working hours the PRoW would remain open with the construction site fenced and gated.

16.5.6 During operation, the access track would cross the PRoW, however the Site fencing would be designed to ensure the PRoW remain open with the Site gated and fenced. Given the very small number of operational personnel onsite the frequency of a vehicle needing to cross the PRoW is considered to be very low and unlikely to be a daily occurrence, therefore the impact on users of the PRoW would be negligible. The section of the PRoW that crosses the Site would be enhanced subject to agreement with the relevant authority. Therefore, in accordance with paragraph 2.10.42, the Proposed Development has been designed to ensure the continued recreational use of the PRoW during construction, and during operation of the Site.

16.5.7 The addition of a new permissive path now creates an additional public open space across the Site which was previously not publicly accessible. The permissive path will be appropriately landscaped and managed as set out in the OLEMP to positively contribute the local open space.

16.5.8 The Green Infrastructure within the Site is predominantly limited to the field boundaries. These generally comprise of hedgerows which will be enhanced, and further mitigation is set out in the OLEMP demonstrating that the Proposed Development would positively contribute to the Green Infrastructure.

# 17 NOISE AND VIBRATION

## 17.1 POLICY SUMMARY

17.1.1 Section 12 of EN-1 sets out the policy relating to noise and vibration. Paragraph 5.12.1 states that excessive noise can have wide-ranging impacts on the quality of human life and health such as annoyance, sleep disturbance, cardiovascular disease and mental ill-health. It can also have an impact on the environment and the use and enjoyment of areas of value such as quiet places and areas with high landscape quality. EN-1 confirms the Government's policy on noise is set out in the Noise Policy Statement for England.

17.1.2 EN-1 acknowledges that noise resulting from a Proposed Development can also have adverse impacts on wildlife and biodiversity but this should be assessed in accordance with section 5.4 of EN-1 on ecology. Paragraph 5.12.5 sets out the factors that will determine the likely noise impact of a Proposed Development.

17.1.3 Paragraph 5.12.6 sets out the requirements for a noise assessment where noise impacts are likely to arise from proposed developments. It then confirms that the nature and extent of the noise assessment should be proportionate to the likely noise impact and should consider the noise impact of ancillary activities associated with the development, such as increased road and rail traffic movements, or other forms of transportation.

17.1.4 Operational noise, with respect to human receptors, should be assessed using the principles of the relevant British Standard 263 and other guidance. Further information on assessment of particular noise sources may be contained in the technology specific NPSs.

17.1.5 EN-3 does not add any additional policy for noise and vibration for solar projects. EN-5 adds that noise impacts can arise from substation equipment such as transformers quadrature boosters and mechanically switched capacitors. Transformers are installed at many substations and generate low frequency hum. Whether the noise can be heard outside a substation depends on a number of factors, including transformer type and the level of noise attenuation present (either engineered intentionally or provided by other structures). It confirms that for the assessment of noise from substations, standard methods of assessment and interpretation using the principles of the relevant British Standards are satisfactory.

17.1.6 Policy SD1 of the SDDC Local Plan Part 1 states that the Council will support development that does not lead to adverse impacts on the environment or amenity of existing and future occupiers within or around proposed developments including noise and vibration. Policy SD6 also requires energy development to not give rise to unacceptable impacts on local amenity or give rise to safety concerns relating to noise.

## 17.2 APPLICANT'S ASSESSMENT

17.2.1 Chapter 11 of the ES [Document 6.1] has assessed the potential noise issues arising from the Proposed Development. Solar developments are generally not significant noise generating developments once operational with the main noise generating activities associated with construction.

17.2.2 The assessment found there are a limited number of sensitive receptors in close proximity to the Site. Consequently, the ES found that during the construction phase there would be a negligible effect on all receptors arising from direct construction activities within the Site with the exception of Park Farm, Corner Farm and Ladsgrave Cottage where a small number of certain activities would result in a minor adverse effect as these properties are close to the construction activities. This effect becomes moderate for Corner Farm during any overnight period for a short period of time should specialist night-time directional drilling be required in order to lay underground cabling through Rosliston Road, as that may need to take place over a continuous 48-60 hr period.

17.2.3 The intention is to minimise and contain construction activities where possible to avoid unnecessary and extensive works and this approach has been embedded into the design of the Proposed Development as set out in the Design Statement [Document 7.2]. The primarily seeks to achieve a simple construction approach with the least impact on the Site and surrounding areas.

17.2.4 In terms of construction traffic noise, the effects would be negligible to minor adverse effects when considering all sensitive receptors. The OCEMP and OCTMP includes mitigation to minimise noise associated with construction and the detailed plans are secured by Requirement 9 and 10 of the dDCO.

17.2.5 In terms of the operational noise, the ES found that there would be negligible effect when considering all sensitive receptors. No further mitigation is required beyond that already embedded within the design of the Proposed Development. This primarily includes locating the BESS compound and any other noise emitting equipment away from any sensitive noise receptors where possible toward the centre of the Oaklands Farm Area, which as demonstrated through the Design Statement [Document 7.2] was a consideration during the evolution of the design of the Proposed Development during the preparation of the Application.

17.2.6 Other embedded mitigation includes a buffer of 100m between solar plant (inverters and Medium Voltage (MV) transformers) and residential properties and the location of site accesses away from nearby villages and residential properties.

17.2.7 In summary, there are no significant adverse effects as a result of the Proposed Development and the Proposed Development accords with relevant policies relating to noise in EN-1, EN-3 and within local policies.

# 18 SOCIO-ECONOMIC IMPACTS AND HUMAN HEALTH

## 18.1 POLICY SUMMARY

18.1.1 EN-1 states at section 13 that the construction, operation and decommissioning of energy infrastructure may have socio-economic impacts at local and regional levels. Parts 2 and 3 of EN-1 set out some of the national level socio-economic impacts. These sections set out the benefits of new renewable energy sources that will have significant benefits on climate change, net zero emissions and decarbonising the economy as well as having a positive impact on the economy itself.

18.1.2 EN-1 states that where a project is likely to have socio-economic impacts at local or regional levels, the applicant should undertake and include in their application an assessment of these impacts as part of the ES. Applicants should consider all relevant socio-economic impacts and Paragraph 5.13.4 provides a list of impacts which may be included.

18.1.3 Section 4.4 of EN-1 acknowledges that energy infrastructure has the potential to impact on the health and well-being of the population. An ES should provide an assessment of effects on health by identifying any potential adverse health impacts, and identifying measures to avoid, reduce or compensate for these impacts as appropriate.

18.1.4 EN-3 adds a brief comment on socio-economic impacts at Paragraph 2.10.69 stating that there may be socio-economic benefits in retaining site infrastructure after the operational life of a proposed development, such as retaining pathways through the Site or a site substation.

18.1.5 EN-5 does not provide any further policy context on socio-economic impacts.

18.1.6 Policy S1 of the SDDC Local Plan Part 1 sets out the sustainable growth strategy for the District including supporting tourism, employment growth and community infrastructure. Policy BNE1 – Design Excellence includes broad support of elements that contribute to promoting socio-economic benefits.

## 18.2 APPLICANT'S ASSESSMENT

18.2.1 Chapter 12 of the ES [Document 6.1] sets out the socio-economic benefits of the Proposed Development. The chapter assesses the effect on employment, tourism, Public Rights of Way, recreation, direct economic benefits as well as indirect and induced effects such as associated spending and employment.

18.2.2 During the construction phase, it is anticipated that there will be an average of 114 full-time equivalent (FTE) jobs during the 16-month construction period. However, in factoring the predicted leakage[3] and displacement[4] effects it is estimated that there will be 47.9 FTE jobs generated in the local economy by the construction of the Proposed Development. The ES concludes that the Proposed Development would have a minor beneficial effect on the local economy and employment in South Derbyshire.

18.2.3 The construction of the Proposed Development is likely to result in indirect employment and induced effects on the wider economy. The ES predicts that the 47.9 FTE direct jobs would result in an additional 91 indirect and induced FTE jobs. It has also been estimated there will be an induced expenditure of around £130,000 per annum during the construction period associated with construction employment which together at a local level would result in a minor beneficial effect.

18.2.4 At a wider regional level, it is anticipated that there would be an induced expenditure of £307,800 per annum during in the construction period. Although this would be a negligible effect in EIA terms, this remains a significant benefit of the Proposed Development in planning terms.

18.2.5 During the operational phase of the development, the Proposed Development would employ up to three permanent staff on Site who will be responsible for overseeing the daily operation and maintenance of the Proposed Development with additional maintenance, monitoring and servicing staff that would be located offsite. Therefore, the direct, indirect and induced effect of the Proposed Development on the economy would be limited once operational.

18.2.6 However, it is anticipated that the Proposed Development would generate enough clean renewable electricity to power in the region of 35,000 homes, providing a significant contribution to the provision of clean, secure energy. This has a beneficial social effect at a national level in contributing to the efforts to de-carbonise the economy and the energy sector.

18.2.7 The construction of the Proposed Development would have a direct effect on the PRoW network in terms of recreation at the short section of the Cross Britain Way that cross the Site in the north of the Oaklands Farm Area. However, the use of the PRoW will be monitored by a banksman to ensure safe passage through the Site for users of the PRoW during the Site set up phase (creation of access tracks) and then a formal crossing point will be established and monitored to avoid any conflicts between walkers and construction vehicles during the construction period. PRoW users will have priority to cross over construction vehicles. The

[3]the proportion of output which benefit those outside of the project's target area or group. In other words, if the output were employment, the leakage would relate to how many construction jobs would be secured by people who don't live in South Derbyshire.
[4]the proportion of project outputs accounted for by reduced outputs elsewhere in the region.

management and monitoring of the PRoW will be included in the CEMP secured by Requirement 9. The ES found that this effect would be minor adverse given it is small in scale and magnitude and will only affect a small number of people as well as being temporary in nature.

18.2.8 During operation, the PRoW will be fully open with no obstruction of its use. There will be occasions where vehicles may need to cross the PRoW as part of the ongoing management and maintenance of the Proposed Development but this will be infrequent and irregular and will be managed to ensure vehicles cross safely. The procedures are set out in the Outline OEMP and secured via Requirement 11. The Site would not be accessible from the PRoW which appropriate fencing and access gates provided to prevent trespassing.

18.2.9 In addition, the Proposed Development includes a new permissive path between the junction of Coton Road and Catton Lane in the south of the Site and the Cross Britain Way in the north providing a connection between footpath SD13/4/1 in the south and the Cross Britain Way. This provides an additional benefit of the Proposed Development that provides recreational access to new land and provides greater connectivity for the wider PRoW network throughout the lifetime of the Proposed Development. It may be retained following the decommissioning of the Site but if so this, would be detailed in the DEMP.

18.2.10 The construction period may affect tourism through decreasing the available tourist accommodation in the area. However, employees would be transported to the Site from accommodation up to an hour away and therefore any impact would be dispersed in the wider area rather than concentrated within the local area around the Site.

18.2.11 The Site is not located immediately adjacent to any tourist sites. The nearest tourist sites are Catton Hall which lies around 2km to the southwest of the Site which hosts regular events and festivals with the National Memorial Arboretum and the Rosliston Forestry Centre around 750m to the east of the Site. Whilst the operation of the Proposed Development would not result in any adverse impacts on these tourist attractions there may be conflicts between construction traffic and event traffic. As set out in the OCTMP, it will ensure that large numbers of deliveries and in particular abnormal loads would not coincide with local events where this may adversely affect the safe operation of the road network. This includes regular communications with the relevant operators of the tourist sites. Requirement 10 secures the provision of a CTMP. Therefore, there would be a negligible effect on the operation of existing tourist sites and attractions.

18.2.12 The ES has also assessed the potential cumulative effects of the Proposed Development in combination with other developments but did not identify any significant adverse or beneficial effects.

18.2.13 The ES [Document 6.1] has assessed the potential impact from the Proposed Development on Human Health. This considers the more wholistic view on human health in combination of other topic specific issues such as air quality, noise and

transport. Consequently, the ES concludes that there would no significant effects on human health as a result of the development in light of mitigation embedded with the OCEMP, OOEMP and ODEMP either in isolation or cumulatively.

18.2.14 In summary, the Proposed Development would not result in significant adverse in socio-economic terms or on human health, given mitigation measures to be employed during construction, and instead would contribute to the local and regional economy. Once operational the Proposed Development would result in a beneficial effect to the connectivity of the local PRoW network through the provision of a new permissive path and would ensure that the Cross Britain Way remains open throughout the lifetime of the Proposed Development. Therefore, the Proposed Development accords with relevant policies relating to the socio-economic and human health matters in EN-1 and local policies.

# 19 TRANSPORT AND ACCESS

## 19.1 POLICY SUMMARY

19.1.1 The traffic and transport policy for energy projects is set out in section 5.14 of EN-1, which notes that the transport of materials, goods and personnel to and from a development during all project phases can have a variety of impacts on the surrounding transport infrastructure and potentially on connecting transport networks, for example through increased congestion. Impacts may include economic, social and environmental effects.

19.1.2 Environmental impacts may result particularly from trips generated on roads which may increase noise and air pollution as well as greenhouse gas emissions and disturbance caused by traffic and abnormal loads generated during the construction phase with impacts likely to depend on the scale and type of the proposal.

19.1.3 The consideration and mitigation of transport impacts is an essential part of Government's wider policy objectives for sustainable development as set out in Section 2.6 of EN-1.

19.1.4 EN-3 acknowledges at Paragraph 2.10.120 that modern solar farms are large sites that are mainly comprised of small structures that can be transported separately and constructed on-site, with developers designating a compound on-site for the delivery and assemblage of the necessary components. It recognises that many solar farms will be sited in areas served by a minor road network. Public perception of the construction phase of solar farm will derive mainly from the effects of traffic movements, which is likely to involve smaller vehicles than typical onshore energy infrastructure but may be more voluminous.

19.1.5 Paragraphs 2.10.123 to 2.10.126 sets out the considerations for solar projects in terms of traffic and transport impacts. This includes assessing various routes to the Site, selecting appropriate routes, ensuring that routes can accommodate various vehicles and loads and modifying routes where necessary. The cumulative impact assessment approach should be considered where multiple energy infrastructure developments are proposing to use a common port and/or access route and pass through the same towns and villages.

19.1.6 Policy S6 of the SDDC Local Plan Part 1 seeks to achieve sustainable access including minimising travel, making efficient use of existing infrastructure and services, encouraging sustainable travel and ensuring safety and accessibility. Policy INF2 provides more specific measures relating to sustainable transport including minimising the impact of vehicle movements and the impact on the wider network, ensuring safe access and it sets out criteria and thresholds for assessment.

## 19.2 APPLICANT'S ASSESSMENT

19.2.1 The Site is in close proximity to the Strategic Road Network with the A38 approximately 3.2km to the west and the M42/A42 approximately 10km to the west.

19.2.2 There are a number of construction, decommissioning and operational access points from the public highway to the Site as described in Chapter 4 of this Statement and as shown on Figure 4.4 of the ES [Document 6.1]. In most instances, the Proposed Development has sought to utilise and upgrade existing access to minimise the impact on the landscape and highway network. Various measures, including the use of temporary traffic lights and banksmen, would be used to ensure those accesses function appropriately and safely during construction, with visibility splays created where necessary where those accesses would be retained for operational purposes. Illustrative designs for the main accesses are provided as Figures 4.6 – 4.9 to the ES [Document 6.1] to demonstrate how technically those accesses would function, and sufficient flexibility is provided within Works 5a, 5b and 6, as shown on the Works Plans [Document 2.3] to provide for the creation of accesses for the construction, operation and decommissioning of the Proposed Development.

19.2.3 Within the Site a network of internal haul roads ranging in width from 3.5 – 6m would provide construction access, which would then be reduced to a 3.5m width and retained to provide for the operation of the Proposed Development. The retained operational tracks will be located around the solar array with all tracks to the north of Rosliston Road removed. The haul roads will be made up of 200mm deep type 1 compacted stone/gravel with a geotextile membrane or other surfacing solutions, or where appropriate may simply be mown grass corridors to minimise their impact and ensure they can be easily maintained and removed. Figures 4.10a and 4.10b of the ES [Document 6.1] show the illustrative temporary and permanent access tracks required for the Proposed Development.

19.2.4 A limited amount of parking would be provided at the BESS compound and substation area to accommodate up to three permanent staff and any visitors to the Site. The BESS compound and substation area will ensure there is sufficient parking available for the operation of the Proposed Development.

19.2.5 Chapter 10 of the ES [Document 6.1] assesses the traffic and transport impacts of the Proposed Development. The key effect of the Proposed Development on traffic and transport will be during the construction phase. Once operational, there will be a low number of permanent staff on site with additional staff required onsite at infrequent periods for maintenance, monitoring and servicing of the Proposed Development. The vehicle movements associated with the operation of the Proposed Development would be minimal and have a negligible effect on the local highway network. Consequentially, the operational effects of the Proposed Development on traffic and transport were scoped out of the EIA.

19.2.6 In terms of construction impacts, the ES estimates the average daily vehicle movements to be 81 two-way movements per day comprising 14 Heavy vehicle movements and 67 Light vehicle movements. This will rise to a peak of 104 two-way movements per day (52 deliveries) comprising 28 two-way heavy vehicle movements and 76 two-way light vehicle movements for a four-month period. There would be two Abnormal Loads required, for the delivery of transformers to the Site.

19.2.7 The ES has assessed three options for construction traffic routes as set out below. Figures 10.2 – 10.4 provide maps of the Preferred, Likely and Alternative routes.

- **Scenario 1 – Preferred:** This scenario assumes that the Walton-on-Trent Bypass is built and operational prior to the construction phase commencing with all construction traffic accessing the Site via A38 Barton Turn, the Bypass, Main Street and Walton Road. This is the preferred route but it is considered to be unlikely to be a usable route during construction of the Proposed Development due to continued doubts over the delivery of the Walton Bypass.

- **Scenario 2A – Likely:** This scenario assumes that the Walton-on-Trent Bypass is not built and completed prior to the construction of the Proposed Development. In this instance, all Heavy vehicles will route from A38 Branston Interchange through Stapenhill via the A5189, Main Street and Rosliston Road. Light vehicles (up to 7.5t) will be dispersed along four different routes, including the Chetwynd Bridge, from A38 Branston Interchange (north), A38 Alrewas (west), A5 Ventura Park (south) and M42 Junction 11 (east). This is the likely route to be used by construction vehicles given the uncertainty surrounding the delivery of the Bypass prior to the construction phase commencing.

- **Scenario 2B – Back-up:** This is an alternative route in the event that there are any road closures or obstructions on the heavy vehicle route through Stapenhill. This scenario assumes that the Walton-on-Trent Bypass is not built and completed prior to the construction of the Proposed Development. In this instance, all heavy vehicles will route from the M42 Junction 11 through Coton-in-the-Elms via Coalpit Lane, and all light vehicles are dispersed along three different routes, including the Chetwynd Bridge, from A38 Alrewas (west), A5 Ventura Park (south) and M42 Junction 11 (east). If this scenario was used it will likely only be for a limited period, reverting to the Likely scenario at the earliest opportunity.

19.2.8 The low number of Abnormal Loads are expected to take the Back-up route identified above. That would involve works to the public highway within Coton-in-the-Elms to reinforce and existing culvert and to widen a small number of junctions within the village. Those works would be carried out entirely within the adopted highway and a separate S278 agreement would be sought to allow for those to take place.

19.2.9 Traffic movements were recorded at 14 points across the routes via Automatic Traffic Counts (ATC) to provide a baseline understanding of existing traffic levels in the area. This data has then been extrapolated to understand the existing 24-hour Annual Average Daily Traffic (AADT) and 24-hour Annual Average Weekday Traffic (AAWT).

19.2.10 In assessing the construction impacts from all routes, the ES has found the effects to primarily be not significant and to range from negligible to minor adverse effects. This has assessed the effects of severance, pedestrian amenity, fear and intimidation and road safety on road users, pedestrians, equestrians and cyclists. There are number of sensitive receptors where the effects become moderate and adverse however in light of mitigation these effects are reduced to minor and the major of minor adverse effects are reduced to negligible effects.

19.2.11 This mitigation is set out in the Outline Construction Traffic Management Plan (OCTMP) at Appendix 10.1 of the ES [Document 6.1] and includes a suite of measures to reduce the impact of construction traffic. Key measures include ensuring the PRoWs remain open and safe for all users during the construction period, restriction of heavy vehicle movements outside of set times, restriction on construction vehicle movements when there are events on at the National Arboretum and Catton Hall to the southwest of Oaklands Farm, use of a Delivery Management System, use of temporary signage, provision of traffic marshals at access points and the provision for delivery of abnormal loads. The final details of the CTMP will be secured by Requirement 10 of the dDCO.

19.2.12 The CTMP and DEMP will operate as a Travel Plan for the construction and decommissioning phases of the development. A Travel Plan is not required for the operational phase given the minimal number of vehicle movements it is expected to generate. The CTMP has had regard to the requirements of paragraphs 5.14.7 to 5.14.10 of EN-1 relating to Travel Plans and included appropriate measures as necessary. Standard Travel Plan measures may not be appropriate due to the rural location of the Proposed Development where the Site is not easily accessible by public transport. However, it is intended that workers will be transported to the Site in minibuses from a number of key locations in proximity to the Site where possible. Where workers can travel to site by active and sustainable modes of transport, this will be encouraged.

19.2.13 The decommissioning effects of the proposed development are considered to be no greater or less than the construction effects. Decommissioning traffic will be controlled via the Decommissioning Environmental Management Plan secured at Requirement 21 of the dDCO.

19.2.14 The ES has found that with the proposed mitigation there would be no significant effects on traffic and transport when considered cumulatively with other known projects in the surrounding area.

19.2.15 In summary, the Proposed Development would not result in significant traffic and transport effects in light of the proposed mitigation. The final details of the CTMP

and DEMP will be provided at the detailed design stage and are secured by Requirements. Therefore, the Proposed Development accords with relevant policies relating in EN-1 and EN-3 and local policies relating to this matter.

# 20 RESOURCE AND WASTE MANAGEMENT

## 20.1 POLICY SUMMARY

20.1.1 Section 5.15 of EN-1 sets out the policy regarding resource and waste management. Paragraph 5.15.1 states that the Government policy on hazardous and non-hazardous waste is intended to protect human health and the environment by producing less waste and by using it as a resource wherever possible.

20.1.2 Sustainable waste management is implemented through the waste hierarchy, which sets out the priorities that must be applied when managing waste. These are (in order):

- Prevention
- Preparing for reuse
- Recycling
- Other recovery, including energy recovery
- Disposal

20.1.3 Disposal of waste should only be considered where other waste management options are not available or where it is the best overall environmental outcome.

20.1.4 Paragraph 5.15.4 states that all large infrastructure projects are likely to generate some hazardous and non-hazardous waste. The EA's Environmental Permit regime incorporates operational waste management requirements for certain activities.

20.1.5 EN-1 states that applications should include a report that sets out the sustainable management of waste and use of resources throughout any relevant demolition, excavation and construction activities. Applicants are encouraged to refer to the Waste Prevention Programme for England: Maximising Resources Minimising Waste and should seek to minimise the volume of waste produced and the volume of waste sent for disposal unless it can be demonstrated that this is the best overall environmental outcome. The UK is committed to moving towards a more 'circular economy'. Where possible, applicants are encouraged to source materials from recycled or reused sources and use low carbon materials, sustainable sources and local suppliers. Construction best practices should be used to ensure that material is reused or recycled onsite where possible.

20.1.6 EN-3 and EN-5 do not provide any further additional policies on resource and waste management.

20.1.7 Part k) of Policy BNE1 of the SDDC Local Plan Part 1 sets out the need for new development to facilitate efficient use of resources throughout the whole lifecycle of the development.

## 20.2 APPLICANT ASSESSMENT

20.2.1 EN-1 acknowledges that the environmental permitting regime will cover waste management during operation, and no further assessment is needed of that element given EN-1 also makes clear it is not intended that the DCO process duplicate other regulatory regimes. The ES [Document 6.1] assesses the impact on waste as a result of the Proposed Development within Chapter 16.

20.2.2 The applicant is committed to adhering to the waste hierarchy and section 2.4 of the OCEMP (Appendix 4.3 of the ES) sets out the approach to waste management during the construction phase of the development. This includes the provision of a Site Waste Management Plan ensure the control of waste on site, in a manner that is not detrimental to the local and wider environment. This encompasses the minimisation of waste and the removal of waste from site where necessary. This will be prepared as part of the detailed CEMP secured by Requirement 9 of the dDCO.

20.2.3 Section 4.8 of the OOEMP sets out the approach to waste management during operation of the Proposed Development. This includes the provision of an operational Site Waste Management Plan will be prepared as part of the detailed OEMP secured by Requirement 11 of the dDCO.

20.2.4 The ODEMP sets out the approach to waste management during the decommissioning of the Proposed Development during which all materials arising from the decommissioning and demolition will be recycled or disposed of responsibly and in accordance with the relevant waste management legislation in force at the time of decommissioning. Any electrical equipment and batteries would be recycled where possible in accordance with the Waste from Electrical and Electronic Equipment Regulations 2013 ('WEEE') and Waste Batteries and Accumulators Regulations 2009.

20.2.5 Solar panels typically consist of glass, silicon, aluminium and a small percentage of copper, tin and lead. The glass and metals are readily recycled. Recycling of silicon is an emerging market but there are already specialist companies who offer this service. In terms of the BESS, there are currently no large-scale recycling facilities for recycling batteries on this scale in the UK at this time but there are facilities in Europe. As the UK battery market expands and matures, it is expected that UK opportunities for recycling will appear. All other components of the Proposed Development are generally recyclable and general recycling rates for electrical equipment are in excess of 90%.

20.2.6 As recognised at Paragraph 2.10.69, the recycling of some materials such as the high voltage cable will need to be weighed against other considerations such as ecology and whether the removal of equipment would result in significant harm. This may mean that some equipment will remain on site after decommissioning.

20.2.7 The detailed DEMP, secured by Requirement 21 of the dDCO, will provide the approach to waste management in accordance with the regulations in force at the time of decommissioning.

20.2.8 In light of the above and the embedded mitigation the ES has concluded that there would be no significant effects on waste arising from the Proposed Development and therefore, the Proposed Development accords with relevant policies relating in EN-1 and local policies.

# 21 WATER QUALITY AND RESOURCES

## 21.1 POLICY SUMMARY

21.1.1 Section 5.16 of EN-1 sets out the policy regarding water quality and resources. Paragraph 5.16.1 acknowledges that infrastructure development can have adverse effects on the water environment at construction, operation and decommissioning phases. This includes increased demand for water, discharges to water, and cause potential adverse ecological effects resulting from physical modifications to the water environment. There may also be an increased risk of spills and leaks of pollutants to the water environment. This could lead to adverse impacts on health or on protected species and habitats and could result in surface waters, groundwaters or protected areas failing to meet environmental objectives established under the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017.

21.1.2 Paragraph 5.16.3 requires, as part of an ES, an assessment of the existing status of, and impacts of the proposed project on, water quality, water resources and physical characteristics of the water environment, and how this might change due to the impact of climate change on rainfall patterns and consequently water availability across the water environment.

21.1.3 EN-1 states that proposed developments should manage surface water during construction by treating surface water runoff from exposed topsoil prior to discharging and to limit the discharge of suspended solids. Schemes should also consider protective measures to control the risk of pollution to groundwater beyond those outlined in River Basin Management Plans and Groundwater Protection Zones – this could include, for example, the use of protective barriers. Paragraph 5.16.7 then sets out the criteria for which the ES should describe.

21.1.4 EN-3 does not add any further policy on water quality and resource. EN-5 refers to the Horlock Rules which state that surface and ground water sources should be protected.

21.1.5 Policy SD1 of the SDDC Local Plan Part 1 confirms the Council will support development that does not lead to adverse impacts on the surface and ground water quality and its potential to affect the long-term delivery of water quality standards set out in the Water Framework Directive or Habitats Directive. Policy SD2 requires developments to apply suitable measures to deal with surface water. Policy SD3 sets out the detailed policy requirements for sustainable water supply, drainage and sewerage infrastructure.

## 21.2 APPLICANT'S ASSESSMENT

21.2.1 Chapter 8 of the ES [Document 6.1] assesses the potential impact of the Proposed Development on the water environment including surface water bodies (e.g. rivers, streams, ditches, canals, lakes and ponds) water quality and the potential effects on hydrogeology. Flood risk is addressed at section 14 of this Statement.

21.2.2 The Site is predominantly in agricultural use and undeveloped with an unnamed ordinary watercourse crossing the northern section of Oaklands Farm Area and a number of ditches across the Site and a body of water to the central eastern part of the Oaklands Farm Area. The Site lies on Secondary A and B aquifers and primarily drains to the River Trent to the west/northwest of the Site with a very small section of the Oaklands Farm Area to the south draining to the River Mease. The catchment areas for the River Trent and the River Mease have been classified by the EA as being poor and moderate respectively.

21.2.3 The ES has found that in light of the mitigation proposed in terms of the drainage strategy (Appendix 8.1 of the ES) and the OCEMP, including a Soil Management Plan (Appendix 4.3 of the ES) the construction effects on water quality and resources would be negligible. In some instances, there is likely to be minor beneficial effects on soil compaction from heavy plant/ machinery, alteration to existing land drainage and interaction with contaminated made ground causing mobilisation and treatment of contaminants.

21.2.4 In light of the mitigation proposed in terms of the drainage strategy (Appendix 8.1 of the ES) and the OOEMP, (Appendix 4.4 of the ES) the operational effects on water quality and resources would be negligible to minor beneficial. The operational beneficial effects include the reduction of pesticides and nutrient load and potentially reduced surface water runoff from bare and compacted ground as a result of the change in use of the land.

21.2.5 The Outline OEMP includes an Outline Water Management Plan which will monitor, manage and control water quality and pollution throughout the lifetime of the Proposed Development.

21.2.6 The decommissioning effects have been assessed as being no greater than the construction effects and water quality will be managed through the DEMP secured by Requirement 21 of the dDCO.

21.2.7 The ES also found there to be no significant adverse cumulative effects on water quality and resources arising from the Proposed Development with other proposals in the surrounding area.

21.2.8 In addition, the above and in accordance with EN-1, a Water Framework Directive Assessment has been undertaken and is provided at Appendix 8.2 of the ES. In light of the proposed mitigation measures at the construction phases, particularly the CEMP with the surface water management plan therein, the WFD Assessment confirms that there would be no adverse effect on the status of the water bodies,

nor the aims and objectives of the River Basin Management Plan. At the operational phase the Assessment found there is likely to be an improvement in the status of the River Trent (R Tame to R Dove) waterbody status to good through the reduction in nutrient and pesticide input as the Site is temporarily being taken out of agricultural use.

21.2.9 Therefore, this demonstrates that regard has been given to current River Basin Management Plans and that the Proposed Development meets the requirements of the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 as required by EN-1.

21.2.10 In summary, the Proposed Development would not have any detrimental impact on water quality due to the continued management of surface water run off during both the construction and operational stages and would result in a number of benefits to water quality and the water environment. In accordance with EN-1 the dDCO includes appropriate requirements which mitigate, minimise and prevent any potential adverse impacts on the water environment. Therefore, the Proposed Development accords with relevant policies relating in EN-1 and local policies relating to this matter.

# 22 GLINT AND GLARE

## 22.1 POLICY SUMMARY

22.1.1 EN-3 provides specific policies relating to potential glint and glare issues which may arise from Solar energy projects. Paragraph 2.10.102 acknowledges that solar panels are specifically designed to absorb, not reflect, irradiation with footnote 93 adding that solar panels are designed with anti-reflective glass or anti-reflective coating which ensures that the reflective capacity is no more hazardous that objects already found in the natural and built environment. However, the paragraph continues to note that the angles of the solar panels can cause glint and glare impacts.

22.1.2 Glint is defined as a momentary flash of light that may be produced as a direct reflection of the sun in the solar panel and glare is defined as a continuous source of excessive brightness experienced by a stationary observer located in the path of reflected sunlight from the face of the panel. The effect occurs when the solar panel is stationed between or at an angle of the sun and the receptor.

22.1.3 Paragraphs 2.10.103 to 2.10.106 sets out the parameters for identifying potential glint and glare issues, whether an assessment is required, the consideration for this assessment including if tracking panels are being installed and combined effects of the panels, frames and supports.

22.1.4 Paragraphs 2.10.134 to 2.10.136 sets out the suggested mitigation measures to minimise glint and glare including the use of anti-glare/anti-reflective coating with a specified angle of maximum reflection attenuation for the lifetime of the permission, screening and adjusting the azimuth alignment of or changing the elevation tilt angle of a solar panel.

22.1.5 There are no specific policies relating to glint and glare in EN-1 or EN-5. SD6 of the SDDC Local Plan Part 1 requires energy developments to avoid unacceptable impacts on local amenity and safety concerns.

## 22.2 APPLICANT'S ASSESSMENT

22.2.1 Chapter 14 of the ES [Document 6.1] has assessed the potential effects of glint and glare as a result of the Proposed Development. This is supported by a Solar Photovoltaic Glint and Glare Study at Appendix 14.1. As glint and glare is only effect arising from PV panels themselves the construction and decommissioning effects have not been assessed.

22.2.2 In terms of aviation, it has been predicted there is a 'low potential for temporary after-image' towards pilots using the final approaches, base legs, or base leg joins at Grangewood Airfield as a result of glint and glare. However, this level of glare

is acceptable in accordance with the associated guidance and industry best practice. Considering the distance between the aerodromes and the Proposed Development and the results of the assessment for Grangewood Airfield, no significant impacts upon aviation activity associated with Sittles Farm Airstrip, Fisherwick Airfield, Streethay Farm Airstrip, or Tatenhill Airfield are predicted. Therefore, there are no significant impacts upon aviation activity predicted.

22.2.3 In terms of road user impacts, the results of the modelling indicate that for road users along approximately 4.7km of the assessed roads views of the panels are predicted to be significantly obstructed by screening in the form of existing vegetation, proposed screening, surrounding buildings, and/or intervening terrain. Where potential glint and glare effects on road users were identified those have either been identified as low impact, due to the nature of the roads involved or the likely frequency of occurrence, or temporary screening has been proposed to mitigate that potential impact whilst proposed vegetation reaches full maturity.

22.2.4 The proposed screening of these sections of road is detailed in the Outline Landscape and Ecological Management Plan (OLEMP) with Requirement 8 securing the delivery of a full LEMP prior to commencement of development.

22.2.5 The Assessment considers any potential effect from glint and glare on 85 of the 89 assessed dwelling receptors. Views of the panels are predicted to be significantly obstructed for 44 of these dwellings due to screening in the form of existing vegetation, surrounding buildings, surrounding dwellings and/or intervening terrain. For the remaining 41 dwellings, glint and glare effects are predicted to be experienced for more than three months per year but for less than 60 minutes on any given day. A low impact is predicted on these dwellings particularly as the effects are limited to being above ground floor, the separation distance and position of the sun. Therefore, no mitigation is required and no significant impacts upon residential amenity are predicted.

22.2.6 With regard to Public Rights of Way (PRoW) glint and glare could be experienced by users under certain conditions, typically when the Sun is low in the sky beyond the panels. Significant impacts on users along the PRoWs due to glint and glare effects from the Proposed Development are not predicted due to the sensitivity of the receptors (in terms of amenity and safety) being concluded to be of low significance.

22.2.7 The ES has also concluded that there are no cumulative glint and glare effects arising from the Proposed Development and the Haunton Solar Farm, in Lichfield, north of Tamworth, due to the significant distance between the two developments.

22.2.8 In summary, the Proposed Development does not result in significant adverse impacts from glint and glare in light of proposed mitigation and there are no adverse amenities impacts assessed as arising from the Proposed Development. Therefore, the Proposed Development accords with EN-3 and local plan policies on this matter.

# 23 MAJOR ACCIDENTS AND DISASTERS AND SAFETY

## 23.1 POLICY SUMMARY

23.1.1 Section 4.13 of EN-1 sets out the policies regarding safety and acknowledges that some technologies can present hazardous risks. The HSE is responsible for regulating health and safety in the workplace and is responsible for enforcing a range of health and safety legislation some of which is relevant to the construction, operation and decommissioning of energy infrastructure.

23.1.2 Paragraphs 4.13.5 to 4.13.7 sets out that applicants should consult with the HSE on matters relating to safety and if seeking to develop infrastructure subject to the COMAH regulations should make early contact with the Competent Authority. Any safety report should be discussed with the Competent Authority and confirm the type of information that should be provided at the design and development stage. This will enable the Competent Authority to review as much information as possible before construction begins, in order to assess whether the inherent features of the design are sufficient to prevent, control and mitigate major accidents.

23.1.3 Section 4.14 sets out the policies for hazardous substances.

23.1.4 Policy SD6 of the SDDC Local Plan Part 1 requires applications to demonstrate that proposed developments do not give rise to safety concerns.

## 23.2 APPLICANT ASSESSMENT

23.2.1 Chapter 16 of the ES [Document 6.1] assesses the potential impact from major accidents and disasters and safety. During the pre-application consultation, the HSE confirmed the Site is not within any consultation zones of any major accident hazard sites or major accident pipelines.

23.2.2 During construction and decommissioning, health and safety and fire risk management and controls will be set out in the CEMP and DEMP as provisionally provided for in the OCEMP [Appendix 4.3] and ODEMP [Document 6.1, Appendix 4.5]. These are secured by Requirements 9 and 21 respectively. This includes safe management of the Cross Britain Way Public Right of Way, noise and dust among others. Further site Risk Assessments will be completed by the appointed contractors to minimise the potential health and safety risks and the potential for major accidents and disasters.

23.2.3 Once operational, there is a potential fire risk associated with the battery cells used in the Battery Energy Storage Systems (BESS), transformers containing oil, electrical cabling and components, fuels and flammable liquids stored onsite for

maintenance and operations, and solar panels. For that reason, the BESS has been located in the centre of the Oaklands Farm Area, away from any residential properties. An Outline Battery Storage Safety Management Plan (OBSSMP) has also been prepared, with Requirement 12 of the dDCO securing the provision of a full BSSMP prior to operation. The OBSSMP sets out the risks associated with fires from BESS equipment and identifies how design risks can be minimised and mitigated for. In addition, an Emergency Response Plan and a Fire Service Site Specific Risk Assessment will be produced for the Site and secured through the OEMP. Overall, it is considered that there is a very low risk of the Proposed Development resulting in a major accident or disaster as a result of the BESS, or other potential fire sources due to the embedded design mitigation and the mitigation provided for by the Requirements within the dDCO.

23.2.4 Solar developments are at risk from theft of copper wiring and other materials and equipment and criminal damage and sabotage may lead to a major accident or safety issue. The Proposed Development once operational will be secured by fencing with the BESS and substation compound secured with 3m high palisade security fencing and gates. Addition CCTV and lighting is also proposed to be installed to deter any criminal activity.

23.2.5 The underground 132kV cable connecting the Proposed Development's substation with the National Grid Drakelow substation will be marked on the ground to ensure its presence is known and the landowners will be given notice of its location. The cable will be buried below plough depth of at least 900mm to avoid any conflict with the land use.

23.2.6 In summary, the Proposed Development would not result in any significant effects in relation to major accidents and disasters or safety and therefore complies with EN-1 and the Local Plan policies.

# 24 OTHER MATTERS

## 24.1 ARBORICULTURE

24.1.1 A Tree Survey, Tree Retention and Removal Plan (TRRP) and Arboricultural Impact Assessment and an Important Hedgerow Assessment has been prepared and submitted at Appendix 6.14 and 6.15 of the ES [Document 6.1]. The impact in ecological terms on ancient woodland and ancient and veteran trees is set out in Section 10 of this Statement.

24.1.2 No ancient woodland lies within the Site or within 15m of the Site boundary. Three trees were identified as being veteran trees and three identified as ancient trees. The AIA confirms that all ancient and veteran trees will be retained and safeguarded throughout the construction process in order to prevent any loss or deterioration of these trees.

24.1.3 A blanket Tree Preservation Order (TPO-122) covers the small, wooded area between Walton Road and the Drakelow substation albeit the tree cover is not continuous due to the overhead power lines and pylons which are already present. Work No 5 makes provision for works to install the cable from Walton Road to the Drakelow substation, whilst Work No5A provides for a construction, operational maintenance and decommissioning access to be provided, both of which would take place in the area immediately to the north of Walton Road and adjacent to the Drakelow substation which is covered by the aforementioned TPO.

24.1.4 The details of Work No5 and 5A have not yet been defined. The Environmental Statement and the TRRP which informs it have been produced on the basis of a worst case scenario, which is as presented at Figure 4.5 of the Environmental Statement [Document 6.1], which shows a 16m cable construction corridor using trenching, a 5m temporary track and a 3.5m permanent track located in the area where the greatest loss of trees and woodland would occur, albeit with no trees with bat roost potential being removed. Negotiations with National Grid, the owner of that area, are continuing in order to define an alternative route if possible.

24.1.5 The overall effect on the wider TPO 122 would be limited as the extent of the TPO extends nearly 2km from Loverose Way northeast along Walton Road to the entrance of the Drakelow substation. Tree cover within the part of the TPO closest to the Drakelow substation is restricted by the existing overhead power lines and pylons which limits any trees to those of medium height beneath the power lines.

24.1.6 Excluding the cable route to the Drakelow substation through the TPO there are no other TPOs within the Site or within close proximity to the Site boundary. The Proposed Development is likely to result in a total hedgerow removal around 36m, plus two 6m section of the tree group G25 (likely to equate to just one or two early mature to mature willow, alder or ash trees) and a 6m section of tree group

G27. No loss of individual trees is expected during the construction, operation and decommissioning of the Proposed Development, due primarily to embedded design mitigation. As noted in the Design Statement [Document 7.2] the presence of any significant trees has remained a consideration from early in the design process, with appropriate buffers provided around those in the illustrative layout plans.

24.1.7 All trees proposed for retention will be protected through the use of appropriate tree protection measures in accordance with the relevant standards, with a detailed Arboricultural Method Statement, schedule of arboricultural supervision, final Tree Retention/Removal Plan and final Tree Protection Plan required to be produced and approved through Requirement 7 of the dDCO.

24.1.8 The Important Hedgerow Assessment identifies 14 hedgerows of either wildlife and landscape importance or heritage importance in accordance with the Hedgerow Regulations 1997. The main impact to hedgerows relates to the removal of sections to allow for sufficient visibility splays, which affects hedgerows along Coton Road to allow for the main Site access to be established. This impact will be mitigated through the provision of additional hedgerow planting in a similar location but outside of the visibility splays and set back from the roadside as shown in the OLEMP at Appendix 5.6 of the ES [Document 6.1]. For the remaining important hedgerows there would only be the losses of small-scale sections to allow for access tracks and cable routing in which much of the boundary function of the hedgerow will be retained and have a reduced impact. In addition, retained hedgerows will be enhanced where their status is poor.

24.1.9 The OLEMP sets out the proposed mitigation and enhancements for the Proposed Development which includes a significant amount of planting of new hedgerows, woodland and trees significantly above the amount that would need to be removed to facilitate the Proposed Development. The final details of the LEMP are secured via Requirement 8 of the dDCO and will specify the mitigation and enhancements in detail.

24.1.10 In summary, the Proposed Development overall will result in the minimal loss of hedgerows and trees with no loss of ancient woodland or ancient and veteran trees subject to appropriate and standard mitigation measures. The relatively small-scale loss of hedgerows and trees, including those which are subject to a Tree Preservation Order, would be compensated through an extensive landscape and planting scheme set out in the OLEMP with more hedgerows and trees planted than being removed. Notwithstanding this, as solar developments are designated as Critical National Priority (CNP) Infrastructure, the residual loss of some trees and hedgerows following the application of the mitigation hierarchy is submitted to be significantly outweighed by the urgent need of CNP Infrastructure in accordance with EN-1.

## 24.2 MINERAL AND WASTE SAFEGUARDING

24.2.1 Derbyshire County Council are responsible for Mineral and Waste planning. For confirmation, the Proposed Development does not lie within any Mineral Safeguarding Areas or Mineral Consultation Areas and does not affect any safeguarded minerals related infrastructure. The sterilisation of minerals was also considered within Chapter 9 of the ES [Document 6.1] where it was concluded there would be a negligible effect. There are also no waste sites in close proximity to the Site that would be affected by the Proposed Development.

24.2.2 Therefore, there are no mineral or waste safeguarding issues.

## 24.3 ELECTRIC AND ELECTRO-MAGNETIC FIELDS (EMF)

24.3.1 EN-5 states that Power frequency EMFs arise from generation, transmission, distribution and use of electricity and will occur around power lines and electric cables and around domestic, office or industrial equipment that uses electricity. The main EMF generators for the Proposed Development are the high voltage cable and substation. It adds that all overhead power lines produce EMFs and whilst putting cables underground eliminates the electric field, they still produce magnetic fields, which are highest directly above the cable. EMFs can have both direct and indirect effects on human health, aquatic and terrestrial organisms.

24.3.2 The 132kV high voltage cable from the substation to the grid connection point will be entirely underground and the substation will be beyond a publicly accessible perimeter. However, as set out in the Scoping Report (Appendix 2.1 of the ES) [Document 6.1], the guidelines around EMFs confirm that no assessment is required for infrastructure or cables, which are 132kV or below and therefore the EMF effects were scoped out of the ES assessment. This was agreed by the Planning Inspectorate in their Scoping Opinion (Appendix 2.2 of the ES).

24.3.3 Therefore, the Proposed Development would not have an adverse effect from EMFs in accordance with EN-5.

## 24.4 UTILITIES

24.4.1 The ES has taken into consideration the potential of the Proposed Development to affect existing telecommunication and utility infrastructure. The onsite utilities present could include water, sewers, gas or oil pipelines and electrical cables. Telecommunication infrastructure in this context means overhead communication links.

24.4.2 The Assessment has found a number of utility services within and adjacent to the Site including gas, electricity, drainage and telecom assets. Consultation has been

undertaken with utility operators and acceptable construction methods and protective measures have been identified and will be agreed with operators.

24.4.3 For those that are Statutory Undertakers Protective Provisions have been drafted and set out at Schedule 10 of the dDCO. With regard to telecommunications or television reception there would be no significant adverse effects as arising from the Proposed Development.

24.4.4 Therefore, in light of the mitigation measures the Proposed Development would not have an adverse impact on utilities.

# 25 SUMMARY AND CONCLUSION

## 25.1 LEGISLATIVE TEST

25.1.1 The Application seeks development consent for a form of development for which National Policy Statements EN-1, EN-3 and EN-5 have effect. Accordingly, Section 104(3) of The Planning Act 2008 applies and states that the SoS must decide the Application in accordance with the relevant NPSs, except to the extent that one or more of the specific circumstances set out within that section applies.

25.1.2 In respect of those specific circumstances set out in S104, no reason has been identified as to why deciding the application in accordance with any relevant national policy statement would lead to the United Kingdom being in breach of any of its international obligations (subsection (4)). Similarly, it would not lead to the SoS being in breach of any duty imposed on it (subsection (5)) or would be unlawful (subsection (6)). As set out in this Planning Statement, and as discussed in the Case for the Development, the adverse impact of the Proposed Development would not outweigh its benefits (subsection (7)) and no reason has been identified as to why the SoS should decide the application otherwise than in accordance with a national policy statement (subsection (8)).

25.1.3 The SoS must then when deciding the Application have regard to the following:

### The National Policy Statements

25.1.4 As discussed further in the Case for the Development, the Proposed Development is submitted to be in accordance with the policies set out in the relevant National Policy Statements.

### Any Local Impact Report

25.1.5 Local Impact Reports are expected to be prepared by the host authorities (South Derbyshire District Council and Derbyshire County Council) during the examination of the Proposed Development.

25.1.6 As demonstrated in the Consultation Report [Document 5.1] the level of local public interest in the Proposed Development has been relatively limited for the scale and type of the development. Responses have varied from support to objection to the Proposed Development. The Proposed Development would not give rise to any environmental effects which would significantly affect the amenity of those people living in, working in or using the surrounding area.

### Any matters prescribed

25.1.7 In terms of the prescribed matters, set out in Regulation 3 and 7 of the Infrastructure Planning (Decisions) Regulations 2010, it has been demonstrated that the Proposed Development would have no adverse impact on Listed buildings, conservation areas and scheduled monuments or their settings. Biodiversity conservation and enhancement is addressed in this Planning Statement and Chapter 8 of the ES [Document 6.1].

### Any other matters which the SoS thinks are both important and relevant

25.1.8 This Planning Statement has identified relevant legislation, policy and guidance at the national, regional and local level which are considered to be important and relevant to this Application. The Case for the Proposed Development sets out how the Proposed Development is submitted to be in compliance with those important and relevant considerations.

## 25.2 THE CASE FOR THE PROPOSED DEVELOPMENT

25.2.1 The Government, through the Climate Change Act 2008, made the UK the first country in the world to set legally binding carbon budgets, aiming to cut emissions (versus 1990 baselines) by 34% by 2020 and by at least 80% by 2050, before increasing that commitment to 100%, i.e., being zero carbon, by 2050. At the same time the UK needs to ensure it has a secure, reliable and affordable energy system.

25.2.2 As acknowledged in EN-1, achieving those aims will require a significant amount of new energy infrastructure and, that an energy system consistent with those principles, is likely, by 2050, to comprise largely of wind and solar technologies. At the more local level Derbyshire is already taking the opportunity to generate electricity from solar sources, in the view that the county's energy demand will increase, and more generation is needed to help it meet its own carbon reduction goals.

25.2.3 EN-1 makes clear that applications for large scale nationally significant solar schemes are to be determined on the basis that there is an urgent need for that infrastructure which attracts significant weight. The delivery of that infrastructure is a Critical National Priority which means that there is a presumption in favour of granting development consent, as the need for that development will in general outweigh any residual impacts which cannot be addressed by the mitigation hierarchy.

25.2.4 As set out in the ES, a careful and considered approach has been taken throughout the preparation of the Application to apply the mitigation hierarchy throughout the design and environmental assessment process. The ES concludes that in light of mitigation the Proposed Development would not result in any residual

significant adverse effects in relation to designated landscapes, ecological sites, protected species or habitats, historic environment, flood risk, ground conditions, transport and access, noise, socio-economic impacts, climate change, glint and glare, agricultural and land use, major accidents and disasters, air quality, waste, human health and utilities.

25.2.5 The only potential residual likely significant adverse effects are related to landscape and archaeology. The landscape effects are confined to the Site itself and to the area immediately around the Site. Significant residual effects on archaeology would only occur if high value deposits were found to be present on site, the potential for which is considered to be very low.

25.2.6 The Proposed Development would deliver a number of benefits which includes:

- The ability to generate a significant amount of electricity, some 138MW, from a renewable energy source, capable of powering some 35,000 homes and contributing to the urgent need for new low and zero carbon energy infrastructure in the UK and delivering a development which national policy identifies as being a Critical National Priority.

- Including an energy storage element to the development, ensuring that electricity generated by the solar arrays can be stored and released to the grid as appropriate, but also helping to improve the resilience and flexibility of the wider electricity network by allowing electricity to be imported and stored before being released when appropriate.

- Securing a biodiversity net gain of 125% in habitat units, 20% in hedgerow units and 20% in river units, through a comprehensive scheme of landscaping and biodiversity improvements around the Site.

- Creating a new permissive path through the Proposed Development which will provide connectivity across the Site and improve the connectivity of the Public Rights of Way network in the surrounding area;

- Create employment opportunities and economic activity, particularly during the construction phase when it is expected that an average of 149 jobs will be created, with an equivalent of 8 full time jobs being created during the operation of the Proposed Development.

25.2.7 The Site therefore represents an opportunity to deliver urgently needed infrastructure in an appropriate and deliverable location, through a considered and sensitive Proposed Development which accords with relevant policies.

## 25.3 REQUEST

25.3.1 There is an urgent need for Critical National Priority infrastructure, such as the Proposed Development, to assist the Government in achieving its energy, security,

economic, commercial, and net zero objectives. The Proposed Development is in accordance with EN-1, EN-3 and EN-5, results in a number of identified benefits and the limited residual impacts are entirely outweighed by the urgent need. It is therefore submitted that the order granting development consent should be made as proposed.

# APPENDIX A

# PLANNING HISTORY

# PLANNING HISTORY

## 1.1 INTRODUCTION

1.1.1 The Order Limits cover a large area with various planning history across the site. For ease, the planning history has been separated into the four areas as set out in section 2.1 of the Planning Statement.

## 1.2 OAKLANDS FARM AREA

1.2.1 The Oaklands Farm Area primarily comprises land within agricultural use where there is limited planning history. Three applications relate to the agricultural use and three applications relate to the installation of a high pressure gas pipeline and subsequent resubmissions to extend the permission. However, as shown in ES Figure 16.1, this pipeline was not shown in the utility searches and has not been implemented.

| REF | DESCRIPTION | ADDRESS | STATUS | DATE |
|---|---|---|---|---|
| **9/2011/0411** | Application for a new planning permission to replace an extant planning permission 9/2008/0988 in order to extend the time limit for implementation for the installation of high pressure steel gas pipeline and associated works to form temporary construction accesses. | Drakelow Power Station land between Walton Road Drakelow to Pessall Farm Pessall Road Edingale Staffordshire | Granted | 10th November 2011 |
| **9/2008/0988** | The installation of high pressure steel gas pipeline and associated works to form temporary construction accesses. | Drakelow Power Station land between Walton Road Drakelow to Pessall Farm Pessall Road Edingale Staffordshire | Granted | 16th February 2009 |
| **9/2008/0066** | The installation of high pressure steel gas pipeline on land. | Drakelow Power Station land between Walton Road Drakelow to Pessall Farm Pessall Road Edingale Staffordshire | Refused | 17th April 2008 |
| **9/2006/0115** | The erection of a cattle rearing shed | Oaklands Farm, Coton Road, Walton-on-Trent, DE12 8LP | Granted | 28th April 2006 |

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|---|---|---|---|---|
| **9/2002/1163** | The formation of a new agricultural access | Oaklands Farm, Coton Road, Walton-on-Trent, DE12 8LP | Granted | 19th December 2002 |
| **9/2002/0819** | The rebuilding of a spur of an existing 11 Kv wood pole line (approx 1.2 Km in length) | Park Farm Walton Road Drakelow Burton-on-Trent | Granted | 16th September 2002 |

Table 1.1: Oaklands Farm Area Planning History

## 1.3 FAIRFIELD FARM AREA

1.3.1 As the Order Limits only pass through a small part of the Fairfield Farm Area comprising agricultural land, no planning history has been found for this area.

## 1.4 PARK FARM AREA

1.4.1 The Park Farm Area comprises agricultural land and makes use of existing routes and farm tracks with limited recent or relevant planning history. The two applications identified below relate to a domestic property to the south of Walton Road, with the access to the properties being within the Order Limits.

| REF | DESCRIPTION | ADDRESS | STATUS | DATE |
|---|---|---|---|---|
| **DMPA/2022/1031** | Conversion of existing garage and side storage lean-to a 2-bed dwelling. | Grove Lodge, Walton Road, Drakelow, Swadlincote, Burton On Trent, DE15 9TY | Granted | 24th April 2023 |
| **DMPA/2021/1157** | The erection of an infill extension, and extending roof over garage to create a new room above existing garage | Grove Lodge, Walton Road, Drakelow, Swadlincote, DE15 9TY | Granted | 6th October 2021 |

Table 1.2: Park Farm Area Planning History

## 1.5 DRAKELOW POWER STATON AREA

1.5.1 Drakelow Power Station Area has an extensive planning history with much of this related to the three now decommissioned and demolished coal-fired power stations. A small part of the Site falls within land associated with the former Drakelow Power Station site where the cable connection being installed as part of the Proposed Development connects to the National Grid Drakelow Substation. The planning history of below captures the recent and relevant applications within or adjacent to the Order Limits.

| REF | DESCRIPTION | ADDRESS | STATUS | DATE |
|---|---|---|---|---|
| **DMOT/2023/0730** | The pruning of trees covered by South Derbyshire District Council Tree Preservation Order no. 122 | Drakelow Power Station, Walton Road, Drakelow, Swadlincote, | Granted | 2nd August 2023 |
| **9/2014/1108** | The felling and pruning of 21 trees covered by south derbyshire district council tree preservation order number 122 | Woodland between drakelow substation and walton lane drakelow | Granted | 23rd December 2014 |
| **9/2014/0403** | The felling of a yew tree covered by south derbyshire district council tree preservation order number 122 | Drakelow Power Station Land Fronting Walton Road Drakelow | Granted | 18th June 2014 |
| **9/2012/1028** | The felling of a yew tree covered by south derbyshire district council tree preservation order number 122 | Drakelow Power Station Land Fronting Walton Road Drakelow | Granted | 29th January 2013 |
| **9/2003/0815** | Engineering operations to alter/regularise land levels | Drakelow Power Station Land Fronting Walton Road Drakelow | Granted | 26th August 2003 |

Table 1.3: Drakelow Power Station Area Planning History

## 1.6 OTHER RELEVANT PLANNING HISTORY

1.6.1 The applications listed below are considered relevant developments primarily located in the area around the Former Drakelow Power Station Site and which are in the vicinity of the grid connection point.

### Residential Development

1.6.2 To the northeast of the Order Limits is an extant hybrid permission for up to 2,239 dwellings, including a retirement village, an employment park, two local centres comprising retail, services, leisure, employment and community uses, public open spaces and new primary school. Construction of the scheme is underway with some dwellings now occupied. There have been various Section 73 applications to vary conditions as well as Reserved Matters applications.

1.6.3 Table 1.4 below sets out the relevant applications related to the adjacent residential development.

| REF | DESCRIPTION | ADDRESS | STATUS | DATE |
|---|---|---|---|---|
| **DMOT/2023/1024** | The modification of a planning obligation under section 106 of the Town | Land at SK2420 2230, Walton Road, | Awaiting Decision | |

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|---|---|---|---|---|
| | and Country Planning Act 1990 dated 24th August 2021 and relating to permission ref. DMPA/2020/1460 (seeking to reset trigger for Walton Bypass to allow for it to be delivered prior to occupation of 785 dwellings on the Drakelow Estate) | Drakelow, Swadlincote | | |
| **DMPA/2022/1515** | Variation of condition 4 of planning permission DMPA/2020/1460 to update the phasing arrangements for the site. | Land at SK2420 2230, Drakelow Park, Walton Road, Drakelow, Swadlincote | Granted | 23rd December 2023 |
| **DMPA/2021/1035** | Approval of reserved matters (access, layout, scale, appearance and landscaping) pursuant to outline permission ref. DMPA/2020/1460 for 1,036 dwellings. | Land at SK2420 2230, Drakelow Park, Walton Road, Drakelow, Swadlincote | Granted | 30th September 2021 |
| **DMPA/2020/1460** | The removal of conditions no. 1 and 2 and the variation of conditions no. 4, 6, 7,14, 19 and 34 of permission ref. 9/2015/1030 for the variation of condition 47 of planning permission ref. 9/2009/0341 | Land at SK2420 2230, Drakelow Park, Walton Road, Drakelow, Swadlincote | Granted | 24th August 2021 |
| **9/2015/1030** | The variation of condition 47 of planning permission ref: 9/2009/0341 | Drakelow Park, Walton Road, Drakelow, Swadlincote | Granted | 7th June 2016 |
| **9/2014/0363** | Approval of reserved matters for phase 1 (99 dwellings) of previously approved outline permission 9/2009/0341 | Drakelow Park, Walton Road, Drakelow, Swadlincote | Granted | 12th June 2014 |
| **9/2009/0341** | A hybrid planning application with all matters reserved for up to 2,239 dwellings, including a retirement village: an employment park; two local centres comprising retail, services, leisure, employment and community uses; public open spaces; a new primary school, associated landscape and infrastructure including car | Land at SK2420 2230, Drakelow Park, Walton Road, Drakelow, Swadlincote | Granted | 1st March 2012 |

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|---|---|---|---|---|
| | parking, road and drainage measures; and the refurbishment of the listed stables and cottages (with full details- comprising change of use and repair of the building). | | | |

Table 1.4: Other Relevant Planning History – Residential

## Walton Bypass

1.6.4 As part of this development there is a requirement to provide a new bypass and river crossing around Walton-on-Trent, with the planning permission requiring the Walton Bypass to be implemented prior to the occupation of 400 dwellings. A current application is seeking to amend this to prior to the occupation of 785 dwellings. The application was presented to the Planning Committee on the 23rd January 2024 but was deferred to the next Planning Committee on 6th February 2024. The updated Committee Report relating to that application (DMOT/2023/1024) requires the bridge to be completed and open to vehicles by the occupation of the 785th dwelling or by 31st December 2025, whichever is sooner.

1.6.5 A Screening and Scoping Opinion has been issued by South Derbyshire District Council for the new bridge and bypass. This is because a new application is required to amend and update the original scheme, so it is in accordance with current design and construction standards and best practice which have moved on since it was originally approved in 2003.

| REF | DESCRIPTION | ADDRESS | STATUS | DATE |
|---|---|---|---|---|
| **DMOT/2023/1508** | Screening & Scoping Opinion - Amended bridge and bypass proposal | Land At Walton Road, Drakelow, | EIA Required | 12th January 2024 |
| **DMOT/2023/1024** | The modification of a planning obligation under section 106 of the Town and Country Planning Act 1990 dated 24th August 2021 and relating to permission ref. DMPA/2020/1460 (seeking to reset trigger for Walton Bypass to allow for it to be delivered prior to occupation of 785 dwellings on the Drakelow Estate) | Land at SK2420 2230, Walton Road, Drakelow, Swadlincote | Awaiting Decision | |
| **DMPN/2020/1362** | Certificate of Lawfulness for the construction of new road with bridge over the River Trent | Drakelow Road, Land between Lichfield Road (A38) and Drakelow Road, Walton-On-Trent | Granted | 5th March 2021 |

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|---|---|---|---|---|
| **9/2006/0973/B** | The variation of condition 11 of planning permission 9/2003/1525/M | Land Between Lichfield Road (A38) And Drakelow Road Walton-on-Trent | Granted | 29th May 2007 |
| **9/2003/1525** | Construction of new road with bridge over River Trent | Land Between Lichfield Road (A38) And Drakelow Road Walton-on-Trent | Granted | 27th May 2005 |

Table 1.5: Other Relevant Planning History – Walton Bypass

## Energy Developments

1.6.6 The application for the 18MW Renewable Energy Centre (ref. CW9/0420/7) supersedes the commenced development approved under reference CW9/0218/94 for a 15MW Renewable Energy Centre. This is scheduled to be completed by 2023 and operate for at least 30 years.

1.6.7 The solar park is located to the northwest of the former Drakelow Power Station and covers an area of around 11ha. Whilst the energy generation is not specified the proposed development was approved under the Town and Country Planning Act 1990 (as amended) and therefore has an output of below 50MW.

1.6.8 E-ON had previously been granted permission on 16th October 2007 under the Electricity Act 1989 and Town and Country Planning Act 1990 (as amended) to construct and operate a 1220MW Combined Cycle Gas Turbine ("CCGT") generating station within the Drakelow Power Station Site. This consent has been extended four times with the latest extension requiring the development to commencement by 12th January 2021. Currently there has been no confirmed commencement of the development and the Consent has not been extended.

| REF | DESCRIPTION | ADDRESS | STATUS | DATE |
|---|---|---|---|---|
| **DMPA/2023/0170** | The installation of battery energy storage, substation, transformer stations, site access, internal access track, security measures, access gates, and biodiversity enhancements | Land to the North West of Barn Farm and to the South of Walton Road and the Former Drakelow Power Station | Granted | 21st July 2023 |
| **CW9/0420/7** | Proposed Development and Operation of a 18 Mega Watt Renewable Energy Centre and Associated Infrastructure, through Gasification | Former Site of The Drakelow C Power Station, Drakelow | Granted | 26th March 2021 |
| **CW9/0319/108** | Variation of condition 4 of CW9/0218/94: Erection of a 15MW Renewable Energy Centre and associated infrastructure | Land at Former Drakelow C Power Station, Drakelow | Granted | 8th July 2019 |

| | | | | |
|---|---|---|---|---|
| **CW9/0218/94** | Variation of conditions 3 and 4 of CW9/0615/48: Erection of a 15MW Renewable Energy Centre and associated infrastructure | Land at Former Drakelow C Power Station, Drakelow | Granted | 17th February 2018 |
| **GDBC/001/00230C** | variation of consent under section 36c of the electricity act 1989 to construct and operate a 1220mw combined cycle gas turbine ("CCGT") generating station | Drakelow, south Derbyshire | Granted | 12th January 2018 |
| **CW9/0615/48** | Erection of a 15MW Renewable Energy Centre and associated infrastructure | Land at Former Drakelow C Power Station, Drakelow | Granted | 5th October 2015 |
| **9/2015/0256** | Proposed Solar Park | Land at sk2220 7725 land at former Drakelow power station Walton Road Drakelow Swadlincote | Granted | 24th June 2015 |

Table 1.6: Other Relevant Planning History – Energy

# APPENDIX B

# RELEVANT LOCAL PLAN POLICIES

# South Derbyshire District Local Plan 2011 - 2018 - Part 1 (2016)

**Policy S1 – Sustainable Growth Strategy**

South Derbyshire will promote sustainable growth to meet its objectively assessed housing and commercial needs in the plan period 2011-2028.

This strategy will be developed through this part of the Local Plan – Part 1 with development allocations made alongside development management policies which will continue into Part 2 of the Local Plan.

The two parts of the Local Plan will ensure that the economic, social and environmental objectives set out in this Plan are fully addressed:

i) Over the plan period (2011 – 2028) at least 12,618 dwellings will be built within South Derbyshire. The housing sites required will be met on a mixture of brownfield and greenfield sites with encouragement given to the re-use of previously developed land.

ii) Retaining, promoting and regenerating employment development on sites in urban areas and other locations which already are, or could be in the future, well served by infrastructure, including public transport.

iii) Provide new infrastructure to support the growth across the District. This will include new transport and education provision, and other services and facilities. This will be undertaken through obtaining appropriate planning obligations from future development and working alongside key stakeholders to ensure that existing and future requirements are considered.

iv) Supporting and encouraging tourism within the District which makes an important contribution to the local economy. The District Council support The National Forest objectives including the increase of woodland cover. There will also be encouragement for healthy lifestyles through leisure pursuits, open space and greater accessibility for residents.

v) It is essential that the District's heritage assets, landscape and rural character are protected, conserved and enhanced

In bringing forward new development the Council will seek to ensure that the schemes respond to and address environmental and social issues including the need to tackle climate change, improve the quality of the built and natural environment, minimise resource use and improve access to services and facilities.

**Policy S6 – Sustainable Access**

A The Council will seek to:

i) minimise the need to travel;

ii) make the most efficient use of transport infrastructure and services;

iii) encourage modal shift away from the private car and road based freight toward walking, cycling, public transport and rail freight; and

iv) support transport measures that address accessibility, safety, amenity, health, social, environmental and economic needs, both current and forecast.

B This will be achieved by seeking:

i) patterns of development that enable travelling distances to be minimised and that make best use of existing transport infrastructure and services;

ii) the provision of new or enhanced walking, cycling, public transport and rail freight services and infrastructure and, where needs cannot be met by the aforementioned means, highway and car/lorry parking infrastructure; and

iii) the use of promotional measures and improved communication to encourage sustainable travel.

**Policy H6 – Drakelow Park**

A Residential development on land at Drakelow Park, Drakelow for up to 2,239 dwellings.

B The Council will require the below listed site specifics and accordance with other Local Plan policies:

i) The provision of a 2 form entry primary school on site;

ii) In agreement with the Council, a restricted number of dwellings to be allowed prior to the opening of the Walton By-Pass;

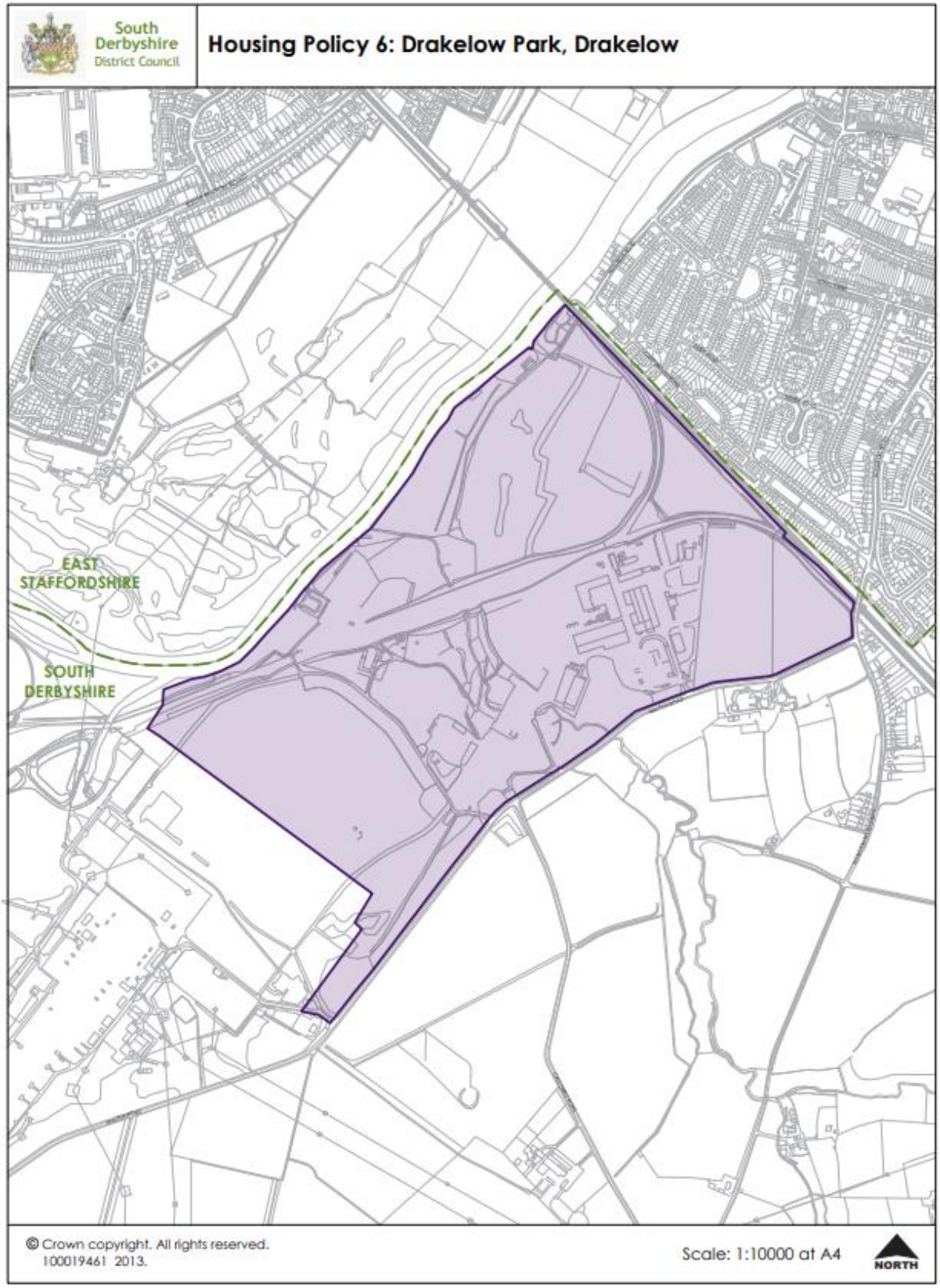
iii) High quality pedestrian and cycle routes shall be provided both within the Site and connecting to existing and proposed networks;

iv) The provision of one or two local retail centres commensurate with the size of the development to provide for the day to day needs of the wider neighbourhood. The local centres should be the focal points within the development as a whole;

v) The refurbishment of the listed buildings on the Site and protection of their settings;

vi) Retain and enhance areas of existing woodland on site to help integrate development into the wider landscape.

vii) Developer Contributions to be made towards the provision of a new Household Waste Recycling Centre in the Swadlincote area


South Derbyshire District Council
Housing Policy 6: Drakelow Park, Drakelow
EAST STAFFORDSHIRE
SOUTH DERBYSHIRE
© Crown copyright. All rights reserved. 100019461 2013.
Scale: 1:10000 at A4
NORTH

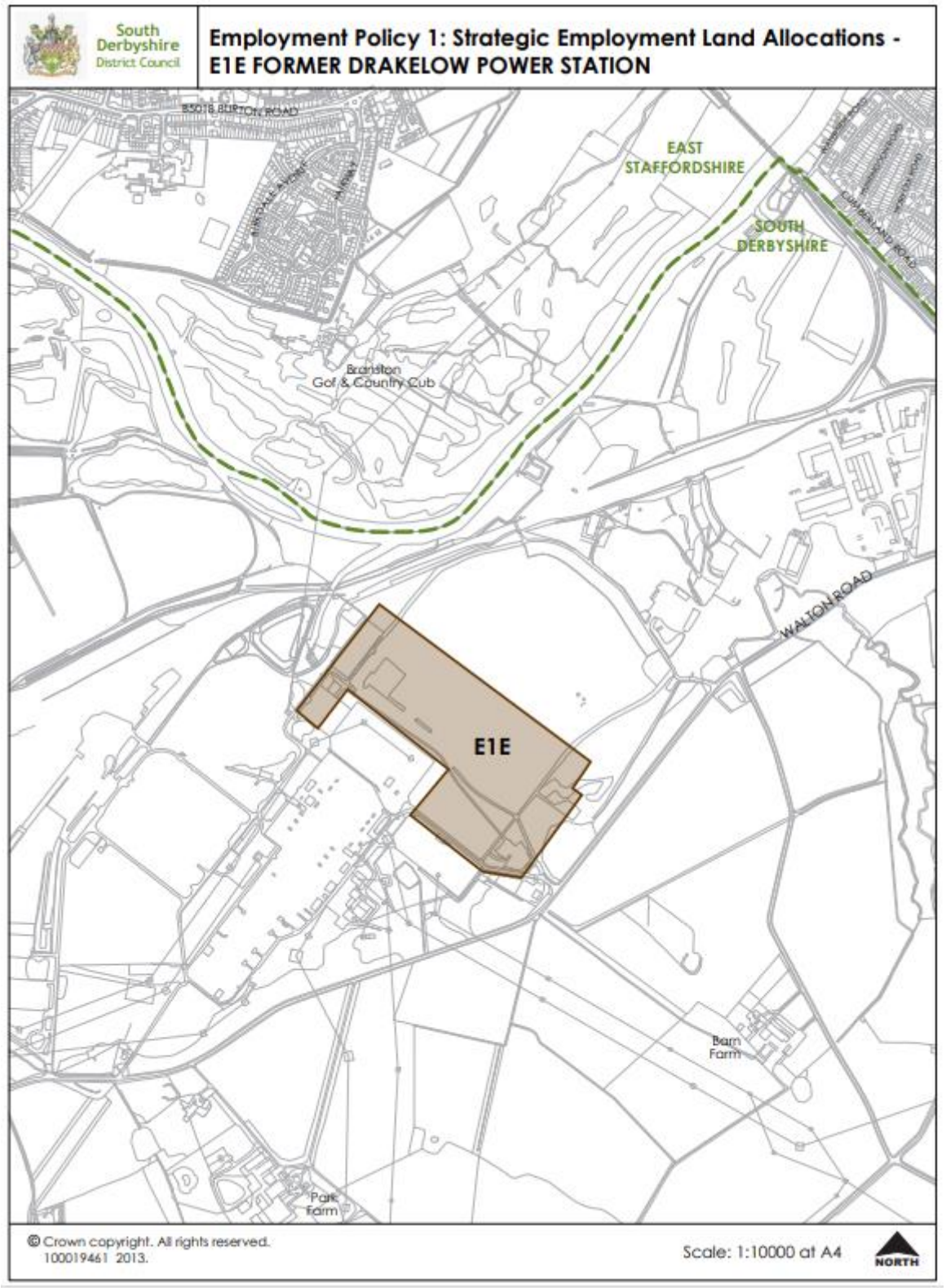
**Policy E1 Strategic Employment Land Allocations 2011- 2028**

A Development of the following sites will not be permitted other than for new industrial and business development as defined by classes B1(b), B1(c), B2 and B8 of the Use Classes Order:

| Policy No. | Location | Area (ha) |
|---|---|---|
| NEW LAND | | |
| E1A | Cadley Hill, Swadlincote | 3 |
| E1B | Hilton | 7 |
| E1C | Woodville Regeneration Area | 12 |
| COMMITTED LAND | | |
| E1D | Tetron Point | 8.08 |
| E1E | Dove Valley Business Park | 19.27 |
| E1F | Former Drakelow Power Station | 12 |
| E1G | Cadley Hill, Swadlincote | 5 |

B At sites allocated for strategic employment development at E1A, E1B, E1C and E1E the Council will secure provision to meet the needs of small and "grow on" businesses in the form of premises or serviced plots, to be brought forward during the course of the development, either by conditions or a legal agreement attached to a planning permission.

C Further development will also be supported at Dove Valley Park and Land at Sinfin Moor, in accordance with Policies E4 and E5


South Derbyshire District Council
Employment Policy 1: Strategic Employment Land Allocations - E1E FORMER DRAKELOW POWER STATION
B5018 BURTON ROAD
EAST STAFFORDSHIRE
SOUTH DERBYSHIRE
Branston Golf & Country Club
WALTON ROAD
E1E
Barn Farm
Park farm
© Crown copyright. All rights reserved. 100019461 2013.
Scale: 1:10000 at A4
NORTH

**Policy SD1 - Amenity and Environmental Quality**

A The Council will support development that does not lead to adverse impacts on the environment or amenity of existing and future occupiers within or around proposed developments.

B The Council will take into consideration the following:

i) The potential for development to affect surface and ground water quality and its potential to affect the long term delivery of water quality standards set out in the Water Framework Directive or Habitats Directive;

ii) The potential for development to affect designated Air Quality Management Areas (AQMAs).

iii) The need for a strategic buffer between conflicting land uses such that they do not disadvantage each other in respect of amenity issues, such as odours, fumes, or dust and other disturbance such as noise, vibration, light or shadow flicker.

**Policy SD2 Flood Risk**

A When considering development proposals in South Derbyshire, the Council will follow a sequential approach to flood risk management, giving priority to the development of sites with the lowest risk of flooding. The development of sites with a higher risk of flooding will only be considered where essential for regeneration or where development provides wider sustainability benefits to the community that outweigh flood risk.

B Development in areas that are identified as being at risk of flooding will be expected to:

i) Be resilient to flooding through design and layout;

ii) Incorporate appropriate mitigation measures, such as on-site flood defence works and/or a contribution towards or a commitment to undertake and/or maintain off-site measures;

iii) Not increase flood risk to other properties or surrounding areas; and

iv) Not affect the integrity or continuity of existing flood defences

C Suitable measures to deal with surface water will be required on all sites in order to minimise the likelihood of new development increasing flood risk locally. Any developments that could lead to changes in surface water flows or increase floodrisk should be managed through the incorporation of Sustainable Drainage Systems (SUDS), which mimic natural drainage patterns, unless this is not technically feasible, or where it can be demonstrated that ground conditions are unsuitable for such measures.

D The Council may require developers to restore culverted watercourses within regeneration or development sites to a natural state (i.e. break the channel out of culvert, remove redundant structures, replace/ improve existing structures to a restored watercourse profile) in order to reduce flood risk and provide local amenity and/or ecological benefits.

E To contribute to the enhancement of watercourses in accordance with the objectives of the Water Framework Directive, developers will be expected to work with the regulating authorities to develop watercourse restoration schemes.

F Proposals for flood management or other infrastructure offering improvements that lower the risk of flooding will be supported, subject to the proposal having no other adverse effects on local amenity and/or flood risk elsewhere. Where new flood related infrastructure is proposed opportunities for delivering environmental improvements including biodiversity gain and green infrastructure delivery should be fully considered by those delivering the project.

**Policy SD3 Sustainable Water Supply, Drainage and Sewerage Infrastructure**

A The Council will work with Derbyshire County Council, Water Companies, Developers, and other Authorities and relevant stakeholders to ensure that South Derbyshire's future water resource needs, wastewater treatment and drainage infrastructure are managed effectively in a coordinated manner by:

i) Ensuring that adequate water supply, sewerage and drainage infrastructure needed to service new development is delivered in tandem with identified growth;

ii) Supporting activities by the Water Companies to reduce demand for water and in turn suppress sewerage and discharge effluent volumes by ensuring that water consumption is no more than 110 litres per person per day (including external water use) as estimated using the Water Calculator methodology1 or all water fittings do not exceed the performance set out in Table 5 below;

iii) Working with the County Council (as Lead Local Flood Authority or other appropriate body), to ensure new developments incorporate sustainable drainage schemes that reduce the demand for potable water supplies and mimic natural drainage, wherever practicable. In bringing forward SUDS, as a means of managing surface water run-off, developers will be expected to design schemes to improve river water quality and reduce pressure on local drainage infrastructure and deliver biodiversity gain on sites;

iv) Ensuring that all relevant developments within the catchment of the River Mease, support the delivery of the River Mease Water Quality (Phosphate) Management Plan, by means of financial contribution, in order that the unmitigated addition of phosphorous does not lead to deterioration of the Mease Special Area of Conservation.

B Foul flows generated by new development will be expected to connect to the mains sewer. Only where a connection to the mains sewer is not technically feasible (given the nature and scale of proposals) will discharges to package treatment works, septic tanks or cess pits be permitted. Developments that utilise non-mains drainage will only be permitted where proposals do not give rise to unacceptable environmental impacts.

C Surface water from new development will be expected to be managed using SUDS; discharge to watercourse; or connection to surface water mains sewer. Only where these options are not technically feasible and in consultation with Water Companies, will surface water discharges to a combined sewer be permitted.

**Policy SD4 Contaminated Land and Mining Legacy Issues**

A Planning permission for development on land which is known to comprise made ground or which is unstable, contaminated or potentially contaminated, will only be granted where the applicant has demonstrated through appropriate investigations, that the scheme will incorporate any necessary remediation measures to protect human health and/or the natural environment.

B The Council will work with Developers, the Environment Agency, Natural England and the Coal Authority and other relevant Authorities and organisations to bring forward the regeneration of derelict, unstable or contaminated sites and investigate options for the sustainable management of rising mine water levels within the South Derbyshire Coalfield.

**Policy SD6 Sustainable Energy and Power Generation**

A The Council will support renewable and other energy developments and ancillary buildings or infrastructure subject to the following considerations:

i) that the environmental effects of the proposal have been appropriately considered and schemes will not give rise to unacceptable impacts on landscape or townscape character, ecology, the historic environment or cultural heritage assets.

ii) that proposals will not give rise to unacceptable impacts on local amenity, or give rise to safety concerns, as a result of noise, shadow flicker, electromagnetic interference, emissions to the air or ground, odour or traffic generation and congestion.

B Developers promoting biomass will be expected to demonstrate that biofuels will be procured from sustainable sources. Where generators propose to source wood fuel or other biomass from outside The National Forest, the applicant will be expected to locate biofuels sequentially considering fuels from regional sources, followed by the UK and international markets. Where fuels are sourced from outside the region, generators will be expected to demonstrate that no sequentially preferable fuel supply exists which is available, cost effective or meets the necessary specification.

C Any new generating plant capable of producing heating or cooling as well as electricity will be expected to be designed and located in a way that facilitates the future connection to a local distributed energy system. Large scale commercial and residential development close to Willington and Drakelow will be expected to consider opportunities for utilising waste heat for District heating and cooling.

D Additional energy generation capacity, ancillary infrastructure and carbon capture facilities at the Drakelow and Willington Power Station sites will be supported where it can be demonstrated that development will not give rise to unacceptable amenity and environmental effects as set out above.

**Policy BNE1 Design Excellence**

A All new development will be expected to be well designed, embrace the principles of sustainable development, encourage healthy lifestyles and enhance people's quality of life by adhering to the Design Principles below.

i) Design Principles

a) Community safety: New development should be designed to ensure that people feel comfortable and safe by minimising opportunities for crime and anti-social behaviour, providing good natural surveillance and appropriate demarcations between public and private areas;

b) Street design, movement and legibility: Streets should be designed to relate to their context, with a balance being struck between place-making needs and vehicle movement needs. Streets should be attractive, pedestrian and cycle friendly and meet the needs of all users. New development should be easy to find your way around, have a clear hierarchy of streets and take advantage of available opportunities for connections to local services, including public transport;

c) Diversity and community cohesion: New development should be designed to be diverse, vibrant, possess a sense of place and encourage social interaction.

d) Ease of use: New development should be accessible to all user groups, well managed and should be able to adapt to changing social, environmental, technological and economic conditions, including the needs of an ageing society;

e) Local character and pride: New development should create places with a locally inspired character that respond to their context and have regard to valued landscape, townscape and heritage characteristics;

f) National Forest: Within The National Forest, new development should be encouraged to follow National Forest Design Charter and Guide for Developers & Planners 2 and fully reflect the forest context; g) Visual attractiveness: New development should be visually attractive, appropriate, respect important landscape, townscape and historic views and vistas, contribute to achieving continuity and enclosure within the street scene and possess a high standard of architectural and landscaping quality;

h) Neighbouring uses and amenity: New development should not have an undue adverse affect on the privacy and amenity of existing nearby occupiers. Similarly, the occupiers of new development should not be unduly affected by neighbouring land uses;

i) Cross boundary collaboration: New areas of growth that span administrative, land ownership, developer parcel or phase boundaries should be considered and designed as a whole through a collaborative working approach;

j) Healthy Lifestyles: New development should address social sustainability issues, by supporting healthy lifestyles, including through the promotion of active travel, the provision of public open space, sports and other leisure facilities.

k) Resource Use: New development should be designed to facilitate the efficient use of resources and support the reuse and recycling of waste throughout the lifecycle of all developments from design, construction, use and after use. New development should provide adequate space for the storage of waste and where appropriate the treatment or collection of waste.

ii) All proposals for new development will be assessed against the Council's Design SPD;

iii) The council will decide which development proposals should be taken to a formal panel for design review.

**Policy BNE2 Heritage Assets**

A Development that affects South Derbyshire's heritage assets will be expected to protect, conserve and enhance the assets and their settings in accordance with national guidance and supplementary planning documents which the authority may produce from time to time. These assets include:

i) Conservation Areas

ii) Scheduled Monuments

iii) Listed buildings

iv) Registered historic parks and gardens

v) Undesignated heritage assets on the local list

B Particular attention will be paid to:

i) the heritage of the Trent Valley, including its prehistoric remains, ancient crossing points and the transport heritage of the Trent Navigation, Trent and Mersey Canal, and the railways;

ii) the complementary relationship that exists in many cases between estate parklands and villages. Often they are integral parts of a conservation area, or form part of a conservation area setting. The management and care of these landscaped grounds is material to the character of the adjacent villages.

iii) the industrial heritage of Melbourne, Shardlow, Swadlincote and Ticknall. Most of this historic industry has now gone, but the surviving structures and landscape evidence continue to exert a huge influence on the character of these places.

C The Council will promote the respect for, and protection and care of, the historic environment by:

i) developing a local list of undesignated heritage assets, covering the same categories as the designated assets in the national list, in accordance with the best practice guidance issued by English Heritage.

ii) considering the further use of Article 4 directions, reinforced through grant schemes where possible and enforcement action where necessary.

iii) periodic production and updating of conservation area appraisals and management plans.

iv) measures to tackle heritage "at risk", including service of urgent works and repairs notices where necessary.

D The District Council will work with private owners and developers to bring forward opportunities to secure the long-term future, sensitive use or re-use of under-utilised buildings, and the development of gap sites in conservation areas where development is beneficial to the character and appearance of the area. The District Council will also seek opportunities to improve public access to existing heritage features associated with new development schemes.

**Policy BNE3 Biodiversity**

A The Local Planning Authority will support development which contributes to the protection, enhancement, management and restoration of biodiversity or geodiversity and delivers net gains in biodiversity wherever possible by:

i) Protecting sites of International, European, National and 129 County importance, together with local nature reserves, from inappropriate development within and adjacent to sites;

ii) Delivering long term plans to restore the River Mease Site of Special Scientific Interest (SSSI)/Special Area of Conservation (SAC) to a more natural condition and improve water quality within Mease and other catchments failing to meet Water Framework Directive objectives.

iii) Developing and maintaining a District-wide ecological network of SSSI's and local wildlife sites together with corridors and stepping stones sites to support the integrity of the biodiversity network, prevent fragmentation, deliver ecosystem services and enable biodiversity to respond and adapt to the impacts of climate change.

iv) Supporting and contributing to the targets set out in the Lowland Derbyshire and/or National Forest Biodiversity Action Plan (BAP) for priority habitats and species v) Protecting ancient woodland and veteran trees from loss, unless the need for, and benefits of, the development in that location clearly outweigh the loss

B Planning proposals that could have a direct or indirect effect on sites with potential or actual ecological or geological importance including:

- Internationally important sites
- Nationally important sites (such as SSSIs)
- Sites of County importance (such as Local Nature Reserves, Local Wildlife Sites and Local Geological Sites)
- Ancient woodlands, veteran trees and hedgerows
- Priority habitats and species

will need to be supported by appropriate surveys or assessments sufficient to allow the Authority to fully understand the likely impacts of the scheme and the mitigation proposed. Where mitigation measures, or exceptionally, compensation cannot sufficiently offset the significant harm resulting from the development and/or where the development can potentially be located on an alternative site that would cause less or no harm, planning permission will be refused.

**Policy BNE4 Landscape Character and Local Distinctiveness**

A The character, local distinctiveness, and quality of South Derbyshire's landscape and soilscape will be protected and enhanced through the careful design and sensitive implementation of new development.

B Developers will be expected to retain key valued landscape components such as mature trees, established hedgerows and topographical features within development sites unless it can be demonstrated that the loss of features will not give rise to unacceptable effects on local landscape character. Development that will have an unacceptable impact on landscape character (including historic character), visual amenity and sensitivity and can not be satisfactorily mitigated will not be permitted.

C In bringing forward proposals developers will be expected to demonstrate that close regard has been paid to the landscape types and landscape character areas identified in The Landscape Character of Derbyshire. Proposals should have regard to the woodland and tree planting, landscape management and habitat guidance set out in this document and demonstrate that mitigation proposals are appropriate to the character of the landscape.

D Within the National Forest Area developers will be expected to demonstrate that close regard has been paid to the landscape types and landscape character areas identified in the National Forest Landscape Character Assessment both within the design of the scheme and in the incorporation of woodland planting and landscaping.

E The Council will seek to protect soils that are 'Best and Most Versatile', (Grades 1, 2 and 3a in the Agricultural Land Classification) and wherever possible direct development to areas with lower quality soils.

**Policy INF2 Sustainable Transport (Part A only provided)**

A i) Planning permission will be granted for development where:

a) travel generated by development, including goods vehicle movement, should have no undue detrimental impact upon local amenity, the environment, highway safety, the efficiency of transport infrastructure and the efficiency and availability of public transport services; and

b) appropriate provision is made for safe and convenient access to and within the development for pedestrians, cyclists, public transport users and the private car; and

c) car travel generated by the development is minimised relative to the needs of the development.

ii) In order to achieve this, the Council will secure, through negotiation, the provision by developers of contributions towards off-site works where needed.

iii) In implementing this policy account will be taken of the fact that in more remote rural areas there is often less scope to minimise journey lengths and for the use of non-car modes.

iv) Planning applications for development with significant transport implications should be accompanied by a Transport Assessment and Travel Plan identifying the transport impacts of the proposal and measures needed to meet the criteria set out in Part 1 of this policy. Travel Plan measures should be funded by developer contributions appropriate to the impacts on the transport network caused by the development. For development that is expected to have less significant transport implications, planning applications shall be accompanied by a Transport Statement.

**Policy INF7 Green Infrastructure**

A The District Council will seek to conserve, enhance and wherever possible extend green infrastructure in the District by working with partners to:

i) Ensure the continued protection of the District's ecological, biological and geological assets, with particular regard to sites and species of international, national and local significance;

ii) Secure development that maximises the opportunities to conserve, enhance and restore biodiversity and geological diversity and to increase provision of, and access to, green infrastructure;

iii) Promote the appropriate management of features of major importance for wild flora and fauna; iv) Support the development of the Green Infrastructure Network as proposed by the 6Cs Green Infrastructure Strategy, linking together Key Strategic Routes of regional and sub regional importance and providing for, in appropriate locations, visitor infrastructure that improves accessibility. The District Council will, in particular, promote improved green infrastructure provision in the following opportunity areas:

a) Trent Strategic River / Trent & Mersey Canal Corridor;

b) Derwent Strategic River Corridor;

c) Dove Strategic River Corridor;

d) Within the National Forest Area; and;

e) Around the edges of Derby City and Swadlincote;

f ) Positively view proposals that seek to enhance the District's Green Infrastructure resource in support of tourism and leisure related development.

B Within the Trent Valley, or other locally determined Nature Improvement Area, the District Council will support and help deliver the landscape scale change as promoted by the Lowland Derbyshire and Nottinghamshire Local Nature Partnership. Any development within the area defined by the Trent Valley Vision will be expected to contribute towards and assist in delivering the vision in accordance with the strategy. Such contributions may be in the form of appropriate design, suitable form and function, the delivery of Green Infrastructure, landscape and habitat enhancement, financial contributions or other mechanisms as appropriate, to deliver an overall benefit within the Trent Valley Vision area.

C All proposals for development within the catchment for the River Mease will need to demonstrate that they will have no adverse effects on the integrity of the Special Area of Conservation (SAC) either alone or in combination with other proposals and will contribute to long-term objectives to improve the condition of the Site

**Policy INF8 The National Forest**

A Within the National Forest, as defined on the Proposals Map, South Derbyshire District Council will work with The National Forest Company and other local authorities and partners to:

i) Work with Partners to help deliver the National Forest Strategy 2014-2024 and any subsequent Strategy

ii) Provide opportunities for diversification of the economy, especially in relation to the woodland economy and tourism, including overnight accommodation;

iii) Create an attractive, sustainable environment;

iv) Provide a range of leisure opportunities for local communities and visitors: and v) Achieve 33% woodland cover in the National Forest.

B Within the National Forest all residential schemes over 0.5ha and industrial, commercial and leisure developments over 1ha will be expected to incorporate tree planting and landscaping in accordance with National Forest Planting Guidelines (as set out in Table 6). Landscaping will generally involve woodland planting, but can also include the creation and management of other appropriate habitats, open space provision associated with woodland and the provision of new recreational facilities with a woodland character. The appropriate mix of landscaping features will depend upon the setting characteristics, opportunities and constraints that individual sites present. The District Council recommend that early discussions are held with the National Forest Company. Further information is available from the National Forest Company's Guide for Developers and Planners.

C In exceptional circumstances, a commuted sum may be agreed where planting and landscaping cannot be accommodated within or close to the development site. This will be used for tree planting (including urban tree planting); purchasing land for tree planting; creating new woodlands and maintaining those works or other agreed projects for a minimum of five years.

D Within the National Forest new development should ensure that:

i) the siting and scale of the proposed development is appropriately related to its setting within the Forest,

ii) the proposed development respects and does not adversely affect the character and appearance of the wider countryside.

E The Council will work with developers, the National Forest Company and other stakeholders to improve access to the Forest from new development sites and existing built up areas and deliver a step change in the quality of new development and the existing urban areas with an emphasis upon the use of Forest related construction materials where appropriate.

F The area between Swadlincote, Ashby de la Zouch and Measham is recognised as 'The Heart of the National Forest'. The District Council will seek to support efforts to concentrate tourism and leisure activities and economic opportunities based on the woodland and environmental economy in this area. However Forest related development will be supported elsewhere within the Forest where it can be demonstrated that it will support the continued improvement of the National Forest as a tourism and leisure destination.

# South Derbyshire District Local Plan 2011 - 2018 - Part 2 (2017)

**Policy BNE7 Trees, Woodland and Hedgerows**

A Where development is proposed that could affect trees, woodland and/or hedgerows which are important in terms of their amenity, ecological, landscape or historic value, developers will be expected to demonstrate that:

i) the layout and form of development have been informed by an appropriate arboricultural and/or hedgerow surveys; and

ii) ii) development would not suffer from undue shading either now or in the future; and

iii) iii) appropriate measures are secured to ensure adequate root protection and buffers around trees, woodland and hedgerows.

B The felling of protected trees, groups of trees or woodland and/or removal of important hedgerows, will be considered in accordance with the relevant national guidance and regulations, taking account in particular of their amenity, ecological, landscape and historic value. Where protected trees and/or hedgerows are subject to felling or removal, a replacement of an appropriate number, species, size and in an appropriate location will normally be required.

C Development proposals which will have a detrimental effect on important trees, woodland or hedgerows must satisfactorily demonstrate how the impact on biodiversity has been minimised and, wherever possible, a net biodiversity gain delivered through appropriate mitigation, compensation or offsetting, including through new planting or improved management of retained trees and hedgerows. New planting will be expected to be adequately managed to reach full maturity.

D Where new planting is proposed on development sites, principal consideration should be given to planting tree species which are in keeping with the urban or rural character of the area. However, where appropriate, wider environmental or amenity benefits including improvements to local air quality, erosion control, land drainage or shading should be considered.

**Policy BNE10 Heritage**

Applications for development that affects heritage assets, as defined in Policy BNE2, will be determined in accordance with national policy for conserving and enhancing the historic environment.

In particular the following will apply:

• all applications should be accompanied by a heritage assessment, prepared with the appropriate expertise, to a level of detail proportionate to the asset's significance. The assessment should describe the asset's significance, identify the impact of the proposed development and provide clear justification for the works. Where appropriate, the Council may also require historical research and archaeological recording to be undertaken before works to a heritage asset commence

• developments affecting a heritage asset or its setting, including alterations and extensions to existing buildings, will be required to demonstrate how the proposal has taken account of design, form, scale, mass, siting and setting of the heritage asset, in order to ensure that the proposed design is sympathetic and minimises harm to the asset

• the loss of buildings and features which make a positive contribution to the character or heritage of an area should be avoided through preservation or appropriate reuse, including enabling development

• any proposed development which impacts on archaeological remains will be required to be accompanied by an archaeological evaluation of the Site and a statement demonstrating how it is intended to overcome the archaeological constraints of the Site. Development will be resisted which would result in the loss of or substantial harm to Scheduled Ancient Monuments or other archaeological sites of equivalent significance. Development affecting non-designated archaeological sites will be assessed having regard to the scale of any harm and the significance of the Site. In all cases measures will be undertaken to minimise impact and, where possible, to preserve the Site in situ. The District Council will require public display and interpretation where appropriate

• development that will lead to substantial harm to or loss of significance of any other designated heritage asset will be refused, unless it can be demonstrated that the development is necessary to achieve substantial public benefits that outweigh that harm or loss. Where less than substantial harm would result this will be considered against the public benefits of the proposal

• effects of the development on the significance of other nondesignated heritage assets on the local list will be assessed having regard to the scale of any harm and the significance of the asset.

**Policy BNE12 Former Power Station Land**

The Council will support development on the former Drakelow and Willington power station sites as shown on the Policies Map in accordance with that set out in Policies E1, H6 and SD6, to include the following: Former Drakelow Power Station - development for Use Class B1, B2, B8 and for energy purposes to assist in the regeneration of the previously developed land. The existing Drakelow Nature Reserve will be retained to its current extent along with the creation of a buffer zone.

Development framework documents will be agreed between the developer(s) and the Council and be submitted with any major planning application made on the Sites to guide their future development.

# APPENDIX C

# RELEVANT LOCAL PLAN POLICIES

# POLICY SIGNPOSTING TABLE

1.1.1 The table below provides a guide to demonstrate where the relevant policies have been addressed and complied with within the specific documents submitted as part of the application. The specific chapter or section has been provided where relevant. Where no chapter or section has been specified then the document as whole is being referenced.

| POLICY | DESCRIPTION | ADDRESSED | DOC. REF. |
|---|---|---|---|
| **NPS EN-1 – Overarching National Policy Statement for Energy** | | | |
| **EN-1 Section 2.2** | Net Zero By 2050 | Environmental Statement Chapter 13: Climate Change<br>Planning Statement section 7 and 9 | EN010112/APP/6.1<br>EN010112/APP/7.1 |
| **EN-1 Section 2.3** | Meeting Net Zero | Environmental Statement Chapter 13: Climate Change<br>Planning Statement section 7 and 9 | EN010112/APP/6.1<br>EN010112/APP/7.1 |
| **EN-1 Section 2.4** | Decarbonising the Power Sector | Environmental Statement Chapter 13: Climate Change<br>Planning Statement section 7 and 9 | EN010112/APP/6.1<br>EN010112/APP/7.1 |
| **EN-1 Section 2.5** | Security of energy supplies | Environmental Statement Chapter 13: Climate Change<br>Planning Statement section 7 and 9 | EN010112/APP/6.1<br>EN010112/APP/7.1 |
| **EN-1 Section 2.6** | Sustainable Development | Planning Statement section 7 | EN010112/APP/7.1 |
| **EN-1 Section 3.3** | The need for new nationally significant electricity infrastructure | Environmental Statement Chapter 3: Site Selection and Design Strategy<br>Planning Statement section 7 | EN010112/APP/6.1<br>EN010112/APP/7.1 |
| **EN-1 Section 4.1** | Weighing impacts and benefits | Planning Statement Section 25 | EN010112/APP/7.1 |
| **EN-1 Section 4.1** | Land rights | Statement of Reasons<br>Funding Statement<br>Book of Reference | EN010112/APP/4.1<br>EN010112/APP/4.2<br>EN010112/APP/4.3 |
| **EN-1 Section 4.1** | Other documents | Planning Statement Section 3 | EN010112/APP/7.1 |
| **EN-1 Section 4.1** | Development Consent | draft Development Consent Order<br>Explanatory Memorandum<br>Consents and Agreements Position Statement | EN010112/APP/3.1<br>EN010112/APP/3.2<br>EN010112/APP/3.3 |
| **EN-1 Section 4.1** | Financial and technical viability | Statement of Reasons | EN010112/APP/4.1 |

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| | | Funding Statement<br>Book of Reference | EN010112/APP/4.2<br>EN010112/APP/4.3 |
| **EN-1 Section 4.2** | The critical national priority for low carbon infrastructure | Environmental Statement Chapter 3: Site Selection and Design Strategy<br>Planning Statement Section 7 | EN010112/APP/6.1<br>EN010112/APP/7.1 |
| **EN-1 Section 4.2** | Non-HRA and non-MCZ residual impacts of CNP Infrastructure | Environmental Statement<br>Planning Statement | EN010112/APP/6.1<br>EN010112/APP/7.1 |
| **EN-1 Section 4.2** | HRA derogations and MCZ assessments for CNP Infrastructure | Report to Inform HRA/NSER<br>Planning Statement Section 10 | EN010112/APP/6.1/Appx6.2<br>EN010112/APP/7.1 |
| **EN-1 Section 4.3** | Environmental Effects/Considerations | Environmental Statement<br>Planning Statement | EN010112/APP/6.1<br>EN010112/APP/7.1 |
| **EN-1 Section 4.4** | Health | Environmental Statement Chapters 10: Transport and Access, 11: Noise and 16: Other Issues<br>Planning Statement Section 18 | EN010112/APP/6.1<br>EN010112/APP/7.1 |
| **EN-1 Section 4.6** | Environmental and Biodiversity Net Gain | Biodiversity Net Gain Report<br>Outline Landscape and Ecological Management Plan<br>Planning Statement Section 10 | EN010112/APP/6.1/Appx6.12<br>EN010112/APP/6.1/Appx5.6<br>EN010112/APP/7.1 |
| **EN-1 Section 4.7** | Criteria for good design for Energy Infrastructure | Environmental Statement Chapter 3: Site Selection and Design Strategy<br>Planning Statement Section 4.2<br>Design Statement | EN010112/APP/6.1<br>EN010112/APP/7.1<br>EN010112/APP/7.2 |
| **EN-1 Section 4.10** | Climate Change Adaptation and Resilience | Environmental Statement Chapter 13: Climate Change<br>Planning Statement Section 9 | EN010112/APP/6.1<br>EN010112/APP/7.1 |
| **EN-1 Section 4.11** | Network Connection | Grid Connection Statement | EN010112/APP/7.3 |
| **EN-1 Section 4.12** | Pollution Control and Other Environmental Regulatory Regimes | Outline Construction and Environmental Management Plan<br>Outline Environmental Management Plan<br>Outline Decommissioning Environmental Management Plan<br>Statutory Nuisance Statement | EN010112/APP/6.1/Appx4.3<br>EN010112/APP/6.1/Appx4.4<br>EN010112/APP/6.1/Appx4.5<br>EN010112/APP/7.4 |
| **EN-1 Section 4.13** | Safety | Environmental Statement Chapter 16: Other Issues<br>Outline Battery Safety Management Plan | EN010112/APP/6.1<br>EN010112/APP/6.1/Appx4.6 |
| **EN-1 Section 4.15** | Common Law Nuisance and Statutory Nuisance | Statutory Nuisance Statement | EN010112/APP/7.4 |
| **EN-1 Section 4.16** | Security Considerations | Environmental Statement Chapter 16: Other Issues<br>Air Quality Assessment | EN010112/APP/6.1<br>EN010112/APP/6.1/Appx16.1 |

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| | | Planning Statement section 8 | EN010112/APP/7.1 |
| **EN-1 Section 5.3** | Greenhouse Gas Emissions | Environmental Statement Chapter 13: Climate Change<br>Air Quality Assessment<br>Planning Statement section 9 | EN010112/APP/6.1<br>EN010112/APP/6.1/Appx16.1<br>EN010112/APP/7.1 |
| **EN-1 Section 5.4** | Biodiversity and Geological Conservation | Environmental Statement Chapter 6: Ecology<br>Consultation Responses<br>Report to Inform HRA / NSER<br>Preliminary Ecological Appraisal by Arcus<br>Breeding Bird Survey Report by Arcus<br>Phase 1 Habitat Survey Report<br>Bat Survey Report<br>Badger Survey Report CONFIDENTIAL<br>Otter and Water Vole Survey Report<br>Breeding Bird Survey report<br>Great Crested Newt Survey Report<br>Reptile Report<br>Biodiversity Net Gain Report<br>River Conditions Assessment Report<br>Arboricultural Survey Report<br>Important Hedgerow Assessment<br>Planning Statement section 10 | EN010112/APP/6.1<br>EN010112/APP/6.1/Appx6.1<br>EN010112/APP/6.1/Appx6.2<br>EN010112/APP/6.1/Appx6.3<br>EN010112/APP/6.1/Appx6.4<br>EN010112/APP/6.1/Appx6.5<br>EN010112/APP/6.1/Appx6.6<br>EN010112/APP/6.1/Appx6.7<br>EN010112/APP/6.1/Appx6.8<br>EN010112/APP/6.1/Appx6.9<br>EN010112/APP/6.1/Appx6.10<br>EN010112/APP/6.1/Appx6.11<br>EN010112/APP/6.1/Appx6.12<br>EN010112/APP/6.1/Appx6.13<br>EN010112/APP/6.1/Appx6.14<br>EN010112/APP/6.1/Appx6.15<br>EN010112/APP/7.1 |
| **EN-1 Section 5.5** | Civil and Military Aviation and Defence Interest | Solar Photovoltaic Glint and Glare Study<br>Planning Statement Section 11 | EN010112/APP/6.1/Appx14.1<br>EN010112/APP/7.1 |
| **EN-1 Section 5.7** | Dust, Odour, Artificial Light, Smoke, Steam, and Insect Infestation | Outline Construction and Environmental Management Plan<br>Outline Operational Environmental Management Plan<br>Outline Decommissioning Environmental Management Plan<br>Planning Statement Section 12 | EN010112/APP/6.1/Appx4.3<br>EN010112/APP/6.1/Appx4.4<br>EN010112/APP/6.1/Appx4.5<br>EN010112/APP/7.1 |
| **EN-1 Section 5.8** | Flood Risk | Environmental Statement Chapter 8: Water Resources and Flood Risk<br>Flood Risk Assessment and Outline Drainage Strategy<br>Planning Statement Section 13 | EN010112/APP/6.1<br>EN010112/APP/6.1/Appx8.1<br>EN010112/APP/7.1 |
| **EN-1 Section 5.9** | Historic Environment | Environmental Statement Chapter 7: Historic Environment<br>Historic Environment Assessment<br>Geophysical Survey Report<br>Planning Statement Section 14 | EN010112/APP/6.1<br>EN010112/APP/6.1/Appx7.1<br>EN010112/APP/6.1/Appx7.2<br>EN010112/APP/7.1 |
| **EN-1 Section 5.10** | Landscape and Visual | Environmental Statement Chapter 5: Landscape and Visual | EN010112/APP/6.1<br>EN010112/APP/6.1/Appx5.1 |

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| | | Landscape and Visual Impact Assessment (LVIA) and CLVIA Methodology | EN010112/APP/6.1/Appx5.2 |
| | | Zone of Theoretical Visibility (ZTV) Mapping and Visualisation Methodology | EN010112/APP/6.1/Appx5.3 |
| | | Landscape Assessment Tables | EN010112/APP/6.1/Appx5.4 |
| | | Visual Assessment Tables | EN010112/APP/6.1/Appx5.5 |
| | | Residential Visual Amenity Assessment | EN010112/APP/6.1/Appx5.6 |
| | | Outline Landscape and Ecological Management Plan | EN010112/APP/7.1 |
| | | Planning Statement Section 15 | |
| **EN-1 Section 5.11** | Land Use, Including Open Space, Green Infrastructure, and Green Belt | Environmental Statement Chapter 3: Site Selection and Design Strategy, Chapter 9: Ground Conditions and Chapter 15: Agriculture and Land use | EN010112/APP/6.1 |
| | | Agricultural Land and Sequential Study | EN010112/APP/6.1/Appx3.1a |
| | | Agricultural Land and Sequential Study Addendum | EN010112/APP/6.1/Appx3.1b |
| | | Land Quality Desk Study and Preliminary Coal Mining Risk Assessment | EN010112/APP/6.1/Appx9.1 |
| | | ALC (Oaklands Farm area) (SES); | EN010112/APP/6.1/Appx15.1 |
| | | ALC (Park Farm area) (KCC); | EN010112/APP/6.1/Appx15.2 |
| | | Photographs of Soils Across the Site; | EN010112/APP/6.1/Appx15.3 |
| | | Photographs of Farm Buildings; | EN010112/APP/6.1/Appx15.4 |
| | | Analysis of UK Food Security | EN010112/APP/6.1/Appx15.5 |
| | | Outline Construction and Environmental Management Plan | EN010112/APP/6.1/Appx4.3 |
| | | Outline Environmental Management Plan | EN010112/APP/6.1/Appx4.4 |
| | | Planning Statement Section 16 | EN010112/APP/7.1 |
| **EN-1 Section 5.12** | Noise and Vibration | Environmental Statement Chapter 11: Noise | EN010112/APP/6.1 |
| | | Baseline Noise Survey Report | EN010112/APP/6.1/Appx11.1 |
| | | Construction Source Noise Data | EN010112/APP/6.1/Appx11.2 |
| | | Operational Source Noise Data | EN010112/APP/6.1/Appx11.3 |
| | | Planning Statement Section 17 | EN010112/APP/7.1 |
| **EN-1 Section 5.12** | Socio-Economic Impacts | Environmental Statement Chapter 11: Socio-Economics, Tourism and Recreation | EN010112/APP/6.1 |
| | | Planning Statement Sections 5 and 18 | EN010112/APP/7.1 |
| **EN-1 Section 14** | Traffic and Transport | Environmental Statement Chapter 10: Transport and Access | EN010112/APP/6.1 |
| | | Outline Construction Traffic Management Plan | EN010112/APP/6.1/Appx10.1 |
| | | Personal Injury Collision (PIC) Data | EN010112/APP/6.1/Appx10.2 |
| | | Traffic Survey Data | EN010112/APP/6.1/Appx10.3 |
| | | TEMPro Growth Factors | EN010112/APP/6.1/Appx10.4 |
| | | AADT & AAWT Traffic Survey Analysis | EN010112/APP/6.1/Appx10.5 |

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| | | Oaklands Construction Movements and Resource Plan<br>Indicative Abnormal Load Swept Path Analysis<br>Planning Statement 19 | EN010112/APP/6.1/Appx10.6<br>EN010112/APP/6.1/Appx10.7<br>EN010112/APP/7.1 |
| **EN-1 Section 15** | Resource and Waste Management | Environmental Statement Chapter 16: Other Issues<br>Outline Construction and Environmental Management Plan<br>Outline Operational Environmental Management Plan<br>Outline Decommissioning Environmental Management Plan<br>Planning Statement: Section 20 | EN010112/APP/6.1<br>EN010112/APP/6.1/Appx4.3<br>EN010112/APP/6.1/Appx4.4<br>EN010112/APP/6.1/Appx4.5<br>EN010112/APP/7.1 |
| **EN-1 Section 16** | Water Quality and Resources | Environmental Statement Chapter 8: Water Resources and Flood Risk<br>Flood Risk Assessment and Outline Drainage Strategy<br>Water Framework Directive Assessment<br>Outline Water Management Plan in Outline Operational Environmental Management Plan<br>Planning Statement Section 21 | EN010112/APP/6.1<br>EN010112/APP/6.1/Appx8.1<br>EN010112/APP/6.1/Appx8.2<br>EN010112/APP/6.1/Appx4.4<br>EN010112/APP/7.1 |
| **NPS EN-3 - National Policy Statement for Renewable Energy Infrastructure** | | | |
| **EN-3 Section 2.4** | Climate change adaptation and resilience - Solar photovoltaic | Environmental Statement Chapter 13: Climate Change<br>Planning Statement Section 19 | EN010112/APP/6.1<br>EN010112/APP/7.1 |
| **EN-3 Section 2.5** | Consideration of good design for energy infrastructure | Environmental Statement Chapter 3: Site Selection and Design Strategy<br>Design Statement | EN010112/APP/6.1<br>EN010112/APP/7.2 |
| **EN-3 Section 2.6** | Flexibility in the project details | Environmental Statement Chapter 3: Site Selection and Design Strategy<br>Design Statement | EN010112/APP/6.1<br>EN010112/APP/7.2 |
| **EN-3 Section 2.10** | **Factors influencing site selection and design:** | Environmental Statement Chapter 3: Site Selection and Design Strategy<br>Design Statement | EN010112/APP/6.1<br>EN010112/APP/7.2 |
| | Irradiance and site topography | Environmental Statement Chapter 3: Site Selection and Design Strategy<br>Design Statement | EN010112/APP/6.1<br>EN010112/APP/7.2 |
| | Network connection | Environmental Statement Chapter 3: Site Selection and Design Strategy<br>Design Statement<br>Grid Connection Statement | EN010112/APP/6.1<br>EN010112/APP/7.2<br>EN010112/APP/7.2 |

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| | Proximity of a site to dwellings | Environmental Statement Chapter 3: Site Selection and Design Strategy and Chapter 5: Landscape and Visual | EN010112/APP/6.1 |
| | | Landscape and Visual Impact Assessment (LVIA) and CLVIA Methodology | EN010112/APP/6.1/Appx5.1 |
| | | Zone of Theoretical Visibility (ZTV) Mapping and Visualisation Methodology | EN010112/APP/6.1/Appx5.2 |
| | | Landscape Assessment Tables | EN010112/APP/6.1/Appx5.3 |
| | | Visual Assessment Tables | EN010112/APP/6.1/Appx5.4 |
| | | Residential Visual Amenity Assessment | EN010112/APP/6.1/Appx5.5 |
| | | Outline Landscape and Ecological Management Plan | EN010112/APP/6.1/Appx5.6 |
| | | Solar Photovoltaic Glint and Glare Study | EN010112/APP/6.1/Appx14.1 |
| | | Planning Statement Section 15 | EN010112/APP/7.1 |
| | | Design Statement | EN010112/APP/7.2 |
| | Agriculture land classification and land type | Environmental Statement Chapter 3: Site Selection and Design Strategy, Chapter 9: Ground Conditions and Chapter 15: Agriculture and Land use | EN010112/APP/6.1 |
| | | Agricultural Land and Sequential Study | EN010112/APP/6.1/Appx3.1a |
| | | Agricultural Land and Sequential Study Addendum | EN010112/APP/6.1/Appx3.1b |
| | | Land Quality Desk Study and Preliminary Coal Mining Risk Assessment | EN010112/APP/6.1/Appx9.1 |
| | | ALC (Oaklands Farm area) (SES); | EN010112/APP/6.1/Appx15.1 |
| | | ALC (Park Farm area) (KCC); | EN010112/APP/6.1/Appx15.2 |
| | | Photographs of Soils Across the Site; | EN010112/APP/6.1/Appx15.3 |
| | | Photographs of Farm Buildings; | EN010112/APP/6.1/Appx15.4 |
| | | Analysis of UK Food Security | EN010112/APP/6.1/Appx15.5 |
| | | Outline Construction and Environmental Management Plan | EN010112/APP/6.1/Appx4.3 |
| | | Planning Statement Section 16 | EN010112/APP/7.1 |
| | | Design Statement | EN010112/APP/7.2 |
| | Accessibility | Environmental Statement Chapter 3: Site Selection and Design Strategy and Chapter 10: Transport and Access | EN010112/APP/6.1 |
| | | Outline Construction Traffic Management Plan | EN010112/APP/6.1/Appx10.1 |
| | | Personal Injury Collision (PIC) Data | EN010112/APP/6.1/Appx10.2 |
| | | Traffic Survey Data | EN010112/APP/6.1/Appx10.3 |
| | | TEMPro Growth Factors | EN010112/APP/6.1/Appx10.4 |
| | | AADT & AAWT Traffic Survey Analysis | EN010112/APP/6.1/Appx10.5 |
| | | Oaklands Construction Movements and Resource Plan | EN010112/APP/6.1/Appx10.6 |
| | | Indicative Abnormal Load Swept Path Analysis | EN010112/APP/6.1/Appx10.7 |
| | | Planning Statement 19 | EN010112/APP/7.1 |
| | | Design Statement | EN010112/APP/7.2 |

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| | Public rights of ways | Environmental Statement Chapter 3: Site Selection and Design Strategy and Chapter 15 Landscape and Visual<br>Outline Construction and Environmental Management Plan<br>Outline Operational Environmental Management Plan<br>Outline Decommissioning Environmental Management Plan<br>Outline Landscape and Ecological Management Plan<br>Planning Statement Section 16, 18 and 19<br>Design Statement | EN010112/APP/6.1<br><br>EN010112/APP/6.1/Appx4.3<br>EN010112/APP/6.1/Appx4.4<br>EN010112/APP/6.1/Appx4.4<br>EN010112/APP/6.1/Appx5.4<br>EN010112/APP/7.1<br>EN010112/APP/7.2 |
| | Security and lighting | Environmental Statement Chapter 3: Site Selection and Design Strategy and Chapter 5: Landscape and Visual<br>Landscape and Visual Impact Assessment (LVIA) and CLVIA Methodology<br>Zone of Theoretical Visibility (ZTV) Mapping and Visualisation Methodology<br>Landscape Assessment Tables<br>Visual Assessment Tables<br>Residential Visual Amenity Assessment<br>Outline Landscape and Ecological Management Plan<br>Planning Statement Section 16<br>Design Statement | EN010112/APP/6.1<br><br>EN010112/APP/6.1/Appx5.1<br><br>EN010112/APP/6.1/Appx5.2<br><br>EN010112/APP/6.1/Appx5.3<br>EN010112/APP/6.1/Appx5.4<br>EN010112/APP/6.1/Appx5.5<br>EN010112/APP/6.1/Appx5.6<br>EN010112/APP/7.1<br>EN010112/APP/7.2 |
| **EN-3 Section 2.10** | **Technical considerations:** | | |
| | Capacity of a site | Design Statement<br>Grid Connection Statement | EN010112/APP/7.2<br>EN010112/APP/7.3 |
| | Site layout design, and appearance | Environmental Statement Chapter 3: Site Selection and Design Strategy and Chapter 4: Project Description<br>Planning Statement<br>Design Statement | EN010112/APP/6.1<br><br>EN010112/APP/7.1<br>EN010112/APP/7.2 |
| | Project lifetime | Draft Development Consent Order<br>Environmental Statement Chapter 3: Site Selection and Design Strategy and Chapter 4: Project Description<br>Planning Statement Section 4<br>Design Statement | EN010112/APP/3.1<br>EN010112/APP/6.1<br><br>EN010112/APP/7.1<br>EN010112/APP/7.2 |
| | Decommissioning | Outline Decommissioning Environmental Management Plan | EN010112/APP/6.1/Appx4.4 |
| | Flexibility in the project details | Environmental Statement Chapter 4: Project Description<br>Design Statement | EN010112/APP/6.1<br>EN010112/APP/7.2 |

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| **EN-3 Section 2.10** | **Impacts:** | | |
| | Biodiversity, ecological and geological conservation | Environmental Statement Chapter 6: Ecology and Consultation Responses | EN010112/APP/6.1 |
| | | Report to Inform HRA / NSER | EN010112/APP/6.1/Appx6.1 |
| | | Preliminary Ecological Appraisal by Arcus | EN010112/APP/6.1/Appx6.2 |
| | | Breeding Bird Survey Report by Arcus | EN010112/APP/6.1/Appx6.3 |
| | | Phase 1 Habitat Survey Report | EN010112/APP/6.1/Appx6.4 |
| | | Bat Survey Report | EN010112/APP/6.1/Appx6.5 |
| | | Badger Survey Report CONFIDENTIAL | EN010112/APP/6.1/Appx6.6 |
| | | Otter and Water Vole Survey Report | EN010112/APP/6.1/Appx6.7 |
| | | Breeding Bird Survey report | EN010112/APP/6.1/Appx6.8 |
| | | Great Crested Newt Survey Report | EN010112/APP/6.1/Appx6.9 |
| | | Reptile Report | EN010112/APP/6.1/Appx6.10 |
| | | Biodiversity Net Gain Report | EN010112/APP/6.1/Appx6.11 |
| | | River Conditions Assessment Report | EN010112/APP/6.1/Appx6.12 |
| | | Arboricultural Survey Report | EN010112/APP/6.1/Appx6.13 |
| | | Important Hedgerow Assessment | EN010112/APP/6.1/Appx6.14 |
| | | Planning Statement section 10 | EN010112/APP/6.1/Appx6.15 |
| | | | EN010112/APP/7.1 |
| | Water management | Environmental Statement Chapter 8: Water Resources and Flood Risk | EN010112/APP/6.1 |
| | | Flood Risk Assessment and Outline Drainage Strategy | EN010112/APP/6.1/Appx8.1 |
| | | Planning Statement Section 13 | EN010112/APP/7.1 |
| | Landscape, visual and residential amenity | Environmental Statement Chapter 3: Site Selection and Design Strategy and Chapter 5: Landscape and Visual | EN010112/APP/6.1 |
| | | Landscape and Visual Impact Assessment (LVIA) and CLVIA Methodology | EN010112/APP/6.1/Appx5.1 |
| | | Zone of Theoretical Visibility (ZTV) Mapping and Visualisation Methodology | EN010112/APP/6.1/Appx5.2 |
| | | Landscape Assessment Tables | EN010112/APP/6.1/Appx5.3 |
| | | Visual Assessment Tables | EN010112/APP/6.1/Appx5.4 |
| | | Residential Visual Amenity Assessment | EN010112/APP/6.1/Appx5.5 |
| | | Outline Landscape and Ecological Management Plan | EN010112/APP/6.1/Appx5.6 |
| | | Planning Statement Section 16 | EN010112/APP/7.1 |
| | | Design Statement | EN010112/APP/7.2 |
| | Glint and glare | Solar Photovoltaic Glint and Glare Study | EN010112/APP/6.1/Appx14.1 |
| | | Planning Statement Section 11 | EN010112/APP/7.1 |
| | Cultural Heritage | Environmental Statement Chapter 7: Historic Environment | EN010112/APP/6.1 |

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| | | Historic Environment Assessment<br>Geophysical Survey Report<br>Planning Statement Section 14 | EN010112/APP/6.1/Appx7.1<br>EN010112/APP/6.1/Appx7.2<br>EN010112/APP/7.1 |
| | Construction including traffic and transport noise and vibration | Outline Construction and Environmental Management Plan<br>Outline Construction Traffic Management Plan<br>Environmental Statement Chapter 11: Noise<br>Baseline Noise Survey Report<br>Construction Source Noise Data<br>Planning Statement Section 17 | EN010112/APP/6.1/Appx4.3<br>EN010112/APP/6.1/Appx10.1<br>EN010112/APP/6.1<br>EN010112/APP/6.1/Appx11.1<br>EN010112/APP/6.1/Appx11.2<br>EN010112/APP/7.1 |
| **NPS EN-5 - National Policy Statement for electricity networks infrastructure** | | | |
| **Section 2.2** | Factors influencing site selection and design | Environmental Statement Chapter 3: Site Selection and Design Strategy<br>Design Statement | EN010112/APP/6.1<br>EN010112/APP/7.2 |
| **Section 2.3** | Climate change adaptation and resilience | Environmental Statement Chapter 13: Climate Change<br>Planning Statement Section 9 | EN010112/APP/6.1<br>EN010112/APP/7.1 |
| **Section 2.4** | Consideration of good design for energy infrastructure | Environmental Statement Chapter 3: Site Selection and Design Strategy<br>Planning Statement Section 4<br>Design Statement | EN010112/APP/6.1<br>EN010112/APP/7.1<br>EN010112/APP/7.2 |
| **Section 2.5** | Land Rights and Land Interests | draft Development Consent Order<br>Statement of Reasons<br>Funding Statement<br>Book of Reference | EN010112/APP/3.1<br>EN010112/APP/4.1<br>EN010112/APP/4.2<br>EN010112/APP/4.3 |
| **Section 2.9** | Biodiversity and Geological Conservation | Environmental Statement Chapter 6: Ecology<br>Consultation Responses<br>Report to Inform HRA / NSER<br>Preliminary Ecological Appraisal by Arcus<br>Breeding Bird Survey Report by Arcus<br>Phase 1 Habitat Survey Report<br>Bat Survey Report<br>Badger Survey Report CONFIDENTIAL<br>Otter and Water Vole Survey Report<br>Breeding Bird Survey report<br>Great Crested Newt Survey Report<br>Reptile Report<br>Biodiversity Net Gain Report | EN010112/APP/6.1<br>EN010112/APP/6.1/Appx6.1<br>EN010112/APP/6.1/Appx6.2<br>EN010112/APP/6.1/Appx6.3<br>EN010112/APP/6.1/Appx6.4<br>EN010112/APP/6.1/Appx6.5<br>EN010112/APP/6.1/Appx6.6<br>EN010112/APP/6.1/Appx6.7<br>EN010112/APP/6.1/Appx6.8<br>EN010112/APP/6.1/Appx6.9<br>EN010112/APP/6.1/Appx6.10<br>EN010112/APP/6.1/Appx6.11<br>EN010112/APP/6.1/Appx6.12 |

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| | | River Conditions Assessment Report | EN010112/APP/6.1/Appx6.13 |
| | | Arboricultural Survey Report | EN010112/APP/6.1/Appx6.14 |
| | | Important Hedgerow Assessment | EN010112/APP/6.1/Appx6.15 |
| | | Planning Statement section 10 | EN010112/APP/7.1 |
| | Landscape and Visual Impact | Environmental Statement Chapter 5: Landscape and Visual | EN010112/APP/6.1 |
| | | Landscape and Visual Impact Assessment (LVIA) and CLVIA Methodology | EN010112/APP/6.1/Appx5.1 |
| | | Zone of Theoretical Visibility (ZTV) Mapping and Visualisation Methodology | EN010112/APP/6.1/Appx5.2 |
| | | Landscape Assessment Tables | EN010112/APP/6.1/Appx5.3 |
| | | Visual Assessment Tables | EN010112/APP/6.1/Appx5.4 |
| | | Residential Visual Amenity Assessment | EN010112/APP/6.1/Appx5.5 |
| | | Outline Landscape and Ecological Management Plan | EN010112/APP/6.1/Appx5.6 |
| | | Planning Statement Section 15 | EN010112/APP/7.1 |
| | Undergrounding and subsea cables | Outline Soil Management Plan | EN010112/APP/6.1/Appx4.3 |
| | | Outline Construction and Environmental Management Plan | EN010112/APP/6.1/Appx4.3 |
| | | Outline Operational Environmental Management Plan | EN010112/APP/6.1/Appx4.4 |
| | | Outline Decommissioning Environmental Management Plan | EN010112/APP/6.1/Appx4.5 |
| | | Environmental Statement Chapter 5: Landscape and Visual | EN010112/APP/6.1 |
| | | Landscape and Visual Impact Assessment (LVIA) and CLVIA Methodology | EN010112/APP/6.1/Appx5.1 |
| | | Zone of Theoretical Visibility (ZTV) Mapping and Visualisation Methodology | EN010112/APP/6.1/Appx5.2 |
| | | Landscape Assessment Tables | EN010112/APP/6.1/Appx5.3 |
| | | Visual Assessment Tables | EN010112/APP/6.1/Appx5.4 |
| | | Residential Visual Amenity Assessment | EN010112/APP/6.1/Appx5.5 |
| | | Outline Landscape and Ecological Management Plan | EN010112/APP/6.1/Appx5.6 |
| | | Planning Statement Section 15 | EN010112/APP/7.1 |
| | Noise and Vibration | Environmental Statement Chapter 11: Noise | EN010112/APP/6.1 |
| | | Baseline Noise Survey Report | EN010112/APP/6.1/Appx11.1 |
| | | Construction Source Noise Data | EN010112/APP/6.1/Appx11.2 |
| | | Operational Source Noise Data | EN010112/APP/6.1/Appx11.3 |
| | | Planning Statement Section 17 | EN010112/APP/7.1 |
| | Electric and Magnetic Fields (EMFs) | Planning Statement Section 24 | EN010112/APP/7.1 |
| **South Derbyshire District Local Plan 2011- 2028 - Part 1** | | | |
| **Policy S1** | Sustainable Growth Strategy | Planning Statement Section 7 and 25 | EN010112/APP/7.1 |

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| **Policy S6** | Sustainable Access | Environmental Statement Chapter 10: Transport and Access<br>Outline Construction Traffic Management Plan<br>Personal Injury Collision (PIC) Data<br>Traffic Survey Data<br>TEMPro Growth Factors<br>AADT & AAWT Traffic Survey Analysis<br>Oaklands Construction Movements and Resource Plan<br>Indicative Abnormal Load Swept Path Analysis<br>Planning Statement 19<br>Design Statement | EN010112/APP/6.1<br>EN010112/APP/6.1/Appx10.1<br>EN010112/APP/6.1/Appx10.2<br>EN010112/APP/6.1/Appx10.3<br>EN010112/APP/6.1/Appx10.4<br>EN010112/APP/6.1/Appx10.5<br>EN010112/APP/6.1/Appx10.6<br>EN010112/APP/6.1/Appx10.7<br>EN010112/APP/7.1<br>EN010112/APP/7.2 |
| **Policy H6** | Drakelow Park | Planning Statement Section 2 | EN010112/APP/7.1 |
| **Policy E1F** | Strategic Employment Land Allocations 2011-2028 - Former Drakelow Power Station | Planning Statement Section 2 and 7 | EN010112/APP/7.1 |
| **Policy SD1** | Amenity and Environmental Quality | Environmental Statement Chapter 8: Water Resources and Flood Risk and Chapter 11: Noise<br>Flood Risk Assessment and Outline Drainage Strategy<br>Water Framework Directive Assessment<br>Outline Water Management Plan in Outline Operational Environmental Management Plan<br>Outline Construction and Environmental Management Plan<br>Outline Operational Environmental Management Plan<br>Outline Decommissioning Environmental Management Plan<br>Baseline Noise Survey Report<br>Construction Source Noise Data<br>Operational Source Noise Data<br>Planning Statement Section 12, 17 and 21 | EN010112/APP/6.1<br>EN010112/APP/6.1/Appx8.1<br>EN010112/APP/6.1/Appx8.2<br>EN010112/APP/6.1/Appx4.4<br>EN010112/APP/6.1/Appx4.3<br>EN010112/APP/6.1/Appx4.4<br>EN010112/APP/6.1/Appx4.5<br>EN010112/APP/6.1/Appx11.1<br>EN010112/APP/6.1/Appx11.2<br>EN010112/APP/6.1/Appx11.3<br>EN010112/APP/7.1 |
| **Policy SD2** | Flood Risk | Environmental Statement Chapter 8: Water Resources and Flood Risk<br>Flood Risk Assessment and Outline Drainage Strategy<br>Planning Statement Section 13 | EN010112/APP/6.1<br>EN010112/APP/6.1/Appx8.1<br>EN010112/APP/7.1 |
| **Policy SD3** | Sustainable Water Supply, Drainage and Sewerage Infrastructure | Flood Risk Assessment and Outline Drainage Strategy<br>Planning Statement Section 13 | EN010112/APP/6.1/Appx8.1<br>EN010112/APP/7.1 |
| **Policy SD4** | Contaminated Land and Mining Legacy Issues | Environmental Statement Chapter 9: Ground Conditions | EN010112/APP/6.1 |
| **Policy SD6** | Sustainable Energy and Power Generation | Environmental Statement Chapter 5: Landscape and Visual, Chapter 6: Ecology, Chapter 7: Historic Environment, Chapter 8: Water Resources and Flood Risk, Chapter 9: Ground Conditions, | EN010112/APP/6.1 |

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| | Chapter 10: Transport and Access Chapter 11: Noise and Chapter: 16 Other Issues | |
| | Outline Construction and Environmental Management Plan | EN010112/APP/6.1/Appx4.3 |
| | Outline Operational Environmental Management Plan | EN010112/APP/6.1/Appx4.4 |
| | Outline Decommissioning Environmental Management Plan | EN010112/APP/6.1/Appx4.5 |
| | Outline Battery Safety Management Plan | EN010112/APP/6.1/Appx4.6 |
| | Landscape and Visual Impact Assessment (LVIA) and CLVIA Methodology | EN010112/APP/6.1/Appx5.1 |
| | Zone of Theoretical Visibility (ZTV) Mapping and Visualisation Methodology | EN010112/APP/6.1/Appx5.2 |
| | Landscape Assessment Tables | EN010112/APP/6.1/Appx5.3 |
| | Visual Assessment Tables | EN010112/APP/6.1/Appx5.4 |
| | Residential Visual Amenity Assessment | EN010112/APP/6.1/Appx5.5 |
| | Outline Landscape and Ecological Management Plan | EN010112/APP/6.1/Appx5.6 |
| | Report to Inform HRA / NSER | EN010112/APP/6.1/Appx6.2 |
| | Preliminary Ecological Appraisal by Arcus | EN010112/APP/6.1/Appx6.3 |
| | Breeding Bird Survey Report by Arcus | EN010112/APP/6.1/Appx6.4 |
| | Phase 1 Habitat Survey Report | EN010112/APP/6.1/Appx6.5 |
| | Bat Survey Report | EN010112/APP/6.1/Appx6.6 |
| | Badger Survey Report CONFIDENTIAL | EN010112/APP/6.1/Appx6.7 |
| | Otter and Water Vole Survey Report | EN010112/APP/6.1/Appx6.8 |
| | Breeding Bird Survey report | EN010112/APP/6.1/Appx6.9 |
| | Great Crested Newt Survey Report | EN010112/APP/6.1/Appx6.10 |
| | Reptile Report | EN010112/APP/6.1/Appx6.11 |
| | Biodiversity Net Gain Report | EN010112/APP/6.1/Appx6.12 |
| | River Conditions Assessment Report | EN010112/APP/6.1/Appx6.13 |
| | Arboricultural Survey Report | EN010112/APP/6.1/Appx6.14 |
| | Important Hedgerow Assessment | EN010112/APP/6.1/Appx6.15 |
| | Historic Environment Assessment | EN010112/APP/6.1/Appx7.1 |
| | Geophysical Survey Report | EN010112/APP/6.1/Appx7.2 |
| | Flood Risk Assessment and Outline Drainage Strategy | EN010112/APP/6.1/Appx8.1 |
| | Water Framework Directive Assessment | EN010112/APP/6.1/Appx8.2 |
| | Land Quality Desk Study and Preliminary Coal Mining Risk Assessment | EN010112/APP/6.1/Appx9.1 |
| | Outline Construction Traffic Management Plan | EN010112/APP/6.1/Appx10.1 |
| | Personal Injury Collision (PIC) Data | EN010112/APP/6.1/Appx10.2 |
| | Traffic Survey Data | EN010112/APP/6.1/Appx10.3 |
| | TEMPro Growth Factors | EN010112/APP/6.1/Appx10.4 |
| | AADT & AAWT Traffic Survey Analysis | EN010112/APP/6.1/Appx10.5 |
| | Oaklands Construction Movements and Resource Plan | EN010112/APP/6.1/Appx10.6 |
| | Indicative Abnormal Load Swept Path Analysis | EN010112/APP/6.1/Appx10.7 |

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| | | Baseline Noise Survey Report<br>Construction Source Noise Data<br>Operational Source Noise Data<br>Air Quality Assessment<br>Planning Statement Section 8, 10, 12, 13, 14, 15, 16, 17, 19 and 21, 23 and 24 | EN010112/APP/6.1/Appx11.1<br>EN010112/APP/6.1/Appx11.2<br>EN010112/APP/6.1/Appx11.3<br>EN010112/APP/6.1/Appx16.1<br>EN010112/APP/7.1 |
| **Policy BNE1** | Design Excellence | Design Statement | EN010112/APP/7.2 |
| **Policy BNE2** | Heritage Assets | Environmental Statement Chapter 7: Historic Environment<br>Historic Environment Assessment<br>Geophysical Survey Report<br>Planning Statement Section 14 | EN010112/APP/6.1<br>EN010112/APP/6.1/Appx7.1<br>EN010112/APP/6.1/Appx7.2<br>EN010112/APP/7.1 |
| **Policy BNE3** | Biodiversity | Environmental Statement Chapter 6: Ecology<br>Consultation Responses<br>Report to Inform HRA / NSER<br>Preliminary Ecological Appraisal by Arcus<br>Breeding Bird Survey Report by Arcus<br>Phase 1 Habitat Survey Report<br>Bat Survey Report<br>Badger Survey Report CONFIDENTIAL<br>Otter and Water Vole Survey Report<br>Breeding Bird Survey report<br>Great Crested Newt Survey Report<br>Reptile Report<br>Biodiversity Net Gain Report<br>River Conditions Assessment Report<br>Arboricultural Survey Report<br>Important Hedgerow Assessment<br>Planning Statement section 10 | EN010112/APP/6.1<br>EN010112/APP/6.1/Appx6.1<br>EN010112/APP/6.1/Appx6.2<br>EN010112/APP/6.1/Appx6.3<br>EN010112/APP/6.1/Appx6.4<br>EN010112/APP/6.1/Appx6.5<br>EN010112/APP/6.1/Appx6.6<br>EN010112/APP/6.1/Appx6.7<br>EN010112/APP/6.1/Appx6.8<br>EN010112/APP/6.1/Appx6.9<br>EN010112/APP/6.1/Appx6.10<br>EN010112/APP/6.1/Appx6.11<br>EN010112/APP/6.1/Appx6.12<br>EN010112/APP/6.1/Appx6.13<br>EN010112/APP/6.1/Appx6.14<br>EN010112/APP/6.1/Appx6.15<br>EN010112/APP/7.1 |
| **Policy BNE4** | Landscape Character and Local Distinctiveness | Environmental Statement Chapter 5: Landscape and Visual<br>Landscape and Visual Impact Assessment (LVIA) and CLVIA Methodology<br>Zone of Theoretical Visibility (ZTV) Mapping and Visualisation Methodology<br>Landscape Assessment Tables<br>Visual Assessment Tables<br>Residential Visual Amenity Assessment<br>Outline Landscape and Ecological Management Plan<br>Planning Statement Section 15 | EN010112/APP/6.1<br>EN010112/APP/6.1/Appx5.1<br>EN010112/APP/6.1/Appx5.2<br>EN010112/APP/6.1/Appx5.3<br>EN010112/APP/6.1/Appx5.4<br>EN010112/APP/6.1/Appx5.5<br>EN010112/APP/6.1/Appx5.6<br>EN010112/APP/7.1 |

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| **Policy INF2** | Sustainable Transport | Environmental Statement Chapter 10: Transport and Access | EN010112/APP/6.1 |
| | | Outline Construction Traffic Management Plan | EN010112/APP/6.1/Appx10.1 |
| | | Personal Injury Collision (PIC) Data | EN010112/APP/6.1/Appx10.2 |
| | | Traffic Survey Data | EN010112/APP/6.1/Appx10.3 |
| | | TEMPro Growth Factors | EN010112/APP/6.1/Appx10.4 |
| | | AADT & AAWT Traffic Survey Analysis | EN010112/APP/6.1/Appx10.5 |
| | | Oaklands Construction Movements and Resource Plan | EN010112/APP/6.1/Appx10.6 |
| | | Indicative Abnormal Load Swept Path Analysis | EN010112/APP/6.1/Appx10.7 |
| | | Planning Statement 19 | EN010112/APP/7.1 |
| **Policy INF7** | Green Infrastructure | Environmental Statement Chapter 6: Ecology and Chapter 15: Landscape and Visual | EN010112/APP/6.1 |
| | | Landscape and Visual Impact Assessment (LVIA) and CLVIA Methodology | EN010112/APP/6.1/Appx5.1 |
| | | Zone of Theoretical Visibility (ZTV) Mapping and Visualisation Methodology | EN010112/APP/6.1/Appx5.2 |
| | | Landscape Assessment Tables | EN010112/APP/6.1/Appx5.3 |
| | | Visual Assessment Tables | EN010112/APP/6.1/Appx5.4 |
| | | Residential Visual Amenity Assessment | EN010112/APP/6.1/Appx5.5 |
| | | Outline Landscape and Ecological Management Plan | EN010112/APP/6.1/Appx5.6 |
| | | Consultation Responses | EN010112/APP/6.1/Appx6.1 |
| | | Report to Inform HRA / NSER | EN010112/APP/6.1/Appx6.2 |
| | | Preliminary Ecological Appraisal by Arcus | EN010112/APP/6.1/Appx6.3 |
| | | Breeding Bird Survey Report by Arcus | EN010112/APP/6.1/Appx6.4 |
| | | Phase 1 Habitat Survey Report | EN010112/APP/6.1/Appx6.5 |
| | | Bat Survey Report | EN010112/APP/6.1/Appx6.6 |
| | | Badger Survey Report CONFIDENTIAL | EN010112/APP/6.1/Appx6.7 |
| | | Otter and Water Vole Survey Report | EN010112/APP/6.1/Appx6.8 |
| | | Breeding Bird Survey report | EN010112/APP/6.1/Appx6.9 |
| | | Great Crested Newt Survey Report | EN010112/APP/6.1/Appx6.10 |
| | | Reptile Report | EN010112/APP/6.1/Appx6.11 |
| | | Biodiversity Net Gain Report | EN010112/APP/6.1/Appx6.12 |
| | | River Conditions Assessment Report | EN010112/APP/6.1/Appx6.13 |
| | | Arboricultural Survey Report | EN010112/APP/6.1/Appx6.14 |
| | | Important Hedgerow Assessment | EN010112/APP/6.1/Appx6.15 |
| | | Planning Statement section 10 and 15 | EN010112/APP/7.1 |
| **Policy INF8** | The National Forest | Environmental Statement Chapter 5: Landscape and Visual | EN010112/APP/6.1 |
| | | Landscape and Visual Impact Assessment (LVIA) and CLVIA Methodology | EN010112/APP/6.1/Appx5.1 |
| | | Zone of Theoretical Visibility (ZTV) Mapping and Visualisation Methodology | EN010112/APP/6.1/Appx5.2 |

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| | | Landscape Assessment Tables<br>Visual Assessment Tables<br>Residential Visual Amenity Assessment<br>Outline Landscape and Ecological Management Plan<br>Arboricultural Survey Report<br>Important Hedgerow Assessment<br>Planning Statement Section 10 and 15 | EN010112/APP/6.1/Appx5.3<br>EN010112/APP/6.1/Appx5.4<br>EN010112/APP/6.1/Appx5.5<br>EN010112/APP/6.1/Appx5.6<br>EN010112/APP/6.1/Appx6.14<br>EN010112/APP/6.1/Appx6.15<br>EN010112/APP/7.1 |
| **South Derbyshire District Local Plan 2011- 2028 - Part 2** | | | |
| **Policy BNE7** | Trees, Woodland and Hedgerows | Environmental Statement Chapter 5: Landscape and Visual<br>Landscape and Visual Impact Assessment (LVIA) and CLVIA Methodology<br>Zone of Theoretical Visibility (ZTV) Mapping and Visualisation Methodology<br>Landscape Assessment Tables<br>Visual Assessment Tables<br>Residential Visual Amenity Assessment<br>Outline Landscape and Ecological Management Plan<br>Arboricultural Survey Report<br>Important Hedgerow Assessment<br>Planning Statement Section 10 and 15 | EN010112/APP/6.1<br>EN010112/APP/6.1/Appx5.1<br>EN010112/APP/6.1/Appx5.2<br>EN010112/APP/6.1/Appx5.3<br>EN010112/APP/6.1/Appx5.4<br>EN010112/APP/6.1/Appx5.5<br>EN010112/APP/6.1/Appx5.6<br>EN010112/APP/6.1/Appx6.14<br>EN010112/APP/6.1/Appx6.15<br>EN010112/APP/7.1 |
| **Policy BNE10** | Heritage | Environmental Statement Chapter 7: Historic Environment<br>Historic Environment Assessment<br>Geophysical Survey Report<br>Planning Statement Section 14 | EN010112/APP/6.1<br>EN010112/APP/6.1/Appx7.1<br>EN010112/APP/6.1/Appx7.2<br>EN010112/APP/7.1 |
| **Policy BNE12** | Former Power Station Land | Planning Statement Section 7 | EN010112/APP/7.1 |