

The Planning Inspectorate
National Infrastructure Directorate
Temple Quay House
Temple Quay
Bristol
BS1 6PN

FAO: Ms Naoual Margoum, Case Manager

Date
6th August 2024

Dear Ms Margoum

EN010122 – APPLICATION FOR A DEVELOPMENT CONSENT ORDER FOR OAKLANDS FARM SOLAR PARK, SOUTH DERBYSHIRE

PLANNING ACT 2008 (AS AMENDED) – DEADLINE 1 SUBMISSION BY THE APPLICANT

10.1 – THE APPLICANT’S COVERING LETTER AT DEADLINE 1

I write to provide the submissions by the Applicant at Deadline 1 of the Examination, as requested in the Examining Authorities (ExA’s) Rule 8 letter of the 16th July 2024. In summary, the submissions by the Applicant at Deadline 1, which are detailed fully in this Cover Letter, comprise comments on the Relevant Representations and Additional Submissions by Interested Parties, responses to the ExA’s First Written Questions and a written summary of the Applicant’s submissions at the Preliminary Meeting and first Open Floor Hearing together with an amended version of the draft Development Consent Order (dDCO) and amended versions of various other documents which formed part of the original application.

This submission is accompanied by a Deadline 1 version of the Application Guide which lists the new documents submitted at this deadline together with identifying any amended documents.

Deadline 1 Submission

The following new documents are submitted by the Applicant at Deadline 1:

- 10.1 – The Applicant’s Deadline 1 Covering Letter (this document);
- 10.2 – Comments on Relevant Representations and Additional Submissions;
- 10.3 – The Written Summary of the Applicant’s Oral Submissions; and
- 10.4 – The Applicant’s Responses to the ExA’s First Written Questions.

Amended versions of the following documents are submitted by the Applicant at Deadline 1:

- 1.4 – The Deadline 1 Application Guide;
- 3.1 – dDCO;
- 3.2 – Explanatory Memorandum;
- 6.1 – Environmental Statement (ES) Appendix 4.3 – Outline Construction Environmental Management Plan (OCEMP);
- 6.1 – ES Appendix 4.4 – Outline Operational Environmental Management Plan (OOEMP);
- 6.1 – ES Appendix 4.5 – Outline Decommissioning Environmental Management Plan (ODEMP);
- 6.1 – ES Chapter 5 – Landscape and Visual Impact;

- 6.1 – ES Appendix 5.6 – Outline Landscape and Ecological Management Plan (OLEMP);
- 6.1 – ES Chapter 7 – Historic Environment;
- 6.1 – ES Appendix 7.1 – Historic Environment Assessment; and
- ES Appendix 10.1 – Outline Construction Traffic Management Plan (OCTMP).

For each of the amended documents a clean and tracked version has been supplied so that changes can be easily identified.

A schedule is appended to this Cover Letter which identifies the changes made to the dDCO at Deadline 1. A schedule of changes to the dDCO will be provided at Deadline 3, as part of the Applicant's updates.

Various updates have been made to the dDCO and to the outline management plans referred to within the Requirements of the dDCO (i.e the OCEMP, OOEMP, ODEMP, OLEMP and OCTMP) to reflect the Applicant's responses to the First Written Questions. Similarly, amendments have been made to Chapter 5 of the ES (Landscape and Visual Impact) to reflect the Applicant's responses to the First Written Questions.

The Applicant noted an issue in respect of a ZTV in ES Chapter 7 (Historic Environment) and ES Appendix 7.1 (Historic Environment Assessment) and also that Appendix C of ES Appendix 7.1 had previously been omitted, so has taken the opportunity to correct those aspects of the Application.

Applicant's Updates

The Applicant is continuing to engage in discussions with South Derbyshire District Council, Derbyshire County Council, Staffordshire County Council, Leicestershire County Council, the Environment Agency, Natural England, Historic England and the Health and Safety Executive, following the Rule 8 letter and with the intention of agreeing Statements of Common Ground with those parties as appropriate. The Applicant will provide a substantive update on those discussions and on other matters, such as the status of continuing land negotiations, identified as part of its Applicant Updates at Deadline 3 on the 22nd August, as well as responding where appropriate to submissions by other parties at Deadlines 1 and 2.

In the meantime, please do not hesitate to contact me if you have any queries regarding this submission at Deadline 1.

Yours sincerely



Ashley McInnes

Oaklands Farm Solar Limited

Appendix A

Table of Amendments to the dDCO made at Deadline 1

Table of Amendments to the draft Development Consent Order Deadline 1

DEADLINE 1 SUBMISSION

Article/Requirement/Schedule Number	Amendment	Reason
Contents	The table of contents has been updated to capture the latest article and schedule numbers.	To comply with drafting requirements for development consent orders.
Article 2(1)	Definition of “archaeological management plan” has been deleted as an archaeological management plan has not been submitted with the application.	To correct a drafting error.
Article 2(1)	Definition of “hedgerow plan” has been updated to “important hedgerows plan” and the definition relocated alphabetically.	To correct a drafting error.
Article 11(7)	The words “, or such longer period that is agreed in writing between the undertaker and that street authority,” have been added.	As explained in the Applicant’s Deadline 1 submission and its response to ExQ 1.3, the Applicant has provided for flexibility within this article to allow the 28-day deemed consent period to be extended with the written agreement of the undertake and the street authority.
Article 14(9)	The words “, or such longer period that is agreed in writing between the undertaker and that person,” have been added.	As explained in the Applicant’s Deadline 1 submission and its response to ExQ 1.3, the Applicant has provided for flexibility within this article to allow the 28-day deemed consent period to be extended with the written agreement of the undertake and the relevant party.

Article/Requirement/Schedule Number	Amendment	Reason
Article 16(6)	The words “, or such longer period that is agreed in writing between the undertaker and that authority,” have been added.	As explained in the Applicant’s Deadline 1 submission and its response to ExQ 1.3, the Applicant has provided for flexibility within this article to allow the 28-day deemed consent period to be extended with the written agreement of the undertake and the relevant authority.
Article 19(5)	The words “, with the consent of the Secretary of State” have been removed.	As explained in the Applicant’s Deadline 1 submission and its response to ExQ 2.12, the Applicant has 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.
Article 26(1)(a)	The words “for the completion of site preparation works, construction and decommissioning of the authorised development” have been added.	As explained in the Applicant’s Deadline 1 submission and its response to ExQ 2.13. the Applicant has revised Article 26(1)(a) to clarify that the land described in Article 26(1)(a)(i)-(ii), may be temporarily possessed for the purposes of undertaking site preparation works, constructing and decommissioning the authorised development.
Article 35(1)	<p>The description of the plan at Article 35(1)(b) has been updated to “important hedgerows plan”.</p> <p>The reference to the “archaeological management plan” has been removed.</p>	To correct drafting errors.
Schedule 1, Part 2, R4(2)	The words “The scheme submitted pursuant to subparagraph (1) must include a timetable for the	As explained in the Applicant’s Deadline 1 submission and its response to ExQ 1.8, this paragraph has been

Article/Requirement/Schedule Number	Amendment	Reason
	construction of the phases of the authorised development and a plan identifying the phasing areas” have been added.	added to Requirement 2 to prescribe that the written scheme setting out the phases of construction of the authorised development to be submitted and approved under sub-paragraph (1) includes a timetable for the construction phases of the authorised development and a plan identifying the phasing areas.
Schedule 1, Part 2, R4(3)	The words “submitted and approved pursuant to sub-paragraph (1)” have been added.	This wording has been added for consistency and clarity.
Schedule 1, Part 2, R5(2)(b)	The “s” has been removed from “plans” in the “works plans”.	To correct a typographical error.
Schedule 1, Part 2, R5(2)(c)	The words “table 4.2 of” and “(design parameters used in the EIA)” have been added.	As explained in the Applicant’s Deadline 1 submission and its response to ExQ 1.9, these words have been added to clarify the design parameters of the authorised development.
Schedule 1, Part 2, R7	The words “contained within appendix 6.14 of the environmental statement” have been added.	To clarify the location of the Tree Retention/Removal Plan and Tree Protection Plan within the environmental statement that are to inform the arboricultural method statement secured by Requirement 7.
Schedule 1, Part 2, R9(1)	The words “in consultation with the Environment Agency” have been added.	As explained in the Applicant’s Deadline 1 submission and its response to ExQ 1.10, these words have been added to require the local planning authority to consult the Environment Agency in approving the construction environmental management plan.

Article/Requirement/Schedule Number	Amendment	Reason
Schedule 1, Part 2, R8(2)(b)	The words “details of measures to be adopted including pre-construction surveys to protect species defined as a European Protected Species in regulation 42 (European protected species of animals) and 46 (European protected species of plants) of the Conservation of Habitats and Species Regulations 2017 or any species to which Part I (wildlife) and Schedule 5 (animals which are protected) of the Wildlife and Countryside Act 1981 applies” have been removed.	As explained in the Applicant’s Deadline 1 submission and its response to ExQ 3.4, this sub-paragraph has been removed from Requirement 8 and inserted to Requirements 9 to secure pre-construction surveys to protect species as defined within the CEMP.
Schedule 1, Part 2, R9(2)(j)	The words “a construction and environmental management plan for biodiversity that must accord with the outline construction and environmental management plan for biodiversity” have been removed.	This wording has been removed to correct a drafting error as an outline construction and environmental management plan for biodiversity has not been submitted with the application for the authorised development and commitments to manage the planting, protection and enhancement of biodiversity are secured by way of requirement 8 (landscape and ecological management plan).
Schedule 1, Part 2, R9(2)(k)	The words “details of measures to be adopted including pre-construction surveys to protect species defined as a European Protected Species in regulation 42 (European protected species of animals) and 46 (European protected species of plants) of the Conservation of Habitats and Species Regulations 2017 or any species to which Part I (wildlife) and Schedule 5 (animals which are protected) of the Wildlife and Countryside Act 1981 applies” have been added.	As explained in the Applicant’s Deadline 1 submission and its response to ExQ 3.4, and above, this sub-paragraph has been removed from Requirement 8 and inserted to Requirements 9 to secure pre-construction surveys to protect species as defined within the CEMP.

Article/Requirement/Schedule Number	Amendment	Reason
Schedule 1, Part 2, R9(2)(l)	The words “environmental monitoring plan” have been added.	At the request of the Environment Agency in its Relevant Representation, the Applicant has inserted this wording to prescribe that an environmental monitoring plan forms part of the construction environmental management plan.
Schedule 1, Part 2, R9(2)(m)	The words “flood risk management measures” have been added.	This wording has been added to prescribe that flood risk management measures form part of the construction environmental management plan.
Schedule 1, Part 2, R9(3)	The words “in consultation with the Environment Agency” have been added.	As explained in the Applicant’s Deadline 1 submission and its response to ExQ 1.10, these words have been added to require the local planning authority to consult the Environment Agency in approving the construction environmental management plan.
Schedule 1, Part 2, R11(2)(c)	The words “detailed operational drainage design” have been added.	As explained in the Applicant’s Deadline 1 submission and its response to ExQ 3.3, this wording has been added to prescribe that a detailed operational drainage design is secured within the operational environmental management plan.
Schedule 1, Part 2, R14(1)	The word “streets” has been added.	To correct a typographical error.
Schedule 1, Part 2, R14(2)	Sub-paragraphs (c)-(f) have been added.	As explained in the Applicant’s Deadline 1 submission and its response to ExQ 3.4, the prescribed content of the public rights of way management plan has been updated to ensure the proposed mitigation in the environmental statement is clearly secured.

Article/Requirement/Schedule Number	Amendment	Reason
Schedule 1, Part 2, R16(7)	The words “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” have been added.	Further to the Examining Authority’s request at ExQ 1.11, the Applicant has inserted this wording to Requirement 16.
Schedule 1, Part 2, R17(2)	The words “be in accordance with and”, “outline” and “forming appendix 8.1” have been added.	This wording has been added to clarify that the written details of the surface and foul water drainage system must be in accordance with and include the plans and strategies referred to in the flood risk assessment and outline drainage strategy forming appendix 8.1 of the environmental statement.
Schedule 1, Part 2, R17(3)	The words “and thereafter operated and maintained by the undertaker” have been added.	This wording has been added to clarify that the surface and foul water drainage system shall be operated and maintained by the undertaker following its approval and implementation.
Schedule 1, Part 2, R18(3)	The words “and any written analysis, reporting, publication or archiving required as part of the approved scheme must be deposited with the Historic Environment Record of the local planning authority” have been added.	Further to the Examining Authority’s request at ExQ 8.4, the Applicant has inserted this wording to require the written scheme for the investigation of areas of archaeological interest secured by Requirement 18 to be deposited with the Historic Environment Record of the local planning authority.
Schedule 1, Part 2, R20(4)	The words “a scheme for the carrying out of” and “must be agreed with the local planning authority in writing in advance. Where such a scheme is approved, the works set out in that scheme” have been removed.	Further to the Examining Authority’s request at ExQ 1.12, the Applicant has revised the wording of Requirement 20(4) for clarity.

Article/Requirement/Schedule Number	Amendment	Reason
Schedule 1, Part 2, R22(3)(b)	The words “details of measures to be adopted including pre-decommissioning surveys to protect species defined as a European Protected Species in regulation 42 (European protected species of animals) and 46 (European protected species of plants) of the Conservation of Habitats and Species Regulations 2017 or any species to which Part I (wildlife) and Schedule 5 (animals which are protected) of the Wildlife and Countryside Act 1981 applies” have been added.	As explained in the Applicant’s Deadline 1 submission and its response to ExQ 3.4, and above, this subparagraph inserted to secure pre-decommissioning surveys to protect species as defined within the decommissioning environmental management plan.
Schedule 9	The plan referenced in column (1) of each of the tables in Part 1 (removal of important hedgerows) and Part 2 (removal of hedgerows) has been corrected to “Important Hedgerows Plan”.	To correct a drafting error.
Schedule 12	Schedule 12 (documents to be certified) has been added.	As explained in the Applicant’s Deadline 1 submission and its response to ExQ 1.7, the Applicant proposes to identify all documents to be certified in a separate schedule on the face of the development consent order.