



OAKLANDS FARM SOLAR PARK

Applicant: Oaklands Farm Solar Ltd

Summary of the Status of Statements of Common Ground

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STATUS OF STATEMENTS OF COMMON GROUND

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CONTENTS

1	INTRODUCTION	2
1.1	OVERVIEW	2
1.2	PURPOSE OF THIS DOCUMENT	2
1.3	STRUCTURE OF THIS DOCUMENT	3
2	OVERVIEW OF STATEMENTS OF COMMON GROUND	4
2.2	SOUTH DERBYSHIRE DISTRICT COUNCIL AND DERBYSHIRE COUNTY COUNCIL	4
2.3	ENVIRONMENT AGENCY	4
2.4	NATURAL ENGLAND	4
2.5	NATIONAL HIGHWAYS	4
2.6	HISTORIC ENGLAND	5
2.7	NATIONAL GRID	5
2.8	EMERGENCY SERVICES	5
2.9	HEALTH AND SAFETY EXECUTIVE	5
3	SOUTH DERBYSHIRE DISTRICT COUNCIL AND DERBYSHIRE COUNTY COUNCIL	7
4	ENVIRONMENT AGENCY	9
5	NATURAL ENGLAND	10
6	HISTORIC ENGLAND	11
7	NATIONAL GRID	12

1 INTRODUCTION

1.1 OVERVIEW

- 1.1.1 Oaklands Farm Solar Limited (“the Applicant”) is applying to the Secretary of State for Energy Security and Net Zero (“SoS”) for a Development Consent Order (“DCO”) under Section 37 of the Planning Act 2008 (“PA 2008”) for the construction, operation, maintenance and decommissioning of ground mounted solar photovoltaic arrays and an associated Battery Energy Storage System (“BESS”) on land west of the village of Rosliston and east of Walton-on-Trent in South Derbyshire.
- 1.1.1 The Oaklands Farm Solar Park comprises a proposed solar farm with an associated Battery Energy Storage System (‘the Proposed Development’). The Proposed Development would have a generating capacity of over 50MW and would be situated on 191 hectares of land at Oaklands Farm to the south-east of Walton-on-Trent and to the west of Rosliston in south Derbyshire. The solar park itself, comprising photovoltaic panel arrays, a central electricity substation and Battery Energy Storage System together with access, landscaping and other works would be located on 135 hectares of agricultural land currently in use for arable production and grazing. New high voltage 132kV underground electricity cabling would be installed by the Applicant from the project substation located within the proposed development on Oaklands Farm through land to the north at Fairfield Farm and Park Farm to connect the Proposed Development to the national grid at Drakelow electricity substation, located at the former Drakelow Power Station which sits south of Burton-upon-Trent.
- 1.1.2 This document has been prepared as part of that DCO application (“the Application”) and should be read in conjunction with the other documents submitted with the Application.

1.2 PURPOSE OF THIS DOCUMENT

- 1.2.1 The Applicant intends to enter into Statements of Common Ground (SoCGs) with a number of parties, in order to assist the Examining Authority (ExA) in his examination of the Application by recording the respective position of different parties on various issues of relevance to the Application.
- 1.2.2 This document has been requested by the ExA in his Rule 6 letter of the 4th June 2024 and provides an update on:
- The status of each SoCG;
 - The matters agreed between the Applicant and each Interested Party;
 - The main outstanding concerns held by each Interested Party;

- When it is anticipated that any draft Statements of Common Ground will be finalised and when the finalised signed and dated copies will be submitted to the Examination.

1.3 STRUCTURE OF THIS DOCUMENT

- 1.3.1 Section 2 provides an overview summary of the parties with whom the Applicant is seeking to agree Statements of Common Ground.
- 1.3.2 The subsequent sections then deal each party in turn to provide the updates requested by the ExA, as follows:
- (1) South Derbyshire District Council and Derbyshire County Council;
 - (2) Environment Agency;
 - (3) Natural England;
 - (4) Historic England;
 - (5) National Grid.

2 OVERVIEW OF STATEMENTS OF COMMON GROUND

2.1.1 At the point of the application being submitted the Applicant identified a number of parties with whom it expected to seek Statements of Common Ground. The ExA then identified a number of additional parties in his Rule 6 letter. This section summarises the approach being taken in each case.

2.1.2 Appendix G of the ExA's Rule 6 letter of the 4th June 2024 then sets out the ExA's procedural decision to request the preparation of SoCGs between the Applicant and certain Interested Parties.

2.2 SOUTH DERBYSHIRE DISTRICT COUNCIL AND DERBYSHIRE COUNTY COUNCIL

2.2.1 South Derbyshire District Council (SDDC) and Derbyshire County Council (DCC) are acting jointly in respect of the Application. Both the Applicant and the ExA identified SDDC and DCC as a SoCG party and the Applicant is engaging with the Councils to agree a SoCG. Section 3 of this document provides an update on the position of that SoCG.

2.3 ENVIRONMENT AGENCY

2.3.1 Both the Applicant and the ExA identified the Environment Agency (EA) as a SoCG party. The Applicant is engaging with the EA to agree an SoCG and Section 4 of this document provides an update on the status of that SoCG.

2.4 NATURAL ENGLAND

2.4.1 Both the Applicant and the ExA identified Natural England (NE) as a SoCG party. The Applicant is engaging with NE to agree an SoCG and Section 5 of this document provides an update on the status of that SoCG.

2.5 NATIONAL HIGHWAYS

2.5.1 The Applicant identified National Highways (NH) in the Application as a party with whom it was intending to discuss a SoCG. NH submitted a Relevant Representation on the 9th April 2024 which reserved their right to make written representations if an impact of construction traffic on the Strategic Road Network (SRN) is identified, or if changes to the application are made which result in impacts to the SRN.

2.5.2 NH were not included by the ExA in the Rule 6 letter as a party where a SoCG was being requested. The Applicant therefore contacted NH following the issuing of the Rule 6 letter and suggested that on that basis it would not progress a SoCG

unless there was a need identified during the Examination for an SoCG. NH confirmed to the Applicant that they were content with that approach.

- 2.5.3 The Applicant at this stage is therefore not progressing with a SoCG with National Highways.

2.6 HISTORIC ENGLAND

- 2.6.1 Both the Applicant and the ExA identified Historic England (HE) as a SoCG party. The Applicant is engaging with HE to agree an SoCG and Section 6 of this document provides an update on the status of the SoCG.

2.7 NATIONAL GRID

- 2.7.1 The Applicant identified National Grid (NG) as a party it was intending to agree an SoCG with. NG are not included as a SoCG party in the Rule 6 letter but the Applicant intends to agree a SoCG and is progressing discussions, with Section 7 of this document providing an update on those discussions.

2.8 EMERGENCY SERVICES

- 2.8.1 The Applicant contacted the Derbyshire Fire and Rescue Service in June 2024 who provided the National Fire Chiefs Council Grid Scale Battery Energy Storage System Planning guidance document and an accompanying letter identifying detailed design recommendations in respect of BESS facilities. The Applicant notes that guidance; Requirement 12 of the dDCO makes provision for a Battery Safety Management Plan to be submitted and approved by the Local Authority, which must be in accordance with the outline BSMP, or agreed with the HSE and Derbyshire Fire and Rescue Service if changes are proposed from the outline BSMP. The outline BSMP [APP-093] references the National Fire Chiefs Council BESS guidance, thereby demonstrating that account has been taken of that guidance by the outline BSMP.
- 2.8.2 The Fire and Rescue Service have not indicated that they require a SoCG with the Applicant and on the basis of the above the Applicant is not pursuing a SoCG with them.

2.9 HEALTH AND SAFETY EXECUTIVE

- 2.9.1 The ExA requested that the Applicant seek an SoCG with the Health and Safety Executive (HSE) in the Rule 6 letter. The Applicant sought clarity on that SoCG at the Preliminary Meeting on the 10th July 2024 and subsequently the ExA confirmed in the Rule 8 letter that the Applicant could either provide a SoCG with the HSE, or that the HSE could provide a letter setting out any concerns.
- 2.9.2 The Applicant contacted the HSE following the Preliminary Meeting and the HSE submitted a letter, dated 19th August 2024, which was published alongside

Deadline 2 submissions [REP2-005]. That letter states that the HSE do not consider a SoCG to be required for the Proposed Development and on that basis the Applicant has not engaged further with the HSE regarding a SoCG.

3 SOUTH DERBYSHIRE DISTRICT COUNCIL AND DERBYSHIRE COUNTY COUNCIL

3.1.1 The Applicant has engaged with South Derbyshire District Council and Derbyshire County Council throughout the preparation and since the submission of the Application.

3.1.2 The Local Authorities are acting jointly on the SoCG and are using a combination of internal Officer and external consultant resource on the various topics which will be covered within that document.

3.1.3 SDDC have submitted an Adequacy of Consultation Representation [AoC-012], a Relevant Representation [RR-295], suggested locations for the site inspection [PDA-002], a further response on suggested site inspection locations [REP1-028] and responses to the 1st Written Questions [REP1-029].

3.1.4 DCC have submitted an Adequacy of Consultation Representation [AoC-004], a Relevant Representation [RR-078] and a response to the 1st Written Questions [REP1-026].

3.1.5 SDDC and DCC then submitted a joint Local Impact Report at Deadline 2 [REP2-001].

3.1.6 Status and timing of the SoCG

3.1.7 The Applicant has provided draft text to the local authorities regarding the individual technical topics identified below in June 2024. Initial responses have been received on a number of topics and are being reviewed by the Applicant who will then revert to the local authorities following Deadline 3 regarding each of those topics.

3.1.8 The Applicant intends to provide at Deadline 4 on 1st October 2024 a substantive update through a further iteration of this document which summarises the position in respect of each of the individual topics and whether those have been fully, partially or not agreed, and where relevant the main outstanding concerns and the steps being taken to resolve those. If appropriate at that time, with the agreement of the local authorities, the Applicant will provide a draft SoCG which includes those sections where there is agreement between the parties.

3.1.9 The Applicant currently expects to be able to provide a full draft of the SoCG by Deadline 5 on the 31st October 2024, with a final signed copy being provided at Deadline 6 or 7.

3.1.10 Matters agreed and outstanding concerns

3.1.11 The SOCG between the Applicant, South Derbyshire District Council and Derbyshire County Council is expected to cover the following topics:

- (1) Principle of development;
- (2) Cumulatives;

- (3) Procedural matters and the dDCO;
- (4) Agricultural Land;
- (5) Air quality, odour and land quality;
- (6) Biodiversity, ecology and arboriculture;
- (7) Climate Change;
- (8) Flood Risk;
- (9) Glint and Glare;
- (10) Heritage;
- (11) Highways;
- (12) Landscape and Visual;
- (13) Minerals;
- (14) Noise;
- (15) Public Rights of Way.

4 ENVIRONMENT AGENCY

- 4.1.1 The EA have submitted a Relevant Representation [AS-019], a response to the 1st Written Questions [REP1-032], a Written Representation [REP1-033] and a supplementary response to the 1st Written Questions [REP2-003].
- 4.1.2 The Applicant and the National Infrastructure Team of the EA held an initial inception meeting on the 9th May 2024 and have had continued correspondence since that meeting relating to the points which the EA identify in their Written Representation, namely the Flood Risk Assessment, Drainage Assessment, Water Framework Directive Assessment, CEMP and the dDCO.
- 4.1.3 The Applicant notes that as part of its Written Representation at Deadline 1 the EA provided their Work Package Tracker, which is the model the Applicant will be using by way of a SoCG with the EA. That Work Package Tracker is an accurate reflection of the position at the point of the Written Representation being submitted. The Applicant will have completed the flood modelling to which the EA refer in that Tracker shortly after Deadline 3 and will at that point be submitting amended documents to the EA for review and discussion. The Applicant has addressed some aspects of the Tracker within its submissions at Deadline 1.
- 4.1.4 An updated version of the Work Package Tracker will be submitted at Deadline 4 by the EA, or by the Applicant with the agreement of the EA, to provide an updated position at that stage. The Applicant will be in a position at Deadline 4 to provide an accurate indication of when it expects to be able to submit a completed SoCG which will be based on that Work Package Tracker, but at present sees no reason why that will not be at Deadline 6 or 7.

5 NATURAL ENGLAND

- 5.1.1 NE submitted a representation setting out their position on the Application on the 13th June 2024 [AS-022] and then submitted a Written Representation and their responses to the 1st Written Questions at Deadline 1 [REP1-037].
- 5.1.2 The Applicant has been engaging with Natural England following the submission of the Application, including meetings on the 29th May 2024 and 2nd August 2024.
- 5.1.3 The Applicant will be circulating a draft SoCG to NE for review following Deadline 3, which reflects NE's submissions at Deadline 1. That SoCG follows a tabulated format similar to that used by NE in its Written Representation and will address the following matters:
- Designated Sites;
 - Protected Species;
 - Biodiversity Net Gain;
 - Ancient Woodland and ancient/veteran trees;
 - Agricultural Land;
 - Protected Landscapes.
- 5.1.4 The Applicant will provide a substantive update on the progress of that SoCG at Deadline 4 and will if appropriate at that stage (and if agreed with NE) provide a draft SoCG at that Deadline which summarises the position of the parties at that point regarding the topics above.
- 5.1.5 The Applicant will be in a position at Deadline 4 to provide an accurate indication of when it expects to be able to submit a completed SoCG with NE, but at present sees no reason why that will not be at Deadline 6 or 7.
- 5.1.6 Separately to the above, the Applicant will shortly after Deadline 3 be submitting a draft application for a Badger Licence to NE, in order to seek a Letter of No Impediment from NE on that matter. The Applicant will provide an update at Deadline 4 as to the progress of that application.

6 HISTORIC ENGLAND

- 6.1.1 HE submitted a representation on the 9th May 2024 [AS-021].
- 6.1.2 The Applicant engaged with HE following that representation and sought to clarify matters by email and through a meeting on the 20th May 2024. The Applicant facilitated access to the site for HE who undertook a site walkover on the 5th June 2024.
- 6.1.3 Following its site visit HE confirmed via email to the Applicant on the 11th July 2024 that its position was that the Proposed Development would cause harm due to the change in the setting of listed buildings, but that the harm is not serious and would constitute a low level of less than substantial harm as per paragraph 208 of the NPPF. HE further confirmed that the harm caused by metal fencing along the boundary of the Proposed Development would be mitigated by hedgerow growth.
- 6.1.4 The Applicant is seeking following Deadline 3 to formalise the HE position through a SoCG, now that HE have had the opportunity to visit the site and to confirm their position. The Applicant will provide a substantive update on that SoCG at Deadline 4 and if appropriate (and if agreed with HE) will submit a draft of that SoCG at Deadline 4.
- 6.1.5 The Applicant will be in a position at Deadline 4 to provide an accurate indication of when it expects to be able to submit a completed SoCG with HE, but at present sees no reason why that will not be at Deadline 6 or 7.

7 NATIONAL GRID

- 7.1.1 National Grid Electricity Distribution plc (“NGED”) submitted a Relevant Representation [RR-228], followed at Deadline 1 by Responses to the ExA’s First Written Questions [REP1-033].
- 7.1.2 National Grid Electricity Transmission plc (“NGET”) submitted a Relevant Representation [RR-229] and then at Deadline 1 a response to the ExA’s First Written Questions [REP1-035] and a Written Representation [REP1-036].
- 7.1.3 NG have not been identified by the ExA as a party with whom the Applicant has been asked to agree a SoCG. However the Applicant sees merit in providing a SoCG with NG which would provide an agreed position on matters relating to the arrangements for the construction and maintenance of the grid connection relating to the Proposed Development at the Drakelow Substation, which is operated by NG.
- 7.1.4 The Applicant is engaged in ongoing discussions with NG and will provide an update regarding the SoCG with NG at Deadline 4. The Applicant expects to be able to provide a final signed SoCG at Deadline 6 or 7.