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Our Ref: EN010122

Date: 3 May 2024

## **Application by Oaklands Farm Solar Limited for an Order Granting Development Consent for the Oaklands Farm Solar Park**

### **Planning Act 2008 and The Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2010 – Regulation 4**

#### **Registration and Relevant Representation Form**

Thank you for your request to register and provide your comments on the Application. Please complete the form below. Our [Advice note 8.2: How to register to participate in an Examination](#) is available for advice on the process and to help you complete the form. Your individual reference number will be allocated after we receive the form. Please keep this number safe as it will be required for any further communication you have with us.

Please note that any individual, group or organisation that submits a correctly completed Registration and Relevant Representation Form will be registered as an Interested Party and have the opportunity to take part in the Examination process. Interested Parties will also receive correspondence from the Planning Inspectorate at key points in the process, to keep them up to date. You can choose between receiving future correspondence by post or email. We encourage the use of email where possible to keep you up to date on key events.

If you have any further queries, please do not hesitate to contact us on the details above.

Yours faithfully

#### **Oaklands Farm Solar Team**

This communication does not constitute legal advice. Please view our [Privacy Notice](#) before sending information to the Planning Inspectorate.

# Oaklands Farm Solar

## Registration and Relevant Representation Form

### Registration Deadline: 3 May 2024

#### About this form

In this form, words in *italics* have specific meanings in the Planning Act 2008 process, which are explained in the Glossary of Terms at the end of this document.

By completing this form you are registering to become an *Interested Party* to take part in the *Examination* of the above application for development consent which has been submitted to the Planning Inspectorate (on behalf of the Secretary of State). You can become an *Interested Party* if you make a *Relevant Representation*, however your *Representation* will only be relevant if you make it on time and you answer all of the mandatory fields on this form. For further information please read [Advice Note 8.2: How to register to participate in an Examination](#)

The Planning Inspectorate will accept registrations made in Welsh. You may either submit your answers in Welsh in the attached form or alternatively, a translated version of the paper form can be requested from our Helpdesk on 0303 444 5000.

Mae'r Arolygiaeth Gynllunio yn derbyn sylwadau yn y Gymraeg. Gellir naill ai cyflwyno eich atebion yn Gymraeg ar y ffurflen isod, neu gellir archebu ffurflen wedi eu gyfieithu oddi wrth ein llinell gymorth.

#### Data protection

Details published on our website will be restricted to your name and the text of your Representation. Please read our [Privacy Notice](#) which explains how we will store and use your data.

#### How to fill in this form

Each section or question on the form includes corresponding notes to enable you to complete this form.

The Planning Inspectorate implements a process which is governed by the Planning Act 2008 and related legislation. Whilst we make every effort to ensure that our public information is written in language that is easy to understand, it is also necessary to refer to some of the terms that are used in the Planning Act 2008. These are words and phrases that may not be familiar to everyone, but they will be used during the *Examination* by legal representatives, Inspectors and others.

To be valid, the form must be received by the Planning Inspectorate by the deadline stated at the top of this form.

Only one person, group or organisation can become an *Interested Party* on each form. You will need to request separate forms if there are multiple individual people wishing to register.

## Reference number:

[To be added by Planning Inspectorate following completion]

## Section 1: about you and anyone you may be representing

Please provide your contact details

Name: Steven Mott

Address: South Derbyshire District Council, Civic Way, Swadlincote

Email: [REDACTED]

Telephone: [REDACTED]

Are you over 18\*? Yes

Would you prefer to be contacted by Post or Email? Email

Please choose **one option** which best describes who is submitting this form.

- Option 1** I am completing this form for myself, giving my own personal views.
- Option 2** I am completing this form for the organisation I work for, either on a paid or voluntary basis, to give its views OR I am completing this form for the group I represent, for which I have been allocated spokesperson. I have provided my contact details in Section 1 and will provide further information in Section 2.
- Option 3** I am completing this form on behalf of another person or organisation and I have their permission to represent their views. I have provided my contact details in Section 1 and will provide their contact details in Section 3.

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If you chose **Option 1**, please go direct to **Section 2** .

If you chose **Option 2**, please provide **your job title, if relevant, and organisation or group name** below.

**Job title, if relevant:**

**Organisation/Group name:**

**Are you over 18\*?**

Please now go to **Section 2** .

If you chose **Option 3**, please provide **the details of the person or organisation that you are representing**. Please provide their details below:

**Name:** Richard Sandbach

**Address:** Derbyshire County Council, Matlock Derbyshire

**Email:** [REDACTED]

**Telephone:** [REDACTED]

**Job title, if relevant:** Principal Planner

**Organisation name, if relevant:** Derbyshire County Council

**Are they over 18\*?** Yes

Please now go to **Section 2** .

## Section 2 – your comments

Here you should summarise the aspects of the *application* you agree and/ or disagree with and say why. Outline what information, local knowledge or evidence you have which supports this.

Please do not submit links to websites or additional documents. Once you have registered there will be opportunities to submit more detailed information during the Examination.

Once you've finished, please go to **Section 3**.

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Type your comments here:

**OAKLANDS FARM SOLAR PROJECT – JOINT RELEVANT REPRESENTATION OF  
DERBYSHIRE COUNTY COUNCIL AND SOUTH DERBYSHIRE DISTRICT COUNCIL –  
PINS PROJECT REFERENCE: EN010122**

This registration of relevant representations has been jointly prepared by Derbyshire County Council (DCC) in its statutory role as Highways Authority, Lead Local Flood Authority and Minerals and Waste Planning Authority and as the Strategic Planning Authority for the administrative area of Derbyshire and South Derbyshire District Council as the Local Planning Authority.

Having been engaged in discussions with the applicant throughout the Development Consent Order process to date, the County and District Councils believe there are a number of matters, listed in summary below, that warrant consideration prior to determination of the Development Consent Order application. The matters listed are neither prioritised nor exhaustive.

### **Derbyshire County Council Member Comments**

- The Local Divisional Councillor has stated that “balancing the requirement to address the huge challenges of climate change, and its impacts, with the need to achieve both energy and food security for the UK is a key aspect to be considered. Clearly, constructing solar farms on good quality agricultural land would mean prioritising renewable energy generation above food production.
- Residents have expressed concerns in respect of the sheer size and scale of the proposed solar farm, along with plans for similar facilities within the local area and thus making them a dominant feature of the local environment. Additional traffic, particularly in the construction stage, is also a key matter of concern for local communities.
- There remains some scepticism regarding the impact of the proposal on wildlife and biodiversity locally.
- Comments and submissions of all local residents, Parish Councils, and other groups in the area must be taken fully on board and their material concerns addressed as part of the process.

### **South Derbyshire District Council Member Comments**

- The proposal will lead to the loss of good quality agricultural land.
- This agricultural land is valuable and is important nationally to ensure food security.

- The scale of the proposal is too large and will have a significant impact on the area, which is considered to be an attractive rural area of South Derbyshire.
- The traffic routings proposed are unacceptable, the small roads from the A38 (through Catton and Coton in the Elms) will not be able to cope with the traffic and the large vehicles required.
- Concern over loss of biodiversity and trees, and disruption to the earth during construction.
- Councillor Wheelton (Ward Member for Seales) has stated “the proposed development is large and industrial in both scale and nature, it would dominate the rural setting. It will not enhance or benefit the area giving rise to unacceptable impacts on landscape character and quality, ecology, biodiversity and the historic environment of local conservation and heritage assets. This [proposal] cannot be integrated into the landscape sympathetically due to its size and industrial character. The cumulative effect of solar farms is damaging the rural environment and threatening national food security”. The lifetime of the development is such that there would be a generational change to the landscape and in that time more tree planting could be undertaken instead which would have a positive impact, especially as the site is within the National Forest. The proposal will also damage existing land drains.
- Councillor Jones (Ward Member for Seales) has stated that he would like to express his objection to the proposed solar farm, and whilst he appreciates that solar farms represent an opportunity to address the climate crisis, this should not be at the expense of useable farmland.

## **OFFICER COMMENTS**

### **CUMULATIVE IMPACTS**

Derbyshire County Council:

- A number of developments within 5km of the Oaklands Farm Solar Project require consideration in terms of cumulative impacts, including a large mixed-use development, an energy from waste facility and additional battery energy storage system proposals.
- The locality benefits from a 7.5 tonne Environmental Weight Limit that is already subject to repeated infringement which may be exacerbated by the presence of authorised goods vehicle access throughout the area.

South Derbyshire District Council:

- The cumulative impacts of other developments particularly in relation to landscape and visual impacts, the effects of glint and glare, and traffic must be fully explored . Of particular importance is the potential for viewpoints where multiple solar sites are visible or where glint and glare from multiple sites may be apparent from operational sites.

### **TRANSPORT AND ACCESS**

Derbyshire County Council:

- Further assessments are required to establish the impacts of HGV movements associated with the construction and decommissioning of the proposal, particularly regarding the impacts of goods vehicle access through urban areas and along relatively quiet country roads benefiting from an environmental weight limit.
- The impact of goods vehicles accessing the site, including a number of large indivisible loads, on local residents and highway infrastructure.

South Derbyshire District Council:

- No comments in addition to those of Derbyshire County Council.

## **HERITAGE**

Derbyshire County Council:

- While the proposed site does not host any listed buildings there are numerous historic environment related receptors within the surrounding area. The potential impacts of such a large-scale proposal must be fully considered, particularly the potential for impact on the setting of historic environmental assets both locally and when encountered in more distant views.

South Derbyshire District Council (SDDC)

- The proposed development will impact on designated heritage assets, both directly and in terms of their setting.

## **LANDSCAPE AND VISUAL IMPACT**

Derbyshire County Council:

- The potential for impact upon the landscape, local and when considered in wider views, needs to be fully considered in terms of the introduction of man-made features, the introduction of additional hedges, fences, opaque netting, and woodland planting contributing to a change in land use characteristics.

South Derbyshire District Council:

- There must be an adequate number of viewpoints for the Landscape and Visual Impact Assessment (LVIA) in order to understand the impact of the development, along with appropriate landscape buffers, woodlands, tree planting, and increased heights of hedgerows.

## **ENVIRONMENTAL HEALTH AND NOISE**

Derbyshire County Council:

- The impacts of noise arising from sub-stations and transformers, while accepted as being unlikely to be significant for local receptors and will be transitory for users of the rights of way, should be considered in relation to the users of existing and proposed Public Rights of Way and permissive paths.

South Derbyshire District Council:

- Whilst noise from plant and equipment may be acceptable in principle, there are concerns in regard to whether the final design and plant proposed will be suitable in this rural location.

## **CLIMATE CHANGE AND CARBON REDUCTION**

Derbyshire County Council:

- The proposal has the potential for significant energy generation which is welcomed. However, this must be considered in light of the potential for impacts on climate change resilience such as flood risk, overheating due to a reduction in shading, and cooling from vegetation.

South Derbyshire District Council:

- Whilst the proposal would contribute to carbon emission reduction and support SDDC's route to carbon neutrality by 2050, this type of development can lead to soil compaction and resulting surface water run-off problems.

## **BIODIVERSITY, ECOLOGY AND TREES**

Derbyshire County Council:

- The River Mease Special Area of Conservation (SAC) and SSSI are close to the site which also includes habitats used by protected species which are proposed to be protected by, among other measures, buffer zones.
- Whilst the use of the site as a solar farm may be considered a temporary use, the provision of appropriate biodiversity conservation and net gain must be fully considered.

South Derbyshire District Council:

- All ecological studies supporting the application must accord with the timings set out in best practice.
- There are concerns that the development may result in significant effects associated with water quality and quantity, the spread of invasive non-native species, and disturbance to otter during construction, alone or in-combination, on the River Mease SAC.
- In terms of cable routes, there are concerns regarding the ecological impacts arising from the fixed cable routes and the mitigation measures required to adhere to relevant statutory legislation and best practice guidelines, in respect of habitats and species.
- There are concerns that ponds, drains, and watercourses would be adversely affected by the proposals.
- There are concerns about the adverse impact of the development on veteran/ancient trees.
- There are concerns about whether the biodiversity metric utilises the most up to date Natural England Calculator tool and is supported by appropriate plans.
- There are concerns about whether all habitats will be suitably protected during construction.
- There are concerns about whether all habitats will be suitably managed to maximise ecological potential throughout the life of the development.
- There are concerns about the likely significant adverse impacts to ground nesting birds, particularly 'Priority Species', as well as the compensation measures which are to be delivered.



- There are concerns about whether barn owls have been identified as nesting within site trees, and, if so, whether appropriate mitigation and compensation will be provided.
- Additional compensation and mitigation measures may be required to suitably control the potential for killing and injuring Great Crested Newts (GCN) during the construction phase.
- Clarification is needed on the location and specification of badger access gaps within the perimeter fencing.
- There are concerns regarding the impact on TPO'd trees on "Conker Alley" and "Lime Avenue".
- Further details on biodiversity enhancements would be welcomed.
- It is not clear how "appropriateness" will be defined so as to ascertain where wildflower meadow planting will actually take place.
- The loss of significant lengths of hedgerows and woodland are significant concerns.
- South Derbyshire District Council declared an ecological emergency in September 2023 and this must be considered.

## **WATER RESOURCES, FLOOD RISK AND GROUND CONDITIONS**

Derbyshire County Council:

- There are concerns regarding water infiltration and run off, erosion due to increased run off rates from panel edges, as well as surface water drainage.

South Derbyshire District Council:

- No comments in addition to those of Derbyshire County Council.

## **PUBLIC RIGHTS OF WAY**

Derbyshire County Council:

- The site is crossed by several existing Public Rights of Way which will in part be diverted or replaced, along with additional permissive routes. The impact of the proposal on the experience of the user of these routes justifies consideration in terms of the visual experience, noise and connectivity.

South Derbyshire District Council:

- No comments in addition to those of Derbyshire County Council.

## **Agricultural Land Quality**

Derbyshire County Council:

- Part of the site is comprised of land classified as Best and Most Versatile, and therefore being a high priority for protection for agricultural use.
- Inclusion of this best and most versatile land and its removal from agriculture for up to 40 years must be considered and balanced against the need for the generation of clean energy and climate action.

South Derbyshire District Council:

- There are concerns in regard to the loss of Best and Most Versatile agricultural land which should be protected from development, and the development should be directed to areas of lower soil quality.

### **Glint and Glare**

Derbyshire County Council:

- There are concerns relating to the potential impacts of glint and glare associated with the proposed solar farm, in particular on local receptors, traffic and aircraft associated with East Midlands International Airport, and Derby Airfield.

South Derbyshire District Council:

- No comments in addition to those of Derbyshire County Council.

### **Major Accidents and Disasters and Telecommunications and Utilities**

Derbyshire County Council:

- While it is accepted that solar farms do not pose an unacceptable risk of accidents, the potential for fire, prevention and firefighting, should be considered in appropriate emergency preparedness plans. Such plans should include consideration of the safety of local residents potentially impacted by emissions from battery storage system fires and the impacts upon the local catchment.

South Derbyshire District Council:

- No comments in addition to those of Derbyshire County Council.

### **Minerals Consultation Areas**

Derbyshire County Council:

- The nature of a solar park development means it could be removed relatively easily (unlike built development with foundations etc), and it is unlikely therefore that it would lead to the permanent sterilisation of the sand and gravel resource.

South Derbyshire District Council:

- No comments in addition to those of Derbyshire County Council.

### **Community Benefits**

Derbyshire County Council:

- Development proposals of this scale have the potential to generate not insignificant community benefit, this potential should be explored fully.

South Derbyshire District Council:

- No comments in addition to those of Derbyshire County Council.

**Miscellaneous comments**

- Large warehouses (especially new ones) should be utilised as a priority, instead of agricultural land.
- Rosliston Forestry Centre ask the developer to engage with them in terms of solar power energy in their education sessions and that if biodiversity measures are exemplar, for that expertise to be shared.

It is hoped that these comments are useful.

## Section 3 – declaration

### Please check your comments and consider the following requirements:

I have provided the correct contact details for the option I have chosen in Section 1.

I have summarised the aspects of the *application* I agree and/ or disagree with and said why. I have outlined what information, local knowledge or evidence I have which supports this.

I have not included any links to website or additional documents.

I understand that once registered I will have an opportunity, later in the Examination process, to provide more detailed information, this will be referred to as a Written Representation.

I understand that I cannot reserve a right to make a representation later, I must include my opinion within this registration form.

I understand that the information I have included in the Representation section (Section 2) of this form will be used by the Examining Authority to carry out its Initial Assessment of Principle Issues and to decide the best way to examine the application.

My representation does not include material that is:

- \* vexatious or frivolous;
- \* about compensation for Compulsory Acquisition of land or of any interest in or right over land; or
- \* about the merits of policy set out in a National Policy Statement.

Please Note: The information you include in the Representation section of this form will be used by the Examining Authority to carry out its Initial Assessment of Principle Issues and help to decide the best way to examine the application.

**Please type your name and give today's date.**

**Name:** Steven Mott

**Date:** 03/05/24

The Planning Inspectorate aims to communicate with people by email wherever possible, as electronic communication is more environmentally friendly and cost effective for the Planning

Inspectorate as a government agency, given the volume and frequency of letters it needs to send to Interested Parties during an Examination.

If you have provided your email address, you have agreed to receive communications by email. You can change your mind later, please give us seven days' notice, either in writing or by email.

# Glossary of Terms

The process for applying for a Development Consent Order is a legal process governed by the Planning Act 2008 and related legislation. We are committed to ensuring that we make this process as inclusive as possible. We have tried to use everyday language wherever possible on the Website, but we may also refer to a number of terms which are used in the Planning Act 2008 and related legislation. Words in *Italics* have their own entry in this glossary. Our Customer Services Team (0303 444 5000) can advise on terms that are not covered in this glossary.

## Affected Person

A *Development Consent Order* can include powers for an applicant to acquire land and rights compulsorily. A person is an Affected Person if an applicant, after making diligent inquiry, knows that the person is interested in the land to which a Compulsory Acquisition request relates. If you are an Affected Person, you are automatically an *Interested Party* for the purposes of an Examination.

## Application

This refers to an applicant's *application* for a *Development Consent Order*. An *application* consists of a series of documents and plans which are published on the Planning Inspectorate's website.

## \*Are you over 18?

This question is to ensure the Planning Inspectorate manages information in line with the General Data Protection Regulations. Persons under the age of 18 are welcome to register and submit comments.

## Compulsory Acquisition Hearing

These must take place at the request of an *Affected Person*. Only *Affected Persons*, and the Applicant, have the right to request and be heard at a Compulsory Acquisition Hearing. At any hearings, the *Examining Authority* will manage the proceedings and may set a time limit for contributions to ensure fairness to all participants. For further information see Advice Note 8.5: The Examination: hearings and site inspections:

<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

## Development Consent Order (DCO)

This is a statutory order which provides consent for the *project* and means that a range of other consents, such as planning permission and listed building consent, will not be required. A DCO can also include provisions authorising the Compulsory Acquisition of land or of interests in or rights over land which is the subject of an application. A draft DCO is submitted by applicants with every *application*.

## Examination

This is the formal, legal process governed by the Planning Act 2008 and related legislation. The Examination stage starts the day after the *Preliminary Meeting* has been closed and can last up to

six months. For further information see Advice Note 8.4: The Examination:  
<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

## **Examining Authority**

The Examining Authority is the Inspector or the Panel of Inspectors appointed to conduct the *Examination* of the *application*.

## **Initial Assessment of Principal Issues**

A consolidated list of the principal issues arising from the *Examining Authority's* reading of the application documents and *Relevant Representations* received. It is not a comprehensive or exclusive list of all relevant matters; regard will be had to all important and relevant matters in reaching a recommendation to the relevant Secretary of State after the Examination is concluded.

## **Interest**

This means a legal interest that a person has in the land affected by a *Development Consent Order*; for example where a person owns, leases, rents, or occupies the land or has some other legal right over or in relation to it.

## **Interested Party**

*Interested Parties* may participate in the *examination* of the *application* and will receive formal notifications as the *Examination* progresses. Some people and organisations are automatically *Interested Parties* and don't need to register to become an *Interested Party*. Other people and organisations must register to become an *Interested Party* by making a *Relevant Representation* to the Planning Inspectorate at the appropriate time and before the specified deadline. For further information see [Advice Note 8.2: How to register to participate in an Examination](#).

## **Issue Specific Hearing**

A hearing or hearings on specific issue(s) may be held if the *Examining Authority* considers it necessary to ensure adequate examination of the issue or ensure that an *Interested Party* has a fair chance to put their case. For further information see [Advice Note 8.5: The Examination: hearings and site inspections](#).

## **Open Floor Hearing**

An Open Floor Hearing must be held if requested by an *Interested Party* or if the *Examining Authority* considers it necessary. Anyone who is an *Interested Party* may request an Open Floor Hearing. For further information see [Advice Note 8.5: The Examination: hearings and site inspections](#).

## **Oral Representation**

This is the term used to describe the opportunity to speak in person at a hearing. Any Oral Representation should be based on either the *Relevant Representation* or *Written Representation* made by the person by whom or on whose behalf the Oral Representation is made. You do not

have to make an Oral Representation if you consider that all the points you wish to make have been made in your *Relevant Representation* or in any *Written Representation* you make or have been adequately made by another *Interested Party*.

While the *Examining Authority* does have some discretion to accept Oral Representations even from people who have not submitted a valid *Relevant Representation*, this should not be relied upon.

## **Preliminary Meeting**

This is a procedural meeting held after the deadline for making a *Relevant Representation* has passed and once the *Examining Authority* has made its *Initial Assessment of Principal Issues* after consideration of the *application* documents and the *Relevant Representations* received. All *Interested Parties* will receive a notification in advance of the Preliminary Meeting setting out a draft timetable for the *Examination* including any proposed hearing(s). The meeting, chaired by the *Examining Authority*, considers how the *application* will be examined, for example identifying the main issues and the timetable for the *Examination*. The merits of the *project* are not explored at the meeting. For further information see [Advice Note 8.3: Influencing how an application is Examined: the Preliminary Meeting](#).

## **Project**

This is the Proposed Development, such as a power station, offshore wind farm, section of railway, road, or electricity line for which development consent is being sought in the *application*.

## **Relevant compensation claim**

Broadly such claims can be made by persons or organisations whose land or whose rights in land could be affected by the Proposed Development. Their land or rights may not be subject to Compulsory Acquisition powers sought in the *application* or indeed be within the land to which the *application* relates, but they may have a right to compensation under either Part 1 of the Land Compensation Act 1973, s10 of the Compulsory Purchase Act 1965, or s152 of the Planning Act 2008, if their land or interest is affected by the Proposed Development.

## **Relevant Representation**

A Relevant Representation is, amongst other things, a summary of the aspects of the *application* a person agrees and/ or disagrees with and their reasons why. To be valid it must be:

- made on time;
- made on the correct form – the 'Registration and Relevant Representation Form'; and
- be complete (ie with all mandatory fields correctly filled in).

The *Examining Authority* will read all valid Relevant Representations and each will form part of the evidence considered during the *Examination*. For further information see [Advice Note 8.2: How to register to participate in an Examination](#).

## **Representation**



This outlines what a person agrees and/ or disagrees with in the *application*. The Planning Act 2008 refers to three types of representation – *Relevant Representations*, *Written Representations* and *Oral Representations*.

## **Written Representation**

This is a more detailed written account of what an *Interested Party* agrees and/ or disagrees with in the *application*, together with any evidence or documents to support this. It is an opportunity to expand on the issues an *Interested Party* has set out in their *Relevant Representation*. Interested Parties do not have to submit a Written Representation if they consider that all the points they wish to make have been made in their *Relevant Representation* or have been adequately made by another *Interested Party*.

While the *Examining Authority* does have some discretion to accept Written Representations from people who have not submitted a valid *Relevant Representation*, this should not be relied upon.