# OAKLANDS FARM SOLAR PARK

## Applicant: Oaklands Farm Solar Ltd

The Applicant's Reponses to the ExA's First Written Questions (ExQ1)
August 2024
Document Ref: EN010122/D1/10.4
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# 1 INTRODUCTION

## 1.1 PURPOSE OF THIS DOCUMENT

1.1.1 This Document has been prepared for submission at Deadline 1 of the Examination by the Planning Inspectorate into an application by Oaklands Farm Solar Limited ("the Applicant") (a wholly owned subsidiary of BayWa r.e UK Ltd - "BayWa") under the Planning Act 2008 for a Development Consent Order (a "DCO") for the construction, operation, maintenance and decommissioning of ground mounted solar photovoltaic arrays and a Battery Energy Storage System ("BESS") on land west of the village of Rosliston and east of Walton-on-Trent in South Derbyshire ("the Proposed Development").

1.1.1 This Document provides the response at Deadline 1 by the Applicant to the First Written Questions set by the Examining Authority.

1.1.2 This document has been prepared as part of the DCO application ("the Application") and should be read in conjunction with the other documents submitted within the Application and by the Applicant at Deadline 1.

## Index

| Ref: | Question to: | Question: | Applicant's Response |
|---|---|---|---|
| **1.** | **Draft Development Consent Order (dDCO) [AS-005] and other consents** | | |
| | **General points** | | |
| 1.1 | Applicant | Referring to precedent, the Applicant [AS-017] explains the use of the wording "materially new or materially different environmental effects from those assessed in the environmental statement".<br>a) Could this lead to an unintended consequence of materially different beneficial environmental effects not being permitted?<br>b) Is the wording "any materially new or materially more adverse environmental effects compared to those identified in the environmental statement" preferable? | The Applicant notes the Examining Authority's comments and has replaced the wording "materially new or materially different environmental effects from those assessed in the environmental statement" with "any materially new or materially more adverse environmental effects compared to those identified in the environmental statement" in the dDCO for clarity. This change can be seen on the revised clean and tracked drafts accompanying these written responses. |
| 1.2 | Derbyshire County Council (DCC)<br>South Derbyshire District Council (SDDC)<br>Environment Agency (EA)<br>Applicant | Articles 11(7), 14(9), 16(6) confer deemed consent if the authority does not respond within 28 days (a "guillotine"). The Applicant [AS-017] considers that these provisions are necessary to ensure that delivery of the Proposed Development is not unnecessarily delayed.<br>a) Do DCC, SDDC and the EA consider that the 28 days period is reasonable?<br>b) Should provisions be added for any application for consent to contain a statement drawing the authority's attention to the guillotine? | The Applicant considers that the 28 days period is reasonable as this allows sufficient time for any absences, such as from holiday or sickness, without causing unnecessary delay to the delivery of the project.<br>The Applicant does not consider it necessary for any application for consent to contain a statement drawing the authority's attention to the deemed consent period as this is clearly and properly provided for within the dDCO. However, the Applicant will engage directly with DCC, SDDC and the EA on this point and seek to capture an agreed position in the Statement of Common Ground, with an update on the progress of that SoCG to be provided at Deadline 3. |
| 1.3 | Applicant | The Applicant [AS-017] has added Requirement 27(1)(c) to allow the effect of deemed consent provisions to be delayed when the parties agree that more than 28 days is required. However, Requirement 27(1) appears to be limited to requirements contained in Part 2 of Schedule 1.<br>Are additional provisions needed to allow the deemed consent provisions in Articles 11(7), 14(9), and 16(6) to be delayed when the parties agree that more than 28 days is required? | The Applicant has amended the dDCO as follows:<br>• Article 11(7) – after "…under paragraph (5)(b)" the Applicant has inserted ", or such longer period that is agreed in writing between the undertaker and that street authority,";<br>• Article 14(9) – after "…under paragraph (4)(a)" the Applicant has inserted ", or such longer period that is agreed in writing between the undertaker and that person,"; and<br>Article 16(6) – before "…that authority is deemed to have granted consent." the Applicant has inserted "or such longer that is agreed in writing between the undertaker and that authority,". |
| | **Part 1 - Preliminary** | | |
| 1.4 | Applicant | Article 2 - Interpretation<br>The definition of site preparation works includes the "laying of services".<br>a) Could this be interpreted as including the laying of cables in Works 4, 4A-D, 5, and 7?<br>b) Is it necessary to define "laying of services"? | a) The Applicant does not consider that the "laying of services" for site preparation works could be interpreted as the laying of cables in Works 4, 4A-D, 5 and 7. The diversion and laying of service apparatus is commonly excluded from the definition of "commence" in DCO. It is understood not to relate to the installation of inter-array cabling and grid connection cabling relating to the generating station to which the DCO relates, but instead to works to ancillary services which would not necessarily constitute a "material operation" in their own right, but which are carried out in order to prepare the site for construction of the authorised development.<br>b) The Applicant does not therefore consider it necessary to define "laying of services". |
| 1.5 | DCC<br>SDDC<br>EA | Article 2 - Interpretation<br>The defined "site preparation works" are pre-commencement activities that could be undertaken without the controls that only apply following commencement, including those in dDCO Requirements and in the Outline Construction Environmental Management Plan (Outline CEMP) [APP-090]. | The Applicant will review responses by other parties to this question, before commenting on those submissions as necessary at Deadline 3. |

| Ref: | Question to: | Question: | Applicant's Response |
|---|---|---|---|
| | Natural England (NE) | The Applicant [AS-017] is satisfied with the definition of site preparation works and considers that they would not be likely to have significant environmental effects.<br>a) Do the parties have any comments on the activities included in "site preparation works"?<br>b) Should any more mitigation be secured for "site preparation works", for example in relation to noise, impacts on protected species, archaeological remains, or traffic? | |
| | **Part 2 - Principal Powers** | | |
| 1.6 | Applicant<br>SDDC | Article 3 - Development consent etc. granted by the Order<br>The Applicant [AS-017] considers that the permitted limits of deviation are clarified by Article 3(2) which includes that "Each numbered work must be situated within the corresponding numbered area shown on the works plan and must not exceed the design parameters assessed in the environmental statement."<br>Given the size of works areas, please could the Applicant comment on whether it is necessary for works to be located within the numbered areas such that there would not be any materially new or materially more adverse environmental effects compared to those identified in the environmental statement? | As provided for at Article 3(2) of the dDCO, each numbered Work must be situated within the corresponding numbered area shown on the works plan and must not exceed the design parameters assessed in the Environmental Statement. The effect of this is that the works are necessarily located within the numbered areas such that there would not be any materially new or materially more adverse environmental effects compared to those identified in the environmental statement. |
| | **Part 7 - Miscellaneous/General** | | |
| 1.7 | Applicant | Article 35 - Certification of plans, etc.<br>The Applicant [AS-017] proposes that a new Schedule 12 is added to the dDCO to provide the reference numbers for all documents listed in this Article. The Applicant suggests this Schedule is created and populated at the final deadline to ensure all documents are captured as reference numbers may change throughout Examination.<br>a) Noting the large number of individual documents, would it be preferable to identify them within a separate certified document?<br>b) Could a draft of the Applicant's suggested approach be provided well before the final deadline to give enough time for comments to be made on the format, content, and level of detail, and for the comments to be addressed? | (a) The Applicant considers identifying the certified documents on the face of the DCO in a Schedule would be of most assistance to third parties but would be open to have a separate certified document if that is the Examining Authority's preference.<br>(b) To assist the Examining Authority, the Applicant also submits with these written responses its proposed approach for a new Schedule 12, illustrating the suggested format, content and level of detail. The Applicant welcomes the Examining Authority's comments on this and its preferred approach to certifying documents under the Order. |
| | **Schedule 2 - Requirements** | | |
| 1.8 | Applicant<br>DCC<br>SDDC<br>EA | Requirement 4 - Phases of authorised development and date of final commissioning<br>a) Should the scope of the written scheme setting out the phases of construction of the authorised development be expanded for clarity, for example by adding key activities and timescales?<br>b) Should a written scheme be required for the site preparation works? | (a) The Applicant has amended Requirement 4 of the dDCO to require that the scheme includes a construction timetable, following precedent in the Sunnica Energy Farm Order 2024 and the Mallard Pass Solar Farm Order 2024.<br>(b) The Applicant does not consider it necessary or proportionate to require a written scheme for the site preparation works. The purpose of the exclusion of site preparation works from the definition of "commence" is to allow those works which do not constitute material operations to be carried out ahead of discharge of requirements to enable prompt and efficient delivery of the authorised development. The Applicant considers that requirements should only relate to the site preparation |

| Ref: | Question to: | Question: | Applicant's Response |
|---|---|---|---|
| | | | works where necessary to secure necessary protections, such as in requirements 8 (LEMP), 9 (CEMP) and 16 (fencing and other means of enclosure). |
| 1.9 | Applicant<br>SDDC | Requirement 5 - Detailed design approval<br>The Applicant [AS-017] states that the requirements for the detailed design to accord with the principles and assessments set out in the Environmental Statement (ES) and with the outline design principles set out in the design statement would ensure consistency with the ES. Design parameters for, amongst other things, dimensions, materials, and colours of the structures and components are set out in various chapters of the ES, including in paragraphs 4.11-14 and Table 4.2 of the Project Description [APP-096], and Appendix B of the Design Statement [APP-182].<br>a) Please could the Applicant ensure that the design parameters relied on for the assessment are clearly identified and secured by the dDCO [AS-005]?<br>b) Would it help SDDC, as discharging authority, if the design parameters were set out in a single, definitive, standalone certified document?<br>c) With reference to paragraph 5.10.29 of NPS EN-1, do SDDC consider that sufficient design content is secured to ensure that future consenting will meet landscape, visual and good design objectives?<br>d) Please could the Applicant set out the consideration given to paragraph 5.10.38 of NPS EN-1 in relation to requirements for the incorporation of design details? | a) The design parameters relied on for the assessment are secured by sub-paragraph (2) of requirement 5, which requires the detailed design to be in accordance with the principles and assessments set out in the ES and the outline design principles as set out in the design statement. The Applicant has amended sub-paragraph (2) to specifically reference Table 4.2 of the Environmental Statement 'Design Parameters used in the EIA'.<br>b) No comment required.<br>c) No comment required.<br>(d) With consideration of paragraph 5.10.38 of NPS EN-1, which states, *"The Secretary of State should consider whether requirements to the consent are needed requiring the incorporation of particular design details that are in keeping with the statutory and technical requirements for landscape and visual impacts",* the Applicant has appropriately provided for design details relating to landscape and visual impacts within the requirements of the dDCO.<br>For example, through:<br>• Requirement 5 (Detailed design approval), which requires the Applicant to submit to and have approved in writing by the local planning authority details of the layout, scale, proposed finished ground levels and external appearance of the proposed infrastructure; and<br>• Requirements 6 (Implementation and maintenance of landscaping), 7 (Arboricultural method statement (AMS)) and 8 (Landscape and ecological management plan (LEMP)), each of which place requirements on the Applicant to ensure landscape and visual impacts are avoided and mitigated so far as is practicable, as assessed within the environmental statement. |
| 1.10 | Applicant | Requirement 9 – Construction environmental management plans (CEMP)<br>The EA [AS-019] request to be consulted when the CEMP is submitted to the relevant Local Authority to be approved.<br>Please could the Applicant update Requirement 9 accordingly? | The Applicant has revised the drafting of Requirement 9(3) (Construction environmental management plans (CEMP) to add "in consultation with the Environment Agency" after "approved by the local planning authority". |
| 1.11 | Applicant | Requirement 16 - Fencing and other means of enclosure<br>Please add a provision for all proposed temporary fences, walls, or other means of enclosure for the site preparation works to be carried out in accordance with the approved details. | The Applicant has revised the drafting of Requirement 16(6) (Fencing and other means of enclosure) to insert after sub-paragraph (6):<br>"(7) Any proposed temporary fences, walls or other means of enclosure for the site preparation works must be carried out in accordance with the approved details." |
| 1.12 | Applicant | Requirement 20 – Construction hours<br>The final sentence of paragraph (4) appears to allow works to be carried out if the scheme is not approved. Should the sentence be "*Save for emergency works, works under sub-paragraph (2) must be carried out in accordance with an approved scheme*"? | The final sentence is conditional on such a scheme being approved, as the first sentence of paragraph (4) is clear that a scheme must be agreed in advance of works (save for emergency works). However, the Applicant has revised paragraph (4) in accordance with the Examining Authority's proposed wording for further clarity. |

| Ref: | Question to: | Question: | Applicant's Response |
|---|---|---|---|
| **2.** | **Land rights, related matters, and statutory undertakers** | | |
| 2.1 | Applicant | Updates during the Examination<br><br>The Applicant [APP-019 paragraphs 8.6-10 and Appendix 1] sets out the status of discussions to reach voluntary agreement and states that it will continue to seek to acquire the land, the rights and other interests and the temporary use of land, as well as secure the removal of rights affecting the Order Land that may impede the Authorised Development, by agreement wherever practicable. It also sets out the engagement with Statutory Undertakers [APP-019 Appendix 2].<br><br>The Applicant [APP-019 paragraph 8.11] notes that there are several interests identified in the Book of Reference (BoR) [AS-009] where it has not been possible to identify ownership, occupation or interests in land. The Applicant states that it has carried out searches and enquiries with the Land Registry, site visits and notices have been erected on site to seek to identify unknown landowners, occupiers or persons with an interest in the land.<br><br>a) Please could the Applicant set out what further steps will be undertaken up to the end of the Examination to identify unknown ownership, occupation, or interests in land?<br><br>b) Please could the Applicant provide updates to the matters requested in Appendix the Rule 6 letter [PD-006] at relevant Examination deadlines:<br><br>• Updates to the BoR, Statement of Reasons (SoR) [APP-019] and Land Plan [AS-002];<br><br>• Schedule of progress regarding any outstanding matters, objections, and agreements in relation to land rights; and<br><br>• Schedule of progress regarding Protective Provisions and Statutory Undertakers?<br><br>c) Please can the Applicant ensure that any changes to the BoR [AS-009] are, where necessary, carried through to the SoR [APP-019]? | (a) The Applicant will continue to carry out searches and enquiries with the Land Registry, site visits and notices have been erected on site to seek to identify unknown landowners, occupiers or persons with an interest in the land.<br><br>(b) **Bullet 1 -** The Applicant will provide updated versions of the Book of Reference, Statement of Reasons, and Land Plans throughout the Examination as necessary, at those deadlines where the ExA has requested Applicant's updates. The Applicant will be taking steps ahead of those deadlines to undertake data refresh exercises to ensure that the Book of Reference, Statement of Reasons and Land Plans remain up to date throughout the examination.<br><br>**Bullet 2 –** The Applicant confirms that it will provide a Schedule of Progress in respect of any outstanding matters, objections and agreements in relation to land rights at those deadlines where the ExA has requested Applicant's updates.<br><br>**Bullet 3 –** The Applicant confirms that it is continuing to discuss Protective Provisions with relevant parties and will provide a Schedule of Progress on Protective Provisions and Statutory Undertakers at those deadlines where the ExA has requested Applicant's updates.<br><br>(c) The Applicant will ensure that any changes applied to the Book of Reference will be carried through to the Statement of Reasons, and will submit updates to those documents as necessary at each of those deadlines where the ExA has requested Applicant's updates. |
| 2.2 | Applicant | Part 2 of the BoR [AS-009]<br><br>Part 2 does not include all Category 1 Lessees, Tenants or Occupiers or all Category 2 persons identified in Part 1.<br><br>The BoR [AS-009] states that no Category 3 parties have been identified in relation to the Order Land.<br><br>a) Does Part 2 include all persons whose land is not being acquired but would be affected either by the carrying out of the works or by the using of the works?<br><br>b) Are there any other parties, including those sitting outside the Order Land, that might be entitled to make a relevant claim if the DCO were to be made and fully implemented, and should therefore be added as Category 3 parties? This could include, but not be limited to, those that have provide representations on, or have interests in, noise, vibration, air quality, artificial lighting, impacts on property | (a) As part of the land referencing instruction property specialist Dalcour Maclaren have followed their land referencing methodology, which included undertaking interrogation of all affected HMLR titles and associated documents as well as appropriate due diligence. Where third party interests have been identified, these have been captured as Category 2 interests within the Book of Reference. Where these Category 2 interests have been deemed to not hold rights to a relevant claim, these have been omitted from Part 2 of the Book of Reference.<br><br>(b) Based on the evidence provided by the technical specialists advising the project, the Applicant does not believe that there are any other Category 3 interests, being an interest entitled to make a relevant claim. |

| Ref: | Question to: | Question: | Applicant's Response |
|---|---|---|---|
| | | values or rental incomes or a business, loss of rights, or concerns about project financing or alternatives. | |
| 2.3 | Applicant | Part 3 of the BoR [AS-009]<br><br>Part 3 does not include all Category 2 parties identified in Part 1.<br><br>Is the Applicant satisfied that the omitted Part 1 parties are not entitled to enjoy easements or other private rights over land (including private rights of navigation over water) which it is proposed shall be extinguished, suspended, or interfered with? | As part of the land referencing instruction property specialist Dalcour Maclaren, have followed their land referencing methodology, which included undertaking interrogation of all affected HMLR titles and associated documents as well as appropriate due diligence. Where third party interests have been identified, these have been captured as Category 2 interests within the Book of Reference. Where these Category 2 interests have been deemed to not hold rights to a relevant claim, these have been omitted from Part 3 of the Book of Reference. |
| 2.4 | Applicant | Plot 02-033<br><br>The BoR [AS-009] refers to the acquisition of rights of 84 square metres of an unnamed watercourse. (unnamed) (north of Rosliston Road). The outline of the plot on Land Plan [AS-002] does not appear to correlate with the position of the watercourse.<br><br>Is the Land Plan correct? | The Applicant undertook land referencing due diligence, whilst undertaking this work, the Applicant noted that due to the age of the title plans available, the unnamed watercourse had meandered from its original position. As the HMLR title plan shows the legal boundaries of the ownership of the land either side, the Applicant has followed these boundaries while creating the Land Plots. The Applicant, for completeness, included the owners of either side of the watercourse in respect of their Riparian Rights. Following this methodology, the Applicant deems the Land Plans to be correct. |
| 2.5 | Applicant | Acquisition of Freehold<br><br>The Applicant seeks to acquire the freehold of plot numbers 02-045, 02-048, 02-051, 02-052, 02-053, 02-054, 02-055, 02-056, 02-057, 03-060, and 04-061.<br><br>a) In each case, and in the context of the temporary nature of the Proposed Development, please could the Applicant explain how it has minimised the powers sought? Why is it not sufficient to acquire rights and/ or impose restrictive covenants?<br><br>b) Should the table in paragraph 9.3 of the SoR [APP-019] refer to the acquisition of freehold interests in Works Number 1 for plot number 03-060 rather than 03-06?<br><br>c) Should the plots that are identified solely for the acquisition of freehold interests in the BoR [AS-009] be included in paragraph 9.4 of the SoR [APP-019] which sets out the acquisition of rights and imposition of restrictive covenants? | a) In each case, there is no legal mechanism or precedent that allows for compulsory acquisition powers to permit acquisition of rights or land for a limited term only. There is also no mechanism by which a lease may be granted through compulsory acquisition.<br><br>Freehold acquisition of the specified plots is sought because these form the main solar farm area. This area will be actively occupied by the Applicant during construction, operation and decommissioning of the proposed scheme, and the Applicant requires a level of control over the land which goes beyond the control which can be asserted by the holder of rights over land. Acquisition of rights only in relation to this area would therefore be inappropriate, as this area would be unavailable to the landowner for the lifetime of the development. The Applicant submits that the use of the land for the siting of the proposed scheme for the lifetime of the development (and potentially beyond that) goes beyond what is intended to be covered by powers of temporary possession, or the acquisition of rights or imposition of restrictive covenants.<br><br>Given the project is a Critical National Priority Infrastructure, any future extension to the life of the project would be made simpler if the necessary land rights were available on an ongoing basis and so there is an ongoing public interest in those rights being available on a permanent basis.<br><br>It is also clear from established compulsory purchase case law (*Bellfields Ltd v Secretary of State for Communities and Local Government* [2007] EWHC 3040 (Admin); *Pascoe v First Secretary of State* [2007] 1 W.L.R 885) that it is not a requirement of compulsory purchase for it to involve the least intrusive means of acquisition for it to be considered proportionate. The relevant order must simply strike a fair balance between the public benefits sought and interference with the rights in question. It is considered that securing the delivery of Critical National Priority infrastructure justifies freehold acquisition of the solar farm area.<br><br>b) The Applicant thanks the Examining Authority for flagging this typographical error. Clean and tracked versions of the SoR correcting this error will be submitted by the Applicant at Deadline 3.<br><br>c) The inclusion of plots identified for freehold acquisition in the table at 9.4 of the SoR was an error, which will be corrected in the next update to the Book of Reference and SoR to be submitted by the Applicant at Deadline 3. |

| Ref: | Question to: | Question: | Applicant's Response |
|---|---|---|---|
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| 2.6 | Applicant | Land interests<br><br>Please could the Applicant carry out a thorough audit of Appendix 1 of the SoR [APP-019] and update it as necessary, including in relation to:<br>• ensuring consistency with the BoR [AS-009]:<br>• Category 2 interests - some are currently included, others are not;<br>• clarifying that it includes summaries of the status of negotiations in relation to powers sought for temporary possession;<br>• including the status of discussions with Derbyshire County Council, Helen Louise Gallimore, James John Henry Gallimore, and Rosemary Anne Gallimore;<br>• including plot numbers 01-001, 01-002, 01-003, 01-004, 01-005, 01-006, 01-007, 01-008, 01-009, 01-010, 01-011, 01-012, 01-015, 01-016, and 01-021 for E.ON UK plc;<br>• referring to Elisabeth Albinia Dolben Goodson rather than Elizabeth Goodson; and<br>• whether plot number 04-061 should be included for Susan Mary White? | The Applicant notes the request by the ExA for Applicant's updates to be provided at various deadlines during the examination process and will ensure those are submitted. That process will include continued work to refresh land data in order to ensure that the Book of Reference and Statement of Reasons remains up to date.<br><br>An updated Book of Reference and Statement of Reasons will be provided at Deadline 3. At this stage the following response is provided to the points listed within Q2.6:<br><br>1. The Applicant will carry out a check prior to Deadline 3 to ensure correct plot numbers are within the right tables and provide an update to the Statement of Reasons where required.<br><br>2. The Applicant will carry out a check to ensure correct plot numbers are within the right tables and provide an update where required.<br><br>3. The plots where powers of Temporary Possession are sought are highways plots. Therefore the Applicant has not included these as negotiation for a voluntary land agreement would not ordinarily be sought, as works would be carried out under street works powers<br><br>4. Land Referencing due diligence showed that Derbyshire County Council holds interests only as a Highways Authority, and Helen Louise Gallimore, James John Henry Gallimore and Rosemary Anne Gallimore, hold interests only in terms of access rights and under ad medium filum for interest in the adjacent highway subsoil. The Applicant, therefore, has not negotiated for voluntary land agreements and has not included them within the Statement of Reasons.<br><br>5. The Applicant will provide an updated SoR at Deadline 3 which will include amendments to Appendix 1, which includes plots 01-001, 01-002, 01-003, 01-004, 01-005, 01-006, 01-007, 01-008, 01-009, 01-010, 01-011, 01-012, 01-015, 01-016, and 01-021 for E.ON UK plc.<br><br>6. The Applicant will provide an updated SoR at Deadline 3 which will replace Elisabeth Albinia Dolben Goodson with Elizabeth Goodson.<br><br>7. Plot 04-061 relates to HMLR title DY280942 and is solely in the interest of George White. The Applicant has therefore not included Susan Mary White. |
| 2.7 | Affected Persons<br><br>Interested Parties | Other inaccuracies<br><br>Are any parties aware of any other inaccuracies in the BoR [AS-009], SoR [APP-019], or Land Plan [AS-002]? | The Applicant will review responses by other parties to this question, before commenting on those submissions as necessary at Deadline 3. |
| 2.8 | Affected Persons | Other concerns about the powers sought<br><br>Does any Affected Person have any concerns that they have not yet raised about the legitimacy, proportionality or necessity of the land rights powers sought by the Applicant that would affect their land or their rights in land? | The Applicant will review responses by other parties to this question, before commenting on those submissions as necessary at Deadline 3. |
| 2.9 | Applicant | Sections 127 and 138 of the PA2008 | (a) No.<br><br>(b) No comment required. |

| Ref: | Question to: | Question: | Applicant's Response |
|---|---|---|---|
| | Statutory Undertakers | a) Is any of the land that is proposed to be acquired Statutory Undertakers' land for the purposes of s127(3) of the PA2008?<br>b) Do the Statutory Undertakers have any concerns about whether the tests set out in s127(3)(a) or (b), s127(6)(a) or (b), and s138(4) of the PA2008 have been met? | |
| 2.10 | Applicant<br>E.ON UK PLC<br>National Grid Electricity Distribution (East Midlands) PLC<br>National Grid Electricity Transmission PLC | Land in the vicinity of Drakelow electricity substation<br>a) Please explain whether, and if so how, the land rights powers requested could affect the undertakings of E.ON UK PLC, National Grid Electricity Distribution (East Midlands) PLC and National Grid Electricity Transmission PLC, including in the vicinity of Drakelow electricity substation at plot numbers 01-001 to 01-014 [AS-002, AS-009]?<br>b) Please could the Applicant justify the extent of the land over which the powers are sought, and justify the flexibility sought, for example by providing an indicative layout?<br>c) Do E.ON UK PLC, National Grid Electricity Distribution (East Midlands) PLC, or National Grid Electricity Transmission PLC have any concerns about the extent of the land over which the powers are sought? | a)<br>i. **National Grid Electricity Transmission PLC (NGET) and E.ON UK PLC –** In the vicinity of Drakelow electricity substation, NGET leases land from E.ON UK PLC and through the provisions of the lease, has the right to grant easement and access rights to third parties, such as the Applicant. Following initial engagement with E.ON UK PLC, the Applicant determined that NGET had the authority to provide the necessary easement. The Applicant considers no further direct correspondence with E.ON UK PLC is required. However, the Applicant is open to recommencing discussions with E.ON UK PLC if E.ON's position changes. The Applicant is continuing to negotiate the Option for Easement with NGET and through these negotiations, the parties will agree provisions to mitigate any potential impacts on NGET undertakings.<br>ii. **National Grid Electricity Distribution (East Midlands) PLC (NGED) –** In the vicinity of Drakelow electricity substation, NGED has easements over the NGET leasehold and Mallaber freehold for overhead lines which will be crossed by the cable route associated with the Development.<br>i. The Applicant has secured an Option for Easement over Mallaber freehold. Although the Applicant's easement will cross NGED's easement, rights under each agreement can be enjoyed without detriment to either party.<br>ii. The Applicant continues to engage with NGET to secure Option for Easement for cabling and associated access rights into Drakelow electricity substation.<br>iii. Although the Applicant's easement will cross NGED's easement, it is anticipated that rights under each agreement can be enjoyed without detriment to either party.<br>iii. The Applicant is continuing to discuss Protective Provisions with relevant parties, including NGET and NGED. Undertakings and assets will be appropriately protected under these provisions.<br><br>b) Through discussions with NGET and recognising the scale of electrical infrastructure within Drakelow electricity substation, the Applicant seeks flexibility to determine the final route and access requirement for the underground cabling. The Development is at a planning stage of design and further detailed, intrusive investigations will be required post-consent to determine the final construction design. In addition, several other developers are active in the area and seeking to connect into Drakelow electricity substation and therefore, interactions need to be considered which may only crystallise closer to final construction design. Flexibility under the DCO is required to manage this uncertainty. An indicative layout of cabling and access provisions is available at APP-097 - ES Figure 4.5 - Illustrative Drakelow Access Design. |
| 2.11 | Applicant | Draft DCO Article 17 - Compulsory acquisition of land<br>Draft DCO Article 19 - Compulsory acquisition of rights and restrictive covenants<br>The Applicant [AS-017] states that it is requesting compulsory acquisition powers in case landowners default on voluntary agreements, or where unknown interests in the land emerge. | The Applicant does not consider it necessary to expressly provide for this in either Article 17 (Compulsory acquisition of land) or Article 19 (Compulsory acquisition of rights and restrictive covenants). In each case of compulsory acquisition, the powers sought under the dDCO, as set out in the SoR, are considered proportionate and justified and the minimum powers necessary to deliver the project. The Applicant is not aware of any precedent for such provisions and is concerned that any limitations on the powers in Articles 17 and 19 could become complex, and inadvertently prevent the use of the powers where necessary. The |

| Ref: | Question to: | Question: | Applicant's Response |
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| | | Noting the need to ensure that the extent of rights and interests to be acquired have been minimised, and that disproportionate or unjustified interference with human rights would be avoided, is it necessary to secure that the compulsory acquisition powers can only be used when landowners default on voluntary agreements, or where unknown interests in the land emerge, and in each case to the minimum extent necessary? | Applicant is cognisant that compulsory acquisition should be a last resort and is committed to using powers to the minimum extent necessary. |
| 2.12 | Applicant | Draft DCO Article 19 - Compulsory acquisition of rights and restrictive covenants<br><br>The Applicant [AS-017] explains the purpose of paragraphs (5) and (6) and refers to precedent. Would Article 5 still make sufficient provision for the transfer of powers if paragraphs (5) and (6) are deleted? | The Applicant does not consider that Article 5 (Consent to transfer benefit of Order) would make sufficient provision for the transfer of powers under Article 19(5) and (6), as those sub-paragraphs provide for the transfer of the power to compulsorily acquire rights only.<br><br>Article 5 allows the undertaker to transfer the benefit of the Order as whole or in part, which would enable powers under Article 19 to be transferred from the undertaker to a statutory undertaker but would be a disproportionate requirement for the limited circumstances in which the transfer of powers described in Article 19(5) would be necessary.<br><br>The Applicant has therefore rephrased Article 19(5) to remove the need for the Secretary of State's consent to transfer the powers under Article 19 to statutory undertakers for the purpose of carrying out their statutory duties. |
| 2.13 | Applicant | Draft DCO Article 26 - Temporary use of land for carrying out the authorised development<br><br>The Applicant [AS-017] suggests that "carrying out the authorised development" should be interpreted as during the construction of the authorised development.<br><br>a) Can "carrying out the authorised development" also be considered to include operation, maintenance, and decommissioning?<br><br>b) In the interests of clarity, and noting the need to ensure that the extent of rights and interests to be acquired have been minimised, and that disproportionate or unjustified interference with human rights would be avoided, should Article 26 include that it only applies to the site preparation works and to the construction of the authorised development? | (a) The Applicant has considered this position and notes that "carrying out the authorised development" could include the construction and decommissioning of the same. This is confirmed through the inclusion of a temporary decommissioning access in Schedule 8 (Land of which temporary possession may be taken) of the dDCO. The Applicant apologises for this error.<br><br>The Applicant further considers that "carrying out the authorised development" in the context of Article 26 (Temporary use of land for carrying out the authorised development) and Article 27 (Temporary use of land for maintaining authorised development) is clear that the phrase excludes the maintenance of the proposed development, which by the true meaning of the word "maintenance" or "maintain" would include the operation of the proposed development to the effect that the phrase "carrying out the authorised development" could not also capture the operation of the development.<br><br>(b) In the interests of clarity, the Applicant has revised Article 26(1)(a) to add as a new un-numbered paragraph after sub-paragraph (1)(a)(ii) "for the completion of site preparation works, construction and decommissioning of the authorised development." The Applicant has submitted with these written responses clean and tracked versions of the dDCO, which include this amendment.<br><br>Sub-paragraph (4) ensures that any interference with human rights is proportionate by limiting how long the undertaker may remain in possession of land following completion of that part of the authorised development for which temporary possession of the land was taken. The Applicant is also required by sub-paragraph (5) to restore the land to the reasonable satisfaction of the landowner, and by sub-paragraph (6) to pay compensation for any loss or damage. |
| 2.14 | Applicant | Funding<br><br>Regulation 5(2)(h) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 provides that if the proposed order would authorise the compulsory acquisition of land or an interest inland or right over land, a statement of reasons and a statement to | a) Yes. As per Section 3.1.3 of the Funding Statement, the estimate includes an allowance for contingent costs (10%) and inflation (based on Consumer Price Index (CPI)).<br><br>b) Should any claims for blight arise due to the Application, the Applicant has sufficient funds to meet the cost of acquiring these interests at whatever stage they are served. However, the Applicant has not identified any interests which it considers could be eligible to serve a blight notice. |

| Ref: | Question to: | Question: | Applicant's Response |
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| | | indicate how an order that contains the authorisation of compulsory acquisition is proposed to be funded.<br><br>Paragraph 18 of the CA Guidance states that Applicants should be able to demonstrate that adequate funding is likely to be available to enable the compulsory acquisition within the statutory period following the order being made, and that the resource implications of a possible acquisition resulting from a blight notice have been taken account of.<br><br>The Funding Statement [APP-020] identifies that the costs of land acquisition (including compensation payable in respect of any compulsory purchase) would be approximately £8 million. It states that should any claims for blight arise because of the Application, the Applicant has access to sufficient funds to meet the cost of acquiring these interests at whatever stage they are served.<br><br>a) Does the £8m include an allowance for contingent costs and inflation?<br><br>b) What allowances have been made for potential claims for blight?<br><br>c) What comfort can be provided of funding being available should the cost be exceeded?<br><br>d) What comfort can provided that the scope of the Proposed Development would not be reduced in response to any future changes in costs or available funding? | c) The Applicant has allowed a contingency cost of 10% of the net value and has applied inflation based on CPI forecast. Therefore, the Applicant is comfortable that suitable funding is available should the costs be exceeded.<br><br>d) The Applicant has committed significant resource and funds to developing this project and wishes to optimise the output, subject to prevailing market conditions. Fixed costs such as the substation for grid connection will not reduce with a reduction in the scope of the project, so it is in the interest of the Applicant to maintain maximum economies of scale where possible. |
| 2.15 | Applicant<br><br>SDDC | <u>Possible impediments</u><br><br>a) Is the Applicant aware of any land or rights being required in addition to those sought through the dDCO [AS-005] before the Proposed Development can become operational?<br><br>b) Does SDDC have any concerns about whether potential impediments to the development been properly identified and addressed? Is it aware of any matters within or outside the scope of the dDCO that may have a bearing on whether the development could become operational may not be satisfactorily resolved, including in relation to acquisitions, consents, resources, or other agreements? | a) No, the Applicant is not currently aware of any land or rights being required in addition to those sought through the dDCO before the Proposed Development can become operational. |
| 2.16 | Applicant | <u>Equalities Act 2010</u><br><br>a) Please could the Applicant summarise how it has had regard to the Equalities Act 2010 in relation to the powers sought?<br><br>b) Have any Affected Persons or Interested Parties been identified as having protected characteristics and, if so, what regard has been given to them? | a) In progressing the Application for the Proposed Development, the Applicant has inherently ensured that no individuals have been discriminated against or less able to engage with the scheme. As regards the powers sought, the Applicant used a variety of methods to contact parties that are subject to the compulsory acquisition powers in the dDCO including in person visits, newsletters have been sent via post, offered USBs to people who could not attend, hard copies are in local deposit locations (agreed with the LPAs), phone calls; and emails.<br><br>b) No individual Affected Persons or Interested Parties have been expressly identified as having protected characteristics as defined under the Equalities Act 2010. However, due to the breadth of characteristics protected under the Equalities Act 2010, the Applicant has progressed this application on the basis that there would be those with protected characteristics impacted by the proposed development. Ensuring no persons are discriminated by the process has been inherent to the Applicant's work to date. |

| Ref: | Question to: | Question: | Applicant's Response |
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| **3.** | **General and cross-topic planning matters** | | |
| 3.1 | Applicant | Responses to submissions<br>Please could the Applicant provide written responses to all written and oral submissions made up to the close of the Examination, including relevant representations and additional submissions made during Pre-Examination, at the earliest opportunity? | Yes, the Applicant confirms that it intends to review all written and oral submissions made by other parties during the Examination and will then take the opportunity to provide responses to those submissions at the subsequent deadline. |
| 3.2 | Statutory bodies | Responses to the Applicant's submissions<br>a) Please could statutory bodies provide a written response to any submissions made by the Applicant that either seek to address concerns that they have previously raised, or that raise new concerns, at the earliest opportunity?<br>b) Please could the responses set out whether and, if so, how their concerns have been addressed and set out any remaining concerns and the steps that might be taken to resolve them? | The Applicant will review responses by other parties to this question, before commenting on those submissions as necessary at Deadline 3. |
| 3.3 | Applicant | Mitigation measures<br>All mitigation measures relied on in the ES should be clearly and unambiguously secured via the dDCO [AS-005].<br>a) Please could the Applicant carry out a thorough audit and advise whether each item of mitigation identified and relied on in the ES, including in ES Chapters 5-16 [APP-106, APP-135, APP-139, APP-143, APP-146, APP-155, APP-160, APP-163, APP-165, APP-167, APP-169, APP-177] and ES Appendix 17.1 – Schedule of Mitigation [APP-179], is provided in one of more of the:<br>• dDCO [AS-005];<br>• Outline CEMP [APP-090];<br>• Outline Operational Environmental Management Plan (Outline OEMP) [APP-091];<br>• Outline Decommissioning Environmental Management Plan (Outline DEMP) [APP-092];<br>• Outline Landscape and Ecological Management Plan (Outline LEMP) [APP-105];<br>• Outline Construction Traffic Management Plan (Outline CTMP) [APP-148]; and/ or<br>• Outline Battery Safety Management Plan [APP-093]?<br>b) Is the mitigation secured in the dDCO and/ or outline management plans:<br>• provided to at least the same level of detail as set out in the ES;<br>• sufficiently defined so that they would be likely to result in the residual effects identified in the ES; and<br>• does it include all relevant provisions for further survey requirements, monitoring and maintenance? | a) The Applicant's audit is provided as **Appendix A** to this response to the first written questions.<br>b) Yes, the Applicant is satisfied that all mitigation is appropriately secured and sufficiently defined.<br>c) The Applicant considers all mitigation is relevant to planning, necessary to make the Proposed Development acceptable in planning terms, directly related to the Proposed Development, fairly and reasonably related in scale and kind to the Proposed Development, and reasonable in all other respects. |

| Ref: | Question to: | Question: | Applicant's Response |
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| | | c) With reference to paragraph 4.1.18 of the Overarching National Policy Statement for Energy (NPS EN-1), does the Applicant consider that all secured mitigation is relevant to planning, necessary to make the Proposed Development acceptable in planning terms, directly related to the Proposed Development, fairly and reasonably related in scale and kind to the Proposed Development, and reasonable in all other respects? | |
| 3.4 | Applicant<br>DCC<br>SDDC<br>EA | Construction phase management plans<br>The dDCO [AS-005] and Outline CEMP [APP-090] refer to several management plans for the construction phase that would only be prepared post-consent, including the Public Rights of Way Management Plan, Site Waste Management Plan, Species Protection Plan, Travel Plan, and Water Quality and Silt Management Plan.<br>a) Please could the Applicant ensure that the dDCO [AS-005] and/ or Outline CEMP [APP-090] identify the measures to be included in those management plans to demonstrate that the mitigation relied on in the ES is secured?<br>b) Please could DCC, SDDC, and the EA advise whether outline versions of any of those management plans, or any other management plans, should be provided during the Examination to clarify and help secure the measures that should be included? In each case, please set out why this is necessary and proportionate. | The Applicant has reviewed AS-005 and the APP-090 in light of the ExA's questions. The following changes to the dDCO (AS-005) and OCEMP (APP-090) have been made in response:<br>• Requirement 14 of the dDCO (AS-005) has been amended to provide further detail on what the Public Rights of Way Management Plan should include to ensure appropriate mitigation has been secured.<br>• The OCEMP (APP-090) has been updated to clearly identify the measures to be included in a Site Waste Management Plan;<br>• In respect of protected species, the Applicant identified duplication between Requirements 8 and 9 of the dDCO. The Applicant has therefore amended the wording of the Requirements such that construction related mitigation measures are to be secured in the OCEMP (APP-090) and planting, habitat creation and management measures in the Outline LEMP (APP-105).<br>• The OCEMP (APP-090) has been amended to clearly identify the measures that should be included in the final CEMP pursuant to Requirement 9 of the dDCO in respect of protected species and retained habitat.<br>• As part of the review undertaken the Applicant has also updated the Outline Decommissioning Environmental Management Plan (APP-092) to ensure that this clearly identifies the measures necessary at the decommissioning stage.<br>• In respect to the Travel Plan, the Outline Construction Traffic Management Plan (APP-148) has been updated to clearly reference the need for a Travel Plan and to identify the measures that this should include.<br>• The OCEMP (APP-090) has also been updated to clearly identify the measures that should be included in a Water Quality and Silt Management Plan. |
| 3.5 | Applicant<br>DCC<br>SDDC<br>EA<br>NE | Pollution control through other consenting and licensing regimes<br>Paragraphs 4.12.2 and 4.12.10 of NPS EN-1 note that the planning and poclution control systems are separate but complementary, that pollution control is concerned with preventing pollution using measures to prohibit or limit the releases of substances to the environment, and to ensuring that ambient air, water, and land quality meet standards that guard against impacts to the environment or human health. It states that the Secretary of State (SoS) should work on the assumption that the relevant pollution control regime and other environmental regulatory regimes, including those on land drainage, water abstraction and biodiversity, will be properly applied and enforced by the relevant regulator.<br>Paragraph 4.12.15 of NPS EN-1 requires the SoS to consider if the EA, any pollution control authority, Statutory Nature Conservation Bodies, Drainage Boards, water and sewerage undertakers, and other relevant bodies are: | The Applicant received a S42 consultation response from the Environment Agency, which in respect of pollution identified a low risk to controlled waters from the proposed development, whilst noting the potential risk during construction for sediments to enter the River Mease SAC watercourse, which it states would be an offence under the Environmental Permitting Regulations 2016. The Applicant has taken steps within the application, such as providing an outline CEMP, to deal with that risk and is engaging with the EA following the Relevant Representation submitted by the EA regarding the content of that document and the application in general with a view to entering into a Statement of Common Ground.<br>Natural England have noted in their Relevant Representation that they have been unable to completely rule out impacts during the operational phase on the River Mease SAC, through the discharge of surface water to that watercourse. Similarly the Applicant is seeking to engage with Natural England towards agreeing a Statement of Common Ground which will address that matter.<br>The Applicant is not aware of any other bodies who have raised concerns regarding matters relating to potential pollution, either during consultation or through Relevant Representations.<br>The Applicant therefore responds as follows: |

| Ref: | Question to: | Question: | Applicant's Response |
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| | | • satisfied that potential releases can be adequately regulated under the pollution control framework; and<br>• the effects of existing sources of pollution in and around the site are not such that the cumulative effects of pollution would make the Proposed Development unacceptable, particularly in relation to statutory environmental quality limits.<br>a) Please could the relevant bodies comment, highlighting any specific concerns?<br>b) Please could the Applicant provide evidence of whether relevant bodies, including the water and sewerage undertakers, are satisfied and what concerns remain?<br>c) Please could the Applicant set out the steps that will be taken to resolve any outstanding concerns?<br>d) Please could the relevant bodies and the Applicant provide regular updates to the Examination? | a) The Applicant will review any submissions in response to this question and will comment as necessary at future deadlines.<br>b) The Applicant will continue to engage with the EA and NE in order to ensure that the ExA is provided with evidence, either through a SoCG or through the submissions by those bodies, as to whether those bodies are satisfied or have outstanding concerns in respect of the risks of pollution.<br>c) The Applicant will identify any ongoing or residual concerns and will engage as necessary with the bodies in question to resolve those matters, having regard to the various outline management documents which form part of the application and the Requirements within the dDCO, as mechanisms for ensuring that the risks of pollution occurring are minimised.<br>d) The Applicant acknowledges the need to provide regular updates and will ensure those are submitted at the necessary deadlines. |

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| **4.** | **Need case, alternatives, generation capacity, and grid connection** | | |
| 4.1 | Applicant | <u>The quantity of electricity generated</u><br><br>The Applicant [APP-165 paragraph 13.29] estimates that 157,067MWh of electricity would be generated for the first year of operation with a degradation of 0.55% for each subsequent year, giving estimated total energy generation of 5,653,501 MWh over the 40-year lifetime.<br><br>a) Is this consistent with paragraph 2.10.50 of NPS EN-1, which states that total capacity of a solar farm can be measured either in terms of the combined capacity of installed solar panels (measured in direct current) or in terms of combined capacity of installed inverters (measured in alternating current)?<br>b) Is this the quantity of electricity generation that the ExA should consider for the planning balance? | a) Yes this is consistent with Paragraph 2.10.50 of NPS EN-3. The Applicant will update the analysis in Chapter 13 of the ES to reflect the estimated total installed capacity of the inverters, measured in Alternating Current (AC), as per NPS EN3, Paragraph 2.10.50. This will be submitted at Deadline 3. The original analysis considered a total energy generation / capacity based on Direct Current (DC). The revised indicative AC capacity used for the updated analysis will be conservatively reduced to present the "worst-case" potential effects of the Proposed Development on the climate, in the sense that a lower, minimum amount of renewable electricity is assumed to be generated over the lifetime. The other chapters of the ES have considered effects in terms of maximum scale under the Rochdale Envelope principal to determine "worst-case" potential effects. By using this approach, the Applicant is confident that the worst-case potential effects from the Proposed Development have been fully and clearly assessed.<br><br>b) The updated quantity of electricity generation will be available for the ExA to assess following the update of Chapter 13 which will be submitted at Deadline 3. These numbers will be based on the estimated total installed capacity of the inverters in AC, which has been reduced conservatively to present a "worst-case" in terms of potential effects of the Proposed Development on the climate. The final installed capacity of the Proposed Development will be determined through detailed pre-construction and procurement activity respecting the design parameters set out in Chapter 4 of the ES and in adherence with the Rochdale Envelope principle, and therefore the final installed capacity and electricity generation of the scheme could exceed the numbers presented in Chapter 13 analysis, which are intentionally conservative so as to present a worst-case in terms of potential climate effects specifically. |
| 4.2 | Applicant | <u>Solar panel and battery storage replacement during the operational phase</u><br><br>NPS EN-1 states that there is a critical national priority (CNP) for the provision of nationally significant low carbon infrastructure and that energy security and net zero ambitions will only be delivered if the development of new low carbon sources of energy is enabled at speed and scale (paragraphs 3.3.62, 4.2.1, 4.2.4, and 4.2.5).<br><br>The National Policy Statement for Renewable Energy Infrastructure (NPS EN-3) notes that the efficiency of solar panels degrades over time and that they generally require replacing after 20-25 years and as the technology improves the efficiency of a solar panel is likely to improve as well. It states that Applicants may elect to replace panels during the lifetime of the site (paragraphs 2.10.55 and 2.10.67).<br><br>The Applicant [AS-017] does not expect that there will be a need for mass panel replacement during the operation of the Proposed Development and states that the dDCO does not authorise any maintenance works that would be likely to give rise to any materially new or materially different environmental effects that have not been assessed in the ES.<br><br>The ExA is seeking to understand the likely potential benefits and adverse effects during the operational phase in relation to the replacement of panels.<br><br>a) Please could the Applicant comment on the case for solar panel and battery storage replacement during the operational phase, including | a) It is not anticipated that there will be a need for mass panel replacement during the operation of the Proposed Development, only for individual instances of damage or unexpected failure of specific panels. The Development has been assessed on its current design, utilising design parameters and the Rochdale Envelope principle to assess "worst-case" potential effects. This provides suitable flexibility to allow for the evolution of technology up to the point of procurement for commencement of construction. The Applicant is confident the Development will deliver significant benefit to align with national climate change targets.<br><br>The battery cells will be required to be replaced every 8-10 years throughout the lifetime of the Proposed Development however, this is a small-scale operation which can be undertaken manually with components delivered via standard heavy goods vehicles (HGV) and work vans. There would be no need for heavy machinery (e.g., cranes, diggers) or disturbance of the Site. The process for battery cell replacement is set out in Appendix 4.4 – Outline Operational Environmental Management Plan (oOEMP), Paragraph 3.1 [APP-090].<br><br>b) Table 13.3 in EN010122-000289-EN010122 APP 6.1 ES Chp13 Climate Change.pdf (planninginspectorate.gov.uk) presents the estimated annual replacement rates for various elements of the Proposed Development. The solar panels are not expected to be replaced during the operational life of the project, save for individual instances of damage or unexpected failure of specific panels – to account for this an annual replacement rate of 0.2% per year has been assumed as set out in Table 13.3 of Chapter 13 of the ES. This equates to a monthly solar panel replacement rate of 0.017%. The BESS containers will remain in place throughout the life of the project – however, the battery cells mounted within the containers will be replaced manually once every 8- |

| Ref: | Question to: | Question: | Applicant's Response |
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| | | in relation to anticipated improvements in technology and the national need?<br>b) Please could the Applicant clarify how often it anticipates replacing solar panels and battery storage during the operational phase and the maximum number or proportion that it anticipates replacing in a one-month period? How are the effects of that assessed and how is any mitigation secured? | 10 years, depending on the final installed system and the operations profile which will determine the number of charge/discharge cycles per day. This equates to a monthly BESS cell replacement rate of 0.3% per year.<br><br>The rate of replacement for both solar panels and BESS cells is very low and the activity involved is manual and very low impact. Mitigation measures are secured within the Outline CEMP and outline CTMP, and are summarised at paragraph 13.59 of Chapter 13 (Climate change) of the ES. The assessment of operational effects is set out in paragraphs 13.72 – 13.86; the key activities assessed during the operational phase include the maintenance requirements for product and equipment replacement and associated transport to the Site. As set out at paragraph 10.9 of Chapter 10 (Traffic and Transport) of the ES, operational transport movements were scoped out of the ES due to the nature of the proposed use requiring only a negligible number of vehicle trips once operational. Chapter 13 concludes that the impact of the operational phase of the proposed development on GHG emissions is considered to have a moderate to major beneficial (significant) effect. |
| 4.3 | Applicant | Grid connection agreement<br><br>NPS EN-1 states that the SoS should be satisfied that appropriate network connection arrangements are/ will be in place (paragraph 3.2.17). The Applicant [APP-183] reports that it secured a grid connection agreement with National Grid Electricity Transmission (NGET) to import and export the full electrical capacity of the Proposed Development.<br><br>Please could the Applicant provide evidence of the agreement with NGET? | The Applicant has provided at **Appendix B** a redacted excerpt of the signed grid connection agreement between the Applicant and NGET. This confirms that import and export capacity to deliver the Proposed Development is secured. |

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| **5.** | **Project lifetime and decommissioning** | | |
| 5.1 | DDC<br>SDDC<br>EA | Decommissioning of underground cables<br>Paragraph 2.10.68 of NPS EN-3 states that the nature and extent of decommissioning of a site can vary and generally it is expected that underground cabling will be dug out to ensure that prior use of the site can continue.<br>The Applicant [APP-092, APP-181] says that the cables may be left in situ, depending on the method which is likely to have the least environmental impact at the time.<br>a) Do the parties have any comments on the Applicant's suggested approach and whether it strikes an appropriate balance between the potential magnitude and duration of impacts during decommissioning and the longer-term implications for future site use?<br>b) Should the dDCO [AS-005] require the underground cables and ducting to be removed? | The Applicant will review responses by other parties to this question, before commenting on those submissions as necessary at Deadline 3. |
| 5.2 | Applicant<br>DDC<br>SDDC<br>EA | Draft DCO [AS-005] Requirement 22 - Decommissioning and restoration<br>End state and funding<br>Several parties, including South Derbyshire District Council [RR-295], Lullington Parish Meeting [RR-179], Alex Wolfe [RR-010], Denise Ann Walsh [RR-077], Diane Abbott [RR-080], Jacqueline Shirley Bott [RR-129], Martin David William Abbott [RR-190], and Tracy Hiatt [RR-321] raise concerns in relation to decommissioning.<br>The Applicant provides a description of the decommissioning activities [APP-092, APP-181].<br>The Applicant [AS-017] considers that it is not necessary to add a requirement to secure the end state of the Order Land after decommissioning and refers to the requirement for a decommissioning environmental management plan and a decommissioning traffic management plan to be submitted for approval.<br>The ExA is considering if it has sufficient understanding of the likely end state of the land after decommissioning, the suitability for other uses after decommissioning, the measures that should be secured by the DCO, and the likely potential effects.<br>a) Please could the parties comment on how the end state after decommissioning should be defined?<br>b) Is it necessary, reasonable, and appropriate for the definition of the end state after decommissioning to be secured more precisely by the dDCO?<br>c) Should a provision be added to the dDCO to secure funding for decommissioning?<br>d) If it should be secured, how should the amount of funding be identified, what form of security would be appropriate, and when should the security be put in place? | a) Requirement 22 requires the undertaker to submit a decommissioning environmental management plan and decommissioning traffic management plan for approval, and to decommission the Proposed Development in accordance with the approved plans. That approach will ensure that the Local Planning Authorities have the opportunity at that time to determine the acceptability of the end state after decommissioning, in line with the relevant legislation and policy in force at that time.<br>b) Decommissioning will be carried out in accordance with the relevant legislation and policy in force at the time of decommissioning, and it is not therefore considered necessary or appropriate to include further detail in the draft Order at this stage.<br>c) The Applicant's position is that is not necessary to include a provision to secure funding for decommissioning, as the decommissioning of the site is secured through Requirement 22 which is legally enforceable and meets the appropriate tests for Requirements. That was the position taken in the Gate Burton DCO, where the ExA confirmed at Paragraph 7.3.10 of its Recommendation Report (EN010131-001743-Gate Burton Solar Recommendation Report Appendices.pdf (planninginspectorate.gov.uk) that a decommissioning bond was not required given the inclusion of a Requirement providing for decommissioning. Similarly in its Recommendation Report on the Mallard Pass DCO (EN010127-001608-240216 - MPSP - The Examination Authority's recommendation report.pdf (planninginspectorate.gov.uk) the ExA confirmed at Para 7.4.73 that no bond was required given the inclusion of a decommissioning requirement.<br>d) As set out above, the Applicant's position is that a provision to secure funding for decommissioning is not required. |

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| 5.3 | Applicant<br>DDC<br>SDDC<br>EA | Draft DCO [AS-005] Requirement 22 - Decommissioning and restoration<br>Timescales for completion<br>The dDCO requires decommissioning to commence no later than 40 years following the date of final commissioning of the first phase of Work No. 1.<br>The Applicant [APP-181] says that decommissioning is expected to take between 12 and 24 months.<br>a) Should the dDCO include a requirement for decommissioning and restoration to be completed within a specified timescale?<br>b) If so, how should the completion of decommissioning and restoration be defined, and what is an appropriate timescale for it to be completed? Should separate timescales be identified for different activities, for example for decommissioning, for restoration, and for any necessary maintenance?<br>c) Should the commencement and completion of decommissioning also be related to when the generation of electricity ceases in case that is earlier than 40 years following the date of final commissioning of the first phase of Work No. 1? | a) The Applicant submits that a requirement to secure the decommissioning and restoration of the site within a specified timescale is not necessary as there are factors outside the control of the Applicant that could lead to delay- for example, contractor availability. The requirement to submit a decommissioning environmental management plan and decommissioning traffic management plan for approval by the LPA will ensure that decommissioning will be subject to appropriate control by the LPA.<br>b) Due to its response at (a) above, the Applicant does not consider it proportionate or appropriate to further control the decommissioning and restoration timescales.<br>c) The Applicant does not consider this necessary as decommissioning must be carried out in accordance with the approved DEMP and DTMP, which require to be submitted to the LPA within 3 months of the undertaker deciding to decommission any part of the works. The final sentence of requirement 21(1) (Decommissioning and restoration) simply confirms that this can be no later than 40 years following the date of final commissioning of the first phase of Work No.1. |

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| **6.** | **Agriculture, land use, soils, ground conditions, minerals, and geology** | | |
| 6.1 | Applicant | Ministerial Statement<br><br>Please provide your consideration of the statement made on 15 May 2024 by the Secretary of State for Energy Security and Net Zero in relation to solar and protecting our food security and Best and Most Versatile (BMV) agricultural land. | The Applicant has considered the Written Ministerial Statement (WMS) (dated 15th May 2024). At the outset the Applicant notes that the WMS first references the January 2024 National Policy Statement and reiterates the position taken in that National Policy Statement in respect of agricultural land. The Applicant sets out in the Application that the Proposed Development is considered to accord with the National Policy Statements generally and in terms of the position they take in respect of agricultural land.<br><br>The Applicant's analysis of UK food security in Appendix 15.5 of Chapter 15 – Agriculture and Soils considers the issue of food security and BMV agricultural land in detail. The Applicant's position, as set out in ES Chapter 15, is that there is not a food security concern in the UK, but it recognises nonetheless that BMV agricultural land is a finite resource which needs to be carefully managed.<br><br>The WMS sets out the starting point that applicants should seek to minimise impacts on the best and most versatile agricultural land, and preferably use land in areas of poorer quality, whilst also noting (as set out in the NPS) that applicants for NSIPs should avoid the use of Best and Most Versatile agricultural land 'where possible'. Neither the NPSs nor the WMS state that BMV agricultural land has to be avoided entirely; NPS EN-3 states at Paragraph 2.10.29 that 'land type should not be a predominating factor in determining the suitability of the site location' and also at Paragraph 20.10.30 that 'the development of ground mounted solar arrays is not prohibited on Best and Most Versatile agricultural land'.<br><br>The Applicant's position is that the Proposed Development takes an appropriate and proportionate approach through careful site selection and then through design embedded mitigation and additional mitigation secured through Requirements in the dDCO to manage and minimise the impacts of the Proposed Development on Best and Most Versatile Agricultural land, as detailed both in the Application and in the Applicant's responses to the First Written Questions.<br><br>The WMS acknowledges that even in the most ambitious scenarios the total area of UK agricultural land used for solar would be very small (i.e 1%). As noted in Chapter 15 (Paragraph 15.120) the Proposed Development would use 115ha of BMV land, equivalent to 0.003% of the national resource of all classifications of BMV (not just the highest quality BMV). The WMS addresses the issue of cumulative developments but does so in the sense of geographical clustering of proposed solar developments in some rural areas. That is not something which applies to the Proposed Development, given the lack of any other large scale solar farms consented or planned in the rural area in the immediate locality.<br><br>The WMS also identifies the need for accurate and fair soil surveys to be undertaken to allow for a robust and consistent approach to agricultural land classification. As set out in ES Chapter 15 and in the Applicant's response to Q6.2, the Applicant considers the approach it has taken to be robust.<br><br>Solar parks like the Proposed Development directly combat the biggest cause of climate change, which is the use of carbon-intensive energy sources. By supporting the transition to low-carbon energy sources, the Proposed Development actually assists in improving UK food security in the long term, as the greatest threat to food security is climate change, as set out by the Secretary of State for Energy Security and Net Zero in his speech to Parliament on the 18th July 2024 (https://hansard.parliament.uk/commons/2024-07-18/debates/1B2ABCB9-1455-4C86-8E2F-5E763B38E888/CleanEnergySuperpowerMission).<br><br>This approach has been endorsed through the recently made Mallard Pass Solar Farm DCO where the ExA considered that "*the overall impact of the Proposed Development in relation to food production in the national context is negligible, and that in isolation, and in-combination with other NSIP projects considered, the BMV land resource would not be significantly affected and there is no compelling evidence that UK food security would be undermined*" (paragraph 4.90 of the Decision Letter). The ExA's position was supported by the Secretary of State who concluded that "*the potential production that would be lost in the* |

| Ref: | Question to: | Question: | Applicant's Response |
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| | | | *PV array and field margin area based on a three-year crop rotation and average yields is negligible in the context of approximately 21 million tonnes of cereal production in the UK in 2022*" (paragraph 4.98 of the Decision Letter) and that "*the impact of the Proposed Development in relation to food production in the national context is negligible*" (paragraph 4.100 of the Decision Letter).<br><br>Similar conclusions were drawn at paragraphs 4.169 and 4.178 of the Gate Burton Energy Park Decision Letter and paragraph 4.217 of the Sunnica Solar Park Decision Letter.<br><br>Chapter 15 notes that there will be some minor beneficial effects from soils being rested from intensive arable use. In addition the long-term, predictable rental payments from solar parks offer diversification of income for farmers to support ongoing agricultural businesses, such as at the Proposed Development where the intention is to graze sheep and promote the continued operation of the existing dairy business.<br><br>Based on the above the Applicant considers the Proposed Development to be consistent with the WMS. |
| 6.2 | NE<br>SDDC | <u>Agricultural Land Classification (ALC)</u><br><br>Paragraph 2010.33 of NPS EN-3 states that the ALC is the only approved system for grading agricultural quality in England and, if necessary, field surveys should be used to establish the ALC grades in accordance with grading criteria and identify the soil types to inform soil management at the construction, operation, and decommissioning phases in line with the DEFRA Construction Code.<br><br>a) Are NE and SDDC content with the Applicant's ALC and surveys [APP-168, APP-169, APP-170, APP-171]?<br><br>b) Is Subgrade 3b a robust worst case assumption for the areas that were not surveyed [APP-168]?<br><br>c) Should surveys be required of areas that were not surveyed to rule out that they could be BMV agricultural land? | The Applicant considers the approach and methodology used within the ALC and surveys to be robust and appropriate. The Applicant is engaging with Natural England to discuss that approach and methodology, with a view to agreeing a Statement of Common Ground during the course of the examination and will provide an update on those discussions at Deadline 3, together with comments as necessary on any responses by Interested Parties to this question. |
| 6.3 | Applicant | <u>Park Farm and Fairfield Farm</u><br><br>The Applicant [APP-169] focuses on the current agricultural activity and potential effects on agricultural business at Oaklands Farm.<br><br>Please could similar descriptions and assessments be provided for Park Farm and Fairfield Farm? | The Applicant has considered the potential effects on agricultural businesses at Oaklands Farm, Park Farm and Fairfield Farm from the Proposed Development. The installations and activity on Park Farm and Fairfield Farm are either temporary or situated underground in a manner which will have no discernible impact on arable or grazing activity for the operational life of the Proposed Development. Chapter 15 of the Environmental Statement deals with the potential effects on agricultural business at Oaklands Farm, which is more directly impacted as it hosts the solar PV panels, BESS and substation elements of the Proposed Development.<br><br>The Applicant signed an Option Agreement with Park Farm and expects to sign a similar agreement for Fairfields Farm prior to the end of the examination period for rights to install underground electrical cabling and for a temporary construction and decommissioning access track. The Applicant has discussed the intended development activity on the land with the landowners throughout negotiations, and accordingly, rental income and compensation for temporary disruption or loss to the existing agricultural businesses has been negotiated with the respective landowners to ensure that the agricultural businesses can continue throughout the operational life of the Proposed Development and beyond decommissioning. This includes commitments from the Applicant to reinstate the land to an agreed condition under agreed timescales, and to repair damage to relevant existing infrastructure as a result of the Proposed Development. The underground cabling will be installed and operated throughout the life of the Proposed |

| Ref: | Question to: | Question: | Applicant's Response |
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| | | | Development at a depth which will allow ongoing arable cropping or grazing, and while portions of the surface currently used for arable cropping or grazing will be temporarily occupied during the construction and decommissioning phases of the Proposed Development, the availability of alternative land in the farm holdings and remuneration agreed by the parties means the potential effects on the agricultural businesses at Park Farm and Fairfield Farm are considered to be mitigated and therefore negligible. No PV panels, energy storage, or other permanent above-ground infrastructure will be installed on Park Farm or Fairfield Farm, save for markers and access manholes for servicing the underground electrical cabling. The Proposed Development is therefore considered to constitute a minor temporary inconvenience to agricultural business on the property during construction, operations and decommissioning. |
| 6.4 | Applicant | Farming during the operational phase<br><br>The Applicant [APP-169 paragraph 15.47] anticipates that the dairy unit would continue to operate during the operational phase and states that this is confirmed by the landowner/ farmer.<br><br>It considers [APP-169 paragraph 15.109] that the farm would need to either rent land for fodder production or buy-in more winter fodder and straw. It states that there would be significant changes to the way the farm operates day to day, although the farm would continue to operate as a full-time farm and the rental income from the Proposed Development would provide support to maintain the farm business.<br><br>The Applicant [APP-169 paragraph 15.135] considers that land has the potential to be grazed by sheep, that the dairy herd would continue, and the related employment across the farm and Oaklands Farm area has the potential to be similar to or higher than the current labour, because the management of sheep is more labour-intensive than for arable cropping.<br><br>The ExA is seeking to understand the likelihood that the land would be farmed during the operational stage, and the implications of this for the assessment.<br><br>a) Please could the Applicant provide an assessment of whether continued dairy farming and the introduction of sheep farming would be commercially viable? Why would the landowner/ farmer continue to farm the land when they would have rental income from the Proposed Development?<br><br>b) What would the impacts on agriculture and soils be if the land did not continue to be farmed? Should this assumption form the basis of a reasonable worst-case assessment?<br><br>c) If the assessment relies on the land continuing to be farmed then should this be secured by the dDCO [AS-005]? | (a) Sheep grazing within solar farms is an established practice on non-NSIP solar developments, and the scale of the Proposed Development would support this practice on a larger scale if desired. The Applicant therefore considers the grazing of sheep to potentially be commercially viable. The Oaklands landowner has indicated ongoing dairy farming would be possible on property not covered by the solar PV panels, BESS or substation infrastructure needed for the Proposed Development. The dairy unit is largely an indoor herd. Currently the high-yielding dairy cows are fed indoors, and the youngstock are raised at a rented unit 3 miles away. Only a modest proportion of the herd, being the low-yielding dairy cows, graze seasonally near to the farm buildings when ground conditions and grass growth are suitable. This is a commercial choice rather than a farming necessity, as for most of the year those cows are also housed and fed indoors. Therefore the continuation of the dairy herd is physically possible and will necessitate little change in the daily management of the dairy herd. The wider farm is used in part for producing winter fodder, and this can continue from land retained within the farm and rented elsewhere, which is a limited change from current practice (typically up to 80ha is rented locally for maize growing). There is expected to be a need to either rent additional land to produce winter fodder or, as many farms do, to purchase winter fodder produced from other farms. The layout of the Proposed Development means that there will remain some immediate grazing land should the farmers wish to graze. Sheep are currently grazed in the winter, and this will be unchanged although, as noted, there is the potential for year-round sheep grazing. The Applicant considers that the landowner has the relevant expertise to judge this possibility, though notes that the landowner is not obligated to continue dairy farming and may decide to pursue alternative business practices to maximise the use of their property. The rental income from the Proposed Development would provide an alternative means of supporting any ongoing business endeavours if desired.<br><br>(b) As set out in part (a), dairy farming is not proposed to continue on land within the boundary of Proposed Development, but this activity on other property would be supported by rental income. Sheep grazing may occur within the Proposed Development, with a positive but limited impact on agriculture and soils in terms of natural animal activity. The main benefit to soils from the Proposed Development comes from the change in use from intensive arable farming, allowing the soils to rest and become managed grassland and wildflower meadows as proposed in the LEMP. If sheep grazing is not implemented within the Proposed Development, the limited positive environmental impacts of this practice would not be present, but the overall improvement to agriculture and soils would. Therefore sheep grazing is not essential, and the Applicant considers that the worst-case assessment is already presented.<br><br>(c) It is not appropriate or proportionate to secure the future use of the site, be it for farming or an alternative use, within the dDCO. The Applicant cannot compel the landowner/farmer to use the land in a particular way and it is not within the gift of the DCO regime, or the Secretary of State's powers, to do the same, outside the scope of permitting compulsory acquisition powers. It is only |

| Ref: | Question to: | Question: | Applicant's Response |
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| | | | for the landowner/farmer to determine how to use the land alongside the proposed development. There is currently no legal obligation on the landowner/farmer to keep the land in agricultural use and there is no policy or legislative justification for a requirement to be placed on the land to this effect once the development has been constructed. There are also many things outside the control of the Applicant and the landowner/farmer that could render it impossible to comply with such a requirement. For example, in the event of another foot and mouth outbreak or the landowner/farmer deciding to no longer farm the land. |
| 6.5 | Applicant | Soil management during the operational phase<br>The Applicant [APP-169 paragraph 15.106] states that the land would be sown to grassland and managed, including grazing with sheep, for the duration of the operational phase.<br>a) Please could the Applicant advise whether that is a firm undertaking or whether other options may be considered?<br>b) If other options may be considered, please could the Applicant clarify the implications of different options for the assessment?<br>c) Please could the mitigation measures be detailed in the Outline OEMP [APP-091]? | a) The land under and around the solar panels will be maintained/established as grassland, with areas of wildflower meadow and other vegetation implemented as presented in the oLEMP. This is a firm undertaking that will occur regardless of whether or not sheep grazing is pursued within the Proposed Development. Sheep grazing will be possible within the Site, but is not essential for delivery of the Proposed Development. If sheep grazing is not pursued, no other agricultural activity is expected within the Proposed Development.<br>b) Currently the farming of sheep is commercially viable. It is currently undertaken on the farm, and there is logic in farming the land in this way in conjunction with the other measures for wildlife set out in the oLEMP. As farming is a commercial activity influenced by many other factors such as weather, market conditions, availability of labour, disease status etc, there may be changes in the future that cannot be predicted in advance. There may be other farming opportunities, such as grazing of some poultry such as geese, but currently only sheep grazing (as it already occurs) has been considered in detail.<br>c) There are no mitigation measures proposed/required in this regard. The sowing of the land to create grassland and its management is set out in the oLEMP APP-105. |
| 6.6 | Applicant<br>SDDC | Potential permanent loss of agricultural land<br>The Applicant [APP-169 paragraph 15.134] states that the Battery Energy Storage System and onsite substation would be removed during decommissioning, but that the land in these areas may not be restored back to the same ALC grade. The Battery Energy Storage System and substation would be within a small field of mixed Subgrade 3a and 3b quality. The Applicant indicates that there would be a permanent loss or downgrading of 1.5ha of Subgrade 3a agricultural land if the substation was not removed or suitably restored.<br>a) Noting the protection afforded to BMV agricultural land, has sufficient consideration been given to measures to avoid the permanent loss of Subgrade 3a agricultural land?<br>b) Would it be reasonable for the dDCO [AS-005] to require no permanent loss of Subgrade 3a agricultural land? If not, why not? | The BESS and substation is proposed within a relatively small field within the Site. The works occupy much of the field, which is surrounded by hedges. The Applicant recognises the policy position in respect of the broad objective of the minimisation of loss of BMV land. The Applicant anticipates that this area can be restored to BMV status on decommissioning, and that no permanent downgrading will result. The land will not be lost, it is only the BMV status that is under consideration.<br><br>In response to this question, the Applicant is producing a Soil Management Plan dedicated to the BESS and substation area. This will address the removal of topsoil from across the BESS and substation area, the storage of that material for the duration of the consent, management of the material for the operational phase and the movement of the material at the decommissioning phase and its return to comparable agricultural quality. The Applicant will seek to provide a feasible solution where possible and update on this at Deadline 3.<br><br>For the reasons stated the ES took a cautious approach and assessed the position in the event that the Applicant cannot be certain of restoration back to the same ALC grade. Whilst the Applicant anticipates restoration to comparable quality, it is considered that it would not be reasonable for the DCO to require that there is no permanent loss of Subgrade 3a. Planning policy does not prevent the loss of BMV land. The area involved is small, is contained in a single field, and 1.5 ha maximum. Such a loss is not considered to constitute a "significant" loss of BMV agricultural land (reference NPPF footnote 62) and is a minor adverse effect under the EIA methodology. As explained in Chapter 3 Site Selection and Design Strategy of the Environmental Statement at paragraphs 1.65 – 1.74, a number of environmental and technical considerations had to be taken into account in the siting of the Substation and BESS, and ultimately it is not possible to site this infrastructure completely within subgrade 3b agricultural land due to design requirements, the need to minimise visual and noise effects on neighbouring residential properties, the minimisation of new tracks, and to make use of the existing field pattern and hedgerows for screening. |

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| | | | In the context of the proposed development constituting Critical National Priority infrastructure, it is the Applicant's position that the urgent need for CNP infrastructure to achieve our energy objectives outweighs this residual effect on subgrade 3a agricultural land. |
| 6.7 | Applicant<br>SDDC | Return to agricultural land uses after decommissioning<br>a) Should the dDCO [AS-005] explicitly require the land to be returned to agricultural use immediately after decommissioning has been completed? If not, why not?<br>b) Please could the Applicant suggest suitable wording in case the ExA is minded to include such a provision? | (a) As noted in response to ExAQ 6.4(c) above, it is not appropriate or proportionate for the dDCO to require that the land be returned to agricultural use immediately after decommissioning the proposed development.<br><br>The Applicant cannot compel the landowner/farmer to use the land in a particular way and it is not within the gift of the DCO regime, or the Secretary of State's powers, to do the same.<br><br>It is only for the landowner/farmer to determine how to use the land in 40 years, which may be agricultural use, or an alternative use, depending on their personal circumstances at that time. If a requirement to this effect were to be included in the dDCO, the consent would no longer be for a temporary development. As noted in response to ExQ 6.4 above, there is currently no legal obligation on the landowner/farmer to keep the land in agricultural use and there is no policy or legislative justification for a requirement to be placed on the land to this effect once the development has been constructed. There are also many things outside the control of the Applicant and the landowner/farmer that could render it impossible to comply with such a requirement. For example, in the event of another foot and mouth outbreak or the landowner/farmer deciding to no longer farm the land.<br><br>It is also noted that the use of land for agriculture does not require planning permission so that future use is not facilitated by providing for it in the dDCO.<br><br>The lease requires the Applicant to make good the land in no worse state or condition prior to implementing the Proposed Development and therefore, the landowner has the ability (should they choose) to return the land to its current use.<br><br>(b) Given the Applicant's position that it is not appropriate, proportionate or within the Secretary of State's powers to do so, the Applicant is not clear how such a provision could be suitably worded.<br><br>The Applicant is unaware of any consented NSIP solar schemes that have imposed such a requirement that could serve as a precedent, both for circumstances that would warrant such control and the wording by which it might be secured. |
| 6.8 | SDDC<br>EA | Draft DCO [AS-005] Requirement 13 - Land contamination<br>The Applicant [AS-017] states that appropriate remediation strategies and measures would be secured where found to be necessary, and that remediation must be carried out in accordance with the approved scheme.<br>a) Is the approach consistent with the EA's guidance on land contamination risk management? Should it be required that land contamination is dealt with in accordance with that guidance?<br>b) Should measures be added to Requirement 13 in relation to avoiding disturbing any contamination and to consultation with the EA? | The Applicant will review responses by other parties to this question, before commenting on those submissions as necessary at Deadline 3. |

| Ref: | Question to: | Question: | Applicant's Response |
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| 6.9 | DCC | Mineral safeguarding<br><br>Paragraph 5.11.19 of NPS EN-1 states that Applicants should safeguard any mineral resources on the proposed site as far as possible, considering the long-term potential of the land use after any future decommissioning has taken place.<br><br>Paragraph 5.11.28 of NPS EN-1 states that where a Proposed Development has an impact upon a Mineral Safeguarding Area, the SoS should ensure that appropriate mitigation measures have been put in place to safeguard mineral resources.<br><br>The Applicant [APP-146 Paragraph 9.45] states that a short section of cable routing parallel to Walton Road to the north of Grove Wood is in a Sand and Gravel Safeguarding Area in the Draft Derbyshire and Derby Minerals Local Plan. DCC is quoted as saying that this is unlikely to impact the availability of the resource.<br><br>DCC [RR-078] states that the nature of the Proposed Development means it could be removed relatively easily and it is unlikely therefore that it would lead to the permanent sterilisation of the sand and gravel resource.<br><br>a) Is DCC satisfied that mineral resources are safeguarded "as far as possible"?<br><br>b) Have appropriate mitigation measures been put in place to safeguard mineral resources? | The Applicant will review responses by other parties to this question, before commenting on those submissions as necessary at Deadline 3. |

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| **7.** | **Biodiversity** | | |
| 7.1 | Applicant<br>SDDC<br>NE | Skylark<br><br>Paragraph 5.4.55 of NPS EN-1 states that consent should be refused where harm to a protected species and relevant habitat would result, unless there is an overriding public interest, and the other relevant legal tests are met.<br><br>The Applicant [APP-135 paragraph 6.69] considers it highly unlikely that 19 singing males recorded within the site boundary represent 19 successful breeding pairs within the Oaklands farm area. It [APP-135 Table 6.8] summarises that habitat loss during the construction and operational phases would each be a significant adverse effect at the local level that would be a minor adverse effect in the context of EIA Regulations and not significant. The Applicant [APP-135 Table 6.5] states that the study area is considered of district ecological value for skylark.<br><br>a) Please could the Applicant clarify the ecological importance (e.g., district level or site level) given to skylark habitats in the assessment and provide an update to correct any inconsistency?<br><br>b) Please comment on the potential for any successful breeding skylark on the site currently and during the operational phase.<br><br>c) Please comment on the potential for harm to skylark during the site preparation works, and during the construction, operational and decommissioning phases? | A) The defined Study Area is the site plus a 500m buffer. The study area is considered to be of District value for skylark based on the number of singing males recorded. However, the study area (and therefore by definition the site itself) were considered sub-optimal for nesting skylark, due to the growing and harvesting of winter wheat and intensive grassland grazing. Crops such as winter wheat generally grow too tall and thick to enable successful breeding. Silage fields attract Skylarks, but are generally cut too frequently to allow successful breeding. Whilst Skylarks were heard calling within the site, this does not confirm that they are successfully nesting and breeding within the site, where the habitat is considered to be sub optimal.<br><br>The proposed scheme will result in the permanent loss of open habitat which this species favours for nesting (although given the management of the land the site is already potentially unsuitable for breeding) and was considered to result in a significant adverse effect at the Local level for this species in the context of the CIEEM Guidance on Ecological Impact Assessments. That effect would be felt at the local level due to the habitat within the site being sub-optimal and due to some benefits arising from the Proposed Development for Skylarks through habitat creation (suitable foraging habitat). The Proposed Development would not result in a loss of habitat or potential effects on the Skylark population at a District Level due to those factors but also due to the presence more widely in the local area of similar agricultural practices serving to mean that other fields also offer sub-optimal habitat for Skylark. The loss of potential nesting habitat would have a very minor effect on the local population of skylark within the Site and study area but it is not considered that this would be detrimental to the conservation status of the species in area beyond the site. The primary cause of population decline for skylark is due to farming practices such as the move from spring to winter cereals, as well as by intensified grassland management rather than a lack of space or availability of land.<br><br>As explained at paragraphs 6.39 – 6.44 of Chapter 6 of the Environmental Statement, statements of significance of effect are given with reference to both the CIEEM Guidance and separately categorised under the EIA Regulations. Paragraph 6.39 confirms that effects identified as being significant at the local level in terms of the CIEEM Guidance would be classified as minor (not significant) in the context of the EIA Regulations.<br><br>B) There is potential for skylark to currently be nesting within the site (or attempting to), however due to the sub-optimal conditions presented by the current land use the presence of successful breeding skylark is reduced, and it is considered highly unlikely for there to be 19 successful breeding pairs within the site.<br><br>The Proposed Development would create some habitats which would benefit the wider Skylark population (foraging) but would not provide the low crop habitats which Skylark typically favour for nesting. As such any skylark nesting within the Site boundary are expected to be focused within larger expanses of species-rich grassland located in field corners at the edges of the solar arrays. There is therefore a low prospect of skylark nesting on the site during the operation of the Proposed Development.<br><br>C) In relation to the site preparation works, Requirement 9(3) provides that pre-commencement establishment of construction compounds, preparation of land for construction, construction area fencing and installation of site drainage must only take place in accordance with a specific plan for such works which must accord with the OCEMP. |

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| | | | At the construction stage the dDCO includes provision for mitigation through the CEMP with Section 2.8 detailing the approach to Ecology Management, including the provision of a Species Protection Plan which will provide detail on mitigation in relation to nesting birds (including ground nesting birds such as skylark) to include measures such as timing works to suitable nesting habitat to be outside the bird breeding season and/or works being supervised by a qualified person if undertaken during the nesting season.<br><br>At the operational stage Paragraph 3.28 of the OLEMP details how the management regime established through the LEMP would create benefits for the quality of foraging resource. The OOEMP then includes provisions for ensuring that impacts on appropriate habitats and nesting birds are avoided during the operation of the Proposed Development and similarly the ODEMP includes provisions to implement measures prior to decommissioning to mitigate for impacts to nesting and breeding birds through the provision of a Species Protection Plan (Paragraph 4.1.1).<br><br>The Applicant's position is that those mitigation measures will be appropriate to ensure harm to Skylark at the construction, operational and decommissioning stages is avoided. |
| 7.2 | Applicant<br>NE<br>SDDC | <u>Barn owl</u><br><br>The Applicant [APP-135 paragraph 6.68 and Table 6.6] records the presence of barn owl in the study area and considers that there would not be a loss of nesting or foraging habitat for barn owl during the construction phase, and that the provision of enhancements would provide overall benefit during the operational phase.<br><br>SDDC [RR-295] expresses concern about whether barn owls have been identified as nesting within site trees, and, if so, whether appropriate mitigation and compensation will be provided.<br><br>a) Please could the Applicant, following consultation with SDDC, update its assessment and secured mitigation measures as necessary?<br><br>b) Please could SDDC advise if it has any outstanding concerns on the Applicant's updates?<br><br>c) Please could NE comment? | a) The site provides suitable habitat for barn owl to nest. However, no nesting activity was recorded during the bird surveys undertaken for the site. Nonetheless as detailed in Paragraph 15.51 of the oLEMP, a barn owl box is included as part of the Proposed Development. The Proposed Development will not result in the loss of suitable habitat for this species and instead will provide a significant increase in the availability of foraging habitat for this species through the creation of suitable habitat for its prey species.<br><br>b) The Applicant is engaged in ongoing discussions with South Derbyshire District Council and Derbyshire County Council towards agreeing a Statement of Common Ground and will await and review and further comments on this matter in order to agree and record a position within the SoCG.<br><br>c) The Applicant is engaged in discussions with Natural England and will await, review and respond to any comments by NE as well as continuing discussions towards agreeing a Statement of Common Ground. |
| 7.3 | Applicant<br>SDDC<br>NE | <u>Other breeding birds of conservation concern</u><br><br>The Applicant [APP-135 paragraph 6.68] states that the site supports suitable habitat for a range of farmland bird species. Breeding bird surveys of the southern portion of the site identified a total of 56 bird species, including 22 species of conservation concern. It considers that the study area has limited potential for Schedule 1 bird species other than barn owl.<br><br>a) Please could the Applicant set out the consideration given to all 22 species of conservation concern identified, including in relation to the removal of any hedgerow that may provide a suitable habitat?<br><br>b) What length of hedgerow would be removed and how much would be replaced? How is this secured? | a) As noted in the question ES Technical Appendix 6.4 and 6.9 provides detail on the breeding bird survey undertaken to inform the proposed scheme. Of the 56 bird species identified it is only Skylark where the Proposed Development is considered to have the potential to have an adverse impact at the local level (i.e. not significant in EIA terms), due to that species dependence on open habitat. The impact on the remaining species is expected to be positive, as those are species which would directly benefit from the habitat creation and site management proposed (predominantly hedgerows), which are secured through the OEMP and OLEMP. The OCEMP ensures that impacts on those remaining species is avoided at the construction stage.<br><br>b) The proposed scheme has sought to retain the majority of hedgerows with exception to two hedgerows to accommodate visibility splays and short sections of hedgerow to allow for widening of gateways and installation of temporary or permanent access tracks and cabling. Reference should be made to Technical Appendix 6.12: Biodiversity Net Gain Report, which outlines total loss of hedgerow of 0.25km and the provision for hedgerow creation of 2.86km and enhancement of 3.18km. The provision of new hedgerow would be secured via the OLEMP, which details at various |

| Ref: | Question to: | Question: | Applicant's Response |
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| | | | points throughout the document how existing hedgerows to be retained would be protected during the construction phase and where and how new hedgerow would be established and managed. |
| 7.4 | SDDC | Great crested newt<br>The Applicant [APP-135 paragraph 6.7] scoped great crested newt out of the detailed assessment as it considers that the Proposed Development would not result in the loss of any ponds and would be focused in areas of arable and grazed grassland which provide low suitability habitat for great crested newt in their terrestrial phase. It states that surveys of all accessible ponds functionally connected to the site within 250m confirm the likely absence of great crested newt.<br>SDDC [RR-295] suggests that additional compensation and mitigation measures may be required to suitably control the potential for killing and injuring great crested newt during the construction phase.<br>a) Is SDDC content that great crested newt was scoped out of the detailed assessment?<br>b) Please could SDDC explain why additional compensation and mitigation measures may be required? | The Applicant will review responses by other parties to this question, before commenting on those submissions as necessary at Deadline 3. |
| 7.5 | NE<br>DCC<br>SDDC | River Mease Special Area of Conservation (SAC)<br>The Applicant [APP-122 paragraph 5.3] concludes that the avoidance and mitigation measures which would be secured in relation to the construction of the Proposed Development provide certainty that harmful effects associated with contaminated run-off, changes in surface water flow, and disturbance to otter, would be avoided entirely, thereby eliminating any potential for adverse effects on the integrity of the River Mease SAC either alone or in-combination with other plans and projects.<br>a) Please could the Applicant set out the conclusions, with reasoning, in relation to white clawed crayfish, bullhead and spined loach?<br>b) Are NE, DCC, and SDDC satisfied with the Applicant's assessment? | a) Technical Appendix 6.2: Report to inform HRA considers the impacts of the proposed scheme in relation to the qualifying features of the River Mease SAC, including white clawed crayfish, bullhead and spined loach. The habitats present within the site were assessed as not being suitable for those species and the Report to inform HRA therefore focused on the potential for impacts on those species arising from the Proposed Development to be seen outside the site by affecting the SAC or supporting habitats. The provision of mitigation through best practice construction measures, discussed at paragraph 4.4 of APP-122, which will be secured in the CEMP, and which have a high level of efficacy and delivery, provides certainty in that respect beyond reasonable doubt that adverse effects on the integrity of the SAC will be avoided.<br><br>No adverse effects on the integrity of the SAC were predicted either alone or in-combination with other plans and projects. Further detail is presented in Chapter 4 of Technical Appendix 6.2.<br><br>b) The Applicant will review responses by NE, DCC and SDDC at Deadline 1 and will review those with those parties as necessary through its discussions on Statements of Common Ground, before responding as appropriate. |
| 7.6 | NE<br>DCC<br>SDDC | River Mease Site of Special Scientific Interest (SSSI)<br>The Applicant [APP-135 Table 6.6] states that the provision of embedded mitigation as part of the CEMP, such as the application of best practice run-off and pollution control methods, would ensure that the predicted impact of contamination would be extremely unlikely.<br>Are NE, DCC, and SDDC satisfied with the Applicant's assessment? | The Applicant will review responses by other parties to this question, before commenting on those submissions as necessary at Deadline 3. |
| 7.7 | Applicant<br>SDDC<br>NE | Draft DCO [AS-005] Requirement 21 – Protected Species<br>Provisions are included for the authorised development not to commence until protected species surveys have been carried out by a suitably qualified person, and for mitigation to be carried out in accordance with a | The Applicant will review responses by other parties to this question, before commenting on those submissions as necessary at Deadline 3. |

| Ref: | Question to: | Question: | Applicant's Response |
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| | | resulting Species Mitigation Plan that must be agreed with the local planning authority.<br>a) Should the Species Mitigation Plan be agreed with the local planning authority in consultation with NE?<br>b) Noting the potential for disturbance during the pre-commencement site preparation works, operation and decommissioning, are similar provisions required for those phases? | |
| 7.8 | Applicant | <u>Protected species and enhancements during the operational phase and after decommissioning</u><br>a) Please could the Applicant comment on the potential for species, including protected species and non-native invasive species, to move onto the site during the 40-year operation of the authorised development, whether they are encouraged to or not?<br>b) If that does occur, then what are the implications for the potential effects and mitigation measures? What is the potential for harm to a protected species and relevant habitat?<br>c) Are there potential implications for land uses after decommissioning?<br>d) With reference to paragraph 5.4.47 of NPS EN-1 and paragraph 2.10.89 of NPS EN-3, have reasonable opportunities been taken to maximise biodiversity enhancements and increase the biodiversity value of the site, including through habitat creation and enabling species to move onto the site, during the 40-year period of operation and after decommissioning?<br>e) Please could the Applicant explain how it proposes to deal with the potentially competing interests of agricultural land uses and biodiversity enhancement after decommissioning? Which should be prioritised? | a) The ecological benefits provided by the development during operation would be expected to result in an increase in certain protected species (including presence, extent, distribution and usage) within the Site. This is particularly likely with respect to reptiles, badgers and nesting birds.<br><br>The Outline LEMP provides monitoring and management prescriptions in paragraph 5.29-5.31 in relation to invasive species, which would minimise the prospect of those invasive species moving onto and/or establishing within the site during the operation of the proposed development.<br><br>b) The Proposed Development is not expected to result in any impacts to wildlife, including protected species, during operation because habitats will be managed in accordance with the Landscape and Ecological Management Plan which sets out appropriate timings and methods of any management and activities required during operation. Those same measures provide a framework which ensures that, specifically, the potential for harm to a protected species and relevant habitat is minimised.<br><br>c) There are no implications for land uses after decommissioning - the land will be returned to its prior agricultural condition with no obstacles to future land uses which will be determined by the landowner, in accordance with the ODEMP and the DEMP to be approved under Requirement 22 of the draft DCO. The ES states at Paragraph 6.98 of Chapter 6 that '*Effects during decommissioning are assumed to be no greater than during construction'*. The ODEMP ensures that the potential for activities involved with the decommissioning of the Proposed Development to adversely affect wildlife, including protected species, is minimised.<br><br>d) The Applicant's position is that reasonable opportunities have been taken to maximise biodiversity enhancements and to increase the biodiversity value of the site, which is quantified through the Biodiversity Net Gain Report (APP-131) which demonstrates that a substantial increase in the biodiversity value of the site can be achieved. The creation of additional and improved habitats, and their ongoing management through the OLEMP, will in turn increase the prospect of species to move onto the site during the 40 year period of operation.<br><br>As set out in its response on Questions 6.4 and 6.7 in respect of decommissioning it would then be for the landowner/farmer to determine how to use the land in 40 years, such as whether to return the land to agricultural or an alternative use in part or entirely. Any decision and action taken at that point would need to comply with any relevant wildlife legislation in force at that time, so it is not possible at this stage to quantify with any accuracy what the residual biodiversity value of the site would be following decommissioning.<br><br>e) As set out in d) the Applicant's position is that it would be for the landowner/farmer to balance and prioritise any competing interest between agricultural land uses and biodiversity enhancement following the decommissioning of the solar farm after its 40 year operational period. In the Applicant's view it is not possible to judge now whether agricultural land or biodiversity enhancement would be the priority in 40 years time as there are various factors such as climate change and technological advances in food production which could affect that balancing of priorities at that point in the future. |

| Ref: | Question to: | Question: | Applicant's Response |
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| 7.9 | SDDC<br>DCC<br>NE<br>EA | Operational phase detailed assessment<br>The Applicant [APP-135 paragraph 6.7] scoped adverse impacts arising during the operational phase out of the detailed assessment on the basis that there is no potential for significant effects to occur for all ecological receptors.<br>Are the parties content that adverse impacts arising during the operational phase were scoped out of the detailed assessment? | The Applicant will review responses by other parties to this question, before commenting on those submissions as necessary at Deadline 3. |
| 7.10 | Applicant<br>EA | Wildflower meadows<br>The EA [APP-121] is quoted as stating that if crops are to be replaced by wildflower meadows, a management plan must be agreed which should include when and where any grazing is permitted, as well as an annual cut and removal of wildflowers in August to allow species to fully establish.<br>a) Please, following consultation with the EA, could the Applicant ensure that suitable measures for the management and maintenance of wildflower meadows are included in the Outline OEMP [APP-091]?<br>b) Please could the EA advise if it has any outstanding concerns on the Applicant's update? | The LEMP provides detail on management and enhancement measures that will be applied during the operation of the proposed scheme in Chapter 5, paragraphs 5.4-5.11 and in Table 5.1.<br>The Applicant is in discussion with the EA regarding a SOCG and will review any response by the EA to this question as those discussions continue, as well as providing a comment on any response at Deadline 3. |
| 7.11 | Applicant<br>SDDC | Draft DCO [AS-005] Article 37 - Felling or lopping of trees or removal of hedgerows.<br>The Applicant [AS-007, AS-017] considers that the broad powers to fell or lop any tree or shrub trees subject to tree preservation orders or cut back their roots are subject to appropriate limitations, and is necessary for the safe delivery of the Proposed Development.<br>a) Should the exercise of these powers be subject to the prior consent of the local planning authority?<br>b) Should the removal of hedgerows be restricted to those identified in Schedule 9 to ensure that any impacts are minimised and to ensure consistency with the ES? | (a) The Applicant does not consider it necessary for these powers to be subject to the prior consent of the local planning authority. Article 37 (Felling or lopping of trees or removal of hedgerows) does not relate to the felling or lopping of trees subject to tree preservation orders. This is separately provided for within Article 38 (Trees subject to tree preservation orders). The Applicant has amended Article 37 to clarify that it is subject to Article 38.<br>Notwithstanding this, Article 37(5) requires the consent of the highway authority prior to the felling or lopping of a tree or removal of hedgerows within the extent of the publicly maintainable highway.<br>(b) The removal of hedgerows under Article 37 is restricted to those stated within Schedule 9 through the drafting of sub-paragraph (4), which, save for the requirement for approval under sub-paragraph (5), is the only provision within Article 37 relating to the removal of hedgerows. |
| 7.12 | Applicant<br>SDDC | Draft DCO [AS-005] Article 38 - Trees subject to Tree Preservation Orders.<br>The Applicant [AS-007, AS-017] considers that the broad powers to fell or lop trees subject to tree preservation orders or cut back their roots provide necessary flexibility.<br>a) Should the exercise of these powers be subject to the prior consent of the local planning authority?<br>b) Should the relevant trees be identified in Schedule 9 to ensure that any impacts are minimised and to ensure consistency with the ES? | (a) Article 38(1) (Trees subject to tree preservation orders) provides that the undertaker's powers under that article must be "in accordance with the landscape and ecological management plan" (the "**LEMP**").<br>The LEMP is secured by Requirement 8 (Landscape and ecological management plan (LEMP)) and must be submitted to and approved by the local planning authority. The effect of this is that the consent of the local planning authority will in any event be obtained before the powers under Article 38 are/can be exercised.<br>The removal of trees is further secured by Requirement 7 (Arboricultural method statement (AMS)), which requires the Applicant to submit to and have approved by the local planning authority the |

| Ref: | Question to: | Question: | Applicant's Response |
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| | | c) With reference to paragraph 5.4.32 of NPS EN-1, would the proposals fully mitigate the direct and indirect effects on ancient and veteran trees? | AMS, which must be in accordance with the Tree Retention/Removal Plan and Tree Protection Plan within appendix 6.4 of the Environmental Statement application.<br><br>(b) The Applicant does not consider it appropriate to identify the relevant trees in Schedule 9 as the Proposed Development is subject to detailed design, such that it is not possible at this time to definitively identify the relevant trees.<br><br>(c) As described in the Arboricultural Survey Report (APP-133), and evidenced through the Requirements in the dDCO, the Applicant submits that measures to mitigate fully the direct and indirect effects of Proposed Development on ancient woodland, ancient and veteran trees or other irreplaceable habitats during both construction and operational phases are provided. |
| 7.13 | Applicant<br>DCC<br>SDDC | <u>Buffers</u><br>The Applicant states that there would be:<br>• a 5m buffer to retained hedgerows [APP-135 paragraph 6.78];<br>• a protection buffer of at least 15m from ancient woodland associated with Grove Wood LWS and for any ancient or veteran trees a buffer zone at least 15 times larger than the tree diameter [APP-135 paragraph 6.79]; and<br>• in accordance with the EA's requirements, an 8m buffer to watercourses, apart from water crossings.<br>DCC and SDDC [APP-121] are quoted as recommending that a habitat constraints plan or similar is produced for the CEMP, which clearly defines buffer zones to sensitive features such as ancient/veteran trees, other retained trees, ponds, watercourses, hedgerows, and woodlands etc.<br>a) Please could DCC and SDDC comment on the buffers proposed by the Applicant?<br>b) Please could the Applicant ensure that each buffer relied on for mitigation in the assessment is included in the Outline CEMP [APP-090]?<br>c) Please could the Applicant, DCC, and SDDC consider whether a habitat constraints plan, or similar, would provide helpful clarification of the buffer zones, seek to agree what should be included in the Outline CEMP [APP-090], and each provide an update at the earliest opportunity? | The Arboricultural Survey Report (APP-133) clearly defines the location of ancient woodland, the Grove Wood LWS and all identified ancient/veteran trees and their buffer zones. The Arboricultural Survey Report also includes plans showing all trees/hedgerows to be lost and retained and where relevant details additional mitigation that may be required where development impacts may occur within root protection zones. The Applicant is updating the Arboricultural Survey Report to provide further detail of the approach to be taken to the construction of the access and cable route at the Drakelow Power Station and anticipates providing that updated document at Deadline 3.<br>The need for the Applicant to provide an Aboricultural Method Statement (AMS) prior to the commencement of development is secured by Requirement 7 of the dDCO (AS-005).<br>The Outline CEMP (APP-090) expressly references the need to adhere to the Arboricultural Impact Assessment (APP-133) at Paragraph 2.8.6.<br>An 8m buffer to watercourses (except water crossings) is identified in Chapter 8 (Water Resources and Flood Risk) of the Environmental Statement (APP-143) and in the Outline CEMP (APP-090) in paragraph 2.6.4. All watercourses and ponds are identified in the Habitats Plan (APP-011) and Water Bodies Plan (APP-012).<br>The Applicant therefore considers that the buffer zones have been adequately captured and further details secured and safeguarded as required, but will review the response of the other parties to this question, and discuss such responses with those other parties as necessary. |
| 7.14 | Applicant | <u>Invasive Non-Native Species (INNS)</u><br>The Applicant [APP-135 paragraph 6.55] records INNS (Himalayan balsam, rhododendron, cherry laurel, buddleia, Japanese knotweed) within the site or in proximity to it. It states [APP-135 Table 6.8] that control of Japanese knotweed would be included in the LEMP. The Outline LEMP [APP-105 paragraphs 5.36-7] includes measures in relation to Himalayan balsam.<br>Please could the Applicant update the Outline LEMP [APP-105] to include mitigation measures for all recorded INNS? | The Outline LEMP provides monitoring and management prescriptions in paragraph 5.29-5.30 in relation to Himalayan Balsam.<br>The Outline LEMP (Para 5.31) has been updated to account for the remaining INNS recorded within or immediately adjacent to the site, including for rhododendron, cherry laurel, buddleia and Japanese knotweed. |

| Ref: | Question to: | Question: | Applicant's Response |
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| 7.15 | SDDC<br>National Forest Company | National Forest<br>a) Is the Proposed Development consistent with Policy INF8 (The National Forest) of the South Derbyshire Local Plan, including in relation to supporting the delivery of National Forest objectives, native scrub and woodland connectivity across the site, and tree planting targets?<br>b) Are the necessary mitigation measures provided in the Outline CEMP [APP-090], Outline OEMP [APP-091], Outline DEMP [APP-092], and Outline LEMP [APP-105]? | The Applicant will review responses by other parties to this question, before commenting on those submissions as necessary at Deadline 3. |
| 7.16 | Applicant | Environmental Improvement Plan 2023<br>With reference to paragraph 5.4.39 of NPS EN-1, please could the Applicant summarise the regard given to the government's Environmental Improvement Plan 2023 and any relevant measures and targets, including statutory targets set under the Environment Act or elsewhere? | The Environmental Improvement Plan, published in 2023 under the previous Government, can be distilled down to ten overarching goals, which are as follows:<br>• **Goal 1 – thriving plants and wildlife –** the Applicant's proposals include the creation of a significant level of biodiversity net gain as part of the proposed development, whilst retaining significant levels of existing hedgerows and veteran and other important trees and developing in a way which is sensitive to existing ecological receptors present in and around the site addresses this goal, with those measures secured through the OLEMP [APP-105].<br>• **Goal 2 – clean air –** the ability of solar farms to generate clean combustion free energy goes to the heart of this goal, as do the measures within the Outline CTMP [APP-148] to manage the impacts of vehicles during construction, operation and decommissioning, and the Outline CEMP to manage aspects like dust creation during construction.<br>• **Goal 3 – clean and plentiful water –** the application includes mitigation which seeks to prevent the proposed development from having an adverse impact on surrounding watercourses, as detailed through ES Chapter 8 (Water Resources and Flood Risk) [App-143] and the Flood Risk Assessment and Outline Drainage Strategy [AS-014]. The transition of large parts of the site to grassland and woodland would have beneficial effects by reducing pesticides and chemicals currently associated with the farming of the land.<br>• **Goal 4 – managing exposure to chemicals and pesticides –** the transition of the land from farmland to a solar farm for a 40 year period would allow soils to naturally regenerate and would reduce the amount of chemicals and pesticides used across the site during that period, thereby directly achieving that goal. The management plans which form part of the application (such as the OCEMP and OOEMP) contain mitigation measures which prevent the release of chemicals and other substances during the construction, operation and decommissioning of the proposed development.<br>• **Goal 5 – maximise our resources, minimise our waste –** the OCEMP, OOEMP and ODEMP contain provisions for Site Waste Management Plans to be produced to control and minimise waste arising from the construction, operation and decommissioning of the proposed development.<br>• **Goal 6 – Using resources from nature sustainably –** the proposed development includes significant tree planting which is secured through the OLEMP and which is one of the aims of this goal, and in the longer term the proposed development will help with soil regeneration during the period when the solar farm is present.<br>• **Goal 7 – mitigating and adapting to climate change –** the proposed development, as a provider of clean renewable energy, goes to the heart of this goal. The design of the scheme itself ensures that it is resilient to the impacts of climate change.<br>• **Goal 8 – Reducing risk of harm from environmental hazards –** this goal includes provisions to plant woodland and to manage and slow the flow of water, both of which would be achieved on the application site through the proposed development.<br>• **Goal 9 – Enhancing biosecurity –** this goal includes addressing issues created by non-native species, with the application including measures to address those species as appropriate within the |

| Ref: | Question to: | Question: | Applicant's Response |
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| | | | site and to ensure that new planting is of appropriately native provenance and resilient to threats such as disease and climate change.<br>• **Goal 10 – Enhancing beauty, heritage and engagement with the natural environment –** the proposed development seeks to minimise its impacts on features like the landscape and local heritage assets, as well as local Public Rights of Way, and includes a new permissive path which helps improve the connectivity of the local network of paths.<br><br>As demonstrated by the response to each of those goals, the proposed development has appropriate regard to the Environmental Improvement Plan 2023.<br><br>The Environment Act 2021 sets an objective for NSIPs to achieve at least a 10% increase in the biodiversity value of the onsite habitat. That is not yet a mandatory requirement, but as that is intended to become mandatory in 2025 the application includes a Biodiversity Net Gain assessment [APP-131] which demonstrates the commitment of the Applicant to achieving a substantial level of biodiversity across the proposed development. |
| 7.17 | Applicant<br>SDDC<br>NE | Biodiversity Net Gain<br><br>The Applicant [AS-017] states that delivery of biodiversity net gain is secured via the Outline Landscape Ecological Management Plan. The Applicant has submitted a Biodiversity Net Gain Report [APP-131].<br><br>The ExA is considering whether to add a requirement to the dDCO [AS-005] for no part of the authorised development to commence until a Biodiversity Net Gain Strategy has been submitted to and approved by the local planning authority in consultation with NE, and for it to be implemented as approved.<br><br>Please could the parties comment? | Biodiversity Net Gain for Nationally Significant Infrastructure Projects is not a legal requirement, such that the Applicant's offering as provided for in the Outline Landscape and Ecological Management Plan, which will be secured and delivered in detailed form through Requirement 9 (Landscape and ecological management plan (LEMP)) of the dDCO, is considered appropriate and proportionate to secure the delivery of biodiversity net gain as well as being a greater offering that the Applicant can be legally obliged to provide. |

| Ref: | Question to: | Question: | Applicant's Response |
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| **8.** | **Historic environment** | | |
| 8.1 | DCC archaeologist | <u>Archaeology - further fieldwork</u><br>The DCC archaeologist is quoted as saying that no further fieldwork is required until post-consent [APP-139 Table 7.1], should consent be granted.<br>Is the DCC archaeologist content that no further fieldwork is required to support the consideration of whether development consent should be granted? | The Applicant will review responses by other parties to this question, before commenting on those submissions as necessary at Deadline 3. |
| 8.2 | Applicant<br>DCC archaeologist | <u>Archaeology – potential later prehistoric to Roman assets</u><br>The Applicant [APP-139] considers that that is a low risk of high value later prehistoric to Roman assets being present on the site.<br>a) Please could the Applicant and the DCC archaeologist comment on the value of later prehistoric to Roman assets that should be considered in the assessment and the potential for them to be of demonstrably equivalent value to designated heritage assets?<br>b) Please could the Applicant provide supporting evidence to justify the assessment that they are at a low risk of being present and clarify the meaning of 'low risk' in the context of a reasonable worst-case assessment. Please could the DCC archaeologist comment on the likelihood of them being present?<br>c) Please could the Applicant clarify, with detailed justification, the potential for harm to later prehistoric to Roman assets of demonstrably equivalent value to designated heritage assets, and whether that potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance? Please could the DCC archaeologist comment? | (a) Geophysical survey has been undertaken across the site and has not identified any potential heritage assets likely to be dating from these periods. It is possible that small discrete features, e.g. isolated burials or small groups of burials, would not be picked up by this survey technique as they would fall below its reliable resolution (i.e. too small to detect). In addition, magnetic interference was present in the survey data over southern parts of the site. This could mask potential assets of this date. As such the assessment took a precautionary approach that buried assets of varying significance dating to these periods could still be present within the site. This was based upon high levels of documented activity for these periods on the nearby floodplain. In line with the precautionary approach, it was recognised that this could theoretically include assets which may be of equivalent significance to scheduled monuments. An example of such an asset could be an isolated burial or small group of burials rich in grave goods (artefacts buried with the deceased) and unusual for the period. Requirement 18 of the draft DCO provides that no phase of the authorised development is to be commenced until a written scheme for the investigation for that phase has been submitted to and approved by the LPA in consultation with the DCC Archaeologist.<br><br>(b) Research for the scheme and consultation with the DCC Archaeologist to date indicates that buried assets of the kind discussed in answer to element 'a' of the question are unlikely, as documented at Paragraphs 7.37, 7.38 and 7.39 of Chapter 7 of the ES (Historic Environment) [APP-139]. This is as there has been no indication of the presence of settlement of this period within the site from geophysical survey and analysis of HER and Portable Antiquity Scheme (PAS) data. It is also as known concentrations of ritual and burial activity appear to be confined to the Trent floodplain (i.e.at distance from the site).<br><br>(c) As stated in answer to the points above, assets of later prehistoric to Roman date of demonstrably equivalent value to designated heritage assets are considered unlikely. Should however, any be present they could be subject to harm. Levels of harm, using a small burial cluster of the kind outlined against answer 'a' above and with caveats on mitigation, would be as follows:<br>i. burial cluster removed by groundworks – total loss as the asset would have been entirely removed. This scenario would not arise due to controls that would be in place via the CEMP and the Written Scheme/s of Investigation (WSI/s) in place for archaeological works on the scheme.<br>ii. burial cluster partly removed (e.g. all burials truncated and/or some individual burials wholly removed) – substantial harm. This scenario would not arise due to controls in the CEMP and WSI/s<br>iii. burial cluster subject to some minor disturbance (e.g. slight truncation to uppermost fills of burial which does not contain any artefacts or human remains and post-dates the burial (i.e. soil deposited some time after original burial after original rave fill has settled); foundation post just clips edge of burial without affecting artefacts or human remains) – less than substantial harm. This scenario would not arise due to controls in the CEMP and WSI/s. |

| Ref: | Question to: | Question: | Applicant's Response |
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| | | | This mitigation is secured in the Para 2.9 of the oCEMP [APP-090] and if required, will be included in the WSI secured by Requirement 18 of the dDCO.. |
| 8.3 | Applicant<br>DCC archaeologist | Archaeology – micrositing<br>Paragraph 2.10.137 of NPS EN-1 states that the ability of the Applicant to microsite specific elements during the construction phase should be an important consideration by the SoS when assessing the risk of damage to archaeology.<br>a) Please could the Applicant provide its consideration of the potential for micrositing, including the practical feasibility in relation to the foundations of the solar panels?<br>b) Please could the Applicant ensure that any micrositing mitigation is explicitly secured in the Outline CEMP [APP-090]?<br>c) Please could the DCC archaeologist comment? | a) When practical or feasible, the Applicant will be able to micro-site certain elements of the Proposed Development (such as transformer stations, fencing and access tracks). In situations where micro-siting is not practical, feasible, or will not wholly avoid or alleviate impacts to archaeological discoveries on site, the Applicant has set out the procedure for using alternative construction methods in the outline CEMP to protect archaeological assets where required. Piling for the solar panel support structures will cover a large portion of the site and micro-siting may only be required for very small areas. However, in any areas where alternative methods are deemed necessary to protect underground assets, the solar panel support structures can be fastened to concrete pads placed over sensitive archaeological assets to protect them from intrusive piling. This method and proposed locations would be identified in the Written Scheme of Investigation, secured by the oCEMP (paragraph 2.9.8) and by Requirement 18 of the dDCO.<br>b) No specific micro-siting mitigation for specific areas has been identified at this stage, but as set out above many of the components of the scheme can be micro-sited pursuant to the design parameters of Chapter 4 to protect archaeological discoveries. |
| 8.4 | Applicant<br>DCC<br>SDDC | Draft DCO [AS-005] Requirement 18 - Archaeology<br>a) Should this requirement also apply to the site preparation works, rather than only in relation to commencement?<br>b) Should a requirement be added for a copy of any analysis, reporting, publication, or archiving required as part of the written scheme to be deposited with the Historic Environment Record of the local planning authority within one year of the date of completion of the authorised development or such other period as may be agreed in writing by the local planning authority?<br>c) In relation to any archaeological remains not previously identified which are revealed when carrying out the authorised development, should it be required that:<br>• they must be retained in situ and reported to the relevant planning authority as soon as reasonably practicable from the date they are identified;<br>• no construction operations are to take place within 10 metres of the remains for a period of 14 days from the date of any notice unless otherwise agreed in writing by the local planning authority; and<br>• if the local planning authority determines in writing that the archaeological remains require further investigation, no construction operations are to take place within 10 metres of the remains until provision has been made for the further investigation and recording of the remains in accordance with details to be submitted in writing to, and approved in writing by, the local planning authority?<br>d) Should it be required that on completion of the authorised development, suitable resources and provisions for long term | a) The Applicant's position is that it is not necessary for the Requirement to apply to the site preparation works. The purpose of the exclusion of site preparation works from the definition of "commence" is to allow those works which do not constitute material operations to be carried out ahead of discharge of requirements to enable prompt and efficient delivery of the authorised development. These might be required to inform the Written Scheme of Investigation (WSI) and might be time sensitive (i.e., vegetation removal at certain times of year).<br>b) Requirement 18 of the dDCO has been amended to provide that any written analysis, reporting, publication or archiving required as part of the WSI must be deposited with the Historic Environment Record of the LPA. The Applicant requests flexibility in the timing to provide a copy of analysis, reporting, publication or archiving due to challenges with timeframes of post-excavation analysis (e.g., high value remains can take much longer than one year to analyse). The timing of provision of information will be agreed with the Local Planning Authority dependent on the type of find.<br>c) If archaeological remains are found, this level of detail would be included in the WSI, secured by Requirement 18. The WSI must be submitted to and approved by the LPA in consultation with the county archaeologist. Any such buffers / restrictions, would be agreed with the LPA, in consultation with the County Archaeologist, when discharging this Requirement.<br>d) The Applicant envisages this detail will be agreed through the WSI, secured by Requirement 18. The County Archaeologist is a consultee on Requirement 18 so will be involved in this detail. |

| Ref: | Question to: | Question: | Applicant's Response |
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| | | storage of the archaeological archive will be agreed with the county archaeologist? | |
| 8.5 | Applicant | Cumulative effects during the operational phase<br>Please justify the conclusion of no cumulative effects with other schemes during the operational phase [APP-139 paragraphs 7.118 – 7.120]. | The Applicant has identified and considered potential cumulative effects from known developments and has concluded no cumulative effects from the operational phase as presented in Appendix C of Appendix 7.1 of Chapter 7 of the ES. |

| Ref: | Question to: | Question: | Applicant's Response |
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| **9.** | **Landscape, visual, glint, and glare** | | |
| 9.1 | Applicant | Zone of theoretical visibility mapping<br>The Applicant [APP-101 paragraph A5.2.3] states that the assessment considers areas from which the solar panels (2.7m high), the onsite substation (variable heights of between 5-10.2m) and battery storage (variable heights of between 3.12-3.5m) are potentially visible.<br>a) Please could the Applicant ensure that the heights of the solar panels, the onsite substation, and battery storage used in the assessment are clearly identified and secured by the dDCO [AS-005]?<br>b) Please could the Applicant explain whether, and if so why, it is content for the height of and replacement solar panels during the 40-year operational phase to be restricted to a maximum height of 2.7m, including in relation to the national interest?<br>c) Please could the Applicant set out the consideration given to lighting and CCTV columns and how their heights are secured. | (a) Parameters for the maximum heights of the solar panels, the onsite substation, and battery storage are set out in "Table 4.2: Design Parameters used in the EIA" in Chapter 4 of the ES. The design parameters relied on for the assessment are secured by sub-paragraph (2) of Requirement 5, which requires the detailed design to be in accordance with the principles and assessments set out in the ES and the outline design principles as set out in the design statement. The Applicant has amended sub-paragraph (2) to specifically reference Table 4.2.<br>(b) The Applicant is content for the height of solar panels during the 40-year operational phase to be restricted to a maximum height of 2.7m. If commercial, technological and operational drivers present a valid case that taller panel height is necessary or in the national interest in future, the Applicant will pursue the relevant amendments through the relevant development consent or planning regime at such time. The Proposed Development and the potential effects have been assessed on the basis of 2.7m panel height.<br>(c) Parameters for the maximum heights of temporary construction lighting columns, permanent downward-facing security lighting fitted to buildings, storage and welfare units, and the maximum height of CCTV poles are set out in "Table 4.2: Design Parameters used in the EIA" in Chapter 4 of the ES, and therefore are secured by the dDCO. |
| 9.2 | Applicant | Mitigation required to reduce operational phase effects from Year 1 to Year 10<br>The Applicant [APP-102, APP-103, APP-106] states that the magnitude of:<br>• landscape effect at the site would reduce from major adverse at Year 1 to moderate adverse at Year 10;<br>• landscape effect at Village Estate Farmlands would reduce from major adverse at Year 1 to moderate adverse at Year 10;<br>• visual effect at Coton Road/ Church Street between Walton-on-Trent and Coton in the Elms would reduce from major adverse at Year 1 to moderate adverse at Year 10;<br>• visual effect at the unnamed road between Walton-on-Trent and Church Street would reduce from moderate adverse at Year 1 to minor adverse at Year 10;<br>• visual effect at Cross Britain Way/ National Forest Way between Walton-on-Trent and Rosliston would reduce from major adverse at Year 1 to moderate adverse at Year 10; and<br>• visual effect at the Public Rights of Way (PRoW) within 2.5km of the site south of the Cross Britain Way/ National Forest Way would reduce from moderate adverse at Year 1 to minor adverse at Year 10.<br>In each case, please provide a detailed justification for why the effects would reduce from Year 1 to Year 10, the specific mitigation measures necessary to achieve that, and how each measure is secured, for example by the Outline LEMP [APP-105]? | The Applicant's response to this Question, with supporting evidence, is provided as **Appendix C** to this document. |
| 9.3 | Applicant | Operational phase mitigation | A full audit of the Outline LEMP (APP-105) in respect of mitigation and in particular embedded mitigation has been undertaken. |

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| | | The Applicant [APP-106 paragraph 5.105] states that embedded mitigation is secured in the Outline LEMP [APP-105].<br><br>Please could the Applicant carry out a thorough audit of the Outline LEMP [APP-105] and update it as necessary to ensure that the mitigation for landscape, visual, glint and glare impacts during the operational phase:<br>• is provided to at least the same level of detail as set out in the ES [APP-106, APP-167];<br>• is sufficiently defined so that they would be likely to result in the residual effects identified in the ES [APP-106, APP-167]; and<br>• includes all relevant provisions for further survey requirements, monitoring and maintenance? | Following that audit the Outline LEMP (APP-105) has been amended so that it clearly identifies and specifies the embedded mitigation relied on in Chapter 5 (Landscape and Visual) of the ES (APP-106) to ensure the proposed landscaping is secured such that there is sufficient confidence that the development would result in the residual effects identified in the ES.<br><br>The Outline LEMP (APP-105) has also been updated to clearly identify the landscaping mitigation, including fencing, which has been identified as being required to mitigate glint and glare effects.<br><br>A review of necessary requirements for further surveys, monitoring and maintenance has also been undertaken and updates implemented where necessary to ensure the residual effects identified in the ES remain as predicted throughout the 40 year development lifetime. |
| 9.4 | SDDC<br><br>National Forest Company | The National Forest<br><br>Have reasonable opportunities been taken to provide more woodland, and to support Policy INF8 (The National Forest) of the South Derbyshire Local Plan in relation to potential landscape and visual effects? | The Applicant will review responses by other parties to this question, before commenting on those submissions as necessary at Deadline 3. |
| 9.5 | Applicant | Noise<br><br>With reference to paragraph 5.10.22 of NPS EN-1, please could the Applicant summarise how it has addressed the landscape and visual effects of noise from construction and operational activities on residential amenity and on sensitive locations, receptors, and views? | Paragraph 5.10.22 of NPS EN-1 refers to the potential for noise to have the ability to detrimentally affect the experience of a resident or user of a particular landscape or view, alongside the ability of noise to create material changes in behaviour, attitude and quality of life.<br><br>Chapter 11 of the ES addresses noise and vibration during construction, operation and decommissioning. The Applicant's position is that the measures taken to mitigate the impacts of noise on sensitive receptors, as detailed in that Chapter, equally serve to prevent detrimental impacts from noise directly on those receptors, as well as their experience of landscape and visual matters. Those mitigation measures include the location and specification of plant and equipment, the use of specified working hours during construction and decommissioning and specific measures during construction and decommissioning such as working practices and use of plant and machinery, with those mitigation measures secured as necessary through requirements within the dDCO. The residual noise effects from construction were assessed as being negligible to minor and were assessed as being minor from construction related traffic, both of which were not significant.<br><br>The residual noise effects arising from the operation of the proposed development were similarly assessed as being negligible, with some low levels of sound potentially audible at times when the background noise from other sources is very low.<br><br>The Chapter states that footpath users are considered to have low sensitivity to noise and vibration, as transitory users, albeit the mitigation measures employed will still serve to minimise impacts on that particular group as a receptor.<br><br>The residual effects identified, which are assessed as not significant, would not therefore be capable of having a significant impact on the experience of the landscape or of views from sensitive receptors. |
| 9.6 | Applicant<br><br>SDDC | Glint and glare | The Applicant agrees with Footnote 93 of NPS EN-3 that most commercially available solar panels are designed with anti-reflective glass or anti-reflective coatings, and therefore securing this specifically is not necessary. However, if SDDC deems it necessary the Applicant is willing to secure this by updating the |

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| | | Footnote 93 of NPS EN-3 states that most commercially available solar panels are designed with anti-reflective glass or are produced with anti-reflective coating and have a reflective capacity that is generally equal to or less hazardous than other objects typically found in the outdoor environment, such as bodies of water or glass buildings.<br><br>Please comment on whether mitigation using anti-reflective glass or anti-reflective coating should be secured? | text in Table 4.2 'Design Parameters used in the EIA' in Chapter 4 of the ES to specifically state that solar panels will employ anti-reflective glass or anti-reflective coatings. |

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| **10.** | **Noise and vibration** | | |
| 10.1 | Applicant | Piling for the solar panels<br><br>The Applicant [APP-160 Table 11.2] states that, piling is the preferred method for the solar PV modules and results in the highest noise levels at most properties.<br><br>SDDC [APP-160 paragraph 11.101] is quoted as identifying piling during construction as the most significant effect, and expects the Applicant to explore provision of localised screening to minimise the impacts.<br><br>a) Please could the Applicant provide more detail on the alternative piling methods considered and identify the piling method that it is most likely to use?<br>b) If percussive piling is being considered as a reasonable worst case for the assessment, what quieter alternatives have been considered, and what are the pros and cons of the alternatives?<br>c) What mitigation measures should be provided for noise from piling, and can these be clearly secured in the Outline CEMP [APP-090]? | a) The Applicant expects to utilise small-scale, mobile piling rigs to install solar panel mounting structures employing a hydraulic ram pile driver to rapidly push the piles into place within 1 minute per pile. This temporary impact can be managed by scheduling the work at times to minimise impact on nearest receptors, or employing multiple rigs to reduce the time taken for piling in a given area before moving on. Screening or low-noise plant models can also be employed to mitigate noise if this is deemed necessary. The Applicant has considered a conservative assessment of the typical piling technique and associated noise, and is confident this assessment represents a reasonable worst-case basis for assessment of noise impact from the type of piling plant that would be employed. In Table 1: Construction Noise Assessment Assumptions in Appendix 11.2 of Chapter 11 of the ES, the Applicant has identified items of equipment that are likely to be used for the different stages of Construction (note the terminology is slightly different, with Auger being stated which equates to the sound power levels for the percussive method described above). The table presents the best estimates of Sound Power Level for those plant items, with reference to British Standard BS 5228: 2009+A1:2014, "Noise and vibration control on construction and open sites".<br>Alternative piling methods are available which may be noisier or quieter depending on the equipment and piling strategy, but the Applicant has not explored those as the assessed method has been routinely employed on other projects and does not present any unacceptable noise impacts for the Proposed Development. Alternative methods may incur additional costs, may take longer, or may be less satisfactory in other ways, and therefore the Applicant does not intend to employ these methods on the Proposed Development.<br><br>b) The Applicant has considered percussive piling for the assessment of construction noise for piling in relation to the solar panel mounting structures. This represents a reasonable likely worst-case in terms of noise, resulting in Minimal to Minimal-Low Magnitude of Effects, and Negligible Significance, at relevant receptors, as set out in Table 11.14: Summary of Construction Effects, Chapter 11 of the ES. The Applicant will be able to utilise quieter plant if available, or noise mitigation measures such as screens if deemed necessary. The pros and cons of quieter alternatives would be considered on the basis of noise output, speed of pile installation, weight of the rig, manoeuvrability and reliability.<br><br>c) Mitigation measures for noise from construction activities including piling are secured in Appendix 4.3 (Outline CEMP) of Chapter 4 of the ES, where the Applicant has set out noise and vibration controls in paragraph 2.2.3. This sets out methods to reduce construction noise, in particular the use of noise screening measures where practical, which will be confirmed in the final Construction and Environmental Management Plan. |
| 10.2 | Applicant<br><br>SDDC | Noise limits<br><br>Paragraph 5.12.18 of NPS EN-1 requires that consideration be given to including measurable requirements or specifying the mitigation measures to be put in place to ensure that noise levels do not exceed any limits specified in the development consent. These requirements or mitigation measures may apply to the construction, operation, and decommissioning of the energy infrastructure development.<br><br>SDDC [APP-160 Table 11.2] are quoted as recommending a condition for a site noise limit at the boundary.<br><br>a) Please could the Applicant, following consultation with the SDDC, update its secured mitigation measures for the construction and | Table 11.2 of ES Chapter 11 (Noise) (APP-160) states that in SDDC's consultation prior to the application that SDDC stated the following might be required: "A site noise *limit at the boundary with NSR's (to be validated upon completion, and maintained thereafter)*".<br><br>This relates to the operational stage phase of the development.<br><br>Paragraph 11.144 of APP-160 then states:<br><br>*"As part of the detailed design stage, the Applicant will be required to undertake and submit an operational noise assessment to the local planning authority prior to the start of works on site (DCO Requirement 15) to demonstrate that detailed design and plant selected do not demonstrably affect noise sensitive receptors in accordance with the conclusions of this assessment. A noise complaint procedure is also included in the Outline Operational Environmental Management Plan (see Appendix 4.4).*" |

| Ref: | Question to: | Question: | Applicant's Response |
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| | | operational phases as necessary, or set out why it does not consider it necessary to secure noise limits?<br>b) Please could SDDC advise if it has any outstanding concerns on the Applicant's updates? | The conclusion of APP-160 in respect of Residual Operational Effects at Paragraph 11.145 states:<br>*"The predictions indicate that the residual effects are likely to remain negligible. Some low levels of sound may be audible outside at times when the background noise from other sources is very low".*<br><br>There is, therefore, already a mechanism captured in the assessment and secured via the dDCO to ensure that adverse noise effects from the operation of the proposed development do not occur. Remedial measures are also included in the Outline Operational Management Plan (APP-091) should a noise complaint be received during operation.<br><br>The Applicant is in discussion with SDDC on a range of matters, including noise. Draft wording regarding noise impacts has been produced by the Applicant and shared with SDDC as part of discussions relating to the Statement of Common Ground, which reflects the position above. SDDC have not raised any issues with that wording to date and have not requested noise limits at any phase of the development during those discussions. However, the Applicant will review any response by SDDC to this question at Deadline 1 and will continue that engagement to ensure that the position is confirmed through a Statement of Common Ground as early as possible in the examination. |
| 10.3 | Applicant<br>SDDC | <u>Construction and delivery hours</u><br>Requirement 20 of the dDCO [AS-005] specifies construction hours as a firm requirement. Paragraph 1.15.1 of the Outline OEMP [APP-090] states that working hours would be agreed with the Council prior to construction. SDDC [APP-160 Table 11.2] is quoted as recommending a condition for SDDC's standard working hours to be adopted.<br>a) Please could SDDC advise if it has any concerns about Requirement 20 of the dDCO [AS-005]?<br>b) Please could the Applicant, following consultation with SDDC about its concerns, update the Outline OEMP [APP-090] to recognise the firmness of the construction hours secured in the dDCO [AS-005]? | a) ES Chapter 10 (Paragraph 0.283) and Outline CEMP, Paragraph 1.15.1 have been updated to align with Requirement 20 in relation to Saturday hours.<br>b) The Applicant is awaiting a response from SDDC on Requirement 20. The Outline CEMP will be updated to provide firm construction hours following response from SDDC. |
| 10.4 | Applicant | <u>Construction noise mitigation</u><br>Paragraph 2.2.3.1 of the Outline CEMP [APP-090] states that the Contractor would have a duty to undertake Best Practical Means as defined in s79(9) of the Environment Protection Act 1997 and s72 of the Control of Pollution Act 1974. Paragraph 2.2.3.2 states that the Contractor would have a duty to follow the recommendations set out in BS 5228:2009.<br>In the interests of firmness and clarity, should "… the Contractor will have a duty to …" be updated to "… the Contractor will be required to …"? | Yes, the Applicant has made the suggested change to Paragraph 2.2.3.1 of the Outline CEMP [APP-090]. |

| Ref: | Question to: | Question: | Applicant's Response |
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| **11.** | **Traffic and transport** | | |
| 11.1 | Applicant<br>DCC | Significance criteria and significance of effect matrix<br>a) Please could the Applicant explain the basis for the significance criteria [APP-155 Table 10.7] and significance of effect matrix [APP-155 Table 10.8] in the context of relevant guidance, including in National Highways' Design Manual for Road and Bridges and as provided by the Institute of Environmental Management and Assessment?<br>b) Please could DCC comment? | a) ES Chapter 10, Table 10.7 seeks to collate the significance of effect definitions as an output of applying the Table 10:6 'Magnitude Criteria' to Table 10.8 'Significance of Effects Definitions' in consideration of the identified sensitive receptors.<br>The Environmental Assessment of Road Traffic and Movement (EARTM), Institute of Environmental Assessment Guidelines (IEMA) (2023), examine the relationship between the Guidelines and DMRB and notes (para. 1.19, 1.20) "*Design Manual for Roads and Bridges (DMRB), published by National Highways, comprises a set of standards on the environmental assessment and design requirements for the delivery of National Highways' motorways and all-purpose trunk road projects….. these [the EARTM] Guidelines are designed to provide advice on how to undertake an EIA or non-statutory environmental assessment for traffic and movement of people associated with non highway/road projects. Notwithstanding, there are useful references within DMRB that can be used cautiously to augment the assessment methodologies outlined [in the Guidelines].*"<br>In accordance with IEMA direction, EARTM has been adopted as the principal guidance to inform the EIA in ES Chapter 10 [APP- 155] with DMRB referenced to inform the structure of the chapter and for design of embedded highway mitigation (e.g. access and cross-over design). In addition, DfT guidance has been utilised to establish baseline traffic conditions (as set out in the Applicant's response to ExA Q11.2).<br>The magnitude definitions in Table 10.7 align with the EARTM guidelines with variations applied to ensure appropriate and proportionate assessment of local conditions. (i.e. relatively low traffic magnitude on minor roads with very low baseline traffic flows could be disproportionally assessed by the application of percentage thresholds).<br>ES Chapter 10, Table 10.8 applies the general significance of effects matrix set out in ES Chapter 2, Table 2.1 which accords with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations). There are slight variations in Table 10.8 to allow 'banding of significance categories' (e.g. "Minor or Moderate") to enable the range of Traffic and Access impacts to be assessed on a diverse range of sensitive receptors.<br>ES Chapter 10, Table 10.1 details a comprehensive pre application engagement process to agree the adopted impact assessment methodologies with the relevant highway authorities (including Derbyshire County Council). |
| 11.2 | Applicant<br>DCC<br>SDDC | Field surveys<br>The Applicant [APP-155 paragraph 10.57] states that field surveys were carried out in November 2021 and April 2023.<br>Do the parties have any concerns about whether the timing of these surveys is likely to provide sufficient understanding of the baseline conditions, including for non-motorised users? | The surveys were carried out during recognised neutral periods in accordance with DfT guidance [ref. WebTAG]. It is accepted in the industry that traffic flows post September 2021 are finding equilibrium following pandemic restrictions.<br>Due to the large-scale study area, a proportional approach to assessing non-motorised user (NMU) impacts has been adopted that does not rely on NMU counts. As an alternative, the assessment examines the local walking and cycling facilities and the sensitive receptors that are likely to act as an attractor for NMUs, analyses the highway operation and the magnitude of impact of additional traffic, to assess a significance of effect. Therefore, the NMU assessments are not impacted by the period when the traffic data was captured. |
| 11.3 | Applicant<br>DCC | Condition of roads<br>Several parties including Andrew Passey [RR-025], David Frost [RR-065], Gemma Price [RR-100], Martin David William Abbott [RR-190], Miriam | a) ES Chapter 10 [APP-155] details an extensive construction route definition and suitability assessment has been undertaken. The assessment considered the design of the Site, available |

| Ref: | Question to: | Question: | Applicant's Response |
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| | | Elizabeth Mary Campion [RR-212], and Richard Giddings [RR-259], raise concerns in relation to the existing condition of roads.<br>a) Please could the Applicant set out the consideration given to road condition, including in relation to safety, noise, and vibration?<br>b) Please could DCC and SDDC comment?<br>c) Are any mitigation measures required and, if so, what are they and how could they be secured? | points of access, limitations of the existing highway network, proximity to sensitive receptors, and the proximity of the nearest Trunk Road.<br>A comprehensive road safety assessment is set out in ES Chapter 10 [APP-155] (and associated mitigation strategy is secured in the OCTMP [APP-148]). APP-160 details at Paragraph 11.9 the effects scoped out of the assessment and agreed as part of the Scoping Opinion. Paragraph 11.9 confirms the following has been scoped out of the assessment:<br>• The assessment of noise arising from construction traffic on main roads. Construction traffic routes will be on dedicated routes, designed to join main roads (which currently carry significant traffic volume) as directly as possible so that the increase in traffic volume on main roads will be incidental (<1dBA - see paragraph 11.30 and Table 11.7). The impact of noise from construction traffic on the minor roads is, however, presented.<br>• The assessment of operational noise and vibration from maintenance activities and traffic during the operational stage of the Proposed Development. There is a low level of activity required for maintenance with up to 3 members of staff on site to oversee daily operation. This is expected to be similar to current levels of agricultural activity.<br>• The assessment of vibration from vehicle movements on public roads and access tracks on resources and receptors. Vibration from road vehicle movements is highly unlikely to be significant unless there are significant discontinuities or sudden changes in road height, such as potholes, immediately adjacent to a receptor. Where this occurs on any public roads it is an existing issue and is not an effect of the Proposed Development. All existing access tracks within the Site will be upgraded and maintained in accordance with Appendix 4.3: Outline Construction Environmental Management Plan and Appendix 4.4: Outline Operational Management Plan.<br>b) The Applicant is engaging with DCC and will review their responses at Deadline 1 as well as providing an update of any residual concerns at Deadline 3.<br>c) The Applicant's position is that no mitigation is required in addition to the measures outlined in the OCTMP, OCEMP and OOEMP. The Applicant will update on this point following further engagement with DCC if necessary. |
| 11.4 | Applicant<br>DCC<br>Staffordshire County Council (SCC) | Heavy goods vehicles (HGV)<br>Paragraph 5.14.14 of NPS EN-1 states that requirements may be added to a consent where there is likely to be substantial HGV traffic that control numbers and possibly routing of HGV movements in a specified period during construction; make sufficient provision for HGV parking and facilities; and ensure satisfactory arrangements for reasonably foreseeable abnormal disruption.<br>Paragraph 2.10.123 of NPS EN-3 states that Applicants should assess the various potential routes to the site for delivery of materials and components where the source of the materials is known at the time of the application and select the route that is the most appropriate.<br>Paragraph 2.10.125 includes that Applicants should ensure all sections of roads and bridges on the proposed delivery route can accommodate the weight and volume of the loads and width of vehicles. Where modifications to roads and/or bridges are required, these should be identified, and potential effects addressed.<br>DCC [RR-078] considers that 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 | **a), b) and c) -** ES Chapter 10, Table 10.1 [APP-155] details a comprehensive pre application engagement process to agree the adopted impact assessment methodologies with the relevant highway authorities (including Derbyshire County Council).<br>The Applicant is continuing to engage with DCC and will update ExA on any residual concerns at Deadline 3.<br>The Applicant is continuing to engage with DCC and SCC officers who participated in agreeing the construction routes as part of the pre-application engagement. DCC have identified the following themes as requiring further review/clarification:<br>- Cumulative traffic impact - other projects;<br>- Cumulative traffic impact – event management;<br>- Communication plans with the local community, stakeholders and events during construction.<br>SCC have identified the following themes as requiring further review/clarification:<br>- Controls on vehicle movements during highway incidents and emergency road closures.<br>- Controls on vehicle movements during school pick up/drop of times.<br>- Remedial measures to address infringement of designated construction vehicle route. |

| Ref: | Question to: | Question: | Applicant's Response |
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| | | goods vehicle access through urban areas and along relatively quiet country roads benefiting from an environmental weight limit.<br><br>SCC [APP-155 Table 2.1] is quoted as saying that the route through Stapenhill is within Staffordshire and is particularly sensitive to HGV usage and will need careful consideration. The Applicant [AS-015 Figure 10.3] indicates that the likely construction route for HGV would be on Route 6 through Stapenhill.<br><br>a) Please could the Applicant, following consultation with DCC, update its assessment and secured mitigation measures as necessary?<br><br>b) Please could DCC advise if it has any outstanding concerns on the Applicant's updates?<br><br>c) Do SCC or DCC have any comments on the mitigation measures provided for Route 6?<br><br>d) Should it be secured that construction route Scenario 2A would only be used if Scenario 1 (using Walton-on-Trent bypass) is not available [APP-155 paragraph 10.149]?<br><br>e) Should it be secured that construction route Scenario 2B would only be used if Scenarios 1 and 2A are not available?<br><br>f) Are any more measures required to ensure that no construction traffic would go through Walton-on-Trent?<br><br>g) Are there any concerns about whether sections of roads and bridges on the proposed routes can accommodate the weight and volume of the loads and width of vehicles? | - Communication plans with local community, and stakeholders.<br><br>The Applicant will continue to engage with DCC and SCC throughout the examination process and will provide an update on actions to address any residual matters to ExA at Deadline 2.<br><br>**d), e) –** the Applicant is content to secure these suggestions via an amendment to the OCTMP but will first review the responses by the other parties who have been asked to respond to this question in order to discuss the wording of any amendment if necessary.<br><br>**f)** No, the outline CTMP [APP-148] has a comprehensive set of measures to address HGV route compliance; the Applicant continues to engage with DCC and SCC on transport matters to be agreed in Statements of Common Ground and any specific additional measures identified in discussions will be added to the outline CTMP if needed.<br><br>**g)** A comprehensive assessment of road geometry and structures has been undertaken to inform Chapter 10 in consultation with local highway officers. Abnormal load movements will be subject to permit applications which will ensure a detailed review of routes by the relevant highway authorities and the Police prior to authorisation being granted. |
| 11.5 | Applicant | Construction phase mitigation measures<br><br>Paragraph 5.14.18 of NPS EN-1 states that the SoS should ensure that the Applicant has sought to mitigate impacts, including during the construction phase of the development and by enhancing active, public, and shared transport provision and accessibility.<br><br>Requirement 10 of the dDCO [AS-005] provides that no phase of the authorised development is to be commenced until a CTMP covering that phase and in accordance with the Outline CTMP [APP-148] has been submitted to and approved by the local planning authority in consultation with the highway authority for the relevant highway(s).<br><br>The Applicant [APP-155] identifies mitigation measures relied on in the assessment, including in paragraphs 10.283-299.<br><br>a) Please could the Applicant carry out a thorough audit of the Outline CTMP [APP-148] and update it as necessary to ensure that the mitigation for the operational phase:<br><br>• is provided to at least the same level of detail as provided in the ES [APP-155];<br><br>• is sufficiently defined so that they would be likely to result in the residual effects identified in the ES [APP-155]; and | a) A thorough audit of mitigation included in the ES was undertaken for Q3.3, including Chapter 10 – Transport and Access [APP-155]. This has resulted in a few minor updates to the Outline CTMP [APP-148] which has been resubmitted with track changes. This ensures that all mitigation is provided to the same level of detail as provided in the ES. Mitigation in the Outline CTMP is sufficiently defined so that they would be likely to result in the residual effects identified in the ES and all provisions for maintenance / monitoring have been provided. The CTMP is secured by Requirement 10 in the dDCO.<br><br>b) The Outline CTMP has been updated accordingly. The Outline CTMP has been resubmitted with track changes and adopts the revised tone suggested by the ExA. |

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| | | • includes all relevant provisions for any monitoring and maintenance?<br>b) Please could the Applicant review the wording in the Outline CTMP [APP-148] (e.g., "it is envisaged", "are expected to", "it is proposed", "will be able", etc.) to ensure that the mitigation measures are firmly secured and avoid any ambiguity? | |
| 11.6 | Applicant | <u>Mitigation required to reduce construction phase effects</u><br>The Applicant [APP-155 Table 2.1] states that mitigation measures would reduce the magnitude of effect from moderate adverse to minor adverse in several cases, including:<br>• Scenario 1:<br>○ non-motorised amenity, Walton Road, PRoW Route 9; and<br>○ non-motorised amenity, Temporary Construction Haul Road, PRoW Route 9.<br>• Scenario 2A:<br>○ severance of communities, Main Street (Stapenhill), Croft Residential Home and Riverside Residential Home;<br>○ severance of communities, Rosliston Road, The First Day Nursery;<br>○ road vehicle driver and passenger delay, Main Street (Stapenhill), Croft Residential Home, Riverside Residential Home, retail and businesses along Main Street, residential dwellings fronting the carriageway along Main Street;<br>○ road vehicle driver and passenger delay, Rosliston Road, The First Day Nursery, retail and businesses along Rosliston Road in Stapenhill, residential dwellings fronting the carriageway along Rosliston Road in Stapenhill;<br>○ road vehicle driver and passenger delay, A513, National Memorial Arboretum on event days;<br>○ road vehicle driver and passenger delay, unnamed road between A513 and Church Street, Catton Hall on event days;<br>○ non-motorised user delay, Main Street (Stapenhill), Croft Residential Home and Riverside Residential Home;<br>○ non-motorised user delay, Rosliston Road, The First Day Nursery;<br>○ non-motorised amenity, Walton Road, PRoW Route 9;<br>○ non-motorised amenity, Temporary Construction Haul Road, PRoW Route 9;<br>○ road user and pedestrian safety, Main Street (Stapenhill), Collision Clusters, Croft Residential Home and Riverside Residential Home;<br>○ road user and pedestrian safety, Rosliston Road, Collision Clusters, The First Day Nursery;<br>○ road user and pedestrian safety, A5121, Collision Clusters; and<br>○ road user and pedestrian safety, A513, Collision Clusters, retail units and businesses at Ventura Retail Park, Tamworth.<br>• Scenario 2B: | The Applicant has prepared a table of mitigation measures at **Appendix D** of this document which provides the requested detailed justification. |

| Ref: | Question to: | Question: | Applicant's Response |
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| | | ○ severance of communities, Mill Street, residential dwellings fronting the carriageway along Mill Street in Coton in the Elms;<br>○ severance of communities, Church Street, residential dwellings fronting the carriageway along Church Street in Coton in the Elms;<br>○ road vehicle driver and passenger delay, A513, National Memorial Arboretum on event days;<br>○ road vehicle driver and passenger delay, unnamed road between A513 and Church Street, Catton Hall on event days; and<br>○ road user and pedestrian safety, A513, Collision Clusters, retail units and businesses at Ventura Retail Park, Tamworth.<br>In each case, please provide a detailed justification for why the effects would reduce, the specific mitigation measures necessary to achieve that, and how each measure is secured, for example by the Outline CTMP [APP-148]? | |
| 11.7 | Applicant | Mitigation measures outside the Order Limits<br>Alteration to streets reference AS-G1 [AS-004 Sheet 3] is outside the Order Limits.<br>Please could the Applicant advise how this mitigation is secured and provide any evidence necessary to substantiate? | Alteration to Streets references AS-G1 (Sheet 3) and AS-E1 (Sheet 4) are both outside the Order Limits. Both of those locations are existing farm accesses which the Applicant is proposing to use for operational and maintenance access and potentially construction access for light vehicles. In each location the extent of the works expected to be needed by the Applicant would be to make minor improvements as necessary to facilitate that access, such as minor trimming of hedges and surface repairs. Those works are not necessary and have not been identified as mitigation within the ES. Works to hedgerows and the existing farm access would be within the Order limits. |
| 11.8 | Applicant<br>DCC | Plots 02-045 and 02-048<br>The BoR [AS-009] seeks the acquisition of the freehold of a section verge on Rosliston Road.<br>How is the maintenance of the verges provided for? | The Applicant is not seeking powers to stop up the adopted highway in respect of these plots. Derbyshire County Council's powers as highways authority will not be interfered with. The Applicant intends to rely on article 9 of the draft DCO to carry out works for the creation of a permanent access at Rosliston Road, and install cables either using trenchless crossing techniques beneath the highway or rely on article 8 of the draft DCO. The Applicant is not proposing to interfere in any way with the adopted highway beyond the construction period, and the topsoil of Plots 03-045 and 02-048 will remain as an adopted highway. |
| 11.9 | DCC<br>SDDC | Draft DCO [AS-005] Article 9 - Power to alter layout, etc., of streets<br>Draft DCO [AS-005] Article 10 - Access to works<br>The Applicant requests powers to make permanent, rather than temporary, alterations to streets and to create of permanent means of access, setting out its reasoning [AS-017].<br>Do DCC or SDDC have any concerns? | The Applicant will review responses by other parties to this question, before commenting on those submissions as necessary at Deadline 3. |
| 11.10 | DCC<br>SCC | Draft DCO [AS-005] Article 13 - Traffic regulation measures<br>The Applicant is requesting broad powers to authorise temporary traffic regulation measures for the purposes of the construction or decommissioning of the authorised development, and has set out its reasoning for that [AS-017].<br>Do DCC or SCC have any concerns? | The Applicant will review responses by other parties to this question, before commenting on those submissions as necessary at Deadline 3. |

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| **12.** | **Water quality, resources, drainage, and flooding** | | |
| 12.1 | Applicant<br>EA | The EA [AS-019] states that The Water Framework Directive (WFD) Assessment lacks information and has been incorrectly screened. It considers that the WFD Assessment does not address the WFD groundwater body in question and hydro-morphological impacts have been screened out even though culverting of watercourses is proposed.<br>a) Please could the Applicant, following consultation with the EA, update its assessment as necessary?<br>b) Please could the EA advise if it has any outstanding concerns on the Applicant's updates? | The Applicant is engaging directly with the EA's National Infrastructure Team in order to progress and agree a Statement of Common Ground. Following the receipt of the EA's Relevant Representation, a meeting was held between the Applicant and the EA on the 9th May 2024 to discuss the content of the RR. The Applicant subsequently provided the EA with clarification regarding the approach it had taken in the WFD Assessment to screening and the identification of impacts on the WFD groundwater body in question. The EA have indicated informally that the clarification provided addresses their concerns, subject to a revised WFD Assessment being submitted and reviewed. The Applicant is providing a revised WFD Assessment to the EA for review and will provide an update on the position of those discussions at Deadline 3. |
| 12.2 | EA<br>DCC<br>SDDC | Draft DCO [AS-005] Article 6 - Disapplication and modification of legislative provisions<br>The Applicant [AS-007] is seeking to disapply a requirement in s25 of the Land Drainage Act 1991 for statutory consent from the EA in relation to impounding water necessary for the temporary stopping up of watercourses to trench and lay cables, installation of culverts, drainage and other features to cross watercourses. It states that it would be content in principle to include protective provisions for the benefit of the EA, if requested.<br>The EA [AS-019] states that it cannot agree to disapply the requirement for any impoundment licences required.<br>a) Notwithstanding any potential discussions on protective provisions, please could the EA set out the implications of s25 of the Land Drainage Act 1991 being disapplied, including in relation to the need to control the Proposed Development and mitigate its effects.<br>b) Without prejudice to any later determination, please could the EA set out any concerns that it currently has that may lead to any impoundment licenses not being granted?<br>c) Do DCC or SDDC have any related concerns? | The Applicant will review responses by other parties to this question, before commenting on those submissions as necessary at Deadline 3. |
| 12.3 | EA<br>DCC<br>SDDC | Draft DCO [AS-005] Requirement 9 - Construction environmental management plans (CEMP)<br>The Applicant [AS-017] states that while the Outline CEMP [APP-090] does not refer to a Surface Water Management Plan, it includes surface water management provisions. It refers to Requirement 17, which provides for details of the surface water and foul water drainage system for each phase to be submitted to and approved by the local planning authority.<br>a) Should a requirement to provide details of a Surface Water Management Plan be added to Requirement 9 of the dDCO? If so, why?<br>b) Would it be helpful for the Applicant to provide an Outline Surface Water Management Plan to the Examination to clarify and help secure the measures that should be included? | The Applicant will review responses by other parties to this question, before commenting on those submissions as necessary at Deadline 3. |

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| 12.4 | Applicant<br>EA<br>DCC | Flood risk assessment (FRA)<br>The EA [AS-019] states that flood risk has not been appropriately assessed and there is a risk that the proposed mitigation measures are not appropriate. The Applicant subsequently updated its Flood Risk Assessment and Outline Drainage Strategy [AS-014].<br>a) Please could the Applicant consult with the EA on the adequacy of the updated FRA and on the appropriateness of the proposed mitigation measures?<br>b) Following consultation with the EA, please could the Applicant provide any updates as necessary?<br>c) Please could the EA advise if it has any outstanding concerns on the Applicant's updates, including in relation to whether the FRA satisfies the minimum requirements set out in paragraph 5.8.15 of NPS EN-1?<br>d) Is the EA satisfied that the FRA makes up-to-date allowances for climate change?<br>e) Does DCC, as Lead Local Flood Authority, have any concerns about the FRA? | a) As also documented in respect of Q12.1, the Applicant is engaging directly with the EA's National Infrastructure Team in order to discuss their Relevant Representation and to progress and agree a Statement of Common Ground.<br><br>The Applicant submitted an amended Flood Risk Assessment [AS-014] to respond to S51 advice. The EA did not have the benefit of seeing that amended Flood Risk Assessment at the point of writing its RR. That amended Flood Risk Assessment has been discussed with the EA who have noted that it now addresses the Sequential/Exceptions Test, as per Appendix 1 of their RR. The Applicant has undertaken to conduct further modelling of expected flood levels to address the EA's comments in Appendix 1 of their RR on the assessment of fluvial flood risk, with that modelling underway at present. The Applicant is continuing to engage with the EA regarding the timing and outputs of that modelling and expects to be able to present that through an amended Flood Risk Assessment at Deadline 4.<br><br>b) The Applicant is continuing to engage with the EA with the intention of agreeing a Statement of Common Ground; the Applicant will provide an update on those discussions at Deadline 3 and will review and respond to any submissions made by the EA at Deadline 1. |
| 12.5 | Applicant<br>EA | Flood debris<br>Please comment on the potential for flood debris to build up on the legs supporting the solar panels and any related implications for flood risk and drainage. | There is no significant potential for debris to build-up on the legs of the solar panel support structures which could create any meaningful implications for flood risk and drainage. Each support leg is approximately 20cm wide, and spaced several metres apart so they represent a very small portion of the space within the Proposed Development with the majority of space underneath the solar panels unobstructed. |
| 12.6 | Applicant | Sustainable Drainage Systems (SuDS)<br>Please could the Applicant ensure that the operation and maintenance of SuDS is secured as required by paragraphs 5.8.38 and 5.8.39 of NPS EN-1? | Requirement 17 in AS-005 (dDCO) has been amended to secure the obligation to operate and maintain drainage systems, with the responsibility for that resting with the Applicant or any future transferee. |
| 12.7 | Applicant<br>EA<br>DCC<br>SDDC | Potential water quality, drainage, and flooding benefits<br>Paragraph 2.10.154 of NPS EN-3 states that where previous management of the site has involved intensive agricultural practice, solar sites can deliver significant ecosystem services value in the form of drainage, flood attenuation, and water quality management.<br>Have reasonable opportunities been taken to maximise the potential benefits? | Paragraph 15.107 of ES Chapter 15 (Agriculture and Soils) (APP-169) identifies the benefits which arise from the use of land for solar as being the ability to facilitate the transition of intensively managed agricultural land to grassland. Those benefits include an increased amount of organic matter in soils which has benefits in respect of runoff and erosion, water infiltration and retention.<br>The Applicant has therefore, at the outset, sought to maximise the benefits of the Proposed Development by proposing to create grassland within the panel array areas, together with woodland and other landscaped/planted areas within the wider site. Paragraph 15.108 of APP-169 notes that those benefits will not arise from any areas taken up by tracks and fixed equipment, and the scale and extent of those features within the Proposed Development have therefore been limited. Where impermeable fixed features, such as the BESS, are proposed, specific drainage design measures are proposed to prevent any water quality issues.<br>The Applicant's position is therefore that through embedded design measures and identified mitigation measures the scheme does reasonably seek to maximise the potential benefits. |

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| **13.** | **Other planning topics** | | |
| 13.1 | Applicant<br><br>East Staffordshire Borough Council (ESBC) | Air Quality – Air Quality Management Areas (AQMA)<br><br>Paragraph 5.2.12 of NPS EN-1 states that where a Proposed Development is likely to lead to a breach of any relevant statutory air quality limits, objectives or targets, or affect the ability of a non-compliant area to achieve compliance within the timescales set out in the most recent relevant air quality plan/strategy at the time of the decision, the Applicant should work with the relevant authorities to secure appropriate mitigation measures to ensure that those statutory limits, objectives or targets are not breached. Paragraph 5.2.19 states that consent should be refused if a project will lead to non-compliance with a statutory limit, objective, or target.<br><br>The Applicant [AS-015 Figures 10.3 and 10.5] indicates the locations of Burton Upon Trent AQMA 1 and Burton Upon Trent AQMA 2 and their proximity to the likely route for construction vehicles, Route 6.<br><br>The Applicant [APP-177 paragraph 16.67] states that the average daily traffic generated during the construction phase has been estimated to result in maximum annual average daily trips (AADT) of 14 heavy vehicles and 67 light vehicles, which it considers to be well below the screening threshold for areas within an AQMA.<br><br>a) Please could the Applicant identify the screening threshold for areas within an AQMA and how this accords with any relevant guidance?<br><br>b) Notwithstanding any screening criteria, and following consultation with ESBC, please could the Applicant provide its reasoning in relation to whether the increase in traffic due to the Proposed Development would be likely to lead to a breach of any relevant statutory air quality limits, objectives or targets set out in the most recent relevant air quality plan/strategy?<br><br>c) Notwithstanding any screening criteria, and following consultation with ESBC, please could the Applicant provide its reasoning in relation to whether the increase in traffic due to the Proposed Development would be likely to affect the ability of a non-compliant area to achieve compliance within the timescales set out in the most recent relevant air quality plan/strategy?<br><br>d) Please could ESBC comment? | a) The Institute of Air Quality Management guidance (Table 6.2 of the Land-Use Planning & Development Control: Planning For Air Quality 2017: https://iaqm.co.uk/text/guidance/air-quality-planning-guidance.pdf) states that an air quality assessment is typically required when a development would increase light-duty vehicle (LDV) flows by >100 AADT or >25 heavy-duty vehicles (HDV) within an Air Quality Management Area. The vehicle flows to be created by the construction, operation and decommissioning of the Proposed Development would be well below these thresholds.<br><br>b) East Staffordshire Borough Council's Air Quality Report for 2023 (https://www.eaststaffsbc.gov.uk/sites/default/files/docs/pollution/ESBC_ASR_2023.pdf) states on Page ii) :<br><br>*"Whilst many monitored locations meet the annual NO2 objective in AQMA 1, one or two locations have remained over this limit concentration at the monitoring site itself, but when distance corrections are applied to calculate the concentration at a point of relevant exposure (e.g. the façade of a residential dwelling), no exceedances of the NO2 objective have occurred for the past three years. Historically, the locations within AQMA 1 with the highest NO2 concentrations have been centred on Derby Turn and Wellington Street, albeit there has been a downward trend in concentrations since the AQMAs were declared. Monitoring within AQMA 2 has shown consistent compliance with the annual mean NO2 target for the past twelve years and is therefore at a point where it can be revoked."*<br><br>*Government guidance states that where levels of a pollutant have reduced and remained below their prescribed concentration limit for at least three consecutive years, an AQMA can be revoked. However, in this case the three consecutive years of compliance seen in AQMA 1 coincides with the Covid-19 pandemic which undoubtedly would have had some impact on NO2 concentrations due to the reduction in traffic levels seen widely throughout 2020 and to a lesser degree 2021. Any consideration to revoking AQMA 1 at this stage may be premature until another year or two's worth of monitoring data has been obtained to add more certainty on the long term NO2 trend".*<br><br>Further, the NO2 objectives are annualised measurements and peak traffic flows associated with the proposed development are not predicted to occur over a full calendar year, such that their impact is less if annualised over this period. Therefore the Proposed Development would not lead to a breach of relevant statutory air quality limits, objectives or targets set out in the most recent relevant air quality plan/strategy.<br><br>c) There are no non-compliant areas through which traffic associated with the Proposed Development would route, with the routing of construction vehicles to be secured through the Construction Traffic Management Plan which is to be provided and approved through Requirement 10.<br><br>d) The Applicant will seek to discuss this with ESBC and will respond at Deadline 3 as necessary and appropriate to any comments made by ESBC at Deadline 1. |
| 13.2 | Applicant | Air quality – decommissioning<br><br>Please could the Applicant summarise the consideration given to potential effects on air quality during decommissioning? | Chapter 4 of the Outline Decommissioning and Environmental Management Plan [APP-093] identifies mitigation and management measures to be employed during decommissioning. That table includes provisions to achieve standards for good practice for air quality, as existing at the time of decommissioning, in particular to minimise dust from activities and vehicles. The ODEMP anticipates a dust management |

| Ref: | Question to: | Question: | Applicant's Response |
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| | | | plan would be produced prior to decommissioning, which would include the provision to undertake baseline dust monitoring before any decommissioning activities commence.<br><br>The number of vehicles associated with decommissioning activities would not be expected to give rise in itself to air quality impacts. |
| 13.3 | Applicant | <u>Aviation and defence</u><br><br>With reference to paragraph 5.5.39 of NPS EN-1, please could the Applicant provide evidence that it has consulted with the Ministry of Defence, Met Office, Civil Aviation Authority, NATS and any aerodrome likely to be affected by the Proposed Development? | The Applicant's position is that NPS EN-1 5.5.39 needs to be read in the context of Para 5.5.37 and earlier sections of EN-1 Section 5.5. Paragraph 5.5.37 states that an assessment of potential effects should be set out in the ES '*where the proposed development may affect the performance of civil or military aviation CNS, meteorological radars and/or other defence assets'*. It is against that context which 5.5.39 states that the parties identified in ExQ1 - 13.3 should be consulted, which is where those parties are likely to be affected by the proposed development to inform an assessment of the impacts where one is being produced.<br><br>Chapter 14 of the ES (Glint and Glare) notes that there are no licensed aerodromes within 20km of the Site, with some non-licensed aerodromes present within 10km. No significant impacts were identified on aviation as resulting from the Proposed Development.<br><br>None of the parties listed in Paragraph 5.5.39 NPS EN-1 provided a response at EIA Scoping or submitted a Relevant Representation following the acceptance of the Application, with the Civil Aviation Authority and NATS formally notified of the acceptance of the Application.<br><br>On the basis that no aerodrome was identified as being likely to be affected by the Proposed Development, it was not therefore necessary to consult the parties identified in NPS EN-1 in order to prepare an assessment of the likely significant effects of the proposed development on aviation, meteorological or other defence interests. |
| 13.4 | Applicant | <u>Climate change adaptation and resilience</u><br><br>Please could the Applicant carry out a thorough audit of the Outline LEMP [APP-105] and update it as necessary to ensure that, for climate change adaptation and resilience, the mitigation in relation to ecology during the construction and operational phases and landscape and visual during the operational phases:<br><br>a) is provided to at least the same level of detail as provided in the ES [APP-165];<br><br>b) is sufficiently defined so that they would be likely to result in the residual effects identified in the ES [APP-165]; and<br><br>c) includes all relevant provisions for monitoring and maintenance? | (a) A thorough audit of mitigation included in the ES was undertaken for Q3.3, including Chapter 13 – Climate Change [APP-165]. This has resulted in some minor updates to the oLEMP [APP-105] and oCEMP [APP-090] which has been resubmitted with track changes. This ensures that all mitigation is provided to the same level of detail as provided in the ES. The Outline LEMP and Outline CEMP are secured by Requirements 8 and 9 of the dDCO respectively.<br><br>(b) Yes, the Applicant considers the mitigation measures referenced in this question is sufficiently defined.<br><br>(c) Yes, the Applicant considers that all relevant provisions for monitoring and maintenance have been included. |
| 13.5 | Applicant | <u>Health and wellbeing</u><br><br>With reference to paragraph 4.4.6 of NPS EN-1, please could the Applicant summarise the consideration given to promoting local improvements to encourage health and wellbeing, including potential impacts on vulnerable groups within society and impacts on those with protected characteristics under the Equality Act 2010, i.e., those groups which may be differentially impacted by a development compared to wider society as a whole? | Paragraph 4.4.6 of NPS EN-1 states, *"Opportunities should be taken to mitigate indirect impacts, by promoting local improvements to encourage health and wellbeing, this includes potential impacts on vulnerable groups within society and impacts on those with protected characteristics under the Equality Act 2010, i.e. those groups which may be differentially impacted by a development compared to wider society as a whole."*<br><br>The consideration to these impacts is set out and assessed in Chapter 16: Other Issues of the Environmental Statement. Paragraphs 16.119 to 16.125 assess the impacts of the Proposed Development on Health and Wellbeing, together with the wider effects that Landscape and Visual (Chapter 5 of the Environmental Statement) impacts and Transport and Access (Chapter 10 of the Environmental Statement) impacts can have on health and wellbeing (paragraphs 16.126 to 16.137 of Chapter 16: Other Issues of the Environmental Statement). |

| Ref: | Question to: | Question: | Applicant's Response |
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| | | | Chapter 12: Socio-Economic, Tourism and Recreation of the Environmental Statement also sets out at paragraphs 12.105 – 12.107 the recreation and tourism enhancements which will be provided by the proposed development, which support health and wellbeing.<br><br>Through the implementation of the Construction Environmental Management Plan, the Operational Environmental Management Plan, the Decommissioning Environmental Management Plan and the creation of the permissive path, each of which are secured by a requirement in the dDCO, the Applicant has taken the opportunity to mitigate indirect impacts on health and wellbeing, including impacts on those in vulnerable groups within society and with protected characteristics, such that there are no significant adverse effects on the same. |
| 13.6 | Applicant | PRoW<br><br>Paragraph 2.10.45 of NPS EN-1 requires the Applicant provide an outline PRoW Management Plan to set out detail on how PRoW would be managed to ensure they are safe to use.<br><br>The Applicant describes mitigation measures in the assessment [APP-163 paragraphs 12.84-87 and 12.94] and in the Outline OEMP [APP-090 paragraph 2.10.1].<br><br>Please could the Applicant update the Outline CEMP [APP-090], Outline OEMP [APP-091] and Outline DEMP [APP-092] to specifically include an outline PRoW Management Plan for each phase that sets out detail on how public rights of way would be managed to ensure they are safe to use and that, as a minimum, include those measures described in the ES [APP-163] and relied on in the assessment? | Under Requirement 14 of the dDCO, a PRoW Management Plan is required to be submitted prior to commencement and decommissioning of the Proposed Development.<br><br>Para 2.10.45 of NPS EN-3 states: *"Applicants should set out detail on how public rights of way would be managed to ensure they are safe to use in an outline Public Rights of Way Management Plan".*<br><br>Section 2.10 of the oCEMP [APP-090] includes details of PRoW management during construction. The oCEMP is secured by dDCO Requirement 9.<br><br>Section 4.7 of the oOEMP [APP-091] includes details on PRoW management during operation. The oOEMP is secured by dDCO Requirement 11.<br><br>Table 2 of the oDEMP [APP-092] includes reference to minimising the impact of decomissioningtraffic on the PRoW. As per Requirement 21 of the dDCO, the DEMP must be submitted to the LPA for approval within three months of the date of decommissioning any part of the development. |
| 13.7 | Applicant | Safety – gas pipeline<br><br>The Applicant [APP-138, paragraph 2.3.1] refers to a gas pipeline route through the site.<br><br>Paragraph 4.13.8 of NPS EN-1 states that it is necessary to be satisfied that a safety assessment has been prepared, as required, and that the Competent Authority has raised no safety objections.<br><br>a) Please could the Applicant summarise its safety assessment in relation to the gas pipeline, including for any excavation or piling works in its vicinity?<br>b) Are appropriate mitigation measures secured and, if so, where?<br>c) Has the relevant Competent Authority been consulted and have they raised any safety objections?<br>d) Please could the Applicant update the Major Accidents and Disasters assessment [APP-177] as appropriate? | a) The Applicant considers the works proposed around Cadent Gas Limited's (Cadent) medium pressure gas pipe situated in Rosliston Road are not unusual or unduly unsafe, and can be managed safely subject to the Applicant following the strict safe working procedures and consultation requirements as set out in Cadent and United Kingdom Onshore Pipeline Operator's Association guidance. The Applicant has included Protective Provisions for the protection of Cadent in the draft DCO. Though the final terms of these Protective Provisions remains under negotiation between the parties at the time of writing (expected to be finalised prior to close of Examination), procedures are established to notify and agree designs, methodologies and construction timing to ensure safe working around Cadent's medium pressure gas asset.<br><br>b) Yes, appropriate mitigation measures are secured in the Protective Provisions for the protection of Cadent within the draft DCO, the final terms of which are under discussion between the Applicant and Cadent. The Applicant has consulted with the Health and Safety Executive and Cadent as part of the application process. Per the terms of the Protective Provisions, the Applicant will be required to notify Cadent prior to the commencement of any intrusive site investigations for works in the vicinity of the medium pressure pipeline situated in Rosliston Road. The Applicant will also be required to comply with Cadent's established safe working guidelines for working close to gas assets, secured via the specific Protective Provisions, which remains under negotiation between the parties but which is expected to be concluded prior to the end of the Examination period.<br><br>c) Yes the relevant Competent Authorities (i.e. the HSE and Environment Agency) have been consulted, and they have not raised any safety objections |

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| | | | d) The Applicant does not consider an update to the Major Accidents and Disasters chapter to be required based on the response to c). |
| 13.8 | Applicant | <u>Safety – flood risk</u><br>The Applicant [AS-014 paragraph 8.3] states that Rosliston Road, and the access tracks off it, are located within the fluvial flood risk area and notes that the local road network may be affected by flooding where it crosses the unnamed watercourse and by surface water, particularly Coton Road between Oaklands Farm and Lad's Grave. It considers that flood depths along these routes are expected not to exceed 300 mm and should remain passable with care. It refers to the availability of alternative routes.<br>a) Please could the Applicant summarise its safety assessment in relation to access and egress during flooding?<br>b) Are appropriate mitigation measures, including alternative routes, secured and, if so, where?<br>c) Has the relevant Competent Authority been consulted and have they raised any safety objections? | (a) The Applicant has conducted detailed assessment in the FRA [AS-14] and considers potential flooding on Rosliston Road and Coton Road between Oaklands Farm and Lad's Grave would not exceed 300mm in a 1% surface water flood event, and therefore poses no safety issues for construction and maintenance vehicles to access the site. Construction and maintenance vehicles would be able to safely pass through and therefore no further assessment is deemed necessary.<br>(b) Paragraph 2.6.5 of the OCEMP includes provision for the weather forecast to be monitored throughout construction of the project, which would provide the ability to predict whether flooding might occur. Multiple access routes could be temporarily employed should Rosliston Road or Coton Road experience exceptional flood events making them unpassable for construction and operational vehicles:<br><u>Rosliston Road</u><br>During construction, in the exceptional circumstance that flooding on Rosliston Road exceeded the 300mm depth, light and heavy vehicles could temporarily utilise Route 8 to take access from the south-east per Scenario 2B of Chapter 10 of the ES until conditions on Rosliston Road returned to normal. During operations, a very low volume of daily transport movements is needed and these will be predominantly light vehicles which can utilise a number of routes to access the site avoiding Rosliston Road at points 5, 6, 7, 8 and 9 around the site per Figure 4.4: Site Access Points, Chapter 4 of the ES.<br><u>Coton Road between Oaklands Farm and Lad's Grave</u><br>During construction, heavy vehicles would not utilise this section of road and would access the northern part of the site across Rosliston Road, unless the back-up construction Scenario 2B route was required. During operations, a very low volume of daily transport movements is needed and these will be predominantly light vehicles which can avoid any exceptional flooding on this section of Coton Road by utilising a number of routes around the site to access the site at points 4, 5, 6, 7 8 and 9 per Figure 4.4: Site Access Points, Chapter 4 of the ES<br>For the two Abnormal Indivisible Load deliveries, these would be rescheduled to avoid exceptional flood issues present on Coton Road until conditions allowed.<br>(c) As recorded at Table 8.1 of ES Chapter 8 (Water Resource and Flood Risk) various bodies have been consulted regarding the Proposed Development, including the EA, Derbyshire County Council (as the Lead Local Flood Authority) and South Derbyshire District Council and none have raised the issue of safety in respect of access. The Applicant is continuing to engage with those parties and will provide an update on that matter if raised during discussions regarding Statements of Common Ground. |
| 13.9 | Applicant | <u>Socio-economics and PRoW – decommissioning</u><br>Please could the Applicant summarise the consideration given to potential effects on socio-economics and PRoW during decommissioning? | The Applicant's position is that the decommissioning of the Proposed Development would give rise to a similar type and level of effect as seen at the construction stage. A positive effect, albeit not significant, would be expected to arise from job creation and expenditure at the decommissioning stage. As with the construction stage, within the confines of any procurement strategy it is expected that local sourcing of |

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| | | | equipment and contractors would be pursued where possible in order to capture those benefits at a local level. There are then likely to be similar indirect employment and economic benefits arising from decommissioning, as with construction, albeit those would be expected to be negligible and not significant in the context of the regional economy.<br><br>A minor adverse effect at most (not significant) was assessed for the construction stage in respect of the Cross Britain Public Right of Way, on the basis of the PRoW being monitored by a banksman and with walkers being accompanied across the construction area where necessary. It is anticipated that similar measures would be used at the decommissioning stage, so the same level of effect would arise. |

# Appendix A
# Question 3.3
# The Applicant's Mitigation Audit

| Location in ES | Item of Mitigation | Q3.3 (a) - Where it is secured in dDCO or management plans? |
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| **Chapter 5 - Landscape and Visual [APP-106]** | | |
| Paragraph 5.104 | Restoration of any areas which are disturbed during construction, as well as those areas used as a construction compound, to be undertaken immediately following completion of the Proposed Development. | Para 4.25 and 4.26 of the Outline Landscape and Ecological Management Plan (oLEMP) [APP-105].<br><br>oLEMP secured in Draft Development Consent Order (dDCO) [AS-005] Requirement 8. |
| | Existing trees and hedgerows will be retained as far as possible and protected in accordance with best practice (BS 5837) during the construction period. | Para 4.5 of the oLEMP which is secured by dDCO Requirement 8. Reference to BS 5837 in Para 2.8.6 of the oCEMP, secured by dDCO Requirement 9. |
| | The panels will be installed using methods to reduce the extent of excavation and concreting required, by piling the supporting structures into the ground. | Para 1.13.1 of the Outline Construction and Environmental Management Plan (oCEMP) [APP-090], secured by dDCO Requirement 9. |
| | Materials and machinery will be stored tidily during the works. Machinery will not be left in place for longer than required for construction purposes, in order to minimise its impact in views. | Para 1.20.1 of the oCEMP, secured by dDCO Requirment 9. |
| | Lighting of temporary construction compounds will be restricted to agreed working hours and that which is necessary for security. | Para 1.16.2 (bullet point 6) of the oCEMP, secured by dDCO Requirement 9. |
| Paragraph 5.105 | The landscape measures illustrated in Appendix 5.6: Outline Landscape and Ecological Management Plan are designed to: Complement the existing landscape character of the Site and the surrounding area. | Para 2.2 of the oLEMP, secured by dDCO Requirement 8. |
| | They also aim to improve integration of the Proposed Development into the landscape and to minimise visual effects upon the visual receptors identified (including surrounding residential properties). | Para 2.2 of the oLEMP, secured by dDCO Requirement 8. |
| | The proposed planting will, in time, bring additional amenity and biodiversity value to the local area, and comprise native species recommended in DCC's The Landscape Character of Derbyshire (2014). | Para 2.7 and 2.12 of the oLEMP, secured by dDCO Requirement 8. |
| Paragraph 5.194 | The proposed mitigation measures will be monitored to ensure that they deliver the desired level of mitigation. This will include ensuring that vegetation is planted and managed appropriately, and that vegetation establishes properly and is replaced if required (as set out in Appendix 5.6: Outline Landscape and Ecological Management Plan). | Para 5.40 - 5.48 of the oLEMP, secured by dDCO Requirement 8. |

| Location in ES | Item of Mitigation | Q3.3 (a) - Where it is secured in dDCO or management plans? |
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| **Chapter 6 - Ecology [APP-135]** | | |
| Paragraph 6.78 | Key considerations included: Locating the Proposed Development in areas with habitats of local value or below, such as improved grassland and arable fields, where impacts can be successfully mitigated. | Para 1.7 of the oLEMP [APP-105], secured by dDCO Requirement 8. |
| | Retention of ancient and veteran trees and ancient woodland habitat. | Para 4.3 of the oLEMP, secured by dDCO Requirement 8. |
| | Retention of species-rich hedgerows where possible. A 5m buffer will be implemented between the Proposed Development infrastructure and the retained hedgerows. | Para 4.9 of the oLEMP, secured by dDCO Requirement 8. |
| | Retention of trees with high and moderate bat roost suitability and application of appropriate buffer distances during works. | Para 4.3 and 4.5 of the oLEMP, secured by dDCO Requirement 8. |
| | Enhancing the quality and connectivity of habitats through the Site by restoring and creating hedgerows, woodland understory planting with trees and species-rich grassland. | Paras 4.24 - 4.41 of the oLEMP, secured by dDCO Requirement 8. |
| | Increased provision of attenuation measures and coarser vegetation within and around the solar arrays will reduce surface run-off and nutrient enrichment associated with current cattle/sheep farming and as such providing water quality benefits to minor watercourses and ditches in the locality. | Paras 4.27 of the oLEMP, secured by dDCO Requirement 8. |
| | Proposed fencing around the solar arrays will include mammal gaps at the base of the fence to allow dispersal of mammals, including badger and hedgehog. | Para 4.48 of the oLEMP, secured by dDCO Requirement 8. |
| Paragraph 6.79 | Best practice construction measures will be followed to avoid or minimise potential impacts. Full detail of this is presented in the Construction Environmental Management Plan (CEMP) (Appendix 4.3). Measures include: Secure storage and safe disposal of any materials and substances to prevent accidental contamination. | Para 1.20.1 and Para 2.5.2.1 of the oCEMP [APP-090], secured by dDCO Requirement 9. |
| | Prevention or reduction of dust through timing of works or damping down. | Para 2.4.7 of the oCEMP, secured by dDCO Requirement 9. |
| | Control of surface water runoff, including from damping down, to prevent contamination of waterbodies. | Para 2.6.9 of the oCEMP, secured by dDCO Requirement 9. |
| | Compliance with tree protection measures detailed within BS 5837:2012. Tree protection fencing will be implemented around retained trees and woodland within the immediate vicinity of the Proposed Development. This will include a protection buffer of at least 15m from ancient woodland associated with Grove Wood LWS to the north of the Park Farm area and which lies in close proximity to the proposed cabling route and for any ancient or veteran trees a buffer zone at least 15 times larger than the diameter of the tree. | Para 2.8.6 of the oCEMP, secured by dDCO Requirement 9. |

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| Trees identified as having low bat roost suitability will be felled using soft felling techniques. This will involve the section felling of trees and then gently lowering each section in a controlled manner to ground. The sections will be left for at least 24 hours with the features in an upright position to enable bats to vacate. This would be completed at a sensitive time of year in spring/autumn to avoid the breeding season. | Para 2.8.5 of the oCEMP, secured by the dDCO Requirement 9. |
| A pre-construction badger survey will be undertaken by an ecologist to update the sett locations and status at least three months prior to construction. | Para 2.8.5 of the oCEMP, secured by the dDCO Requirement 9. |
| All badger setts will be demarcated prior to works. | Para 2.8.5 of the oCEMP, secured by the dDCO Requirement 9. |
| Any vehicle traffic within close proximity of a badger sett will be subject to a 5mph speed limit. | Para 2.4.9 of the oCEMP, secured by the dDCO Requirement 9. |
| No construction works will be undertaken within 30m of an active badger sett during the breeding season between November and June inclusive. | Para 2.4.9 of the oCEMP, secured by the dDCO Requirement 9. |
| Any works undertaken within 30m of a badger sett which cannot be avoided, will be completed under a Natural England badger disturbance licence as necessary. Mitigation measures required under the licence may include timing of works to avoid the breeding season and adapting working methods to minimise disturbance. | Para 2.8.5 of oCEMP, secured by the dDCO Requirement 9. |
| A construction method statement/toolbox talk will be provided in relation to badger to ensure that precautionary methods are followed, including safe storage of materials and substances, measures to prevent badger becoming trapped in excavations or materials, and control measures including construction traffic speed controls. | Para 2.8.5 of oCEMP, secured by the dDCO Requirement 9. |
| Pre-inspection checks for otter signs in the vicinity of works and appropriate working practices to avoid disturbance including no night-time working, sensitive construction lighting and appropriate working buffers. | Para 2.8.5 of oCEMP, secured by the dDCO Requirement 9. |
| All otter holts will be demarcated prior to works. | Para 2.8.5 of oCEMP, secured by the dDCO Requirement 9. |
| No construction works will be undertaken within 30m of an otter holt. | Para 2.8.5 of oCEMP, secured by the dDCO Requirement 9. |
| Any vehicle traffic within close proximity of an otter holt will be subject to a 5mph speed limit. | Para 2.8.5 of oCEMP, secured by the dDCO Requirement 9. |
| Suitable bird nesting habitat, including hedgerows and trees for non-ground nesting birds and arable and grassland for ground nesting bird species, that will be removed as part of the Proposed Development will be undertaken outside of the bird nesting season between March and August (inclusive). Where this is not feasible, the removal of these habitats will be completed under a watching brief by an ECoW. | Para 5.38 of the oLEMP, secured by dDCO Requirement 8. |
| Detailed drainage design to ensure that operational phases do not contribute to polluted run-off or increase surface flows entering watercourses. | Para 4.2.4 of the Outline Operational Environmental Management Plan (oOEMP) [APP-091], secured by dDCO Requirement 11. |
| Capping of any exposed pipe systems when contractors are off site and providing exit ramps from any exposed trenches or holes. | Para 2.8.5 (bullet point 3) of the oCEMP, secured by dDCO Requirement 9. |

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| Construction mitigation measures to be implemented in accordance with best practice to prevent impacts from dust, noise, runoff or other potential pollutants. | Para 2.6.4 of the oCEMP, secured by dDCO Requirement 9. |
| Production of a silt management plan referencing the protection of overland flow paths and all watercourses within and adjacent to the Site. Soil stockpiles to be located away from overland flow paths and water bodies, and outside of the SAC catchment, and to be seeded as soon as possible, covered with geotextile mats and/or surrounded by a bund. | Para 2.6 of the oCEMP, secured by dDCO Requirement 9. |
| Any temporary site drainage system to be developed to prevent silt-laden run-off being discharged into sewers or surface watercourses. | Para 2.6.5 of the oCEMP, secured by dDCO Requirement 9. |
| Mud to be controlled at entrance/exit to the Site using wheel washes and/or road sweepers. | Para 2.4.12 of the oCEMP, secured by dDCO Requirement 9. |
| Avoidance of site run-off of water or mud. Construction method statement specifying best practices measures for silt/runoff, pollution prevention measures and groundwater/other hydrological maintenance during piling and other works in close proximity to watercourses such as silt traps, bunds, interception features. | Para 2.6.5 of the oCEMP. Pollution prevention - Para 2.6.2 - 2.6.9 of the oCEMP. |
| Tools and plant to be washed and cleaned in designated areas within the Site compound (including designated concrete wash-out areas) where runoff can be isolated for treatment before discharge to watercourse/ground or sewer under appropriate consent. | Para 2.6.6 of the oCEMP, secured by dDCO Requirement 9. |
| Fuel and other potentially polluting chemicals to be stored in a secure impermeable and bunded storage area outside the River Mease SAC catchment. | Para 1.20.1 and 2.6.7 of the oCEMP, secured by dDCO Requirement 9. |
| Refueling and maintenance to be undertaken within the Site compound away from all watercourses within or adjacent to the Site and outside the River Mease SAC catchment. | Para 1.20.1 of the oCEMP, secured by dDCO Requirement 9. |
| Fixed plant to be self-bunded, mobile plant to be kept clean and in good working order, and fitted with drip trays, where appropriate. | Para 1.20.1 of the oCEMP, secured by dDCO Requirement 9. |
| Spillage kits and oil absorbent material to be carried by mobile plant and located at vulnerable locations (e.g. crossings of land drains/ditches). | Para 1.20.1 of the oCEMP, secured by dDCO Requirement 9. |
| Secure Site to prevent vandalism events which could lead to pollution. | Para 1.20.1 of the oCEMP, secured by dDCO Requirement 9. |
| An emergency response plan will be prepared as part of the CEMP and prior to construction. The emergency response plan will include (but not be limited to) chemical/fuel spillage, flood events, fire, explosions, structural collapse. | Para 2.6.8 of the oCEMP, secured by dDCO Requirement 9. |
| All construction staff to be trained to respond to spillages, and how to use emergency response equipment. | Para 2.6.8 of the oCEMP, secured by dDCO Requirement 9. |
| Discharges of water abstracted from excavations/ or dewatering of aquifers to be subject to quality attenuation measures as required. | Para 2.6.9 of the oCEMP, secured by dDCO Requirement 9. |

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| | Toolbox talks or other training to be provided to site staff on relevant site environmental issues to ensure precautionary working methods are adhered to. | Para 1.5.2 of the oCEMP, secured by dDCO Requirement 9. |
| | Construction activities will take place with adherence to detailed mitigation measures (including timing of works and pollution prevention measures). | Timing of works - Section 1.15 of the oCEMP and Para 5.38 - 5.39 of the oLEMP.<br>Pollution prevention measures - Section 2.6 of the oCEMP.<br><br>oLEMP and oCEMP are secured by dDCO Requirements 8 and 9 respectively. |
| | Monitoring during the construction and operational phases to ensure an appropriate feedback loop is in place, allowing remedial measures and operational refinements to be identified and implemented if required | Section 1.18 of the oCEMP, secured by the dDCO Requirement 9. |
| | Pre-construction inspections for invasive non-native species and, if required, the provision of appropriate buffer zones and an eradication programme. Any invasive species within or adjacent to the Site will be demarcated prior to works and will be subject to chemical/manual treatment prior to and during works in accordance with a CEMP, with long-term eradication prescriptions to be detailed and implemented through a LEMP. | Para 2.8.5 of the oCEMP, secured by the dDCO Requirement 9.<br><br>Also, Para 5.36 - 5.37 of the oLEMP, secured by the dDCO Requirement 8. |
| | Implementation of appropriate biosecurity measures in accordance with best practices construction measures. | Para 5.35 of the oLEMP, secured by the dDCO Requirement 8. |
| | Mammal gaps will be provided within the fencing proposed as part of the Proposed Development, which will allow the continued movement of small mammals, including badger through the Site. These gaps will be 20-30cm in size. Indicative locations of proposed mammal gaps are shown in Figure 6.3 | Para 4.48 of the oLEMP, secured by the dDCO Requirement 8. |
| Paragraph 6.84 | This will include the provision of the following measures:<br>Measures to mitigate the impact of habitat loss, damage, disturbance and contamination during construction will be dealt with via a LEMP. | Para 2.6 of the oLEMP, secured by the dDCO Requirement 8. |
| | Replacement roost features, such as bat boxes will be installed prior to the loss of trees identified as having low bat roost suitability. | Para 4.45 of the oLEMP, secured by the dDCO Requirement 8. |
| | Proposals will include the provision of tree, scrub and hedgerow planting, which will mitigate the loss of the small number of trees and localised sections of hedgerow and scrub that will be lost during construction. Proposals will include for the replacement of grassland habitat, including species-rich grassland along the edges of the fields and in more open areas of the Site. | Paras 4.31, 4.39 and 4.40 of the oLEMP, secured by the dDCO Requirement 8. |
| | Provision of bird boxes, including for barn owl. | Para 4.21 and 4.50 of the oLEMP, secured by dDCO Requirement 8. |
| | Additional planting will be provided, including hedgerow and tree planting will mitigate the loss of nesting bird habitats. | Para 4.31 - 4.33, 4.39 and 4.49 of the oLEMP, secured by dDCO Requirement 8. |
| | Habitat creation and management as outlined by the LEMP. This includes the provision of planting of hedgerows, scrub and woodland within and in the wider area of the Site. | Para 4.31 - 4.38 and 4.40 - 4.41 of the oLEMP, secured by dDCO Requirement 8. |
| | The creation of species-rich grassland, particularly along the boundaries of the field and in open areas where solar arrays are not proposed. | Para 4.25 of oLEMP, secured by dDCO Requirement 8. |

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| | Enhancement of existing ditches and watercourse. | Paras 5.24 - 5.28 of the oLEMP, secured by dDCO Requirement 8. |
| | Specifically, creation of species-rich grassland will be focused on providing additional benefit for species, such as skylark, by providing suitable habitat for foraging and nesting. | Para 4.49 of the oLEMP, secured by dDCO Requirement 8. |
| | Mitigate for impacts to badger arising from habitat fragmentation by providing alternative, more suitable habitat for these species to forage, disperse and to build new setts | Para 4.40 of the oLEMP, secured by dDCO Requirement 8. |
| Paragraph 6.104 | Specific updated surveys will be detailed in the CEMP and secured by the DCO, and will be undertaken within suitable timeframes prior to commencement of construction (subject to the habitat features present), or within a suitable timeframe to support NE species licensing, including the following: Habitat survey to determine whether conditions have changed as a result of changes in land management (and implications for protected species surveys). | Para 2.8.5 of the oCEMP, secured by dDCO Requirement 9. |
| | Bat Roost Assessment of trees | Para 2.8.5 of the oCEMP, secured by dDCO Requirement 9. |
| | Badger survey | Para 2.8.5 of the oCEMP, secured by dDCO Requirement 9. |
| | Otter survey | Para 2.8.5 of the oCEMP, secured by dDCO Requirement 9. |
| | Nesting bird survey should vegetation removal be required within the bird nesting season | Para 2.8.5 of the oCEMP, secured by dDCO Requirement 9. |
| | Other protected species surveys if deemed necessary following the above habitat survey | Para 2.8.5 of the oCEMP, secured by dDCO Requirement 9. |
| Paragraph 6.105 | Ecological monitoring requirements are associated with the level of potential impacts and the success of mitigation delivery. Monitoring will be undertaken in accordance with best practice guidance and techniques for specific ecological receptors. The aim of monitoring will be to evaluate the effectiveness of habitat creation proposals, in terms of the extent, distribution, and quality of habitats. Further survey and monitoring will include:<br><br>Assessing habitat creation and management including areas of species-rich grassland, woodlands, scrub and hedgerow (years 1, 2 and 5 and if required thereafter at 5 year intervals during the 40 year lifespan of the Proposed Development). | Para 5.41 of the oLEMP, secured by dDCO Requirement 8. |
| | Use of bat roost features including boxes (years 1, 2 and 5) | Para 5.31 - 5.32 of the oLEMP, secured by dDCO Requirement 8. |
| Table 6.8 - Summary of Effects | **Statutory Designated Site - River Mease SAC** | |
| | Increased provision of attenuation measures to reduce surface run-off and nutrient enrichment. This will provide water quality benefits to minor watercourses and ditches in the locality. | Para 2.6.9 of the oCEMP which is secured by dDCO Requirement 9. |
| | Avoidance and mitigation measures as detailed in HRA. | Para 2.6.9 of the oCEMP which is secured by dDCO Requirement 9. |
| | Best practice construction methods detailed in CEMP | Para 2.6.9 of the oCEMP which is secured by dDCO Requirement 9. |

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| **Non-Statutory Designated Sites** | |
| Proposed Development is located 30m from ancient woodland that that the LWS is designated for. | Para 4.2 - 4.5 of the oLEMP, secured by dDCO Requirement 8. |
| Best practice construction methods detailed in CEMP. | Para 2.1.2 of the oCEMP, secured by the dDCO Requirement 9. |
| Tree protection fencing in line with BS5837 and protection buffer of at least 15m from ancient woodland and at least 15 times larger than the diameter of any veteran and ancient trees. | Para 4.5 of the oLEMP, secured by dDCO Requirement 8. |
| **Habitats** | |
| Proposed Development will be focused in areas with habitats of Local value or below, such as improved grassland and arable fields, where impacts can be successfully mitigated for. | Para 1.7 of the oLEMP, secured by dDCO Requirement 8. |
| Retention of veteran trees and ancient woodland habitat. | Para 4.5 of the oLEMP, secured by dDCO Requirement 8. |
| Best practice construction methods detailed in CEMP. | Para 2.1.2 of the oCEMP, secured by the dDCO Requirement 9. |
| Tree protection fencing in line with BS5837 and protection buffer of at least 15m from ancient woodland and at least 15 times larger than the diameter of any veteran and ancient trees. | Para 4.5 of the oLEMP, secured by dDCO Requirement 8. |
| **Invasive Species** | |
| Pre-construction surveys for invasive species | Para 2.8.5 of the oCEMP, secured by the dDCO Requirement 9. |
| Marking and protective fencing of Japanese knotweed prior to works | Para 2.8.5 of the oCEMP, secured by the dDCO Requirement 9. |
| Toolbox talks prior to works | Para 2.8.5 of the oCEMP, secured by the dDCO Requirement 9. |
| Best practice working methods with regards to invasive species to be specified in CEMP | Para 2.8.5 of the oCEMP, secured by the dDCO Requirement 9. |
| **Bats** | |
| Retention of trees identified as having moderate and high bat roost suitability. | Para 3.15 of the oLEMP which is secured by dDCO Requirement 8. |
| Best practice construction methods detailed in CEMP | Para 2.8.5 of the oCEMP, secured by dDCO Requirment 9. |
| Soft-felling measures of trees identified as having low bat roost suitability. | Para 2.8.5 of the oCEMP, secured by dDCO Requirment 9. |
| Sensitive timing of works – soft felling in spring/autumn to avoid breeding season | Para 2.8.5 of the oCEMP, secured by dDCO Requirment 9. |
| **Reptiles** | |
| Best practice construction methods detailed in CEMP | Para 2.1.2 of the oCEMP, secured by the dDCO Requirement 9. |
| **Badger** | |
| Pre-construction survey for badger. | Para 2.8.5 of the oCEMP, secured by dDCO Requirement 9. |
| Best practice construction methods detailed in CEMP. | Para 2.8.5 of the oCEMP, secured by dDCO Requirement 9. |
| Traffic restrictions of 5mph near to badger setts. | Para 2.8.5 of the oCEMP, secured by dDCO Requirement 9. |
| Sensitive timing of works | Para 2.8.5 of the oCEMP, secured by dDCO Requirement 9. |
| **Otter** | |
| Pre-construction survey for otter. | Para 2.8.5 of the oCEMP, secured by the dDCO Requirement 9. |
| All otter holts will be demarcated prior to works. | Para 2.8.5 of the oCEMP, secured by the dDCO Requirement 9. |

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| | No construction works will be undertaken within 30m of an otter holt | Para 2.8.5 of the oCEMP, secured by the dDCO Requirement 9. |
| | Any vehicle traffic within close proximity of an otter holt will be subject to a 5mph speed limit. | Para 2.8.5 of the oCEMP, secured by the dDCO Requirement 9. |
| | Best practice construction methods detailed in CEMP | Para 2.8.5 of the oCEMP, secured by the dDCO Requirement 9. |
| | **Breeding Birds** | |
| | Best practice construction methods detailed in CEMP. | Para 2.8.5 of the oCEMP, secured by the dDCO Requirement 9. |
| | Sensitive timing of works | Para 2.8.5 of the oCEMP, secured by the dDCO Requirement 9. |
| | **Skylark** | |
| | Best practice construction methods detailed in CEMP. | Para 2.1.2 and 2.8.5 of oCEMP, secured by the dDCO Requirement 9. |
| | Sensitive timing of works | Para 2.8.5 of oCEMP, secured by the dDCO Requirement 9. |
| | **Operation** | |
| | **Non-Statutory Designated Sites** | |
| | The Proposed Development will be focused in areas local value or below, such as improved grassland and arable fields. | Para 1.7 of the oLEMP, secured by dDCO Requirement 8. |
| | **Habitats** | |
| | The Proposed Development will be focused in areas of local value or below, such as improved grassland and arable fields, where any impacts can be successfully avoided and mitigated for. | Para 1.7 of the oLEMP, secured by dDCO Requirement 8. |
| | Proposed access tracks across the unnamed watercourse will be culverted to ensure impacts from habitat loss are avoided and mitigated for. | Para 4.11 of the oLEMP, secured by dDCO Requirement 8. |
| | Retention of species-rich hedgerows. A 5m buffer will be implemented between the Proposed Development infrastructure and the retained hedgerows | Add to Para 4.9 of the oLEMP, secured by dDCO Requirement 8. |
| | **Badger** | |
| | Traffic restrictions of 5mph near to badger setts. | Para 2.8.5 of the oCEMP, secured by dDCO Requirement 9. |
| | Proposed fencing around the solar arrays will include mammal gaps at the base of the fence at strategic locations to allow dispersal of badger. | Para 4.48 of the oLEMP, secured by dDCO Requirement 8. |

| Location in ES | Item of Mitigation | Q3.3 (a) - Where it is secured in dDCO or management plans? |
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| **Chapter 7 - Historic Environment [APP-139]** | | |
| 7.80 | Good practice measures to avoid or address effects to heritage assets have been incorporated, where appropriate, within the CEMP. These measures will be designed once consultation on the results of evaluation (i.e. geophysical survey) has been completed with the DCC Archaeological Officer, as archaeological advisor to SDDC. Without prejudice to the CEMP content, it is likely that measures relating to archaeological monitoring of zones of groundworks (e.g. for substation and BESS) and control measures to avoid accidental damage to heritage assets (e.g. arising from vehicle movements in the vicinity of the Park Farm listed building) are likely to be included. Any archaeological works to be undertaken will be covered by a Written Scheme of Investigation (WSI) detailing the scope of works and how they are to be executed and monitored. The WSI will be agreed with the appropriate body and, at the time of writing, this is assumed to be the DCC Archaeologist in their capacity as archaeological advisor to SDDC | Para 2.9.2 of the oCEMP [APP-090], secured by dDCO Requirement 9.<br><br>WSI secured through dDCO Requirement 18. |
| 7.89 | A suitable programme of mitigation to address harm to, or loss of, assets would be drawn up in consultation with the DCC Archaeological Officer, as archaeological advisor to SDDC. This is likely to comprise a staged programme of archaeological works secured by Requirement of the DCO and will be detailed in a WSI agreed via consultation with the DCC Archaeological Officer. This mitigation will not reduce the level of effects to the heritage assets but will provide a record of the features lost as a result of development, preserving them by record. This follows industry best-practice to address effects to heritage assets. | Para 2.9.3 of the oCEMP, secured by dDCO Requirement 9. |
| 7.122 | The Site has been subject to geophysical survey, following statutory consultation stage, to refine understanding of the presence and extent of hitherto unrecorded below-ground heritage assets (reporting supplied as Appendix 7.2). The results of the survey will be used to develop a mitigation strategy which will be agreed with the archaeological advisor to SDDC and form the mitigation outlined in the WSI. The WSI will ensure any works required are carried out to an appropriate scope and standard and in a timely manner. | Para 2.9.2 of the oCEMP, secured by dDCO Requirement 9. |
| Table 7.4 | Mitigation Strategy including archaeological fieldwork. | Para 2.9.3 of the oCEMP, secured by dDCO Requirement 9. |
| | This mitigation will not reduce the level of effects to the heritage assets but will provide a record of the features lost as a result of development, preserving them by record. This follows industry best-practice to address effects to heritage assets. | Para 2.9.3 of the oCEMP, secured by dDCO Requirement 9. |

| Location in ES | Item of Mitigation | Q3.3 (a) - Where it is secured in dDCO or management plans? |
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| **Chapter 8 - Water Resources and Flood Risk [APP-143]** | | |
| 8.63 | The Proposed Development has been designed such that the land surrounding and beneath the solar panels will be returned to grassland, and potential grazing. Upon completion of the construction phase, fields that currently are used to produce arable crops (in excess of 50% of the land based on recent aerial photography) will become vegetated year-round. The sward within the Site boundary will be allowed to grow and will not be cropped or harvested. As a result, there will not be periods of exposed bare soil. | Para 4.6 - 4.8 and Para 4.25 - 4.30 of the Outline Landscape and Ecological Mitigation Plan (oLEMP) [APP-105], secured by dDCO Requirement 8. |
| 8.64 | Unlike under the current land management scenario, during the operational phase of the Proposed Development, the fields will not be accessed by heavy plant or machinery, thus reducing compaction effects on the soil. | Para 1.4.2 of the oCEMP [APP-090], secured by dDCO Requirement 9. |
| 8.65 | The proposed drainage strategy is detailed in the appended FRA (see Appendix 8.1: Flood Risk Assessment and Outline Drainage Strategy). As far as possible and in accordance with SuDS best practice, the key principle of the strategy is source control whereby all surface water run-off is discharged to ground as close to the point of interception as possible. This will include: | Para 2.6.9 of the oCEMP, secured by dDCO Requirement 9. |
| | Solar panel arrays will allow incidental run-off to infiltrate to ground below the panels. | Para 2.6.9 of the oCEMP, secured by dDCO Requirement 9. |
| | All trackways constructed to be permeable (i.e. unsealed), and as such will maintain infiltration capacity similar to the bare soil cover under the current scenario. The proportion of land given over to trackways is significantly smaller than that currently left as bare soil thus this represents a significant betterment. | Para 2.6.9 of the oCEMP, secured by dDCO Requirement 9. |
| | Where concrete pads are required a gravel-filled drainage trench shall be constructed around the structure, thus providing soakaway capacity equivalent to the infiltration capacity lost beneath the structure. | Para 2.6.9 of the oCEMP, secured by dDCO Requirement 9. |
| 8.66 | As detailed in the FRA in Appendix 8.1: Flood Risk Assessment and Outline Drainage Strategy parts of the Proposed Development remain at risk of flooding from surface water, including from small channels and ditches within the Site. The flood depth in these areas is expected to be less than 300mm. Solar panels are unlikely to be affected by this flooding, should it occur, and no specific mitigation is required to protect them other than ensuring the bottom edge of the panels is not within 300mm of the ground within the mapped surface water flood risk area. As the lowest part of the solar panels is to be 800mm above ground level, there is sufficient height above the estimated potential flood level that is predicted to effect the northern section of panels only. | Para 2.6.9 of the oCEMP, secured by dDCO Requirement 9. |
| 8.67 | Inverters, transformers and the Proposed Development's substation will not be sited within the fluvial or surface water flood risk areas. | Para 2.6.9 of the oCEMP, secured by dDCO Requirement 9. |
| 8.68 | With the exception of the BESS and the Proposed Development's substation compounds, all run-off from the proposed structures will be dealt with locally with source control measures, whereby all surface water run-off is discharged to ground as close to the point of interception as possible, as detailed in the FRA (see Appendix 8.1: Flood Risk Assessment and Outline Drainage Strategy) and the Site will not generate extra run-off. | Para 1.13.1 of the oCEMP, secured by dDCO Requirement 9. |

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| 8.69 | To mitigate risks from contaminated water during a fire event at the BESS and the Proposed Development's substation compounds, these areas will be mostly impermeable, with water diverted into an underground storage area which can be isolated if required. The BESS will comprise a 100% impermeable sub-base with drainage infrastructure built into or below the sub-base to divert runoff to a lined contaminant tank/pond in the unlikely event of a battery fire. Once in the tank testing, flow control and pumping will ensure the safe discharge and removal of the water. Control valves will be engaged at the earliest detection of a fire to initiate release of the surface and fire water contaminant. Approximately 20% of the Proposed Development's substation footprint will be comprised of impermeable material. The remaining 80% of the Proposed Development's substation footprint can be considered permeable with a gravel sub base that will allow natural drainage/infiltration. During normal rainfall events surface water will bypass these tanks will be discharged at a rate limited to the greenfield runoff rates for the same event, with outfalls into the drainage ditch approximately 300m northwest of the compounds as detailed in the FRA (see Appendix 8.1: Flood Risk Assessment and Outline Drainage Strategy). In the event of a fire, the tanks will be isolated and the water contained until tested. If the water is tested and confirmed to be contaminated, the water will be removed from the tankers by specialists and disposed of at an appropriate facility rather than into the environment. | Para 2.6.9 of the oCEMP, secured by dDCO Requirement 9. |
| 8.70 | To mitigate a potential increase in flows/volumes due to reduced attenuation with the increase in impermeable surfaces, the storage areas at the BESS and the Proposed Development's substation compounds may include water flow technology, such as a Hydrobrake, to reduce outflows to the greenfield runoff rates for the same event. | Para 2.6.9 of the oCEMP, secured by dDCO Requirement 9. |
| 8.71 | The Proposed Development has been designed to avoid fluvial flood risk zones associated with the unnamed watercourse which meanders through the Site. Potential surface water (pluvial) flood risk has been mitigated though design in three ways: All infrastructure such as the BESS and the Proposed Development's substation will be raised with a void beneath. | Para 2.6.9 of the oCEMP, secured by dDCO Requirement 9. |
| | The vast extent of the Site includes elevated solar panels on discrete piled foundations. | Para 2.6.9 of the oCEMP, secured by dDCO Requirement 9. |
| | The proposed cable route between the Proposed Development and its connection to the National Grid Drakelow substation will be entirely underground, and therefore there will be no above ground structures relating to the cable route to impede surface water runoff. | Para 2.6.9 of the oCEMP, secured by dDCO Requirement 9. |
| 8.73 | In order to ensure that the construction works are designed and implemented to minimise pollution and contamination, an Outline CEMP has been prepared for the Proposed Development (Appendix 4.3). The purpose of this document is to provide a series of measures that will be implemented during the construction phase in order to suitably control and mitigate its environmental impact. | Para 1.2.1 of the oCEMP, secured by dDCO Requirement 9. |
| 8.74 | The Outline CEMP presents the commitments made by the Applicant to suitably limit environmental impacts of construction as part of the Proposed Development. This document will demonstrate that the Proposed Development can be delivered in such a way as to reduce, minimise or eliminate environmental impacts during the construction phase. | Para 1.2.8 of the oCEMP, secured by dDCO Requirement 9. |
| 8.75 | Prior to construction a detailed CEMP will be drawn up to provide detailed information as to how t the principles set out within the Outline CEMP will be delivered during construction. The final detailed CEMP will be submitted to the Local Planning Authority (LPA) for approval prior to commencement of development and be secured by way of a DCO requirement. | dDCO Requirement 9. |

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| 8.76 | The Outline CEMP includes a sub-section (Section 2.6) which will form the construction Surface Water Management Plan for the Proposed Development. | Section 2.6 of the oCEMP, secured by dDCO Requirement 9. |
| 8.77 | In accordance with EA scoping requirements, there will be a minimum 8m buffer along all on Site watercourses (with the exception of water crossings). | Para 2.6.4 of the oCEMP, secured by dDCO Requirement 9. |
| 8.78 | In order to ensure that these standoffs are implemented, the outline CEMP stipulates that a works stand-off from watercourses shall be maintained during the construction phase, with no works undertaken within an 8m easement with the exception of water crossings. The turf in these stand-off areas shall be maintained intact and undisturbed throughout the construction phase, thus forming a vegetated filter strip, providing protection to the watercourses from silt and run-off. | Para 2.6.4 of the oCEMP, secured by dDCO Requirement 9. |
| 8.79 | These vegetated filter strips shall be protected during the works by use of silt fencing, barrier fencing, soil berm or similar to clearly demarcate the stand-off areas and to provide a barrier to movement of plant and migration of silt as required. | Para 2.6.4 of the oCEMP, secured by dDCO Requirement 9. |
| 8.80 | The Site is of an undulating topography and therefore to minimise the potential for generation of silt-laden or otherwise contaminated run-off, and to sever pathways between the construction works and the watercourses, the CEMP includes the following: | Para 2.6.5 of the oCEMP, secured by dDCO Requirement 9. |
| | Phasing of works, particularly phasing of required turf and topsoil strip, such that as little bare soil is exposed at any one time | Para 2.6.5 of the oCEMP, secured by dDCO Requirement 9. |
| | Sealing of all soils in storage areas (stockpiles) using an excavator bucket at the end of each shift, to minimise the potential for sediment to be washed off during a rainfall event. | Para 2.6.5 of the oCEMP, secured by dDCO Requirement 9. |
| | Formation of all stockpiles outside of the 8m works stand-off zones adjacent to watercourses/ ditches. | Para 2.6.5 of the oCEMP, secured by dDCO Requirement 9. |
| 8.81 | Where long-term storage of soil is planned, vegetation on stockpiles shall be allowed to naturally regenerate and/ or be seeded to facilitate a cover of vegetation. | Para 2.6.5 of the oCEMP, secured by dDCO Requirement 9. |
| 8.82 | If required, a combination of ditches, berms and sediment traps will be employed in order to control the direction and to slow the flow of rainwater run-off. | Para 2.6.5 of the oCEMP, secured by dDCO Requirement 9. |
| 8.83 | Diversion of surface water from areas of bare soil into freely draining pond/ lagoon areas to enable it to drain to ground. Where volumes and infiltration rates prevent this, water will be allowed to drain to the watercourses only if it is suitably free of visual evidence of silt or other contamination. The vegetated buffer along the watercourse will act as a filter strip but should also be supplemented with silt fencing to ensure no water pollution occurs. | Para 2.6.5 of the oCEMP, secured by dDCO Requirement 9. |
| 8.84 | Where water is visibly turbid (silt-laden) or impacted by contaminants, it shall be directed to a settlement pond to enable silt to fall out of suspension or treated prior to discharge using one or a combination of; a proprietary water treatment system (e.g. silt-buster); hay bale and/ or sedimat weirs or mats or similar; temporary grips and/ or; proprietary silt filtration devices (e.g. Naylor's SmartFilter). | Para 2.6.5 of the oCEMP, secured by dDCO Requirement 9. |
| 8.85 | The weather forecast will be monitored daily throughout the construction of the Proposed Development, in order to predict periods of likely heavy rainfall. Where heavy rainfall is predicted works may need to be suspended. Ahead of a period of forecasted heavy rain, the site works will be inspected to identify areas susceptible to sediment run-off and implement additional precautions as necessary. Such precautions may include additional sediment trap weirs, or covering of stockpiles. | Para 2.6.5 of the oCEMP, secured by dDCO Requirement 9. |

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| 8.86 | At each watercourse crossing point pollution prevention measures shall be put in place prior to the start of works in that area. Examples of such measures include: Use of silt fencing on either side of the track across the top of the crossing. | Para 2.6.5 of the oCEMP, secured by dDCO Requirement 9. |
| | Use of silt control measures within the watercourse, such as bales, booms, sedimats or other measures to control any spread of silt should it enter the watercourse. | Para 2.6.5 of the oCEMP, secured by dDCO Requirement 9. |
| | Use of edge-protection berms to prevent migration of silt sideways from trackway into watercourse. | Para 2.6.5 of the oCEMP, secured by dDCO Requirement 9. |
| 8.87 | There is a requirement in the Outline CEMP for mitigation measures to be implemented to ensure the management of flood risk during the construction of the Proposed Development and the protection of sensitive receptors from potential contamination during the works. | Para 2.6.7 - 2.6.9 of the oCEMP, secured by dDCO Requirement 9. |
| 8.101 | In relation to land drains (C4 in Table 8.7), if required, the Applicant will replace or repair any land drains found to be damaged during construction. | Para 2.6.5 of the oCEMP, secured by dDCO Requirement 9. |
| 8.102 | There is no further requirement for additional water resources mitigation measures other than those requirements of the drainage strategy (see Appendix 8.1: Flood Risk Assessment and Outline Drainage Strategy) and CEMP listed above (for example, following CIRIA guidance on the management of water quality and surface water runoff during construction projects and the inclusion of a construction phase Soil Management Plan). | Appendix A andC of the oCEMP, secured by dDCO Requirement 9. |
| 8.103 | If, as reported in Chapter 9: Ground Conditions, post consent a pre-construction site investigation will be undertaken following development consent to further inform the design of the Proposed Development. If this assessment determines that remediation or risk mitigation is required in order to address potential risks posed by made ground, a process of remediation options appraisal, remediation strategy, remediation implementation and verification shall be entered into to ensure risks to the wider hydrological environment are reduced to acceptable levels. | dDCO Requirement 13.<br><br>Para 1.23 of the oCEMP, secured by dDCO Requirement 9. |
| 8.120 | The Applicant is committed to implementing the construction phase works in accordance with the Outline CEMP, as discussed above. The final detailed CEMP will be submitted to the LPA for approval prior to commencement of development and be secured by a DCO requirement. It is assumed that the cumulative schemes will have their own CEMP. | dDCO Requirement 9. |
| 8.124 | As mentioned in Chapter 9: Ground Conditions a site investigation, assessment and (if necessary) remediation of made ground soils within areas of filled ground on Site (pits, reservoir and ponds) and areas of former buildings (New Barn) shall be undertaken as part of the construction phase of the Proposed Development. Further investigative works will be secured by means of a DCO requirement, however this is to be confirmed. No other field survey or monitoring are considered warranted. | dDCO Requirement 13.<br><br>Para 1.23 of the oCEMP, secured by dDCO Requirement 9. |

| Location in ES | Item of Mitigation | Q3.3 (a) - Where it is secured in dDCO or management plans? |
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| **Chapter 9 - Ground Conditions [APP-146]** | | |
| 9.63 | The Applicant is committed to implementing the construction phase works in accordance with the Outline CEMP in Appendix 4.3. The CEMP will be a live document that will be reviewed and updated at regular intervals throughout the construction phase. | Para 1.4.1 of the oCEMP [APP-090], secured by dDCO Requirement 9. |
| 9.64 | The purpose of the CEMP is to provide a series of outline considerations and measures that will be implemented during the construction phase in order to suitably control and mitigate the environmental impact of the Proposed Development. | Section 1.2 of the oCEMP, secured by dDCO Requirement 9. |
| 9.65 | The CEMP will set out the commitments to suitably limit the environmental impact of construction as part of the Proposed Development. It will demonstrate that the Proposed Development can be delivered in such a way as to minimise all environmental impacts during the construction phase to non-significant impacts. | Section 1.2 of the oCEMP, secured by dDCO Requirement 9. |
| 9.66 | It will be the responsibility of the Main Contractor to build upon the outline CEMP and provide a detailed CEMP as part of their contractual requirements on the Proposed Development. This detailed CEMP will provide detailed information as to how the Main Contractor and their sub-contractors shall design and implement the principles set out within the outline CEMP. The final detailed CEMP will be submitted to the LPA for approval prior to commencement of Proposed Development and is secured by Requirement 5 in the draft Development Consent Order (DCO). | Section 1.5 of the oCEMP, secured by dDCO Requirement 9. |
| 9.67 | The following elements of the CEMP will minimise the impacts on soil and ground conditions: Phasing of works, particularly phasing of any required turf and topsoil strip, such that as little bare soil is exposed at any one time. | Section 2.6.5 of the oCEMP, secured by dDCO Requirement 9. |
| | Sealing of all soils in storage areas (stockpiles) using an excavator bucket at the end of each shift, to minimise the potential for sediment to be washed off during a rainfall event. | Section 2.6.5 of the oCEMP, secured by dDCO Requirement 9. |
| | Where long-term storage of soil is planned, vegetation on stockpiles shall be allowed to naturally regenerate and/ or be seeded to facilitate a cover of vegetation. | Section 2.6.5 of the oCEMP, secured by dDCO Requirement 9. |
| | The weather forecast will be monitored daily throughout the Proposed Development, in order to predict periods of likely heavy rainfall. Where heavy rainfall is predicted works may need to be suspended. Ahead of a period of forecasted heavy rain, the Site Management Team shall inspect the works to assess areas susceptible to sediment run-off and take additional precautions in accordance with current best practice. | Section 2.6.5 of the oCEMP, secured by dDCO Requirement 9. |
| 9.68 | A Soils Management Plan (SMP) has been incorporated into the Outline CEMP outlining measures to reduce any detrimental impact and degradation to soils on the Site. Measures such as stockpiling removed areas of topsoil and subsoil will be put in place to safeguard the resource for future restoration purposes. | Appendix 1 of the oCEMP, secured by dDCO Requirement 9. |
| 9.69 | In order to inform the design of the Proposed Development, a programme of intrusive targeted site investigation will be required. This is a pre-commencement requirement in the draft DCO (Requirement 6). During this process, the site investigation will target potential areas of made ground infill to former pits, reservoirs/ponds and in the area of former buildings at New Barn. Soil sampling, laboratory analysis and a suitable assessment shall then be undertaken in accordance with current best practice in order to ascertain the potential risk posed to ground conditions human health and the wider environment. | Para 1.23 of the oCEMP, secured by dDCO Requirement 9. |

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| 9.70 | If this assessment determines that remediation or risk management is required in order to address any potential risks posed by made ground, a process of remediation options appraisal, remediation strategy, remediation implementation and verification shall be entered into. This work is standard practice and standard effective mitigation exists, improving the ground conditions such that any risks posed are reduced to acceptable levels | Para 1.23 of the oCEMP, secured by dDCO Requirement 9. |
| 9.89 | The Applicant is committed to undertaking any remediation of soils or groundwater that is deemed required following the investigation and assessment of ground conditions as set out in the pre-commencement requirement of the draft DCO (Requirement 6). | Para 1.23 of the oCEMP, secured by dDCO Requirement 9. |
| 9.90 | If contaminated land is encountered on Site (C5 – Table 9.7), the Applicant will adhere to LCRM best practice implementing a programme of targeted site investigation, assessment and remediation and/ or risk management shall be implemented in the construction phase. Soil sampling, laboratory analysis and contaminated land assessment shall then be undertaken in accordance with LCRM and current best practice to ascertain the potential risk posed to ground conditions human health and wider environment. | Para 1.23 of the oCEMP, secured by dDCO Requirement 9. |
| 9.91 | If this assessment determines that remediation or risk management is required to address any potential risks posed by made ground, a process of remediation options appraisal, remediation strategy, remediation implementation and verification shall be entered into. This work shall improve the ground conditions such that any risks posed are reduced to acceptable levels. | Para 1.23 of the oCEMP, secured by dDCO Requirement 9. |
| 9.98 | In terms of ground conditions, it is considered that decommissioning effects would be similar to the construction effects and therefore negligible to minor beneficial. A decommissioning environmental management plan (DEMP) similar to the CEMP forms a requirement of the draft DCO and will need to be approved by the Local Planning Authority before any decommissioning works take place after 40 years of operation. | dDCO Requirement 21. |
| 9.106 | A targeted site investigation, assessment and (if necessary) remediation of made ground soils within areas of filled ground onsite (pits, reservoir and ponds) and areas of former buildings (New Barn) shall be undertaken as part of the construction phase of the Proposed Development. Further investigative works are secured via a Requirement in the draft DCO. No other field survey or monitoring are considered warranted. | dDCO Requirement 13. |

| Location in ES | Item of Mitigation | Q3.3 (a) - Where it is secured in dDCO or management plans? |
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| **Chapter 10 - Transport and Access [APP-155]** | | |
| 10.159 | An Outline Construction Environmental Management Plan (CEMP), included within Appendix 4.3: Outline Construction Environmental Management Plan, outlines the main mitigation and control measures that will be used to manage environmental effects throughout the construction process. Those measures that specifically relate to Transport and Access are summarised below: | oCEMP [APP-090], secured by Requirement 9 of the dDCO. |
| | Community Liaison between the Applicant and local residents to discuss the programme of works and discuss the measures put in place to minimise the impact of construction. | Para 1.17.1 of the oCEMP, secured by Requirement 9 of the dDCO. |
| | Parking allocation within the Site for construction workers to negate the need for any parking on the local highway network. | Para 1.12.1 of the oCEMP, secured by Requirement 9 of the dDCO. |
| | Site waste management plan to ensure the control of waste on Site to reduce construction vehicle movements off-site | Section 2.5 of the oCEMP, secured by Requirement 9 of the dDCO. |
| 10.283 | An Outline CTMP (Appendix 10.1: Outline Construction Traffic Management Plan) has been prepared to ensure that those sensitive receptors that experience a significance of effect greater than 'Negligible' can be reduced. The approval of the final CTMP by the Highway Authority will be secured by means of a DCO requirement. The measures within the final CTMP will include: | oCTMP [APP-148], secured by Requirement 10 in the dDCO. |
| | Proposed construction vehicle routing that disperses construction traffic across the study area to limit the magnitude of impact on sensitive receptors. | Para 3.25 of the oCTMP, secured by Requirement 10 of the dDCO. |
| | Temporary signage and traffic control. | Para 4.1 - 4.3 of the oCTMP, secured by Requirement 10 of the dDCO. |
| | Haul road to contain internal trips within the Site. | Para 5.26 of the oCTMP, secured by Requirement 10 of the dDCO. |
| | A booking system (Delivery Management System) will be used to ensure deliveries to the Site will be spread across the day where possible and that heavy vehicles will not meet on the local road network.Enforcement of 'blackout' and reduced construction vehicle movement days. | Para 5.9 of the oCTMP, secured by Requirement 10 of the dDCO. |
| | Limited operational hours, e.g., to avoid traditional highway peak traffic hours during the AM (08:00-09:00) and PM (17:00-18:00), and school pick-up and drop off-periods. | Para 5.3 - 5.5 and 5.7 of the oCTMP, secured by Requirement 10 of the dDCO. |
| | Core working hours between 07:00 and 19:00 on weekdays and between 08:00 and 13:00 on Saturday, arriving up to one hour before and leaving one-hour after to allow for set-up and closedown activities. | Para 4.6 - 4.7 of the oCTMP, secured by Requirement 10 of the dDCO. |
| | Staggered timing of inbound and outbound construction traffic movements. | Para 5.10 - 5.11 of the oCTMP, secured by Requirement 10 of the dDCO. |
| | Designated 'routing staff' to enforce construction vehicle routes and traffic management marshals at Site access points. | Para 5.14 of the oCTMP, secured by Requirement 10 of the dDCO. |
| | Traffic Management Group to enforce and update all measures as and if necessary. | Para 6.3 - 6.6 of the oCTMP, secured by Requirement 10 of the dDCO. |
| | Condition of the construction routes to Site are to be monitored throughout the construction phase with remedial works taking place as required to ensure the existing highway conditions are not exacerbated by construction vehicles. | Para 5.30 of the oCTMP, secured by Requirement 10 of the dDCO. |
| | Information packs will be provided to all contractors with information including heavy vehicle restrictions, construction vehicle routes, traffic management protocols, good practice and standards to be adhered to. | Para 5.21 of the oCTMP, secured by Requirement 10 of the dDCO. |

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| 10.284 | As part of the Proposed Development, a new permissive path will be installed across the Site to offer a new safe walking link from Lads Grave in the south of the Site to Rosliston and Walton-on-Trent via the Cross Britain Way. This will remain open throughout the 40-year life of the project (see Chapter 12: Socio-Economics, Tourism and Recreation). | Para 3.20 of the oCTMP, secured by Requirement 10 of the dDCO. |
| 10.285 | Construction traffic movements will be scheduled to occur outside of the traditional local highway network peak hours. The agreed core working hours will inherently enforce this with additional restrictions being placed on Heavy vehicle movements which will not be permitted on the local highway network at the following times: On Sundays or on public holidays. Between the hours of 19:00 and 07:00 (Monday to Friday). Between 13:00 on Saturday and 07:00 on Monday. | Para 5.3 of the oCTMP, secured by Requirement 10 of the dDCO. |
| 10.287 | It has been highlighted that there are regular national and local events held at the National Arboretum and Catton Hall to the south of Oaklands Farm. Whilst many of these events will be held at the weekend and/or on bank holidays, the final CTMP will provide mitigation to ensure that construction traffic does not impact the running of these events if they were to operate during the week or set up of events. This includes the potential for days with limited and/or restricted construction vehicle activities. | Para 5.13 of the oCTMP, secured by Requirement 10 of the dDCO. |
| 10.288 | Given the low level of construction traffic, the Proposed Development will not be expected to impact on local events. If any issues are experienced, then the timing of deliveries and construction vehicle movements can be limited and/or scheduled to avoid peak arrival times, this will help to have a positive impact on road driver and passenger delay, specifically. | Para 5.13 of the oCTMP, secured by Requirement 10 of the dDCO. |
| 10.289 | To limit the number of vehicle movements, material, such as soil, generated on Site will be re-used, where possible, within other areas of the Site. This is detailed further within the Soil Management Plan included within Appendix 4.3: Construction and Environmental Management Plan. | Para 1.4.2 of Appendix A the oCEMP, secured by Requirement 9 of the dDCO. |
| 10.290 | A Delivery Management System will be implemented to minimise the impact of Heavy vehicle traffic during the traditional local highway network peak periods. This will employ a delivery booking schedule to restrict bookings to the allocated time periods. | Para 5.9 - 5.10 and 5.29 of the oCTMP, secured by Requirement 10 of the dDCO. |
| 10.291 | On days where nationally significant events are held at the National Arboretum such as memorial days and anniversaries, as well as large regional events at Catton Hall, communications with the relevant persons will be undertaken to ascertain the likely level of traffic associated with each event. Adjustment to timing of vehicle movements will be made so as to not disrupt the event traffic. | Para 5.13 of the oCTMP, secured by Requirement 10 of the dDCO. |
| 10.292 | Depending on the scale and duration of the event and the traffic generated, 'blackout days' will be considered whereby all construction traffic to the Site will halt. Any adjustments to the timing of vehicle movements will be subject to consultation with the National Arboretum, Catton Hall, SCC and DCC. | Para 5.13 of the oCTMP, secured by Requirement 10 of the dDCO. |
| 10.293 | Temporary signage may be erected along construction traffic routes on the local road network to provide access and routing information. These will be placed to ensure that construction vehicles and staff are able to travel directly to Site from the wider SRN and Major Road Network (MRN). Locations of the temporary signage will be agreed with DCC and SCC ahead of installation. | Para 4.1 of the oCTMP, secured by Requirement 10 of the dDCO. |
| 10.294 | Temporary signage will help to enforce the designated construction vehicle routes and guide construction staff to the Site so as to avoid any sensitive receptors on routes not included within the construction vehicle routing scenarios. | Para 4.1 of the oCTMP, secured by Requirement 10 of the dDCO. |

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| 10.295 | In addition, all drivers of vehicles to the Site will be briefed in detail regarding the content of the Outline CTMP and any proposed traffic management measures. As such, it is not expected that any significant increased risk of road accidents will result from the proposed construction traffic. | Para 6.10 - 6.12 of the oCTMP, secured by Requirement 10 of the dDCO. |
| 10.296 | Vehicles will be called forward to the Site using telephone or radio, with qualified personnel and guards positioned at the following locations along the construction delivery routes, Access points directly off the local highway network onto Temporary Construction Haul Routes. Site access. | Para 5.14 of the oCTMP, secured by Requirement 10 of the dDCO. |
| 10.297 | Presence of security will also stop any non-permitted vehicles into the Site and remove any potential for parked or obstructive vehicles that could impact on vehicle and passenger delay, or vehicle and pedestrian safety. | Para 5.15 of the oCTMP, secured by Requirement 10 of the dDCO. |
| 10.298 | All AIL vehicles will be escorted by a pilot car and Police escort and be scheduled to travel during off-peak hours where possible to allow for the vehicle to manoeuvre safely. This will ensure the safety of other road users and result in minimal disruption. Additionally, suitable traffic management along the route will be undertaken, such as verge and footway reinforcement and culvert reinforcements. All necessary traffic management will be agreed with the relevant Highway Authorities prior the movements taking place. | Para 5.32 of the oCTMP, secured by Requirement 10 of the dDCO. |
| 10.299 | A range of mitigating controls will be secured and enforceable to limit the impact of the Proposed Development in relation to Transport and Access. These will reduce the magnitude and significance of a wide range of effects previously set out in the Assessment. | oCTMP, secured by dDCO Requirement 10. |
| 10.300 | Full details of the proposed mitigation measures are included within the accompanying Outline CTMP within Appendix 10.1: Outline Construction Traffic Management Plan and Outline CEMP within Appendix 4.3: Outline Construction Environmental Management Plan. | oCTMP and oCEMP. |
| 10.329 | No additional mitigation, beyond that already set out to support the Proposed Development itself, is proposed given that the Outline CTMP is set out in a way that requires coordination with the relevant Highway Authorities, which will include a mechanism to avoid clashes of network availability and alignment of CTMP measures. This will already be subject to a DCO requirement and can therefore be effectively secured and enforced | Para 5.13 and 6.3 of the oCTMP, secured by dDCO Requirement 10. |

| Location in ES | Item of Mitigation | Q3.3 (a) - Where it is secured in dDCO or management plans? |
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| **Chapter 11 - Noise [APP-160]** | | |
| 11.82 | Noise was considered during the Site design process in the placement of solar plant (inverters and Medium Voltage (MV) transformers). A stand-off distance of at least 100m is currently proposed between solar plant and residential properties. | Para 2.2.3.6 of the oCEMP [APP-090], secured by dDCO Requirement 9. |
| 11.83 | For the Operational phase there will be string inverters at the end of each row of panels. Insofar as reasonably possible, and as an acknowledgement of potential noise from the inverters, the Applicant will aim to place these items on row ends away from the Site boundaries in proximity to residential receptors. The location of equipment and specification of equipment chosen for the operational phase will be determined when finalising the design specification. | Para 1.4.2 of the oOEMP [APP-091], secured by dDCO Requirement 11. |
| 11.84 | For both construction and operational phases, the Site access points and traffic routes are located away from the nearest villages of Rosliston and Walton-on-Trent, reducing the perceived noise from traffic associated with the Site. | Para 3.3 - 3.8 of oCTMP [APP-148], secured by Requirement 10 of the dDCO. |
| 11.85 | For construction, there is an aim to "do minimum" to the Site. This means soil stripping, trench building and drainage ditches are minimised. Concreting operations are restricted to the transformer / the Proposed Development's substation / BESS compounds, and if required pad foundations for solar panels over the water main through the south of the Site. | Para 2.2.3.5 of the oCEMP, secured by dDCO Requirement 9. |
| 11.86 | During construction, the principles presented with BS 522811 section 7.3 Execution of works will be followed: *"All available techniques should be used to minimize, as far as is appropriate, the level of noise to which operators and others in the neighbourhood of site operations will be exposed".* These include consideration to the hours of working, quiet working methods where reasonably practicable, control of the construction noise at source, and control of the spread of noise (section 8 of BS 5228). | Sections 2.2.2 and 2.2.3 of the oCEMP, secured by Requirement 9 of the dDCO. |
| 11.87 | In addition, Best Practical Means as described in the Control of Pollution Act 1974 will be adopted including: Selection of low noise plant and construction techniques where possible. Application of noise silencers. Application of rubber linings in dumpers to reduce noise impact. Minimise drop height of materials. All plant to be properly maintained and operated in accordance with manufacturer's instructions. Any fixed construction plant items to be located as far from noise sensitive properties as possible and screened if required and practical with temporary hoardings. | Sections 2.2.3.3 of the oCEMP, secured by Requirement 9 of the dDCO. |
| 11.88 | Furthermore, the construction will occur during daytime hours only, which is detailed in the Outline Construction Environmental Management Plan (CEMP). The proposed working hours are 07:00-19:00 hours on weekdays during the summer (with reduced hours in winter months), 08:00–14:00 hours on Saturdays, and no working on Sundays, Bank or Public Holidays without the written approval of the local planning authority. | Para 1.15.1 of the oCEMP, secured by dDCO Requirement 9. |
| 11.89 | The proposed location of equipment is set out within the Work Plans (See Appendix 1.3: Work Plans) however the exact location and specification of operational equipment will be determined when finalising the design specification. The design specification of any operational plant will consider noise emissions in their selection; the quietest plant will be selected where other non-acoustic design considerations allow (subject to available acoustic data). | Para 2.2.3.7 of the oCEMP, secured by dDCO Requirement 9. |

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| | Note that the Applicant will be required to undertake and submit a noise assessment to the local planning authority prior to the commencement of works on Site (DCO requirement 15) to confirm it will not adversely affect noise sensitive receptors. | dDCO Requirement 15. |
| | A noise complaint procedure is also included in the Operational Environmental Management Plan (see Appendix 4.4). | Para 4.5.1 of the oOEMP, secured by dDCO Requirement 11. |
| 11.90 | Where reasonably possible, plant will be selected to provide oversizing and redundancy to ensure equipment is operating below maximum capacity (highest noise levels typically occur when plant is operating at maximum capacity). | Para 2.2.3.2 of oCEMP, secured by dDCO Requirement 9. |
| 11.115 | Appropriate construction noise mitigation would be incorporated into the CEMP/CTMP | Section 2.2 of the oCEMP, secured by dDCO Requirement 9. |
| 11.116 | The CEMP will include: control of working hours | Para 2.2.1 of the oCEMP, secured by dDCO Requirement 9. |
| | A requirement to liaise with the local planning authority and nearby affected stakeholders where planned works outside of these hours is considered necessary; | Para 2.2.1.3 of the oCEMP, secured by dDCO Requirement 9. |
| | Appropriate control of access routes to the Site; | Para 5.15 of the oCTMP, secured by dDCO Requirement 10. |
| | Management of arrival of HGVs; | Para 5.15 of the oCTMP, secured by dDCO Requirement 10. |
| | Appropriate noise and vibration action levels. | Section 2.2.2 of the oCEMP, secured by dDCO Requirement 9. |
| 11.117 | The contractor will have a duty to follow the best practice recommendations set out in BS 522811. In particular training of site personnel to raise awareness of noise, the location of noise sensitive receptors nearby, and delivery/access routes. The contractor would also be required to make appropriate checks, keep records that the procedures within the CEMP are being followed, and have a clear complaints procedure. | Section 2.2.3.8 of the oCEMP, secured by dDCO Requirement 9. |
| 11.144 | As part of the detailed design stage, the Applicant will be required to undertake and submit an operational noise assessment to the local planning authority prior to the start of works on site (DCO requirement 15) to demonstrate that detailed design and plant selected do not demonstrably affect noise sensitive receptors in accordance with the conclusions of this assessment. | dDCO Requirement 15.<br><br>Para 2.2.3.2 of the oCEMP, secured by dDCO Requirement 9. |
| | A noise complaint procedure is also included in the Outline Operational Environmental Management Plan (see Appendix 4.4). | Para 4.5.1 of the oOEMP, secured by dDCO Requirement 11. |

| Location in ES | Item of Mitigation | Q3.3 (a) - Where it is secured in dDCO or management plans? |
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| **Chapter 12 - Socio-economics, Tourism and Recreation [APP-163]** | | |
| 12.94 | The Outline CEMP at Appendix 4.3, sets out a number of measures relating to the management of crossing points at PRoW. Crossing points would be manned by a site operative who would ensure site vehicles do not come into conflict with users of the PRoW. Where the Site access tracks cross the PRoW, gates will be erected to prevent members of the public accessing the construction site, and to allow construction vehicles to cross the PRoW safely. These gates would be used by the operatives to allow site vehicles across the PRoW when it is safe to do so. If there are users of the PRoW approaching a crossing, they would get priority to continue their journey unless a vehicle was already in the process of crossing. Out of working hours, the PRoW would remain open and accessible. There would be a strict speed limit onsite during construction. | Para 2.10.1 - 2.10.3 of the oCEMP [APP-090], secured by dDCO Requirement 9. |
| 12.95 | No mitigation is required beyond measures to be included in the CTMP to mitigate effects on local events at Catton Hall and The National Memorial Arboretum as set out in Chapter 10: Transport and Access | Para 3.19 and 5.13 of the oCTMP [APP-148], secured by dDCO Requirement 10. |
| 12.105 | A proposed permissive path has been included in the application, to connect existing PRoW in the local area. It will connect the Cross Britain Way with footpaths SD13/4/1 and SD/13/1/1 to the south-east of the Oaklands Farm area. The route is shown in Appendix 5.6: Outline Landscape and Ecological Management Plan. The permissive path will be linked into the wider landscape and ecological management of the Site with hedgerow and wildflower planting adding to the visual and biodiversity value of the path. An interpretation board on solar energy will be provided and is included in Appendix 5.6: Outline Landscape and Ecological Management Plan. | Para 2.10.4 of the oCEMP, secured by dDCO Requirement 0. |
| 12.107 | The Proposed Development could provide a valuable educational resource for the local area and could be visited by schools and local community groups using the Cross Britain Way and proposed permissive path. | Para 2.10.5 of the oCEMP, secured by dDCO Requirement 9. |
| 12.113 | No additional mitigation is required beyond what each scheme is expected to commit to. For example, it is assumed all schemes will have some form of mitigation such as a CEMP, CTMP and Landscape and Ecological Management Plan. | Secured by Requirements 9, 10 and 8 respectively in the dDCO. |
| 12.135 | As set out in Chapter 5: Landscape and Visual and Chapter 6: Ecology, monitoring of the implementation of mitigation, such as the Landscape and Ecological Management Plan (Appendix 5.6: Outline Landscape and Ecological Management Plan), will be required to ensure the measures address the significant effects as predicted. | Secured by Requirement 8 in the dDCO. |

| Location in ES | Item of Mitigation | Q3.3 (a) - Where it is secured in dDCO or management plans? |
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| **Chapter 13 - Climate Change [APP-165]** | | |
| 13.60 | This mitigation will be implemented to reduce the GHG impact of the Proposed Development and is incorporated into the outline CEMP and CTMP (Appendix 4.3), to be secured by Development Consent Order (DCO) requirement. | Secured by Requirements 9 and 10 respectively in the dDCO. |
| | Specific mitigation measures will include:Increasing recyclability by segregating construction waste to be re-used and recycled where reasonably practicable. | Para 2.5.2.1 of the oCEMP [APP-090], secured by Requirement 9 of the dDCO. |
| | Designing, constructing and implementing the Proposed Development in such a way as to minimise the creation of waste and maximise the use of alternative materials with lower embodied carbon, such as locally sourced products and materials with a higher recycled content where feasible. | Section 2.7.5 of the oCEMP, secured by Requirement 9 of the dDCO. |
| | Reusing suitable infrastructure and resources already available in the Site where possible to minimise the use of natural resources and unnecessary materials (e.g. reusing excavated soil for fill requirements). | Section 2.5 of the oCEMP, secured by Requirement 9 of the dDCO. |
| | Implementing staff minibuses to transport construction personnel to site or using car sharing options where possible. | Para 2.9 of the oCTMP [APP-148], secured by Requirement 10 of the dDCO. |
| | Implementing a Travel Plan to reduce the volume of construction staff and employee trips to the Proposed Development. | Para 2.7.5 of the oCEMP, secured by Requirement 9 of the dDCO. |
| | Switching vehicles and plant off when not in use and ensuring construction vehicles conform to current UK emissions standards. | Para 2.7.5 of the oCEMP, secured by Requirement 9 of the dDCO. |
| | Conducting regular planned maintenance of the construction plant and machinery to optimise efficiency. | Para 2.7.5 of the oCEMP, secured by Requirement 9 of the dDCO. |
| 13.68 | Mitigation will be implemented to reduce the GHG impact of the Proposed Development, as previously outlined in the Embedded Mitigation (paragraph 13.60) that relates to the construction, operational and decommissioning phases. | Section 2.7 of the oCEMP, secured by Requirement 9 of the dDCO. |
| 13.96 | Mitigation will be implemented to reduce the GHG impact of the Proposed Development, as previously outlined in the Embedded Mitigation section paragraph 13.60). Therefore no additional mitigation is required. | Section 2.7 of the oCEMP, secured by Requirement 9 of the dDCO. |
| 13.172 | Proposed landscape mitigation and enhancement measures (see Appendix 5.6: Outline Landscape and Ecological Management Plan) for the Site will include the planting of new hedgerows, woodland understory belts with trees to filter views and species rich meadow grassland. | Paras 4.25 - 4.38 of the oLEMP [APP-105], secured by Requirement 8 of the dDCO. |
| | Existing hedgerows will be enhanced and where necessary will also be strengthened with trees to screen or filter views. | Paras 4.9, 4.31 - 4.33 of the oLEMP, secured by Requirement 8 of the dDCO. |
| | Consideration has been given to measures to cope with climate change at the Site, for example by planting resilient plant species so as to exploit the opportunity climate change presents to create ‘valuable new landscapes’, in line with Natural England guidance. | Para 2.7.2 of the oCEMP, secured by Requirement 9 of the dDCO. |

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| 13.177 | The ecological mitigation and enhancements within the Proposed Development (see Appendix 5.6: Outline Landscape and Ecological Management Plan) will increase resilience to the ecological effects of climate change, through the creation and enhancements of hedgerows, creation of woodland understory planting with trees, including along the river corridor to the north of the Oaklands Farm area as well as creation of meadows along the field margins and in more open areas. This will improve ecological connectivity within the Site therefore increasing the ability of species to move and adapt, via the provision of habitats of high ecological value and/or those which provide a clear ecosystem service such as carbon storage through tree planting and improvements in relation to water and soil erosion through the provision of attenuation measures. In addition, the creation of new habitats noted above and the provision of bird and bat boxes will be beneficial for both bat and bird species offering both new shelter and foraging opportunities | Para 2.7.3 of the oCEMP, secured by Requirement 9 of the dDCO. |
| 13.178 | To prevent the spread of invasive species, in this case Japanese Knotweed, measures such as toolbox talks, marking and protective fencing will be implemented prior to commencing construction works. Best practice working measures will also be incorporated into the CEMP and control measures will be included in the Landscape and Ecological Management Plan (See Appendix 5.6: Outline Landscape and Ecological Management Plan) during the operation of the Proposed Development. | Para 2.8.5 of the oCEMP, secured by Requirement 9 of the dDCO.<br><br>Para 5.29 - 5.30 of the oLEMP, secured by Requirement 8 of the dDCO. |
| 13.184 | The UKCP18 projections show a general trend towards warmer winters and hotter, drier summers. This has been taken into consideration when designing the landscaping strategy (See Figure 5.8a and 5.8b: Landscape Strategy Plan) for the Proposed Development to ensure the species selected for planting on the Site are resilient to wild fires. The landscape strategy includes a mixture of deciduous trees including field maple, crab apple, pedunculate oak, aspen and small leaved lime. These species are considered to be more fire resilient than coniferous trees (which are drier and contain more volatile oils and resins that can more easily catch fire). | Para 4.39 of the oCEMP, secured by Requirement 9 of the dDCO. |
| 13.185 | Whilst UK near surface wind speeds are expected to increase in the second half of the 21st century, with winter months in particular experiencing more significant impacts of winds, the Proposed Development will be designed to deal with the maximum loading expected. This includes the provision of woodland understorey belts with trees, new hedgerows with hedgerow trees and the enhancing and strengthening of existing hedgerows to fill in gaps where necessary, helping to filter and slow wind speeds throughout the Proposed Development. The landscaping design is shown in Figures 5.8a and 5.8b: Landscape Strategy Plan. | Para 4.39 of the oLEMP, secured by Requirement 8 of the dDCO. |

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| 13.187 | As temperatures are projected to increase along with the frequency and intensity of winter storms, this brings an increased risk of discomfort, particularly for permanent employees working at the Proposed Development during its operational life. To avoid employee discomfort, for example during periods of extreme temperatures or increased precipitation, construction and operational activities will be managed so that the hottest or wettest/coldest parts of the day are avoided to ensure worker safety, although it is noted that this may not always be possible during the construction phase. The design, orientation and positioning of welfare facilities for staff will also be carefully considered. Additionally, the risk of overheating/hypothermia will be incorporated into the Site risk assessment and the Proposed Development will comply with all relevant UK legislation related to the work environment including The Health and Safety at Work etc. Act 1974 and The Management of Health and Safety at Work Regulations 1999. This will include measures such as ensuring appropriate personal protective equipment (PPE) is worn for the Site conditions and adequate water supplies are available to ensure staff stay hydrated during hotter weather. | Para 2.7.4 of the oCEMP, secured by Requirement 9 of the dDCO. |

| Location in ES | Item of Mitigation | Q3.3 (a) - Where it is secured in dDCO or management plans? |
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| **Chapter 14 - Glint & Glare [APP-167]** | | |
| 14.78 | A mitigation requirement has been identified for two sections of the unnamed regional road and a section of Coton Road, totaling approximately 600m. | Para 2.7 of the oLEMP [APP-105], secured by Requirement 8 in the dDCO. |
| 14.79 | To eliminate the significant effects to road users, mitigation in the form of new planting, hedgerow enhancement and hedgerow infilling has been included within the Outline Landscape and Ecological Management Plan (Appendix 5.6: Outline Landscape and Ecological Management Plan) and will be implemented by the Applicant to obscure the reflecting solar panels from view. It is good practice to ensure the surrounding existing vegetation is maintained at a height and density such that it provides adequate screening to the surrounding road users and dwellings. | Para 2.7 of the oLEMP, secured by Requirement 8 in the dDCO. |
| 14.80 | Temporary screening will be utilised where new planting is proposed to obscure the reflecting solar panels from view prior to the new planting reaching maturity. | Figure 1b of oLEMP (Item 14), secured by Requirement 8 of the dDCO. |
| 14.90 | It is recommended that the temporary screening and proposed planting, identified in Appendix 5.6: Outline Landscape and Ecological Management Plan, is monitored throughout the lifetime of the Proposed Development to ensure views of the Site are significantly obstructed. | Paras 5.44 - 5.48 of the oLEMP, secured by Requirement 8 of the dDCO. |

| Location in ES | Item of Mitigation | Q3.3 (a) - Where it is secured in dDCO or management plans? |
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| **Chapter 15 - Agriculture and Soils [APP-169]** | | |
| 15.60 | The trafficking of soils during construction should so far as possible be carried out in suitable conditions. An oSMP is appended to the CEMP (Appendix 4.3) which reflects this principle and is considered as embedded mitigation in the assessment. | Para 1.4.2 of Appendix 1 of the oCEMP [APP-090], secured by Requirement 9 of the dDCO. |
| 15.61 | The oSMP sets out the best practice for installing the panels, including the time of the year and assessments of soil conditions. The land quality and soils will not be affected unless there is significant compaction that is not alleviated. As described above and in the oSMP, the machinery involved in installing the solar PV arrays is smaller than most farm machinery, so this is not a significant risk of compaction. | Para 1.8.1 of Appendix 1 of the oCEMP, secured by Requirement 9 of the dDCO. |
| 15.62 | The risk comes from travelling on the land in unsuitable conditions. This could result in surface damage or, in some limited cases, compaction of soils. These effects are all capable of rectification, because they will be limited to the main traffic areas (e.g., between the rows and construction haul routes). These areas, if restored in suitable conditions, will not suffer any adverse effects on soils. Compaction needs to be substantial and deep (below 35cm), in most cases, before land quality is downgraded and the ALC methodology assumes most compaction can be alleviated. The oSMP sets out how compaction can be assessed and alleviated. | Para 1.7.8 of Appendix 1 of the oCEMP, secured by Requirement 9 of the dDCO. |
| 15.70 | As set out in the oSMP, the installation will so far as possible avoid periods of unsuitable weather when soil is likely to be unsuitable for trafficking. Heavy rainfall can affect ground conditions even in summer. So far as possible trafficking over the land will only take place when the ground is adequately dry, but that is not always possible. The machinery involved in installing the panels is generally smaller than farm machinery, and no long-term damage is likely to ensue. | Para 1.4.2 of Appendix 1 of the oCEMP, secured by Requirement 9 of the dDCO. |
| 15.73 | As set out in the oSMP, in areas where there is a clear subsoil and topsoil distinction, the topsoil should be placed on one side of the trench, and the subsoil on the other. Then once the cable has been laid the subsoil can be added back first, then the topsoil second, to reinstate the soil structure to its original order and state. | Para 1.7.2 of Appendix 1 of the oCEMP, secured by Requirement 9 of the dDCO. |
| 15.87 | The handling of soils during the installation of the cable is set out in the oSMP within Appendix 4.3: Outline Construction Environmental Management Plan. The installation methodology will involve stripping off the topsoil and setting that to one side. The subsoils will then be stripped and placed in a separate bund to the topsoils. | Para 1.7.2 of Appendix 1 of the oCEMP, secured by Requirement 9 of the dDCO. |
| 15.98 | As set out at paragraph 15.60 embedded mitigation is provided in the form of an oSMP. No additional mitigation is necessary. | Appendix 1 of the oCEMP, secured by Requirement 9 of the dDCO. |
| 15.142 | No additional mitigation is required beyond what each scheme is expected to commit to. For example, it is assumed all schemes will have a CEMP. | oCEMP secured by Requirement 9 of the dDCO. |
| 15.151 | There is no requirement for further survey. The SMP should be followed during the construction, operation and decommissioning phases. The content of the SMP will be updated prior to commencement in order to reflect any changes in the agricultural use of the land and baseline, although no changes are expected. | Appendix 1 of the oCEMP, secured by Requirement 9 of the dDCO. |

| Location in ES | Item of Mitigation | Q3.3 (a) - Where it is secured in dDCO or management plans? |
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| **Chapter 16 - Other Issues [APP-177]** | | |
| **Criminal Activity** | | |
| 16.2 | Instances of theft of copper wiring and other materials and equipment have been reported at solar farms globally. Unauthorised access has the potential to result in fire if persons are intent on damage/sabotage. To prevent unauthorised access, during all stages of the Proposed Development the Site will be suitably secure to protect from criminal damage. This includes secure fencing and gated entrances, CCTV and remote monitoring, and lighting of critical areas (secured within the CEMP, OEMP and DEMP). On site staff during all phases will also act as a deterrent to criminal activity. | Section 1.24.1 of the oCEMP [APP-090], secured by dDCO Requirement 9.<br><br>Para 3.4.4 of the oOEMP [APP-091], secured by dDCO Requirement 11.<br><br>Table 2 of the oDEMP [APP-092], secured by dDCO Requirement 22. |
| **Fire Risk** | | |
| 16.23 | An Outline Battery Storage Safety Management Plan (OBSSMP) has been prepared (see Appendix 4.6) and its implementation will be secured by a requirement of the DCO. The OBSSMP sets out the risks associated with fires from BESS equipment and identifies how risks can be minimised including: To identify and prevent battery fire or 'thermal runaway' conditions from developing, the first defence is internal fire detection and suppression systems built into each battery container. This can consist of water or aerosol-based sprinkler or misting systems, which form part of the standard component of a BESS facility, along with smart sensors connected to automated shut-down systems, in the event of overheating, or the appearance of faults. | Para 4.2.4 of the oBSMP [APP-093], secured by Requirement 12 of the dDCO. |
| | The next level of protection is to ensure suitable separation distances between battery units to prevent the spread of fire or heat from an affected unit to those surrounding it, while also allowing emergency access and escape to aid a safe response. | Para 4.2.2 of the oBSMP, secured by Requirement 12 of the dDCO. |
| | 24-hour remote surveillance of the BESS to ensure quick response times to potential fires and secure fencing with CCTV to restrict access to authorised personnel only. | Para 4.2.3 and 4.4.2 of the oBSMP, secured by Requirement 12 of the dDCO. |
| | The battery energy storage facility can be easily accessed by emergency vehicles in the event of a fire as the access tracks will be of an adequate size for HGVs and therefore also fire engines. | Para 5.2 of the oBSMP, secured by Requirement 12 of the dDCO. |
| | An additional layer of protection is the provision of significant quantities of water within the BESS compound to dowse and cool any battery units at risk of overheating and going into thermal runaway (this is in addition to the fire suppression system built into each battery container). | Para 5.3 of the oBSMP, secured by Requirement 12 of the dDCO. |
| | To prevent risks to environment from contaminated fire water, there will be a drainage system installed in the sub-base of the BESS compound and the Proposed Development's substation area that will drain to an underground tank or Sustainable Drainage System (SuDS) pond with shut-off and separating capabilities for containment and testing of water prior to discharge or removal. Regular monitoring and maintenance of BESS equipment will assist with detecting faults and ensure optimal operation of the system. | Para 4.4.3 and 5.6 of the oBSMP, secured by Requirement 12 of the dDCO. |

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| 16.24 | In addition to the above, and to comply with requirements in National Planning Practice Guidance Renewable and low carbon energy4 and guidance from the National Fire Chiefs Council an Emergency Response Plan and a Fire Service Site Specific Risk Assessment will be produced for the Site. This will be secured through the OEMP (Appendix 4.4), the implementation of which is secured via a Requirement to the DCO. The Emergency Response Plan will include contact details for emergency services and other key responders; identify a Suitably Authorised Person to isolate the batteries before any firefighting can begin; indicate escape routes and the location of firefighting equipment on site; and will include a firefighting strategy. Derbyshire Fire and Rescue will be consulted on the final Emergency Response Plan prior to construction commencing. | Section 5.4.7 of the oOEMP, secured by Requirement 11 of the dDCO. |
| **Health & Safety** | | |
| 16.28 | The Proposed Development, including all construction and operation activities, will comply with all relevant UK legislation including: The Health and Safety at Work etc. Act 1974. The Construction (Design & Management) Regulations 2015. The Management of Health & Safety at Work Regulations 1999. The Waste Batteries and Accumulators Regulations 2009. | Section 1.25 of the oCEMP, secured by dDCO Requirement 9. |
| 16.29 | The CEMP, OEMP and DEMP all contain measures to ensure the health and safety of workers. All staff and contractors working on the construction of the Proposed Development will be required to comply with the safety procedures set out in these management plans. | Section 1.25 of the oCEMP, secured by dDCO Requirement 9. |
| 16.30 | To ensure hazards are appropriately managed, a risk assessment will be undertaken for all major construction activities, with measures put in place to manage any hazards identified. For example, appropriate on-site management of construction vehicles to avoid accidents or injury. | Section 1.25 of the oCEMP, secured by dDCO Requirement 9. |
| 16.31 | Security fencing will be erected around the Proposed Development boundary during construction. In addition, more robust palisade fencing will be erected around the Proposed Development's substation compound and BESS, and CCTV will be installed on metal masts up to 3.5m in height for additional safety and security. | Section 1.25 of the oCEMP, secured by dDCO Requirement 9. |
| 16.32 | Existing electricity transmission and distribution lines which pass through the Site present a risk including the potential for construction vehicles (cranes etc.) to collide with the power lines and pylons collapsing on the solar PV panels. Exclusion zones agreed in consultation with network operators either side of overhead and underground lines have been maintained to allow access to the pylons by network maintenance teams, while providing suitable construction access for the safe use of tall solar construction equipment. | Section 1.25 of the oCEMP, secured by dDCO Requirement 9. |
| 16.33 | The presence of the underground 132kV cable connecting the Proposed Development's substation with the National Grid Drakelow substation could also pose a risk if landowners decide to carry out intrusive works in the future. This will be mitigated with the use of typical safety measures for underground utility installations such as burying assets below plough depth (typically 900mm below surface), signposting of the cable route on the surface with poles/markers, underground markers such as tiles and safety tape placed above cabling to alert workers during excavations, and information provided to the landowner highlighting the risk of impacting the underground cable which can be shared with future landowners. Land agreements will include plans showing the approximate routing of the installed cabling, and title updated to reflect the easement(s) to ensure any parties who may acquire the land in the future will be aware of the asset's location. | Section 1.25 of the oCEMP, secured by dDCO Requirement 9. |

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| 16.34 | As detailed in Chapter 12: Socio-economics, Tourism and Recreation the Cross Britain Way crosses the north of the Oaklands Farm area. To facilitate the construction of a small section of the proposed access track, banks men will monitor the Cross Britain Way and ensure users cross the construction works area safely. There will be no closure of the Public Right of Way (PRoW). | Para 2.10.1 of the oCEMP, secured by dDCO Requirement 9. |
| 16.35 | Following the construction of the access tracks, users of the Cross Britain Way will be able to cross the access tracks without the need for banksmen, as signage, gates and fencing will be in place to prevent unauthorised access to the Site via the access tracks. If a vehicle needs to cross the PRoW, suitable warning signage and a site operative will ensure construction traffic will not conflict with PRoW users. A strict speed limit of 15 miles per hour (mph) on surfaced and 10 mph on unsurfaced haul roads and work areas will also be implemented on site during the construction works. | Section 2.10 of the oCEMP, secured by dDCO Requirement 9. |
| 16.36 | Once operational, the Proposed Development will not impact the ability of the public to access the PRoW. Any permanent gates which provide access into the Proposed Development will be kept locked and used by authorised personnel only. The proposed new permissive path (for walking only) will only be usable by members of the public once construction on the Site is complete, to avoid the potential for conflicts between construction activities and users on the new path. | Para 4.7 of the oOEMP, secured by dDCO Requirement 11. |
| 16.37 | Measures to control noise and dust are set out in the CEMP to protect PRoW users from experiencing adverse noise and dust effects. This will be secured through a DCO requirement. This will include use of water-assisted dust sweepers to reduce dust from vehicles accessing and egressing the Site, locating dust causing activities away from sensitive receptors, and removing materials that have a potential to produce dust from site as soon as possible, unless being re-used on site. | Section 2.4 of the oCEMP, secured by dDCO Requirement 9. |
| | In terms of noise, equipment choice will be driven by noise considerations, with the use of equipment silencers or mufflers considered if necessary. Noisy equipment and operations are to be located away from noise sensitive receptors where possible. Plant and equipment will be regularly maintained to reduce noise effects and set construction working hours will help to limit noise effects on neighbours. | Section 2.2 of the oCEMP, secured by dDCO Requirement 9. |
| **Air Quality** | | |
| 16.68 | The mitigation measures embedded within the Construction Environmental Management Plan in Appendix 4.3, taken from the IAQM guidance are as follows: Display the name and contact details of person(s) accountable for air quality and dust issues on the site boundary. This may be the environmental manager/engineer or the site manager. | Para 2.4.2 of the oCEMP, secured by dDCO Requirement 9. |
| | Display the head or regional office contact information. | Para 2.4.2 of the oCEMP, secured by dDCO Requirement 9. |
| | Record all dust and air quality complaints, identify cause(s), take appropriate measures to reduce emissions in a timely manner, and record the measures taken. | Para 2.4.4 of the oCEMP, secured by dDCO Requirement 9. |
| | Make the complaints log available to the local authority when asked. | Para 2.4.4 of the oCEMP, secured by dDCO Requirement 9. |
| | Record any exceptional incidents that cause dust and/or air emissions, either on- or off- site, and the action taken to resolve the situation in the log book. | Para 2.4.4 of the oCEMP, secured by dDCO Requirement 9. |
| | Carry out regular site inspections to monitor compliance with the DMP, record inspection results, and make an inspection log available to the Local Authority when asked. | Para 2.4.5 of the oCEMP, secured by dDCO Requirement 9. |

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| | Increase the frequency of site inspections by the person accountable for air quality and dust issues on site when activities with a high potential to produce dust area being carried out and during prolonged dry or windy conditions. | Para 2.4.5 of the oCEMP, secured by dDCO Requirement 9. |
| | Plan the site layout so that machinery and dust-causing activities are located away from receptors, as far as is possible. | Para 2.4.6 of the oCEMP, secured by dDCO Requirement 9. |
| | Erect solid screens or barriers around dusty activities or the site boundary that are at least as high as any stockpiles on site. | Para 2.4.6 of the oCEMP, secured by dDCO Requirement 9. |
| | Avoid site runoff of water or mud. | Para 2.6.5 of the oCEMP, secured by dDCO Requirement 9. |
| | Ensure all vehicles switch off their engines when stationary. | Para 2.4.9 of the oCEMP, secured by dDCO Requirement 9. |
| | Limit the use of diesel or petrol-powered generators and use mains electricity or batterypowered equipment where practicable. | Para 2.4.9 of the oCEMP, secured by dDCO Requirement 9. |
| | Only use cutting, grinding or sawing equipment fitted or in conjunction with suitable dust suppression techniques such as water sprays or local extraction, e.g., suitable local exhaust ventilation systems. | Para 2.4.7 of the oCEMP, secured by dDCO Requirement 9. |
| | Ensure an adequate water supply on the site for effective dust/particulate matter suppression/mitigation, using non-potable water where possible and appropriate. | Para 2.4.7 of the oCEMP, secured by dDCO Requirement 9. |
| | Use enclosed chutes, conveyors and covered skips. | Para 2.4.8 of the oCEMP, secured by dDCO Requirement 9. |
| | No bonfires and burning of waste materials | Para 2.4.8 of the oCEMP, secured by dDCO Requirement 9. |
| **Waste** | | |
| 16.101 | The waste management plans referred to in the CEMP, OEMP and DEMP are embedded mitigation measures and will be agreed in advance of construction, operation and decommissioning as necessary. No additional mitigation is required. | Section 2.5 of the oCEMP, secured by dDCO Requirement 9.<br><br>Section 4.8 of the oOEMP, secured by dDCO Requirement 11.<br><br>Table 2 in the oDEMP, secured by dDCO Requirement 22. |
| Table 16.11 | Management of waste via relevant licensed waste receivers with emphasis on reuse and recycling ahead of disposal to landfill. Waste management plans to be secured as part of CEMP, OEMP and DEMP. | Section 2.5 of the oCEMP, secured by dDCO Requirement 9.<br><br>Section 4.8 of the oOEMP, secured by dDCO Requirement 11.<br><br>Table 2 in the oDEMP, secured by dDCO Requirement 22. |
| **Human Health** | | |

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| Table 16.9 | CEMP – measures to minimise and control dust, noise, vibration and odour | Section 2.2, 2.4 and 2.5 of the oCEMP, secured by dDCO Requirement 9. |
| | CEMP – measures to minimise and control air pollution. | Section 2.4 of the oCEMP, secured by dDCO Requirement 9. |
| | CEMP – measures to minimise and control noise. | Section 2.2 of the oCEMP, secured by dDCO Requirement 9. |
| | Embedded: CEMP/ OEMP/ DEMP – safety of PRoW users during construction, operation and decommissioning. | Section 2.10 of the oCEMP, secured by dDCO Requirement 9.<br><br>Section 4.7 of the oOEMP, secured by dDCO Requirement 11.<br><br>Table 2 in the oDEMP, secured by dDCO Requirement 22. |
| | Embedded: Permissive path management outlined in Appendix 5.6: Landscape and Ecological Management Plan | Para 4.12 of the oLEMP, secured by dDCO Requirement 8. |
| | Embedded: CEMP/ OEMP/ DEMP provide measures related to site security and crime. | Section 1.24.1 of the oCEMP, secured by dDCO Requirement 9.<br><br>Para 3.4.4 of the oOEMP, secured by dDCO Requirement 11.<br><br>Table 2 of the oDEMP, secured by dDCO Requirement 22. |
| **Telecommunications** | | |
| 16.151 | If, during operation of the Proposed Development, Airwave identifies degradation of the performance of the link, mitigation options will be available. These could include: Increasing the heights of the dishes on either link end so that the link path is vertically further from the solar panels; Re-networking where an extra node (link end) is added to the link so that the path is taken away from the solar farm; and Increasing the link frequency, which could be less susceptible to interference. | Para 4.10 of the oOEMP, secured by dDCO Requirement 11. |
| 16.156 | Ground penetrating radar and other suitable techniques will be used before excavation to identify any unknown utilities and this will be followed by consultation and agreement of construction / mobilisation methods prior to works commencing. | Section 1.26 of the oCEMP, secured by dDCO Requirement 9. |
| 16.157 | In addition, consultation with regards to Protective Provisions has also taken place and where any existing utility assets are likely to be impacted Protective Provisions will be sought to be agreed with that provider. Thereafter any works within an agreed distance of the asset will require to be undertaken in accordance with the requirements set out in the Protective Provisions. As measures are in place to ensure the protection of all utility assets it can be concluded that no adverse effects on utilities are expected. | Section 1.26 of the oCEMP, secured by dDCO Requirement 9. |

| Location in ES | Item of Mitigation | Q3.3 (a) - Where it is secured in dDCO or management plans? |
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| **Appendix 17.1 - Schedule of Mitigation [APP-179]** | | |
| **Table 17.1.1** | A stand-off distance of at least 100m is proposed between solar plant and residential properties to ensure that the Proposed Development is not dominant or overwhelming in main views. This has been increased to up to 150m for some of the properties that will experience direct views of PV panels. This stand off distance will also ensure that noise from solar plant (inverters and Medium Voltage (MV) transformers) is reduced for properties surrounding the Site. String inverters will be placed on row ends away from receptors where required. The stand off distances also help to reduce glint and glare. The Proposed Development's substation and Battery Energy Storage System (BESS) has been moved from its previously proposed location at the PEIR1 stage near to the centre of the Oaklands Farm area, in a flatter area that is free of on-site constraints and near existing and proposed tracks. The BESS is also a potentially material noise source and moving it to the centre of the Oaklands Farm increases its distance from residential receptors to avoid adverse noise effects. | Para 1.13.1 of the oCEMP [APP-090], secured by dDCO Requirement 9. |
| | Access tracks have been designed to utilise existing farm tracks where possible and to follow field boundaries. They will be kept away from highly visible slopes where possible, will avoid tree root protection areas and badger setts where possible. Access tracks will be surfaced with locally sourced stone chippings which responds to the local vernacular or will be grass corridors (the adjacent grassland will be allowed to extend across the edges of the permanent operational tracks, reducing the extent of the visibility of tracks in the landscape). | Para 2.7 of the oLEMP [APP-105], secured by dDCO Requirement 8. |
| | Existing ancient and veteran trees, hedgerows and ancient woodland habitat will be retained as far as possible. A 5m buffer will be implemented between the Proposed Development infrastructure and the retained hedgerows. Application of appropriate buffer distances around trees with high and moderate bat roost suitability during works. Buffer of at least 15m from ancient woodland. | Para 2.7 of the oLEMP, secured by dDCO Requirement 8. |
| | The ground beneath and around the structures will remain as pasture suitable for light sheep grazing with benefits for surface water run off and avoiding erosion of bare, exposed soils. Sheep will be kept out of certain habitats which could be affected by grazing through the use of simple stock fencing. | Para 4.29 of the oLEMP, secured by dDCO Requirement 8. |
| | The Cross Britain Way / National Forest Way long distance path which crosses the Site will not be changed or diverted. A new Permissive path will link the Cross Britain Way / National Forest Way long distance path with Coton in The Elms FP 1 (SD13/1/1). | Para 2.10 of the oCEMP, secured by dDCO Requirement 9. |

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| | Deer fencing is designed to integrate into the agricultural landscape character (wooden poles with steel wire mesh and potentially a single line of barbed wire). Where additional security is required along Coton Road, wire mesh fencing with steel posts will be installed. The fencing will include mammal gaps at the base of the fence to allow dispersal of mammals, including badger and hedgehog. These gaps will be 20-30cm in size. Screening in the form of mesh netting will be installed on the fencing on the north side of Coton Road to mitigate glint and glare effects until the proposed planting has matured. | Fencing along Cotton Road - Para 1.24.2 of the oCEMP, secured by dDCO Requirement 9.<br><br>Mammal gaps - Para 4.48 of the oLEMP, secured by dDCO Requirement 8. |
| | The panels will be installed using methods to reduce the extent of excavation and concreting required, by piling the supporting structures into the ground. Use of concrete pads for panel mounting structure instead of piling into the ground is available where necessary, such as when in close proximity to an existing water pipe. | Para 1.13.1 of the oCEMP, secured by dDCO Requirement 9. |
| | To help integrate equipment more sympathetically into the landscape, the 2.4m high palisade fencing around the Proposed Development's substation and the BESS will be coloured a mute green or similar, and the BESS and transformers will be coloured a dark and recessive colour such as Merlin grey (RAL 180 40 05/BS 18B25) or similar. The colour will be agreed with the Local Planning Authority. | Para 1.13.1 of the oCEMP, secured by dDCO Requirement 9.<br><br>Detailed design approval (including external appearance and fencing) required by dDCO Requirement 5. |
| | No operational lighting is proposed other than alarm lights on transformer stations that are only activated in case of trespass or attempted theft. | Para 4.10 of the oOEMP, secured by dDCO Requirment 11. |
| | The BESS, inverters, transformers and the Proposed Development's substation will not be sited within the fluvial or surface water flood risk areas | Para 1.13.1 of the oCEMP, secured by dDCO Requirement 9. |

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| | For both construction and operational phases, the Site access points and traffic routes are located away from the nearest villages of Rosliston and Walton-on-Trent, reducing the noise emissions from traffic associated with the Site. Chapter 11: Noise Chapter 10: Transport and Access Consideration has been given to the design of the construction access points and to the movement of vehicles within the Site to ensure optimal efficiency in the movement of staff and equipment whilst maintaining the safety of users on the local highway network (for example, separate entrance and exit points off Walton Road to provide one-way system for HGVs during construction, and new dedicated Temporary Construction Haul Road across private land for all HGV traffic, to avoid HGV traffic going through villages of Walton-on-Trent and Rosliston and to limit HGV traffic on the local road network). Visibility has been considered for all construction and operational access points, and where necessary permanent visibility splays based on assessment of traffic, road speeds and vehicle characteristics have been implemented. Multiple existing farm access points for small construction and operational vehicles are utilised around the site to offer flexibility and to disperse small construction vehicle traffic throughout local road network as much as possible. Existing farm access points for operational traffic and small construction vehicles are "in-only" due to visibility concerns when exiting Site onto road network - all operational traffic and small construction vehicles will exit the site at the crossroads on Coton Road (which has permanent visibility splays). Temporary solutions for visibility during construction include temporary traffic lights, banskmen and signage. | oCTMP, secured by dDCO Requirement 10.<br><br>Para 3.4.1 of the oOEMP, secured by Requirement 11. |
| | Plant will be selected to provide oversizing and redundancy to ensure equipment is operating below maximum capacity (highest noise levels typically occur when plant is operating at maximum capacity) | Para 2.2.3.2 of the oCEMP, secured by dDCO Requirement 9. |
| | The Applicant has consulted with utilities operators to identify necessary easement corridors required for the overhead lines and other utility assets that cross the Site. Where necessary construction methods have been discussed where construction activities (e.g. cabling) need to cross assets. | Para 1.26 of the oCEMP, secured by dDCO Requirement 9. |
| | For construction, there is an aim to "do minimum" to the Site. This means soil stripping, trench digging and drainage ditches are minimised. Concreting operations are restricted to the transformer / the Proposed Development's substation / BESS compounds, and if required pad foundations for solar panels over the water main through the south of the Site. | Para 2.2.3.4 of the oCEMP, secured by dDCO Requirement 9. |

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| | The proposed drainage strategy is detailed in Appendix 8.1: Flood Risk Assessment and Outline Drainage Strategy. As far as possible and in accordance with SuDS best practice, the key principle of the strategy is source control whereby all surface water run-off is discharged to ground as close to the point of interception as possible. This will include: -solar panel arrays will allow incidental run-off to infiltrate to ground below the panels.-all trackways constructed to be permeable (i.e. unsealed), and as such will maintain infiltration capacity similar to the bare soil cover under the current scenario.-where concrete pads are required a gravel-filled drainage trench shall be constructed around the structure, thus providing soakaway capacity equivalent to the infiltration capacity lost beneath the structure. The drainage has been designed to ensure that operational phases do not contribute to polluted run-off or increase surface flows entering watercourses. Control of surface water runoff, including from damping down, to prevent contamination of waterbodies. Any temporary site drainage system to be developed to prevent silt-laden run-off being discharged into sewers or surface watercourses. | Appendix C of the oCEMP, secured by dDCO Requirement 9. |
| | The BESS will comprise a 100% impermeable sub-base with drainage infrastructure built into or below the sub-base to divert runoff to a lined contaminant tank/pond in the unlikely event of a battery fire. Once in the tank testing, flow control and pumping will ensure the safe discharge and removal of the water. Control valves will be engaged at the earliest detection of a fire to initiate release of the surface and fire water contaminant. The BESS units will be surrounded by suitable bunds and the containment tank/pond lined to ensure fire-fighting water and associated contaminants do not leach into the environment. Under normal operations surface water runoff will bypass the containment tank/pond and drain to the northwest towards the existing drainage channel, ultimately discharging into watercourse approximately 300m north-west of the BESS/substation. | Para 6.4.3 of Appendix C of the oCEMP, secured by dDCO Requirement 9. |
| | In order to inform the design of the Proposed Development, a programme of intrusive site investigation will be required. This is a pre-commencement requirement in the DCO. During this process, the site investigation will target potential areas of made ground infill to former pits, reservoirs/ponds and in the area of former buildings at New Barn. Soil sampling, laboratory analysis and a suitable assessment shall then be undertaken in accordance with current best practice in order to ascertain the potential risk posed to ground conditions human health and the wider environment. | Para 1.23 of the oCEMP, secured by dDCO Requirement 9. |
| **Table 17.1.2** | **Pollution Prevention - contamination, noise, dust, lighting, drainage, soil management** | |
| | During construction, the principles presented with BS 522811 section 7.3 Execution of works will be followed: “All available techniques should be used to minimise, as far as is appropriate, the level of noise to which operators and others in the neighbourhood of site operations will be exposed”. These include consideration to the hours of working, quiet working methods where reasonably practicable, control of the construction noise at source, and control of the spread of noise (section 8 of BS 5228). | Para 2.2.2.1 of the oCEMP, secured by dDCO Requirement 9. |

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| | Best Practical Means as described in the Control of Pollution Act 1974 will be adopted including: - Selection of low noise plant and construction techniques where possible. - Application of noise silencers. - Application of rubber linings in dumpers to reduce noise impact. - Minimise drop height of materials. - All plant to be properly maintained and operated in accordance with manufacturer's instructions. - Any fixed construction plant items to be located as far from noise sensitive properties as possible and screened if required and practical with temporary hoardings. Control of working hours and liaison with the Local Authority and nearby affected stakeholders where planned works outside of these hours is considered necessary. | Para 2.2.3.2 of the oCEMP, secured by dDCO Requirement 9. |
| | Adhere to dust management issues set out in the CEMP. Record all dust and air quality complaints, identify cause(s), take appropriate measures to reduce emissions in a timely manner, and record the measures taken. Make the complaints log available to the local authority when asked. Record any exceptional incidents that cause dust and/or air emissions, either on- or off- site, and the action taken to resolve the situation in the log book. | Section 2.4 of the oCEMP, secured by dDCO Requirement 9. |
| | Carry out regular site inspections to monitor compliance with the Dust Management Plan, record inspection results, and make an inspection log available to the Local Authority when asked. Increase the frequency of site inspections by the person accountable for air quality and dust issues on site when activities with a high potential to produce dust area being carried out and during prolonged dry or windy conditions. Plan the site layout so that machinery and dust-causing activities are located away from receptors, as far as is possible. Erect solid screens or barriers around dusty activities or the site boundary that are as at least as high as any stockpiles on site. Only use cutting, grinding or sawing equipment fitted or in conjunction with suitable dust suppression techniques such as water sprays or local extraction, e.g., suitable local exhaust ventilation systems. Ensure an adequate water supply on the site for effective dust/particulate matter suppression/mitigation, using non-potable water where possible and appropriate. Minimise drop heights from conveyors, loading shovels, hoppers and other loading or handling equipment and use fine water sprays on such equipment wherever appropriate. No bonfires and burning of waste materials. | Section 2.4 of the oCEMP, secured by dDCO Requirement 9. |
| | Switching vehicles and plant off when not in use and ensuring construction vehicles conform to current UK emissions standards. | Section 2.7.5 of the oCEMP, secured by dDCO Requirement 9. |
| | Avoid the use of diesel or petrol-powered generators and use mains electricity or battery-powered equipment where practicable. | Section 2.4.9 of the oCEMP, secured by dDCO Requirement 9. |
| | Adhere to silt management plan measures within the CEMP, referencing the protection of overland flow paths and all watercourses within and adjacent to the Site. Soil stockpiles to be located away from overland flow paths and water bodies, and outside of the River Mease Special Area of Conservation (SAC) catchment, and to be seeded as soon as possible, covered with geotextile mats and/or surrounded by a bund. | Para 2.6.4 of the oCEMP, secured by dDCO Requirement 9. |

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| | Lighting of temporary construction compounds will be restricted to agreed working hours and that which is necessary for security. Lighting will follow the following methods to avoid impacts on bats: Careful aiming, positioning and selection of luminaires to avoid lighting retained and created habitats. White light will not be used (preferable colours are 3000°k to 2700°k with peak wavelengths greater than 550nm). Lighting units will result in zero upward light output. Column heights will be minimised as far as practicably possible without resulting in an unnecessary increase of the overall number of lighting columns. As a last resort, the incorporation of shields, baffles and cowls fitted to the luminaires. | Para 1.16 of oCEMP, secured by dDCO Requirement 9. |
| | Fuel and other potentially polluting chemicals to be stored in a secure impermeable and bunded storage area outside the River Mease SAC catchment. Refuelling and maintenance to be undertaken within the site compound away from all watercourses within or adjacent to the Site and outside the River Mease SAC catchment. Fixed plant to be self-bunded, mobile plant to be kept clean and in good working order, and fitted with drip trays, where appropriate. Spillage kits and oil absorbent material to be carried by mobile plant/vehicles and located at vulnerable locations (e.g. crossings of land drains/ditches). Tidy storage on Site will also minimise impacts on views. Tools and plant to be washed and cleaned in designated areas within the site compound where runoff can be isolated for treatment before discharge to watercourse/ground or sewer under appropriate consent. | Para 1.20.1 of oCEMP, secured by dDCO Requirement 9. |
| | Maintain a stand-off from watercourses, with no works undertaken within an 8m easement with the exception of water crossings. The turf in these stand-off areas shall be maintained intact and undisturbed throughout the construction phase, thus forming a vegetated filter strip, providing protection to the watercourses from silt and run-off. These vegetated filter strips shall be protected during the works by use of silt fencing, barrier fencing, soil berm or similar to clearly demarcate the stand-off areas and to provide a barrier to movement of plant and migration of silt as required. | Para 2.6.4 of oCEMP, secured by dDCO Requirement 9. |
| | Adhere to Soils Management Plan (SMP) to reduce any detrimental impact and degradation to soils on the Site. Measures include sealing of all soils in storage areas (stockpiles) using an excavator bucket at the end of each shift, to minimise the potential for sediment to be washed off during a rainfall event. Formation of all stockpiles outside of the 8m works stand-off zones adjacent to watercourses/ ditches. Where long-term storage of soil is planned, vegetation on stockpiles shall be allowed to naturally regenerate and/ or be seeded to facilitate a cover of vegetation. Restoration of any areas which are disturbed during construction, including those areas used as a construction compound, to be undertaken immediately following completion of the Proposed Development | Appendix 1 of oCEMP, secured by dDCO Requirement 9. |
| | Diversion of surface water from areas of bare soil within the construction area in pond/ lagoon areas for it to drain to ground. Where volumes and infiltration rates prevent this, water will be allowed to drain to the watercourses only if it is suitably free of visual evidence of silt or other contamination. Where water is visibly turbid (silt-laden) or impacted by contaminants, it shall be treated prior to discharge using one or a combination of; a proprietary water treatment system (e.g. silt-buster); hay bale and/ or sedimat weirs or mats or similar; temporary grips and/ or; proprietary silt filtration devices (e.g. Naylor's SmartFilter). | Para 2.6.5 of oCEMP, secured by dDCO Requirement 9. |

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| | The weather forecast will be monitored daily throughout in order to predict periods of likely heavy rainfall. Where heavy rainfall is predicted works may need to be suspended. Ahead of a period of forecasted heavy rain, an inspection of the works will be carried out to assess areas susceptible to sediment run-off and additional precautions and measures will be implemented as necessary. Examples of such precautions include additional sediment trap weirs and covering of stockpiles. | Para 2.6.5 of oCEMP, secured by dDCO Requirement 9. |
| | Implement and adhere to Site waste management plan to ensure the control of waste on Site. Minimise the creation of waste and maximise the use of alternative materials with lower embodied carbon, such as locally sourced products and materials with a higher recycled content where feasible. Reusing suitable infrastructure and resources already available in the Site where possible to minimise the use of natural resources and unnecessary materials (e.g. reusing excavated soil for fill requirements). Segregate construction waste to be re-used and recycled. | Section 2.5 of oCEMP, secured by dDCO Requirement 9. |
| | **Protection of Habitats and Species** | |
| | Existing trees and hedgerows will be protected in accordance with best practice (BS 5837:2012. Trees in Relation to design, demolition and constructions - Recommendations) during the construction period. Where required for root protection construction of track using a cellular confinement system ('no dig'). | Para 2.8.6 of the oCEMP, secured by dDCO Requirement 9. |
| | Trees identified as having low bat roost suitability will be felled using soft felling techniques. This will involve the section felling of trees and then gently lowering each section in a controlled manner to ground. The sections will be left for at least 24 hours with the features in an upright position to enable bats to vacate. This would be completed at a sensitive time of year in spring/autumn to avoid the breeding season. | Para 2.8.5 of the oCEMP, secured by dDCO Requirement 9. |
| | A pre-construction badger survey will be undertaken by an ecologist to update the sett locations and status at least three months prior to construction. All badger setts will be demarcated prior to works. No construction works will be undertaken within 30m of an active badger sett during the breeding season between November and June inclusive. Should a sett be discovered on or within 30m of the works, works should be stopped, and a suitably qualified ecologist must be contacted to advise on how best to proceed Any vehicle traffic within close proximity of a badger sett will be subject to a 5mph speed limit. Any works undertaken within 30m of a badger sett will be completed under a Natural England badger disturbance licence as necessary. Mitigation measures required under the licence may include timing of works to avoid the breeding season and adapting working methods to minimise disturbance. A construction method statement/toolbox talk will be provided in relation to badger to ensure that precautionary methods are followed, including safe storage of materials and substances, measures to prevent badgers from entering construction activities within the Site and becoming trapped in excavations or materials, and control measures including construction traffic speed controls. The storage of topsoil or other 'soft' building materials on site will be given careful consideration. Badgers will readily adopt such mounds as setts. To avoid the adoption of any mounds by badgers, mounds will be kept to a minimum and any essential mounds will be covered and subject to daily inspections to ensure that no setts have been created. | Para 2.8.5 of the oCEMP, secured by dDCO Requirement 9. |

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| | Pre-inspection checks for otter signs in the vicinity of works and appropriate working practices to avoid disturbance including no night-time working, sensitive construction lighting and appropriate working buffers. All otter holts will be demarcated prior to works. No construction works will be undertaken within 30m of an otter holt. Any vehicle traffic within close proximity of an otter holt will be subject to a 5mph speed limit. Any works undertaken within 30m of an otter holt will be completed under a Natural England Protected Species licence as necessary. | Para 2.8.5 of the oCEMP, secured by dDCO Requirement 9. |
| | Any works that have potential to affect habitats suitable for reptiles such as at Drakelow Power Station or field edges, or known populations of reptiles will be required to undertake the following ecological protection measures: A series of habitat manipulation measures will be implemented to reduce the suitability of the Site for reptiles. These would include strimming any areas of long grass to a height of no more than 15cm during the reptile active season (April to October inclusive). Construction sites can rapidly increase in suitability for reptiles if left unmanaged; therefore, it is important that the habitat manipulation measures are maintained, particularly in the grassland, to prevent reptiles from moving into the Site. In addition, any soils or earth removed and stockpiled as part of proposed works to implement the solar arrays, should be sealed off to prevent any reptiles from using this as a place of refuge and subsequently being injured or killed as a result of movement of materials. If suitable habitats for reptiles such as refugia are removed, they should first be subjected to a destructive search by a suitably qualified ecologist immediately prior to removal. | Para 2.8.7 of the oCEMP, secured by dDCO Requirement 9. |
| | Suitable bird nesting habitat, including hedgerows and trees for non-ground nesting birds and arable and grassland for ground nesting bird species, that will be removed as part of the Proposed Development will be undertaken outside of the bird nesting season between March and August (inclusive). Where this is not feasible, the removal of these habitats will be completed under a watching brief by an ECoW. Where clearance of suitable habitat is programmed during the bird breeding season, prior to works, a suitably qualified person must undertake a survey to determine whether birds are nesting in the area. If a nest is discovered, clearance or other construction works would need to be delayed within an exclusion zone. Works may only recommence once it is confirmed that chicks have fledged and that no other nests are in use within the exclusion zone | Para 2.8.5 of the oCEMP, secured by dDCO Requirement 9. |
| | Pre-construction inspections for invasive non-native species and, if required, the provision of appropriate buffer zones and an eradication programme. Any invasive species within or adjacent to the Site will be demarcated prior to works and will be subject to chemical/manual treatment prior to and during works in accordance with a CEMP, with long-term eradication prescriptions to be detailed and implemented through a LEMP. | Para 2.8.5 of the oCEMP, secured by dDCO Requirement 9. |
| | Implementation of appropriate biosecurity measures in accordance with best practice. | Para 2.1.2 of the oCEMP, secured by dDCO Requirement 9. |
| | Specific surveys to be undertaken within three months prior to commencement of construction (subject to the habitat features present), or within a suitable timeframe to support NE species licensing, include the following: - Habitat survey to determine whether conditions have changed as a result of changes in land management (and implications for protected species surveys). - Bat Roost Assessment of trees - Badger survey - Nesting bird survey should vegetation removal be required within the bird nesting season Other protected species surveys if deemed necessary following the above habitat survey. | Para 2.8.5 of the oCEMP, secured by dDCO Requirement 9. |

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| | Capping of any exposed pipe systems when contractors are off site and providing exit ramps from any exposed trenches or holes to prevent animals getting stuck. | Para 2.8.5 of the oCEMP, secured by dDCO Requirement 9. |
| | **Heritage** | |
| | Accidental damage to heritage assets (e.g. arising from vehicle movements in the vicinity of the Park Farm listed building). | Para 2.9.4 of the oCEMP, secured by dDCO Requirement 9. |
| | Any archaeological works to be undertaken in line with Written Scheme of Investigation (WSI). | Section 2.9 of oCEMP, secured by dDCO Requirement 9. |
| | **Site Management - Communications with neighbours and Site Staff** | |
| | Crossing points at PRoW will be manned by a site operative to ensure site vehicles do not come into conflict with users of the PRoW. Gates will be erected to prevent members of the public accessing the Site, and to allow vehicles to cross the PRoW safely. Out of working hours, the PRoW would remain open and accessible. | Section 2.10 of the oCEMP, secured by dDCO Requirement 9. |
| | Enrolling in the Considerate Constructors Scheme (CCS) to assist in reducing pollution, including GHGs, from the Proposed Development by employing good industry practice measures. | Para 2.7.5 of the oCEMP, secured by dDCO Requirement 9. |
| | Development of and adherence to a Safe System of Work under the Health and Safety at Work Act 1974 and CDM (2015 ) | Para 1.25.7 of the oCEMP, secured by dDCO Requirement 9. |
| | Display the name and contact details of person(s) accountable for environmental issues on the site boundary. This may be the environmental manager/engineer or the site manager. Display the head or regional office contact information. | Para 2.4.2 of the oCEMP, secured by dDCO Requirement 9. |
| | An emergency response plan will be prepared as part of the CEMP and prior to construction. The emergency response plan will include (but not be limited to) chemical/fuel spillage, flood events, fire, explosions, structural collapse | Para 2.6.8 of the oCEMP, secured by dDCO Requirement 9. |
| | Toolbox talks or other training to be provided to site staff on relevant site environmental issues to ensure precautionary working methods are adhered to | Para 1.5.2 of the oCEMP, secured by dDCO Requirement 9. |
| | Community Liaison with local residents to discuss the programme of works and discuss the measures put in place to minimise impacts | Section 1.17 of the oCEMP, secured by dDCO Requirement 9. |
| **Table 17.1.3** | **Additional Mitigation Meaures** | |
| | Landscaping, planting and ecological enhancement measures as set out in Appendix 5.6 - Outline Landscape and Ecological Management Plan. This will include the provision of the following measures: - Measures to mitigate the impact of habitat loss, damage, disturbance and contamination during construction will be dealt with via a LEMP. | Chapter 5 of the oLEMP, secured by dDCO Requirement 8. |
| | Replacement roost features, such as bat boxes will be installed prior to the loss of trees identified as having low bat roost suitability. | Para 4.17 of the oLEMP, secured by dDCO Requirement 8. |
| | Proposals will include the provision of tree, scrub and hedgerow planting, which will mitigate the loss of the small number of trees and localised sections of hedgerow and scrub that will be lost during construction. | Para 4.31 - 4.39 of the oLEMP, secured by dDCO Requirement 8. |
| | Proposals will include for the replacement of grassland habitat, including species-rich grassland along the edges of the fields and in more open areas of the Site. | Para 4.25 - 4.30 of the oLEMP, secured by dDCO Requirement 8. |
| | Provision of bird boxes, including for barn owl. | Para 4.49 - 4.50 of the oLEMP, secured by dDCO Requirement 8. |
| | Additional planting will be provided - hedgerow and tree planting will mitigate the loss of nesting bird habitats. | Para 4.50 of the oLEMP, secured by dDCO Requirement 8. |

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| | Habitat creation and management as outlined by the LEMP. This includes the provision of planting of hedgerows, scrub and woodland within and in the wider area of the Site and the creation of species-rich grassland, particularly along the boundaries of the field and in open areas where solar arrays are not proposed. This will mitigate for impacts to badger arising from habitat fragmentation by providing alternative, more suitable habitat for these species to forage, disperse and to build new setts. | Para 3.24 of the oLEMP, secured by dDCO Requirement 8. |
| | Provision of an interpretation board. Planting will also provide screening and visual improvements of benefit to users of local PRoW network. | Figure 1b of oLEMP, secured by dDCO Requirement 8. |
| | A suitable programme of mitigation to address harm to, or loss of, heritage assets would be drawn up in consultation with the archaeological advisor to SDDC. This is likely to comprise a staged programme of archaeological works set out as a Written Scheme of Investigation. This mitigation will not reduce the level of effects to the heritage assets but will provide a record of the features lost as a result of development, preserving them by record. This follows industry best-practice to address effects to heritage assets. | Section 2.9 of oCEMP, secured by dDCO Requirement 9. |
| | If unexpected contamination encountered on Site, the applicant will adhere to Land Contamination Risk Management best practice implementing a programme of site investigation, assessment and remediation and/ or risk management shall be implemented in the construction phase. Soil sampling, laboratory analysis and contaminated land assessment shall then be undertaken in accordance with LCRM and current best practice to ascertain the potential risk posed to ground conditions human health and wider environment. If this assessment determines that remediation or risk management is required to address any potential risks posed by made ground, a process of remediation options appraisal, remediation strategy, remediation implementation and verification shall be entered into. This work shall improve the ground conditions such that any risks posed are reduced to acceptable levels. | Section 1.23 of oCEMP, secured by dDCO Requirement 9. |
| | A proposed permissive path has been included in the application, to connect the existing PRoW in the local area. The permissive path will be linked into the wider landscape and ecological management of the Site with hedgerow and wildflower planting adding to the visual and biodiversity value of the path. | Para 4.12 of the oLEMP, secured by dDCO Requirement 8. |
| | In relation to land drains, if required, the Applicant will replace or repair any land drains found to be damaged during construction | Section 2.6.5 of oCEMP, secured by dDCO Requirement 9. |
| | Adhere to Construction Traffic Management Plan including: Proposed construction vehicle routing that disperses construction traffic across the study area so as to limit the magnitude of impact on sensitive receptors. | Para 3.25 and 3.31 of the oCTMP [APP-148], secured by dDCO Requirement 10. |
| | Temporary signage and traffic control. | Para 4.1 - 4.3 of the oCTMP, secured by dDCO Requirement 10. |
| | Temporary Construction Haul Road to contain internal trips within the Site. | Para 5.26 of the oCTMP, secured by dDCO Requirement 10. |
| | Limited operational hours, e.g., to avoid traditional highway peak traffic hours during the AM (08:00-09:00) and PM (17:00-18:00), and school pick-up and drop off-periods. | Para 5.5 of the oCTMP, secured by dDCO Requirement 10. |
| | Core working hours between 07:00 and 19:00 on weekdays and between 08:00 and 13:00 on Saturday, arriving up to one hour before and leaving one-hour after to allow for set-up and closedown activities. | Para 4.6 - 4.8 of the oCTMP, secured by dDCO Requirement 10. |

| | | |
|---|---|---|
| | Staggered timing of inbound and outbound construction traffic movements. | Para 5.10 of the oCTMP, secured by dDCO Requirement 10. |
| | Designated 'routing staff' to enforce construction vehicle routes. | Para 5.14 - 5.16 of the oCTMP, secured by dDCO Requirement 10. |
| | Traffic Management Group to enforce and update all measures as and if necessary. | Para 6.3 - 6.6 of the oCTMP, secured by dDCO Requirement 10. |
| | Ensure that construction traffic does not impact the running of local events if they were to operate during the week or set up of events. This includes the potential for days with limited and/or restricted construction vehicle activities. Temporary signage may be erected along construction traffic routes on the local road network to provide access and routing information. These will be placed to ensure that construction vehicles and staff are able to travel directly to Site from the wider SRN and Major Road Network (MRN). Locations of the temporary signage will be agreed with DCC and SCC ahead of installation. | Para 5.13 of the oCTMP, secured by dDCO Requirement 10. |
| | Vehicles will be called forward to the Site using telephone or radio, with qualified personnel and guards positioned at the following locations along the construction delivery routes | Para 5.14 of the oCTMP, secured by dDCO Requirement 10. |
| | Access points directly off the local highway network onto Temporary Construction Haul Routes and Site access. | Para 5.14 of the oCTMP, secured by dDCO Requirement 10. |
| | Presence of security will also stop any non-permitted vehicles into the Site and remove any potential for parked or obstructive vehicles that could impact on vehicle and passenger delay, or vehicle and pedestrian safety. | Para 5.15 of the oCTMP, secured by dDCO Requirement 10. |
| | Management of Abnormal Indivisible Load deliveries. | Para 5.31 -5.33 of the oCTMP, secured by dDCO Requirement 10. |
| | Implementation of a Travel Plan to reduce the volume of construction staff and employee trips to the Proposed Development. to consider staff minibuses to transport construction personnel to site or using car sharing options where possible | Para 2.9 of the oCTMP, secured by dDCO Requirement 10. |
| | Parking allocation within the site for construction workers to negate the need for any parking on the local highway network. | Para 2.8 and 5.15 of the oCTMP, secured by dDCO Requirement 10. |
| **Table 17.1.4** | **Further Surveys / Monitoring Requirements** | |
| | The Landscape and Ecological Management Plan will be monitored to ensure that it delivers the desired level of mitigation and the measures address the significant effects as predicted. This will include ensuring that vegetation is planted and managed appropriately, and that vegetation establishes properly and is replaced if required. Vegetation management will also include ensuring visibility splays are kept clear and that screening for glint and glare is effective. | Chapter 5 of the oLEMP, secured by dDCO Requirement 8. |
| | Ecological monitoring requirements are associated with the level of potential impacts and the success of mitigation delivery. Monitoring will be undertaken in accordance with best practice guidance and techniques for specific ecological receptors. The aim of monitoring will be to evaluate the effectiveness of habitat creation proposals, in terms of the extent, distribution, and quality of habitats. Further survey and monitoring will include: - Assessing habitat creation and management including areas of species-rich grassland, woodlands, scrub and hedgerow (years 1, 2 and 5) - Use of bat roost features including boxes (years 1, 2 and 5). | Chapter 5 of the oLEMP, secured by dDCO Requirement 8. |

| | | |
|---|---|---|
| | Monitoring of CEMP, OEMP and DEMP to ensure an appropriate feedback loop is in place, allowing remedial measures and operational refinements to be identified and implemented if required. | Section 1.4 of the oCEMP, secured by dDCO Requirement 9.<br><br>Section 6 of the oOEMP, secured by dDCO Requirement 11.<br><br>Section 6 of the oDEMP [APP-092], secured by dDCO Requirement 22. |
| | A targeted site investigation, assessment and (if necessary) remediation of made ground soils within areas of filled ground on Site (pits, reservoir and ponds) and areas of former buildings (New Barn) will be undertaken as part of the construction phase of the Proposed Development. | Para 1.23 of the oCEMP, secured by dDCO Requirement 9. |
| | There will be continued consultation with DCC and SDDC to understand the evolving programme for delivery of the Walton on Trent Bypass. | Para 6.13 of the oCTMP, secured by dDCO Requirement 10. |
| | Arrangements for further consultation, liaison and monitoring are included in the Outline Traffic Management Plan. | Para 6.3 - 6.6 and 6.13 of the oCTMP, secured by dDCO Requirement 10. |
| | The Abnormal Indivisible Loads movements will be subject to a separate application and permitting scheme, currently administered by National Highways. This process will be supported by additional route assessment and validation, including additional surveys as required. | Para 5.31 - 5.33 of the oCTMP, secured by dDCO Requirement 10. |
| | Pre-construction checks for utilities and other infrastructure. | Section 1.26 of the oCEMP, secured by dDCO Requirement 9. |

# Appendix B

# Question 4.3

# Excerpt of Signed Grid Connection Agreement

7th February 2024

**DATED**

**NATIONAL GRID ELECTRICITY SYSTEM OPERATOR LIMITED (1)**

**and**

**OAKLANDS FARM SOLAR LIMITED (2)**

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# AGREEMENT TO VARY THE BILATERAL CONNECTION AGREEMENT AND CONSTRUCTION AGREEMENT FOR OAKLANDS FARM AT DRAKELOW 132KV SUBSTATION

**Ref: A/BAYWA/DRAK/19/1911-EN(2)**

**THIS AGREEMENT TO VARY** is made on the 7th day of February 2024

**BETWEEN**

(1) **NATIONAL GRID ELECTRICITY SYSTEM OPERATOR LIMITED** a company registered in England and Wales with number 11014226 whose registered office is at 1-3 Strand, London, WC2N 5EH (**"The Company"**, which expression shall include its successors and/or permitted assigns); and

(2) **OAKLANDS FARM SOLAR LIMITED** a company registered in England and Wales with number 12915335 whose registered office is at 22 Chancery Lane, London, WC2A 1LS (the **"User"**, which expression shall include its successors and/or permitted assigns).

**WHEREAS**

(A) Pursuant to the **Transmission Licence**, **The Company** has prepared a **Connection and Use of System Code** (**"CUSC"**) setting out the terms of the arrangements for connection to and use of the **National Electricity Transmission System** and the provision of certain **Balancing Services.**

(B) **The Company** and the **User** are parties to the **CUSC Framework Agreement** being an agreement by which the **CUSC** is made contractually binding between parties.

(C) In accordance with the **CUSC The Company** and the **User** entered into a **Bilateral Connection Agreement** (the **"Bilateral Connection Agreement"**) (as amended) and **Construction Agreement** (the **"Construction Agreement"**) (as amended) (reference number A/BAYWA/DRAK/19/1911-EN(1) dated 12 November 2021) in respect of Drakelow 132kV Substation.

(D) **The Company** and the **User** have now agreed to enter into this Agreement in order to amend the terms of the **Bilateral Connection Agreement** and **Construction Agreement** as follows.

**NOW IT IS HEREBY AGREED** as follows:

## 1. DEFINITIONS

Unless the subject matter or context requires or is inconsistent therewith terms and expressions defined in Section 11 of the **CUSC** and in the **Bilateral Connection Agreement** and **Construction Agreement** have the same meanings, interpretations or constructions in this Agreement.

## 2. BILATERAL CONNECTION AGREEMENT VARIATIONS

The **Bilateral Connection Agreement** shall be varied with effect from the date hereof as follows:

2.1 Appendices A, B, C, D, F1, F2, F3, F4 and F5 annexed to the **Bilateral Connection Agreement** shall be deleted and Appendices A, B, C, D, F1, F2, F3, F4 and F5 annexed to this Agreement shall be substituted therefor.

2.2 Appendix D (Site Specific Technical Requirements) attached to this Agreement shall be annexed to the **Bilateral Connection Agreement** and the Contents Page amended accordingly.

## 3. CONSTRUCTION AGREEMENT VARIATIONS

The **Construction Agreement** shall be varied with effect from the date hereof as follows:

3.1 Appendices B1, G, H, I, J, K, L, MM, N and O annexed to the **Construction Agreement** shall be deleted and Appendices B1, G, H, I, J, K, L, MM, N and O annexed to this Agreement shall be substituted therefor.

## 4. CONTRACTS (RIGHTS OF THIRD PARTIES) ACT 1999

The parties hereto hereby acknowledge and agree for the purposes of the Contracts (Rights of Third Parties) Act 1999 that no rights, powers or benefits are or shall be conferred on any person pursuant to this Agreement except for such rights, powers or benefits as are expressly conferred on the parties hereto in accordance with, and subject to, its terms.

**IN WITNESS WHEREOF** the hands of the duly authorised representatives of the parties hereto at the date first above written

SIGNED BY )
Biniam Haddish )
[redacted]
CE6794A5D9B849E...

for and on behalf of )

**NATIONAL GRID ELECTRICITY SYSTEM** )

**OPERATOR LIMITED** )

SIGNED BY John Milligan )
[redacted]
, 2023 11:18 GMT)

MD )
Dec 6, 2023

for and on behalf of )

**OAKLANDS FARM SOLAR LIMITED** )

# APPENDIX C

## CONNECTION ENTRY CAPACITY AND TRANSMISSION ENTRY CAPACITY AND DEMAND LIMIT

| | |
|---|---|
| User: | BAYWA R.E. UK Limited |
| Connection Site: | Drakelow 132kV Substation |

---

### Part 1 Connection Entry Capacity

Connection Entry Capacity expressed as an instantaneous MW figure.

| | CEC (MW) |
|---|---|
| Power Station | 162.3 MW |

### Part 2 Transmission Entry Capacity

Transmission Entry Capacity (TEC) expressed in average MW taken over a half-hour settlement period.

| | TEC (MW) |
|---|---|
| Power Station | 162.3 MW |

### Part 3 BM Units Comprising Power Station

To be confirmed

### Part 4 Short Term Transmission Entry Capacity

Not applicable

### Part 5 Limited Duration Transmission Entry Capacity (Block Offer)

Not applicable

### Part 6 Temporary TEC Exchange

Not applicable

### Part 7 Enduring Demand

Demand Limit expressed as an instantaneous MW figure.

| | |
|---|---|
| Power Station | 37.5 MW |

# Appendix C

# Question 9.2

# The Applicant's detailed justification regarding operational phase effects from Yr1 to Yr10

*Q9.2 Mitigation required to reduce operational phase effects from Year 1 to Year 10*

*The Applicant [APP-102, APP-103, APP-106] states that the magnitude of:*

- *landscape effect at the site would reduce from major adverse at Year 1 to moderate adverse at Year 10;*
- *landscape effect at Village Estate Farmlands would reduce from major adverse at Year 1 to moderate adverse at Year 10;*
- *visual effect at Coton Road/ Church Street between Walton-on-Trent and Coton in the Elms would reduce from major adverse at Year 1 to moderate adverse at Year 10;*
- *visual effect at the unnamed road between Walton-on-Trent and Church Street would reduce from moderate adverse at Year 1 to minor adverse at Year 10;*
- *visual effect at Cross Britain Way/ National Forest Way between Walton-on-Trent and Rosliston would reduce from major adverse at Year 1 to moderate adverse at Year 10; and*
- *visual effect at the Public Rights of Way (PRoW) within 2.5km of the site south of the Cross Britain Way/ National Forest Way would reduce from moderate adverse at Year 1 to minor adverse at Year 10.*

*In each case, please provide a detailed justification for why the effects would reduce from Year 1 to Year 10, the specific mitigation measures necessary to achieve that, and how each measure is secured, for example by the Outline LEMP [APP-105]?*

The reduction in levels of landscape and visual effects between Years 1 and 10 is primarily because the planting that is proposed as mitigation will have become established and will be closer to maturity by Year 10. It is also due to the proposed change in management of existing hedgerows, to allow them to grow taller. These proposed mitigation measures will make the landscape more resilient to the change brought upon it by the proposed PV panels, tracks and ancillary structures. In some sense the measures will reduce the susceptibility of the landscape, increasing its ability to accommodate the change through the reinforcement of the landscape structure by planting, which will also increase the screening/ filtering of views. As such, the size, scale and geographical extent of the effects associated with the proposed PV panels, tracks and ancillary structures gradually diminishes.

In order to make the judgements in the LVIA, assumptions have been made with regards to the height that species are planted at and their growth rates. Native species are to be planted in the form of new woodland/ scattered trees, woodland understorey/ native scrub, trees along watercourses, hedgerows and hedgerow trees. An indicative list of species is provided on **Figure 1b: Illustrative Landscape Strategy Plan** in **Appendix 5.6: Outline Landscape and Ecological Management Plan**. These are in accordance with the Planting and Management Guidelines as set out for the Village Estate Farmlands Landscape Character Type (LCT) *[page 10.6 of Part One: Landscape Character Description: 10. Mease/ Sence Lowlands[1]]*. These are likely to be planted as whips/ transplants (at 40-60cm or 60-80cm high), along with some feathered trees (at 1.8-2.4m high). There are various sources of information that provide guidance around growth rates of native species. Ultimately growth rates will vary depending on species, soils and their fertility, water availability, micro-climatic conditions, and the management regime which is adopted. An article written for IEMA by Chris McDermott (The Landmark Practice)[2] states that *"an average annual growth of 30cm per year in the first five years can normally be assumed"* and that *"once established the plants' growth rate will increase and this can be anticipated to reach around 50cm a year for the next 10 years"*. Older sources by The Tree Advice Trust/ Alice Holt Forest (which includes a document from their Arboricultural Advisory and Information Service titled 'M25

[1] The Landscape Character of Derbyshire (fourth edition, March 2014), Derbyshire County Council. Available at: https://www.derbyshire.gov.uk/site-elements/documents/pdf/environment/conservation/landscapecharacter/part-1.10-mease-sence-lowlands.pdf

[2] Predicting tree and hedge growth (24th October 2013), IEMA. Available at: https://www.iema.net/articles/predicting-tree-and-hedge-growth

Planting Scheme – Potential height (m) of trees up to 10 years after planting') provide the estimated heights at Year 10 of several native species, and these are appended to this response to provide further information. The Woodland Trust also provides estimated growth rates of some native trees[3]. The estimated growth rates vary between the different sources of information, but for new woodland/ scattered trees, trees along watercourses, and hedgerow trees (if planted as whips, transplants and with occasional feathered trees), an estimated height of 5-7m has been assumed at Year 10, although recognising that not all species or individuals will reach this height. The proposed mitigation measures also rely on hedgerows being maintained at a height of 3m, particularly along roads, and so newly planted hedgerows could potentially reach this height before Year 10, based on the growth rates assumed, and depending upon the maintenance regime in the intervening years.

Requirement 8 of the draft DCO requires a detailed LEMP to be submitted and approved prior to commencement of development. Requirement 6 of the draft DCO requires that all landscaping works must be carried out in accordance with the approved LMEP and provides for replacement of any tree or shrub planting which fails within a period of five years after planting.

As reported in Chapter 5; Landscape and visual impact assessment of the ES, the proposed planting, once established, will result in some beneficial effects on the landscape character of the site in terms of this aspect of the landcover. The proposals include the planting of scrub, and trees along the Pessall Brook where it flows in the north of the Oaklands Farm landholding. This would help enhance the 'tree lined, pastoral stream corridor' that is identified as a key characteristic of the Village Estate Farmland LCT *[page 10.4 of Part One: Landscape Character Description: 10. Mease/ Sence Lowlands[1]]*, and would align with its management guideline of enhancing 'the visual and ecological continuity of river corridors by management, natural regeneration and planting of riparian trees' *[page 10.6 of Part One: Landscape Character Description: 10. Mease/ Sence Lowlands[1]]*. The proposals also include scattered trees in the north and south of the landholding, helping to reinforce the estate character. The description of the LCT *[4th paragraph in the 'Summary' on page 10.5 of Part One: Landscape Character Description: 10. Mease/ Sence Lowlands[1]]* acknowledges that hedgerow trees are sparse throughout the landscape

[3] British Trees and Shrubs To Plant In Gardens (8th November 2021), Helen Keating - Woodland Trust. Available at: https://www.woodlandtrust.org.uk/blog/2021/11/british-trees-to-plant-in-your-garden/

and are in decline due to the intensification of agriculture, and so the proposed enhancement and strengthening of existing hedgerows, along with newly planted hedgerows (with trees), will restore these features. Whilst not a defining feature of the Village Estate Farmland in the past, the LCT recognises *[4th paragraph in the 'Summary' on page 10.5 of Part One: Landscape Character Description: 10. Mease/ Sence Lowlands[1]]* that woodland cover is increasing due to the National Forest initiative[4]. The proposed woodland, the enhanced/ strengthened existing hedgerows and the newly planted hedgerows will help to 'Re-establish and enhance physical links between existing isolated woodland and hedgerows' – another management guideline of the Village Estate Farmland LCT *[page 10.6 of Part One: Landscape Character Description: 10. Mease/ Sence Lowlands[1]]*. Overall, the proposed measures will provide some benefits (to be considered alongside the adverse effects of the project) to the landscape character of the site and the Village Estate Farmland LCT in the longer term, contributing towards achieving its management guidelines. Once mature, the planting will also reduce the level of effect upon the perceptual qualities of the landscape by helping to soften the impact of the proposed development, helping to integrate it into the existing landscape framework, whilst filtering some of the views of the PV panels and ancillary structures when viewed from the surrounding landscape. As a result, the adverse effects brought upon the landscape by the proposed development will be gradually reduced by the planting over time, until a point when it reaches maturity. As such, and as judged in Chapter 5 of the ES the impacts will gradually reduce in magnitude until around Year 10. There will still be significant effects upon the landscape character of the site and the Village Estate Farmlands at Year 10 given the nature of the proposed development, but by this point, it is judged that the mitigation proposed will be sufficiently well established so as to reduce the level of effects. It is noted that deciduous planting is leafless in winter and so the effectiveness of vegetation as a means of mitigation varies seasonally. Views that may be completely screened by foliage in high summer could be partly filtered by a tracery of branches in winter, for example.

The specific mitigation measures responsible for reducing the overall level of visual effect upon the users of the roads in question are:

[4] National Forest: Our Vision for a Sustainable Future. Available at: https://www.nationalforest.org/about/our-vision

Coton Road/ Church Street between Walton-on-Trent and Coton in the Elms

- the planting of a new hedgerow along the edge of field O2 (replacing an existing hedgerow that will be removed to accommodate a visibility splay), and to be maintained at a height of 3m;
- the planting of a new hedgerow along the southern edge of field O4 and a small part of field O5 (restoring defunct hedgerows), and to be maintained at a height of 3m;
- the retention of existing hedgerows along the edge of field O1 and partly along the edges of fields O2 and O5, that will be allowed to grow taller and maintained at a height of 3m;
- the strengthening of the existing retained hedgerow along the edge of field O3 by infilling gaps with new planting (to be maintained at a height of 3m) and incorporating hedgerow trees estimated to reach a height of 5-7m by Year 10; and
- the planting of scattered trees in the south of field O3, estimated to reach a height of 5-7m by Year 10.

Unnamed road between Walton-on-Trent and Church Street

- the strengthening of the existing retained hedgerow along the edge of field O1 by infilling gaps with new planting (to be maintained at a height of 3m) and incorporating hedgerow trees, estimated to reach a height of 5-7m by Year 10; and
- the planting of a new hedgerow along the south-eastern edge of field O1 (restoring a short section of defunct hedgerow), to be maintained at a height of 3m.

At the heights stated above, the proposed hedgerow planting and existing retained hedgerows along the edges of the roads will filter the views of the proposed development. Views will be more strongly filtered in the summer months when the hedgerows and hedgerow trees are in leaf, with the planting largely obscuring the proposed development. Filtering will be reduced in winter, as branches lose their leaves. As a result, the adverse visual effects experienced by the road users will be gradually reduced over time by the mitigation measures, and as judged in the LVIA, will reduce the magnitude of visual change at Year 10. There will still be a significant adverse effect at Year 10 for users of Coton Road/ Church Street between Walton-on-Trent and Coton in the Elms, as the presence of the PV panels will still partly be apparent across the rolling farmland from intermittent sections of the road, altering its character, and there will be brief oblique views of the security gates at the junctions between fields O1

and O2, and between fields O4 and O5. Chapter 5 of the ES also acknowledges that the proposed mitigation will in itself bring a change to the existing open nature of views (particularly given the proximity of the mitigation measures to the road users). Maintaining hedges at taller heights will alter the experience for people living in or passing through the landscape in the places where the hedges are currently lower, enabling views across the tops of them.

The specific mitigation measures responsible for reducing the overall level of visual effect upon the users of the Cross Britain Way/ National Forest Way between Walton-on-Trent and Rosliston are:

- the planting of a new hedgerow along the northern edge of the route (along the south-western and south-eastern edges of field O22), to be maintained at a height of 3m;
- the planting of new woodland trees and understorey along the northern edge of the route within field O20 estimated to reach a height of 5-7m by Year 10;
- the strengthening of the existing retained hedgerow across the site (including hedgerows immediately south of the route) by infilling gaps with new planting and incorporating hedgerow trees estimated to reach a height of 5-7m by Year 10; and
- the reseeding of field margins with a species rich grassland and wildflower meadow mix.

The proposed hedgerow planting along the northern edge of the route and the strengthened hedgerows immediately south will filter the views of the proposed development once the planting has matured to the heights stated above. The woodland planting in field O20 will filter oblique views experienced from the footpath towards the proposed development along the north-eastern edge of field O23, while the species rich grassland will add interest to the views. Views will be more strongly filtered in the summer months when the hedgerows and trees are in leaf. Therefore, the adverse visual effects experienced by users of the footpath will be reduced over time by the mitigation measures, and as judged in the LVIA, will reduce the magnitude of visual change at Year 10. There will still be a significant adverse effect at Year 10 as the proposed development will still partly be apparent given its proximity to the receptor.

The specific mitigation measures responsible for reducing the overall level of visual effect upon the users of Public Rights of Way (PRoW) within 2.5km of the site south of the Cross Britain Way/ National Forest Way are:

- the strengthening of the existing retained hedgerows across the site (including hedgerows immediately south of the route) by infilling gaps with new planting and incorporating hedgerow trees estimated to reach a height of 5-7m by Year 10; and
- the retention of the existing hedgerow along the south-eastern boundary of the site (Catton Lane), and allowing this to grow taller, maintaining it at a height of 3m.

At the heights stated above, the strengthened hedgerows across the site and existing retained hedgerow along Catton Lane will help filter the views of the proposed development, including when viewed from footpaths SD13/1/1 and SD13/4/1 (where the proposed development will be most noticeable without mitigation in place). Views will be more strongly filtered in the summer months when the hedgerows and trees are in leaf. In winter the opposite will be true. As a result, the adverse visual effects experienced by users of the footpaths will be reduced over time by the proposed mitigation measures, and as judged in the LVIA, will reduce the magnitude of visual change at Year 10.

THE TREE ADVICE TRUST

ARBORICULTURAL ADVISORY and INFORMATION SERVICE

ALICE HOLT LODGE • WRECCLESHAM • FARNHAM • SURREY • GU10 4LH

Tree Helpline: 0897 161147

## M25 Planting Scheme

### Potential height (m) of trees up to 10 years after planting

| Species | Years after planting | | |
|---|---|---|---|
| | 0 | 5 | 10 |
| **Extra heavy standards girth 14-16cm circ.** | | | |
| Cherry | 3.5 | 4.5 | 7.0 |
| Ash | 3.5 | 4.5 | 7.0 |
| Alder | 3.5 | 4.5 | 7.0 |
| | | | |
| **Standards (selected) girth 10-12cm circ.** | | | |
| Birch | 3.0-3.5 | 4.0-4.5 | 6.5-7.0 |
| Cherry | 3.0-3.5 | 4.0-4.5 | 6.5-7.0 |
| Alder | 3.0-3.5 | 4.0-4.5 | 6.5-7.0 |
| Norway maple | 3.0-3.5 | 4.0-4.5 | 6.5-7.0 |
| | | | |
| **Feathered** | | | |
| Oak | 1.8-2.4 | 2.5-3.0 | 5.0-5.5 |
| Ash | 1.8-2.4 | 3.5-4.0 | 5.5-6.0 |
| Alder | 1.8-2.4 | 3.5-4.0 | 5.5-6.0 |
| | | | |
| **Transplants** | | | |
| Field maple | 0.45-0.60 | 2.0-2.5 | 5.0-5.5 |
| Hawthorn | 0.45-0.60 | 2.0-2.5 | 3.0-3.5 |
| Hazel | 0.45-0.60 | 2.0-2.5 | 4.0-4.5 |
| Blackthorn | 0.45-0.60 | 2.0-2.5 | 3.0-3.5 |

**Notes**

1. Predicting growth rates is difficult because there are so many variables that either alone or in combination may prevent growth, cause dieback or complete death of the plant.
2. The above figures are intended as indicative and assume averages throughout
3. Where treeshelters are specified, they could give more rapid early growth but then growth could stop while the crown bushes.

**Aesculus hippocastanum**

| | 5 years | 10 years | 15 years | 20 years |
|---|---|---|---|---|
| Semi-mature 4.5 m-6.5m | 5.0-7.0 | 5.5-7.5 | 6.0-8.0 | 6.5-8.5 |
| Extra Heavy Standard 4.25-6.5m | 5.05-7.3 | 5.85-8.1 | 6.65-9.0 | 9.15-10.5 |
| Standard Trees 3.0-3.5m | 4.15-4.25 | 6.15-6.75 | 7.45-8.25 | 10.0-10.25 |
| Large Feathered Trees 2.4-3.0 | 4.2-4.8 | 6.7-7.3 | 8.7-9.3 | 10.2-10.8 |
| Small Feathered Trees 1.8-2.4 | 4.05-4.65 | 6.55-7.15 | 7.55-8.15 | 9.05-9.5 |
| Transplants 1 + 1 0.45-0.6m | 2.7-2.85 | 5.2-5.35 | 6.2-6.35 | 8.2-8.35 |

**Alnus glutinosa**

| | 5 years | 10 years | 15 years | 20 years |
|---|---|---|---|---|
| Semi-mature 4.5 m-6.5m | 5.0-7.0 | 5.5-7.5 | 6.0-8.0 | 6.5-8.5 |
| Extra Heavy Standard 4.25-6.5m | 5.0-7.25 | 5.8-8.05 | 6.6-8.85 | 8.0-10.25 |
| Standard Trees 3.0-3.5m | 4.1-4.6 | 6.1-6.6 | 7.6-8.1 | 8.5-9.0 |
| Large Feathered Trees 2.4-3.0 | 4.2-4.8 | 6.7-7.3 | 8.7-9.3 | 9.0-9.6 |
| Small Feathered Trees 1.8-2.4 | 4.0-4.6 | 6.5-7.1 | 7.5-8.1 | 8.0-8.6 |
| Transplants 1 + 1 0.45-0.6m | 2.7-2.85 | 5.2-5.35 | 6.2-6.35 | 7.2-7.35 |

**Fraxinus excelsior (+ Prunus avium)**

| | 5 years | 10 years | 15 years | 20 years |
|---|---|---|---|---|
| Semi-mature 4.5 m-6.5m | 4.5-6.5 | 5.5-7.5 | 7.5-9.5 | 10.5-12.5 |
| Extra Heavy Standard 4.25-6.5m | 5.0-7.25 | 6.2-8.45 | 9.0-11.25 | 12.0-14.25 |
| Standard Trees 3.0-3.5m | 4.0-5.5 | 6.2-7.7 | 9.0-10.5 | 12.0-13.5 |
| Large Feathered Trees 2.4-3.0 | 4.5-5.1 | 7.0-7.6 | 10.0-10.6 | 12.5-13.1 |
| Small Feathered Trees 1.8-2.4 | 3.8-4.4 | 6.0-6.4 | 9.5-10.1 | 12.5-13.1 |
| Transplants 1 + 1 0.45-0.6m | 3.0-3.2 | 6.0-6.2 | 9.5-9.7 | 12.5-12.7 |

**Betula pubescens**

| | 5 years | 10 years | 15 years | 20 years |
|---|---|---|---|---|
| Semi-mature 4.5 m-6.5m | 4.5-6.5 | 5.5-7.5 | 6.5-8.5 | 7.5-9.5 |
| Extra Heavy Standard 4.25-6.5m | 5.0-7.25 | 6.0-8.25 | 7.5-9.75 | 9.5-11.75 |
| Standard Trees 3.0-3.5m | 4.0-4.5 | 5.0-5.5 | 6.5-7.0 | 9.0-9.5 |
| Large Feathered Trees 2.4-3.0 | 4.4-5.0 | 6.4-7.0 | 8.5-9.1 | 10.0-10.6 |
| Small Feathered Trees 1.8-2.4 | 4.2-4.8 | 6.7-7.3 | 9.0-9.6 | 11.0-11.6 |
| Transplants 1 + 1 0.45-0.6m | 3.5-3.65 | 7.0-7.15 | 10.0-10.15 | 11.0-11.15 |

**Salix alba (+ Poplus alba)**

| | 5 years | 10 years | 15 years | 20 years |
|---|---|---|---|---|
| Semi-mature 4.5 m-6.5m | 6.0-8.0 | 8.0-10.0 | 11.0-13.0 | 14.0-16.0 |
| Extra Heavy Standard 4.25-6.5m | 6.0-8.25 | 8.0-10.25 | 11.0-13.25 | 14.0-16.25 |
| Standard Trees 3.0-3.5m | 6.0-6.5 | 12.0-12.5 | 16.0-16.5 | 20.0-20.5 |
| Large Feathered Trees 2.4-3.0 | 6.4-7.0 | 13.0-13.6 | 18.0-18.6 | 23.0-23.5 |
| Small Feathered Trees 1.8-2.4 | 6.8-7.4 | 13.0-13.6 | 18.0-18.6 | 23.0-23.6 |
| Transplants 1 + 1 0.45-0.6m | 6.0-6.15 | 13.0-13.15 | 18.0-18.15 | 23.0-23.15 |

**Quercus robur**

| | 5 years | 10 years | 15 years | 20 years |
|---|---|---|---|---|
| Semi-mature 4.5 m-6.5m | 4.5-6.5 | 5.4-7.4 | 6.4-8.4 | 7.0-9.0 |
| Extra Heavy Standard 4.25-6.5m | 4.25-6.5 | 5.25-7.0 | 5.2-8.0 | 6.0-8.5 |
| Standard Trees 3.0-3.5m | 3.0-3.5 | 4.0-4.5 | 5.0-5.5 | 6.0-6.5 |
| Large Feathered Trees 2.4-3.0 | 2.8-3.4 | 4.0-5.2 | 5.9-6.4 | 7.0-7.5 |
| Small Feathered Trees 1.8-2.4 | 2.3-2.9 | 3.4-4.0 | 4.7-5.3 | 5.9-6.5 |
| Transplants 1 + 1 0.45-0.6m | 1.6-1.8 | 3.6-3.8 | 5.6-5.8 | 7.6-7.8 |

**Crataegus monogyna**

| | 5 years | 10 years | 15 years | 20 years |
|---|---|---|---|---|
| Semi-mature 4.5 m-6.5m | 5.0-7.0 | 5.7-7.7 | 6.4-8 | 7.0-8.0 |
| Extra Heavy Standard 4.25-6.5m | 5-6.25 | 5.7-6.95 | 6.4-7.65 | 7.0-8.0 |
| Standard Trees 3.0-3.5m | 4.0-4.5 | 5.0-5.5 | 7.0-7.5 | 8.0 |
| Large Feathered Trees 2.4-3.0 | 4.0-4.6 | 5.5-6.1 | 8.0 | 8.0 |
| Small Feathered Trees 1.8-2.4 | 3.0-3.6 | 5.0-5.6 | 8.0 | 8.0 |
| Transplants 1 + 1 0.45-0.6m | 1.6-1.8 | 3.6-3.8 | 5.6-5.8 | 7.6-7.8 |

**Fagus sylvatica**

| | 5 years | 10 years | 15 years | 20 years |
|---|---|---|---|---|
| Semi-mature 4.5 m-6.5m | 4.5-6.5 | 5.4-7.4 | 6.3-8.3 | 7.0-9.0 |
| Extra Heavy Standard 4.25-6.5m | 4.25-6.5 | 5.25-7.5 | 6.25-8.5 | 7.0-9.0 |
| Standard Trees 3.0-3.5m | 4.0-4.5 | 5.0-5.5 | 6.2-6.7 | 7.0-7.5 |
| Large Feathered Trees 2.4-3.0 | 3.9-4.5 | 5.0-5.6 | 7.9-8.5 | 9.9-10.5 |
| Small Feathered Trees 1.8-2.4 | 3.7-4.3 | 5.7-6.3 | 7.7-8.3 | 9.7-10.3 |
| Transplants 1 + 1 0.45-0.6m | 2.3-2.5 | 4.8-5.05 | 7.3-7.5 | 9.8-10.0 |

# Appendix D

# Question 11.6

# Table of Mitigation Measures

| Environmental Effect | Link | Sensitive Receptor (Sensitivity) | Magnitude of Impact | Significance of Effect | Mitigation | Significance of Residual Effect |
|---|---|---|---|---|---|---|
| Note: This table is provided in response to ExQ1 Question 11.6. Mitigation measures will be secured by Requirement 10 (Construction Traffic Management Plan) of the Draft Development Consent Order (DCO) [APP-016]. This table assigns the measures presented within the Outline Construction Traffic Management Plan (OCTMP) to justify the reduction in significance of effect from Moderate (negative) to a significance of residual effect of Minor (negative). The mitigation measures outlined within this table also include the minor modifications to the OCTMP (submitted at Deadline 1) in response to ExQ1 Question 3.3. | | | | | | |
| Scenario 1 | | | | | | |
| Non-motorised amenity | Walton Road | PRoW Route 9<br><br>(Medium) | Moderate | Moderate (negative) | As set out within the EATM guidelines, non-motorised amenity is broadly defined as the relative pleasantness of a journey, which can be affected by traffic flow, traffic composition and pavement width / separation from traffic.<br><br>PRoW 9 commences at Walton Road which would be utilised by construction traffic. As such the relative pleasantness of a journey for non-motorised users along PRoW Route 9 would be reduced and hence was assessed with a magnitude of impact of Moderate.<br><br>As outlined within ES Chapter 4: Appendix 4.4 (Outline Operational Environmental Management Plan) [APP-091], as part of the proposed development, a new permissive path will be installed to improve connections and desire line for users from Lads Grave at the south of the site, to PRoW Route 9 to allow for a north-south connection, increasing the separation between users of the PRoW and construction traffic on Walton Road. It is assessed that the measures implemented would help to improve the amenity of users of the the route and therefore the residual magnitude of impact would be reduced to minor. | Minor (negative) |

| Environmental Effect | Link | Sensitive Receptor (Sensitivity) | Magnitude of Impact | Significance of Effect | Mitigation | Significance of Residual Effect |
|---|---|---|---|---|---|---|
| | | | | | The implementation of mitigation measures to address the PRoW access are secured via Requirement 14 (Public rights of way diversions) of the Draft Development Consent Order (DCO).<br><br>Measures are also outlined within the OCTMP to limit construction vehicle movements during periods where the PRoW Route 9 would typically be busier, namely: Core working hours are limited to 07:00 and 19:00 on weekdays, and between 07:00 and 13:30 on Saturday. The Core working hours are secured by Requirement 10 (Construction Traffic Management Plan) of the draft Development Consent Order. | |
| | Temporary Construction Haul Road | PRoW Route 9<br><br>(Medium) | Moderate | Moderate (negative) | As set out within the EATM guidelines, non-motorised amenity is broadly defined as the relative pleasantness of a journey, which can be affected by traffic flow, traffic composition and pavement width / separation from traffic.<br><br>Prior to mitigation, users of the PRoW would interact with construction traffic as the temporary construction haul road would cross PRoW Route 9. This could reduce the relative pleasantness of a journey for non-motorised users along the PRoW.<br><br>As outlined within ES Chapter 4: Appendix 4.4 (Outline Operational Environmental Management Plan) [APP-091], as part of the proposed development, a new permissive path will be installed to improve connections and desire line for users from Lads Grave at the south of the site, to PRoW Route 9 to allow for a north-south connection. Designated crossing points will be implemented at the junction of the construction haul road and PRoW where operational traffic will be required to give-way to users when utilising crossing points across the construction haul | Minor (negative) |

| Environmental Effect | Link | Sensitive Receptor (Sensitivity) | Magnitude of Impact | Significance of Effect | Mitigation | Significance of Residual Effect |
|---|---|---|---|---|---|---|
| | | | | | road. It is assessed that the measures implemented would help to improve the amenity of users of the route, and therefore the residual magnitude of impact would be reduced to minor.<br><br>The implementation of mitigation measures to address the PRoW access are secured via Requirement 14 (Public rights of way diversions) of the Draft Development Consent Order (DCO).<br><br>Measures are also outlined within the OCTMP to limit construction vehicle movements during periods where the PRoW Route 9 would typically be busier, namely: Core working hours are limited to 07:00 and 19:00 on weekdays, and between 07:00 and 13:30 on Saturday. The Core working hours are secured by Requirement 10 (Construction Traffic Management Plan) of the draft Development Consent Order. | |
| Scenario 2a | | | | | | |
| Severance of communities | Main Street (Stapenhill) | Croft Residential Home<br><br>(High) | Minor | Moderate (negative) | As set out within the EATM guidelines, Severance of Communities is the "perceived division that can occur within a community when it becomes separated by major transport infrastructure".<br><br>As presented within ES Chapter 10: Transport and Access, Table 10.1 [APP-155], it was identified that the routes through Stapenhill and Rosliston Road are particularly sensitive to changes in heavy vehicle usage. An evaluation of existing conditions along Main Street (Stapenhill) and along Rosliston Road were informed through desk top studies and onsite observations, considering the following parameters: | Minor (negative) |
| | | Riverside Residential Home<br><br>(High) | Minor | Moderate (negative) | | Minor (negative) |

| Environmental Effect | Link | Sensitive Receptor (Sensitivity) | Magnitude of Impact | Significance of Effect | Mitigation | Significance of Residual Effect |
|---|---|---|---|---|---|---|
| | Rosliston Road | The First Day Nursery<br><br>(High) | Minor | Moderate (negative) | • Presence of parked vehicles<br>• Number of crossing points<br>• Width of carriageway in certain areas<br>• Condition of the carriageway surface<br>• Existing perceptions of local stakeholders regarding infringement of the nearby 7.5t environmental weight limit (except for access)<br><br>When considering the existing conditions, forecast changes in traffic flows and applying professional judgement it was determined that there could be a moderate significance of effect.<br><br>Mitigation measures are outlined within the OCTMP (which is secured by Requirement 10 (Construction Traffic Management) of the draft Development Consent Order to reduce the effect on severance for routes through Stapenhill and Rosliston Road include restrictions on heavy vehicle movements during the most sensitive periods, namely, the traditional highway peak hours (08:00-09:00 and 17:00-18:00) and school pick up and drop off periods (08:30-09:30 and 15:00-16:00) where pedestrian movements would typically be greatest.<br><br>With the dispersal of construction traffic (secured through the OCTMP) the ES Chapter 10: Transport and Access [APP-155] outlines that there would be an increase in light vehicles of 1% and 3% in heavy vehicle traffic on the 2026 future baseline flows. Noting that vehicle movements would be restricted during the most sensitive periods and that Table 10.6 of the ES Chapter 10: Transport and Access [APP-155] outlines that a change in total traffic of less than 30% would be assessed | Minor (negative) |

| Environmental Effect | Link | Sensitive Receptor (Sensitivity) | Magnitude of Impact | Significance of Effect | Mitigation | Significance of Residual Effect |
|---|---|---|---|---|---|---|
| | | | | | to result in a negligible magnitude of impact, a residual magnitude of impact of negligible is assessed. | |
| Road vehicle driver and passenger delay | Main Street (Stapenhill) | Croft Residential Home<br>(High) | Minor | Moderate (negative) | As set out within the EATM guidelines, driver delay can occur at several points on the network, although effects will only be significant when the existing traffic on the highway network is already at or close to the capacity of the system.<br>As presented within ES Chapter 10: Transport and Access, Table 10.1 [APP-155], it was identified that the routes through Stapenhill are particularly sensitive to changes in heavy vehicle usage an evaluation of existing conditions along Main Street (Stapenhill) and along Rosliston Road were informed through desk top studies and onsite observations, considering the following parameters:<br>• Presence of parked vehicles<br>• Number of crossing points<br>• Width of carriageway in certain areas<br>• Existing speed attenuation features along Main Street<br>When considering the existing conditions, forecast changes in traffic flows (especially heavy vehicles) and applying professional judgement it was determined that there could be a moderate significance of effect.<br>Mitigation measures outlined are within the OCTMP (which is secured by Requirement 10 (Construction Traffic Management) of the draft Development Consent Order to reduce the effect on road vehicle driver and passenger delay include restrictions on heavy vehicle movements during the most sensitive periods, namely, the traditional highway peak hours (08:00-09:00 and 17:00-18:00) and | Minor (negative) |
| | | Riverside Residential Home<br>(High) | Minor | Moderate (negative) | | Minor (negative) |

| Environmental Effect | Link | Sensitive Receptor (Sensitivity) | Magnitude of Impact | Significance of Effect | Mitigation | Significance of Residual Effect |
|---|---|---|---|---|---|---|
| | | | | | school pick up and drop off periods (08:30-09:30 and 15:00-16:00) where background traffic movements would typically be greatest.<br><br>With the dispersal of construction traffic (secured through the OCTMP) the ES Chapter 10: Transport and Access [APP-155] outlines that there would be an increase in light vehicles of 1% and 3% in heavy vehicle traffic on the 2026 future baseline flows. Noting that vehicle movements would be restricted during the most sensitive periods, at change in light vehicle and heavy vehicle traffic of 1% and 3% respectively would be assessed to have a negligible residual magnitude of impact. | |
| | | Retail and businesses along Main Street and<br><br>Rosliston Road<br><br>(Medium) | Moderate | Moderate (negative) | As set out within the EATM guidelines, driver delay can occur at several points on the network, although effects will only be significant when the existing traffic on the highway network is already at or close to the capacity of the system.<br><br>As presented within ES Chapter 10: Transport and Access, Table 10.1 [APP-155], it was identified that the routes along Main Street and Rosliston Road are particularly sensitive to changes in heavy vehicle usage an evaluation of existing conditions along Main Street were informed through desk top studies and onsite observations, considering the following parameters:<br><br>Servicing and access requirements for retail and local businesses and potential delay that could be caused as a result of on-street servicing.<br><br>When considering the existing conditions, forecast changes in traffic flows (especially heavy vehicles) and applying professional judgement it was determined that there could be a moderate significance of effect. | Minor (negative) |

| Environmental Effect | Link | Sensitive Receptor (Sensitivity) | Magnitude of Impact | Significance of Effect | Mitigation | Significance of Residual Effect |
|---|---|---|---|---|---|---|
| | | | | | Mitigation measures outlined are within the OCTMP (which is secured by Requirement 10 (Construction Traffic Management) of the draft Development Consent Order to reduce the effect on road vehicle driver and passenger delay include restrictions on heavy vehicle movements during the most sensitive periods, namely, the traditional highway peak hours (08:00-09:00 and 17:00-18:00) and school pick up and drop off periods (08:30-09:30 and 15:00-16:00) where background traffic movements would typically be greatest. Avoiding these busier periods would limit the potential for interaction with traffic associated with retail and businesses along Main Street and Rosliston Road, and subsequently, any delay that could be caused.<br><br>With the dispersal of construction traffic (secured through the OCTMP) the ES Chapter 10: Transport and Access [APP-155] outlines that there would be an increase in light vehicles of 1% and 3% in heavy vehicle traffic on the 2026 future baseline flows. Noting that vehicle movements would be restricted during the most sensitive periods a change in light vehicle and heavy vehicle traffic of 1% and 3% respectively would be assessed to have a negligible to minor residual magnitude of impact. | |
| | | Residential dwellings fronting the carriageway along Main Street and | Moderate | Moderate (negative) | As set out within the EATM guidelines, driver delay can occur at several points on the network, although effects will only be significant when the existing traffic on the highway network is already at or close to the capacity of the system.<br><br>As presented within ES Chapter 10: Transport and Access, Table 10.1 [APP-155], it was identified that the routes along Main Street are particularly sensitive to changes in heavy vehicle usage an evaluation of existing conditions along Main | Minor (negative) |

| Environmental Effect | Link | Sensitive Receptor (Sensitivity) | Magnitude of Impact | Significance of Effect | Mitigation | Significance of Residual Effect |
|---|---|---|---|---|---|---|
| | | Rosliston Road in Stapenhill<br><br>(Medium) | | | Street and Rosliston Road were informed through desk top studies and onsite observations, considering the following parameters:<br><br>• The number of residential dwellings fronting onto Main Street and Rosliston Road.<br>• The number of parked vehicles along Main Street (Stapenhill) and Rosliston Road.<br>• Access requirements for vehicles such as the availability for off—street parking.<br><br>When considering the existing conditions, forecast changes in traffic flows (especially heavy vehicles) and applying professional judgement it was determined that there could be a moderate significance of effect.<br><br>Mitigation measures outlined are within the OCTMP (which is secured by Requirement 10 (Construction Traffic Management) of the draft Development Consent Order to reduce the effect on road vehicle driver and passenger delay include restrictions on heavy vehicle movements during the most sensitive periods, namely, the traditional highway peak hours (08:00-09:00 and 17:00-18:00) and school pick up and drop off periods (08:30-09:30 and 15:00-16:00) where background traffic movements would typically be greatest. Avoiding these busier periods would limit the potential for interaction with traffic associated with residential dwellings and subsequently, any delay that could be caused.<br><br>With the dispersal of construction traffic (secured through the OCTMP) the ES Chapter 10: Transport and Access [APP-155] outlines that there would be an increase in light vehicles of 1% and 3% in heavy vehicle traffic on the 2026 future | |

| Environmental Effect | Link | Sensitive Receptor (Sensitivity) | Magnitude of Impact | Significance of Effect | Mitigation | Significance of Residual Effect |
|---|---|---|---|---|---|---|
| | | | | | baseline flows. Noting that vehicle movements would be restricted during the most sensitive periods at change in light vehicle and heavy vehicle traffic of 1% and 3% respectively would be assessed to have a negligible to minor residual magnitude of impact. | |
| | Rosliston Road | The First Day Nursery<br><br>(High) | Moderate | Moderate (negative) | As set out within the EATM guidelines, driver delay can occur at several points on the network, although effects will only be significant when the existing traffic on the highway network is already at or close to the capacity of the system.<br><br>As presented within ES Chapter 10: Transport and Access, Table 10.1 [APP-155], it was identified that the routes along Main Street are particularly sensitive to changes in heavy vehicle usage an evaluation of existing conditions along Rosliston Road were informed through desk top studies and onsite observations, considering the potential overspill parking from the nursery during pick up and drop off periods.<br><br>When considering the existing conditions, forecast changes in traffic flows (especially heavy vehicles) and applying professional judgement it was determined that there could be a moderate significance of effect.<br><br>Mitigation measures outlined are within the OCTMP (which is secured by Requirement 10 (Construction Traffic Management) of the draft Development Consent Order to reduce the effect on road vehicle driver and passenger delay include restrictions on heavy vehicle movements during the most sensitive periods, namely, the traditional highway peak hours (08:00-09:00 and 17:00-18:00) and school pick up and drop off periods (08:30-09:30 and 15:00-16:00) where background traffic movements would typically be greatest. Avoiding these busier | Minor (negative) |

| Environmental Effect | Link | Sensitive Receptor (Sensitivity) | Magnitude of Impact | Significance of Effect | Mitigation | Significance of Residual Effect |
|---|---|---|---|---|---|---|
| | | | | | periods would limit the potential for interaction with traffic associated with The First Day Nursery and subsequently, any delay that could be caused.<br><br>With the dispersal of construction traffic (secured through the OCTMP) the ES Chapter 10: Transport and Access [APP-155] outlines that there would be an increase in light vehicles of 1% and 3% in heavy vehicle traffic on the 2026 future baseline flows. Noting that vehicle movements would be restricted during the most sensitive periods at change in light vehicle and heavy vehicle traffic of 1% and 3% respectively would be assessed to have a negligible to minor residual magnitude of impact. | |
| | A513 and Unnamed road between A513 and Church Street | National Memorial Arboretum on event days and<br><br>Catton Hall on event days<br><br>(High) | Moderate | Moderate (negative) | As set out within the EATM guidelines, driver delay can occur at several points on the network, although effects will only be significant when the existing traffic on the highway network is already at or close to the capacity of the system.<br><br>As presented within ES Chapter 10: Transport and Access, Table 10.1 [APP-155], it has been highlighted by both Derbyshire and Staffordshire County Council, that events at the National Memorial Arboretum and Catton Hall can generate a significant amount of traffic and therefore careful consideration needs to be applied when assessing the effects construction traffic may have.<br><br>When considering the existing conditions, forecast changes in traffic flows (especially heavy vehicles) and applying professional judgement it was determined that there could be a moderate significance of effect.<br><br>When considering the rural nature of the A513 (within the vicinity of the National Memorial Arboretum) and unnamed road between A513 and Church Street (within the vicinity of Catton Hall), the forecast changes in traffic flows and applying | Minor (negative) |

| Environmental Effect | Link | Sensitive Receptor (Sensitivity) | Magnitude of Impact | Significance of Effect | Mitigation | Significance of Residual Effect |
|---|---|---|---|---|---|---|
| | | | | | professional judgment it was determined that there could be a moderate significance of effect.<br><br>Mitigation measures outlined within the OCTMP (which is secured by Requirement 10 (Construction Traffic Management) of the draft Development Consent Order to reduce the effect on road vehicle driver and passenger delay include the enforcement of 'blackout' days and reduced construction vehicle movement days during events at the National Memorial Arboretum and Catton Hall. The OCTMP outlines that ongoing communication with organisers at the National Memorial Arboretum and Catton Hall will be undertaken throughout the construction phase so as to ensure construction traffic associated with the proposed development accounts for event traffic. Where it is deemed necessary due to high traffic during events, 'blackout' and limited traffic days will be enforced. This will inherently limit any potential delay that could be caused to users of the on the A513 and unnamed road between A513 and Church Street.<br><br>Noting that vehicle movements would be restricted during event days the projects construction traffic would be assessed to have a negligible to minor residual magnitude of impact. | |
| Non-motorised user delay | Main Street (Stapenhill) and | Croft Residential Home<br><br>(High) | Minor | Moderate (negative) | The EATM guidelines do not provide any set qualitative criteria to assess non-motorised user delay, therefore a qualitative assessment based on professional judgement has been undertaken. | Minor (negative) |

| Environmental Effect | Link | Sensitive Receptor (Sensitivity) | Magnitude of Impact | Significance of Effect | Mitigation | Significance of Residual Effect |
|---|---|---|---|---|---|---|
| | Rosliston Road | Riverside Residential Home<br><br>(High) | Minor | Moderate (negative) | As presented within ES Chapter 10: Transport and Access, Table 10.1 [APP-155], it was identified that the routes through Stapenhill and Rosliston Road are particularly sensitive to changes in heavy vehicle usage. An evaluation of existing conditions along Main Street (Stapenhill) and along Rosliston Road were informed through desk top studies and onsite observations, considering the following parameters:<br><br>• The limited number of crossing points along its length.<br>• Parked vehicles obstructing the movement of cyclists.<br>• No designated cycle facilities.<br><br>When considering the existing conditions, forecast changes in traffic flows and applying professional judgement it was determined that there could be a Minor significance of effect.<br><br>Mitigation measures are outlined within the OCTMP (which is secured by Requirement 10 (Construction Traffic Management) of the draft Development Consent Order to reduce the effect on severance for routes through Stapenhill and Rosliston Road include restrictions on heavy vehicle movements during the most sensitive periods, namely, the traditional highway peak hours (08:00-09:00 and 17:00-18:00) and school pick up and drop off periods (08:30-09:30 and 15:00-16:00) where pedestrian movements would typically be greatest.<br><br>With the dispersal of construction traffic (secured through the OCTMP) the ES Chapter 10: Transport and Access [APP-155] outlines that there would be an increase in light vehicles of 1% and 3% in heavy vehicle traffic on the 2026 future baseline flows. Noting that vehicle movements would be restricted during the most | Minor (negative) |
| | Rosliston Road | The First Day Nursery<br><br>(High) | Minor | Moderate (negative) | | Minor (negative) |

| Environmental Effect | Link | Sensitive Receptor (Sensitivity) | Magnitude of Impact | Significance of Effect | Mitigation | Significance of Residual Effect |
|---|---|---|---|---|---|---|
| | | | | | sensitive periods and that Table 10.6 of the ES Chapter 10: Transport and Access [APP-155] outlines that a change in total traffic of less than 30% would be assessed to result in a negligible magnitude of impact, a residual magnitude of impact of negligible is assessed. | |
| Non-motorised amenity | Walton Road | PRoW Route 9<br><br>(Medium) | Moderate | Moderate (negative) | As set out within the EATM guidelines, non-motorised amenity is broadly defined as the relative pleasantness of a journey, which can be affected by traffic flow, traffic composition and pavement width / separation from traffic.<br><br>PRoW 9 commences at Walton Road which would be utilised by construction traffic. As such the relative pleasantness of a journey for non-motorised users along PRoW Route 9 would be reduced and hence was assessed with a magnitude of impact of Moderate.<br><br>As outlined within ES Chapter 4: Appendix 4.4 (Outline Operational Environmental Management Plan) [APP-091], as part of the proposed development, a new permissive path will be installed to improve connections and desire line for users from Lads Grave at the south of the site, to PRoW Route 9 to allow for a north-south connection, increasing the separation between users of the PRoW and construction traffic on Walton Road. It is assessed that the measures implemented would help to improve the amenity of users the route and therefore the residual magnitude of impact would be reduced to minor.<br><br>The implementation of mitigation measures to address the PRoW access are secured via Requirement 14 (Public rights of way diversions) of the Draft Development Consent Order (DCO). | Minor (negative) |

| Environmental Effect | Link | Sensitive Receptor (Sensitivity) | Magnitude of Impact | Significance of Effect | Mitigation | Significance of Residual Effect |
|---|---|---|---|---|---|---|
| | | | | | Measures are also outlined within the OCTMP to limit construction vehicle movements during periods where the PRoW Route 9 would typically be busier, namely: Core working hours are limited to 07:00 and 19:00 on weekdays, and between 07:00 and 13:30 on Saturday. The Core working hours are secured by Requirement 10 (Construction Traffic Management Plan) of the draft Development Consent Order. | |
| | Temporary Construction Haul Road | PRoW Route 9<br><br>(Medium) | Moderate | Moderate (negative) | As set out within the EATM guidelines, non-motorised amenity is broadly defined as the relative pleasantness of a journey, which can be affected by traffic flow, traffic composition and pavement width / separation from traffic.<br><br>Prior to mitigation, users of the PRoW would interact with construction traffic as the temporary construction haul road would cross PRoW Route 9. This could reduce the relative pleasantness of a journey for non-motorised users along the PRoW.<br><br>As outlined within ES Chapter 4: Appendix 4.4 (Outline Operational Environmental Management Plan) [APP-091], as part of the proposed development, a new permissive path will be installed to improve connections and desire line for users from Lads Grave at the south of the site, to PRoW Route 9 to allow for a north-south connection. Designated crossing points will be implemented at the junction of the construction haul road and PRoW where operational traffic will be required to give-way to users when utilising crossing points across the construction haul road. It is assessed that the measures implemented would help to improve the amenity of users the route and therefore the residual magnitude of impact would be reduced to minor. | Minor (negative) |

| Environmental Effect | Link | Sensitive Receptor (Sensitivity) | Magnitude of Impact | Significance of Effect | Mitigation | Significance of Residual Effect |
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| | | | | | The implementation of mitigation measures to address the PRoW access are secured via Requirement 14 (Public rights of way diversions) of the Draft Development Consent Order (DCO).<br><br>Measures are also outlined within the OCTMP to limit construction vehicle movements during periods where the PRoW Route 9 would typically be busier, namely: Core working hours are limited to 07:00 and 19:00 on weekdays, and between 07:00 and 13:30 on Saturday. The Core working hours are secured by Requirement 10 (Construction Traffic Management Plan) of the draft Development Consent Order. | |
| Road user and pedestrian safety | Main Street (Stapenhill) | Collision clusters<br><br>(Medium to High) | Minor | Moderate (negative) | ES Chapter 10: Traffic and Transport [APP-155] sets out the methodology to assess road user and pedestrian safety. To understand the baseline level of road user and pedestrian safety, Personal Injury Collision (PIC) data was obtained from both Staffordshire County Council and Derbyshire County Council for the most recent six years of available data along all proposed construction vehicle routes.<br><br>As is common industry practice, clusters of collision on the local highway network will naturally indicate a potential road safety issue that could be exacerbated by development traffic. Where PIC clusters have been identified along the proposed construction vehicle routes, these have been included as sensitive receptors for assessment.<br><br>In accordance with Chapter 10: Transport and Access, Table 10.23 [APP-155], the magnitude of impact on Main Street (Stapenhill) was assessed as moderate given there is a cluster of 7-9 PICs recorded. This cluster is also located in the vicinity of | Minor (negative) |

| Environmental Effect | Link | Sensitive Receptor (Sensitivity) | Magnitude of Impact | Significance of Effect | Mitigation | Significance of Residual Effect |
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| | | | | | other sensitive receptors including the Croft Residential Home and Riverside Residential Home.<br><br>Mitigation measures outlined are within the OCTMP (which is secured by Requirement 10 (Construction Traffic Management) of the draft Development Consent Order to reduce the effect on road user and pedestrian safety include restrictions on heavy vehicle movements during the most sensitive periods, namely, the traditional highway peak hours (08:00-09:00 and 17:00-18:00) and school pick up and drop off periods (08:30-09:30 and 15:00-16:00) where background traffic and pedestrian movements would typically be greatest. Avoiding these busier periods would limit the potential to exacerbate existing road safety issues.<br><br>With the dispersal of construction traffic (secured through the OCTMP) the ES Chapter 10: Transport and Access [APP-155] outlines that there would be an increase in light vehicles of 1% and 3% in heavy vehicle traffic on the 2026 future baseline flows. Noting that vehicle movements would be restricted during the most sensitive periods, a change in light vehicle and heavy vehicle traffic of 1% and 3% respectively would be assessed to have a negligible residual magnitude of impact. | |
| | Rosliston Road | Collision Clusters<br><br>(Medium to High) | Minor | Moderate (negative) | ES Chapter 10: Traffic and Transport [APP-155] sets out the methodology to assess road user and pedestrian safety. To understand the baseline level of road user and pedestrian safety, Personal Injury Collision (PIC) data was obtained from both Staffordshire County Council and Derbyshire County Council for the most recent six years of available data along all proposed construction vehicle routes. | Minor (negative) |

| Environmental Effect | Link | Sensitive Receptor (Sensitivity) | Magnitude of Impact | Significance of Effect | Mitigation | Significance of Residual Effect |
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| | | | | | As is common industry practice, clusters of collision on the local highway network will naturally indicate a potential road safety issue that could be exacerbated by development traffic. Where PIC clusters have been identified along the proposed construction vehicle routes, these have been included as sensitive receptors for assessment.<br><br>In accordance with Chapter 10: Transport and Access, Table 10.23 [APP-155], the magnitude of impact on Rosliston Road was assessed as moderate given there are two clusters of 7-9 PICs recorded. These clusters are also located in the vicinity of other sensitive receptors including the The First Day Nursery.<br><br>Mitigation measures outlined are within the OCTMP (which is secured by Requirement 10 (Construction Traffic Management) of the draft Development Consent Order to reduce the effect on road user and pedestrian safety include restrictions on heavy vehicle movements during the most sensitive periods, namely, the traditional highway peak hours (08:00-09:00 and 17:00-18:00) and school pick up and drop off periods (08:30-09:30 and 15:00-16:00) where background traffic and pedestrian movements would typically be greatest. Avoiding these busier periods would limit the potential to exacerbate existing road safety issues.<br><br>With the dispersal of construction traffic (secured through the OCTMP) the ES Chapter 10: Transport and Access [APP-155] outlines that there would be an increase in light vehicles of 1% and 3% in heavy vehicle traffic on the 2026 future baseline flows. Noting that vehicle movements would be restricted during the most | |

| Environmental Effect | Link | Sensitive Receptor (Sensitivity) | Magnitude of Impact | Significance of Effect | Mitigation | Significance of Residual Effect |
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| | | | | | sensitive periods, a change in light vehicle and heavy vehicle traffic of 1% and 3% respectively would be assessed to have a negligible residual magnitude of impact. | |
| | A5121 | Collision clusters<br><br>(Medium) | Minor | Moderate (negative) | ES Chapter 10: Traffic and Transport [APP-155] sets out the methodology to assess road user and pedestrian safety. To understand the baseline level of road user and pedestrian safety, Personal Injury Collision (PIC) data was obtained from both Staffordshire County Council and Derbyshire County Council for the most recent six years of available data along all proposed construction vehicle routes.<br><br>As is common industry practice, clusters of collision on the local highway network will naturally indicate a potential road safety issue that could be exacerbated by development traffic. Where PIC clusters have been identified along the proposed construction vehicle routes, these have been included as sensitive receptors for assessment.<br><br>In accordance with Chapter 10: Transport and Access, Table 10.23 [APP-155], the magnitude of impact on A5121 was assessed as moderate given there are three clusters of 7-9 PICs recorded.<br><br>Mitigation measures outlined are within the OCTMP (which is secured by Requirement 10 (Construction Traffic Management) of the draft Development Consent Order to reduce the effect on road user and pedestrian safety include restrictions on heavy vehicle movements during the most sensitive periods, namely, the traditional highway peak hours (08:00-09:00 and 17:00-18:00) and school pick up and drop off periods (08:30-09:30 and 15:00-16:00) where background traffic and pedestrian movements would typically be greatest. | Minor (negative) |

| Environmental Effect | Link | Sensitive Receptor (Sensitivity) | Magnitude of Impact | Significance of Effect | Mitigation | Significance of Residual Effect |
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| | | | | | Avoiding these busier periods would limit the potential to exacerbate existing road safety issues.<br><br>With the dispersal of construction traffic (secured through the OCTMP) the ES Chapter 10: Transport and Access [APP-155] outlines that there would be an increase in light vehicles of 1% and 3% in heavy vehicle traffic on the 2026 future baseline flows. Noting that vehicle movements would be restricted during the most sensitive periods, a change in light vehicle and heavy vehicle traffic of 1% and 2% respectively would be assessed to have a negligible residual magnitude of impact. | |
| | A513 | Collision clusters<br><br>(Medium) | Minor | Moderate (negative) | ES Chapter 10: Traffic and Transport [APP-155] sets out the methodology to assess road user and pedestrian safety. To understand the baseline level of road user and pedestrian safety, Personal Injury Collision (PIC) data was obtained from both Staffordshire County Council and Derbyshire County Council for the most recent six years of available data along all proposed construction vehicle routes.<br><br>As is common industry practice, clusters of collision on the local highway network will naturally indicate a potential road safety issue that could be exacerbated by development traffic. Where PIC clusters have been identified along the proposed construction vehicle routes, these have been included as sensitive receptors for assessment.<br><br>In accordance with Chapter 10: Transport and Access, Table 10.23 [APP-155], the magnitude of impact on A513 was assessed as moderate given there are two clusters of 10+ PICs recorded. These clusters are also located in the vicinity of other sensitive receptors including the Retail units and businesses at Ventura Retail Park, Tamworth. | Minor (negative) |

| Environmental Effect | Link | Sensitive Receptor (Sensitivity) | Magnitude of Impact | Significance of Effect | Mitigation | Significance of Residual Effect |
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| | | | | | Mitigation measures outlined are within the OCTMP (which is secured by Requirement 10 (Construction Traffic Management) of the draft Development Consent Order to reduce the effect on road user and pedestrian safety include restrictions on heavy vehicle movements during the most sensitive periods, namely, the traditional highway peak hours (08:00-09:00 and 17:00-18:00) and school pick up and drop off periods (08:30-09:30 and 15:00-16:00) where background traffic and pedestrian movements would typically be greatest. Avoiding these busier periods would limit the potential to exacerbate existing road safety issues.<br><br>With the dispersal of construction traffic (secured through the OCTMP) the ES Chapter 10: Transport and Access [APP-155] outlines that there would be an increase in light vehicles of less than 1% on the 2026 future baseline flows. Noting that vehicle movements would be restricted during the most sensitive periods, a change in light vehicle traffic of less than 1% would be assessed to have a negligible residual magnitude of impact. | |
| Scenario 2b | | | | | | |
| Severance of communities | Mill Street | Residential dwellings fronting the carriageway along Mill Street in | Moderate | Moderate (negative) | As set out within the EATM guidelines, Severance of Communities is the "perceived division that can occur within a community when it becomes separated by major transport infrastructure".<br><br>It should be emphasised that Scenario 2b will only be used should a road closure or restriction on the construction vehicle routes in Scenario 1 or Scenario 2b be present which makes them unusable. Upon reopening of the road and removal of | Minor (negative) |

| Environmental Effect | Link | Sensitive Receptor (Sensitivity) | Magnitude of Impact | Significance of Effect | Mitigation | Significance of Residual Effect |
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| | | Coton in the Elms<br><br>(Medium) | | | restriction, all construction vehicle traffic will revert back to Scenario 1 or Scenario 2b.<br><br>An evaluation of existing conditions along Mill Street were informed through desk top studies and onsite observations, considering the following parameters:<br><br>• Presence of parked vehicles<br>• Number of crossing points<br>• Width of carriageway in certain areas<br>• Condition of the carriageway surface<br>• Existing perceptions of local stakeholders<br>• Existing baseline levels and composition of traffic<br><br>When considering the existing conditions, forecast changes in traffic flows and applying professional judgement it was determined that there could be a moderate significance of effect.<br><br>Mitigation measures are outlined within the OCTMP (which is secured by Requirement 10 (Construction Traffic Management) of the draft Development Consent Order to reduce the effect on severance of users along Mill Street include restrictions on heavy vehicle movements during the most sensitive periods, namely, the traditional highway peak hours (08:00-09:00 and 17:00-18:00) and school pick up and drop off periods (08:30-09:30 and 15:00-16:00) where pedestrian movements would typically be greatest.<br><br>With the dispersal of construction traffic (secured through the OCTMP) the ES Chapter 10: Transport and Access [APP-155] outlines that there would be an increase in light vehicles of 1% and 87% in heavy vehicle traffic on the 2026 future | |

| Environmental Effect | Link | Sensitive Receptor (Sensitivity) | Magnitude of Impact | Significance of Effect | Mitigation | Significance of Residual Effect |
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| | | | | | baseline flows. Noting that vehicle movements would be restricted during the most sensitive periods and that Table 10.6 of the ES Chapter 10: Transport and Access [APP-155] outlines that a change in total traffic of less than 30% would be assessed to result in a negligible magnitude of impact, a residual magnitude of impact of minor is assessed. | |
| | Church Street | Residential dwellings fronting the carriageway along Church Street in Coton in the Elms<br><br>(Medium) | Moderate | Moderate (negative) | As set out within the EATM guidelines, Severance of Communities is the "*perceived division that can occur within a community when it becomes separated by major transport infrastructure".*<br><br>It should be emphasised that Scenario 2b will only be used should a road closure or restriction on the construction vehicle routes in Scenario 1 or Scenario 2b be present which makes them unusable. Upon reopening of the road and removal of restriction, all construction vehicle traffic will revert back to Scenario 1 or Scenario 2b.<br><br>An evaluation of existing conditions along Church Street were informed through desk top studies and onsite observations, considering the following parameters:<br><br>• Presence of parked vehicles<br>• Number of crossing points<br>• Width of carriageway in certain areas<br>• Condition of the carriageway surface<br>• Existing perceptions of local stakeholders<br>• Existing baseline levels and composition of traffic | Minor (negative) |

| Environmental Effect | Link | Sensitive Receptor (Sensitivity) | Magnitude of Impact | Significance of Effect | Mitigation | Significance of Residual Effect |
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| | | | | | When considering the existing conditions, forecast changes in traffic flows and applying professional judgement it was determined that there could be a moderate significance of effect.<br><br>Mitigation measures are outlined within the OCTMP (which is secured by Requirement 10 (Construction Traffic Management) of the draft Development Consent Order to reduce the effect on severance of users along Church Street include restrictions on heavy vehicle movements during the most sensitive periods, namely, the traditional highway peak hours (08:00-09:00 and 17:00-18:00) and school pick up and drop off periods (08:30-09:30 and 15:00-16:00) where pedestrian movements would typically be greatest.<br><br>With the dispersal of construction traffic (secured through the OCTMP) the ES Chapter 10: Transport and Access [APP-155] outlines that there would be an increase in light vehicles of 1% and 87% in heavy vehicle traffic on the 2026 future baseline flows. Noting that vehicle movements would be restricted during the most sensitive periods and that Table 10.6 of the ES Chapter 10: Transport and Access [APP-155] outlines that a change in total traffic of less than 30% would be assessed to result in a negligible magnitude of impact, a residual magnitude of impact of minor is assessed. | |
| Road vehicle driver and passenger delay | A513 and Unnamed road between A513 and | National Memorial Arboretum on event days | Moderate | Moderate (negative) | As set out within the EATM guidelines, driver delay can occur at several points on the network, although effects will only be significant when the existing traffic on the highway network is already at or close to the capacity of the system.<br><br>As presented within ES Chapter 10: Transport and Access, Table 10.1 [APP-155], it has been highlighted by both Derbyshire and Staffordshire County Council, that | Minor (negative) |

| Environmental Effect | Link | Sensitive Receptor (Sensitivity) | Magnitude of Impact | Significance of Effect | Mitigation | Significance of Residual Effect |
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| | Church Street | (High) | | | events at the National Memorial Arboretum and Catton Hall can generate a significant amount of traffic and therefore careful consideration needs to be applied when assessing the effects construction traffic may have.<br><br>When considering the existing conditions, forecast changes in traffic flows (especially heavy vehicles) and applying professional judgement it was determined that there could be a moderate significance of effect.<br><br>When considering the rural nature of the A513 (within the vicinity of the National Memorial Arboretum) and unnamed road between A513 and Church Street (within the vicinity of Catton Hall), the forecast changes in traffic flows and applying professional judgment it was determined that there could be a moderate significance of effect.<br><br>Mitigation measures outlined within the OCTMP (which is secured by Requirement 10 (Construction Traffic Management) of the draft Development Consent Order to reduce the effect on road vehicle driver and passenger delay include the enforcement of 'blackout' days and reduced construction vehicle movement days during events at the National Memorial Arboretum and Catton Hall. The OCTMP outlines that ongoing communication with organisers at the National Memorial Arboretum and Catton Hall will be undertaken throughout the construction phase so as to ensure construction traffic associated with the proposed development accounts for event traffic. Where it is deemed necessary due to high traffic during events, 'blackout' and limited traffic days will be enforced. This will inherently limit any potential delay that could be caused to users of the on the A513 and unnamed road between A513 and Church Street. | |
| | | Catton Hall on event days<br><br>(High) | Moderate | Moderate (negative) | | Minor (negative) |

| Environmental Effect | Link | Sensitive Receptor (Sensitivity) | Magnitude of Impact | Significance of Effect | Mitigation | Significance of Residual Effect |
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| | | | | | Noting that vehicle movements would be restricted during event days the projects construction traffic would be assessed to have a negligible to minor residual magnitude of impact. | |
| Road user and pedestrian safety | A513 | Collision clusters<br><br>(Medium) | Minor | Moderate (negative) | ES Chapter 10: Traffic and Transport [APP-155] sets out the methodology to assess road user and pedestrian safety. To understand the baseline level of road user and pedestrian safety, Personal Injury Collision (PIC) data was obtained from both Staffordshire County Council and Derbyshire County Council for the most recent six years of available data along all proposed construction vehicle routes.<br><br>As is common industry practice, clusters of collision on the local highway network will naturally indicate a potential road safety issue that could be exacerbated by development traffic. Where PIC clusters have been identified along the proposed construction vehicle routes, these have been included as sensitive receptors for assessment.<br><br>In accordance with Chapter 10: Transport and Access, Table 10.23 [APP-155], the magnitude of impact on A513 was assessed as moderate given there are two clusters of 10+ PICs recorded. These clusters are also located in the vicinity of other sensitive receptors including the Retail units and businesses at Ventura Retail Park, Tamworth.<br><br>Mitigation measures outlined are within the OCTMP (which is secured by Requirement 10 (Construction Traffic Management) of the draft Development Consent Order to reduce the effect on road user and pedestrian safety include restrictions on heavy vehicle movements during the most sensitive periods, namely, the traditional highway peak hours (08:00-09:00 and 17:00-18:00) and | Minor (negative) |

| Environmental Effect | Link | Sensitive Receptor (Sensitivity) | Magnitude of Impact | Significance of Effect | Mitigation | Significance of Residual Effect |
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| | | | | | school pick up and drop off periods (08:30-09:30 and 15:00-16:00) where background traffic and pedestrian movements would typically be greatest. Avoiding these busier periods would limit the potential to exacerbate existing road safety issues.<br><br>With the dispersal of construction traffic (secured through the OCTMP) the ES Chapter 10: Transport and Access [APP-155] outlines that there would be an increase in light vehicles of less than 1% on the 2026 future baseline flows. Noting that vehicle movements would be restricted during the most sensitive periods, a change in light vehicle traffic of less than 1% would be assessed to have a negligible residual magnitude of impact. | |