

The Planning Inspectorate

Our ref: XA/2024/100121/02-L01

Your ref: EN010122

Date: 14 August 2024

Dear Sir/Madam

DEADLINE 2 - RESPONSES TO THE EXA'S FIRST WRITTEN QUESTIONS (WATER QUALITY COMMENTS ONLY). OAKLANDS FARM SOLAR PARK, DERBYSHIRE.

Further to the response we provided at Deadline 1 to the ExA's First Written Questions, additional comments regarding questions 3.4 and 3.5 are offered below:

3.4 [General and cross-topic planning matter- statutory bodies]

Construction phase management plans

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.

- a. ***Please could the Applicant ensure that the dDCO [[AS-005](#)] and/ or Outline CEMP [[APP090](#)] identify the measures to be included in those management plans to demonstrate that the mitigation relied on in the ES is secured?***

For the applicant to answer

- 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***

We would not require an outline version of the Water Quality and Silt Management Plan, or the Spill Response Plan mentioned within the Outline CEMP [[APP-090](#)].

3.5 [General and cross-topic planning matter- statutory bodies]

Pollution control through other consenting and licensing regimes

Paragraphs 4.12.2 and 4.12.10 of NPS EN-1 note that the planning and pollution control systems are separate but complementary, that pollution control is concerned with

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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.

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:

- satisfied that potential releases can be adequately regulated under the pollution control framework; and
- 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.

a) Please could the relevant bodies comment, highlighting any specific concerns

The Environmental Permitting (England and Wales) Regulations 2016 sets out the requirement to hold and adhere to an environmental permit to carry out a water discharge activity, unless exemptions apply. The Environment Agency is satisfied that the above regulations provide adequate controls to protect the water environment from water discharge activities provided they are adhered to by the applicant and any subsequent contractor.

We trust this advice is useful.

Yours faithfully

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