OAKLANDS FARM SOLAR PARK

Applicant: Oaklands Farm Solar Ltd

The Applicant's Comments on Written Representations and other Deadline 1 submissions

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1 INTRODUCTION

1.1 PURPOSE OF THIS DOCUMENT

1.1.1 This Document has been prepared for submission at Deadline 3 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").

1.1.2 This Document provides the response by the Applicant to the Written Representations ("WRs") submitted at Deadline 1 of the examination. A total of eight WRs were submitted to the Planning Inspectorate. This document also provides the Applicant's response to the further three Additional Submissions ("AS") accepted at the discretion of the Examining Authority ("ExA") and published on the ExA's project website on 9th August 2024.

1.1.3 This Document also provides the Applicant's response to three submissions that have been made by members of the public providing Comments on Relevant Representations, AS and two Written Summaries of Oral Submissions made at the Open Floor Hearing 1 made by an Interested Party.

1.1.4 This Document also provides the Applicant's response to the three submissions which were made at Procedural Deadline A by members of the public.

1.1.5 The WRs and ASs comprise responses from nine Statutory Bodies, one non-statutory body and two members of the public. The WRs and ASs from the Statutory and non-statutory bodies have been listed verbatim with the comments from the members of the public being summarised and grouped into themes.

1.1.6 This document has been prepared as part of the DCO application ("the Application") and should be read in conjunction with the other documents submitted by the Applicant as part of the Application, prior to the Examination commencing and at the Examination Deadlines.

2 APPLICANT'S RESPONSES TO WRITTEN REPRESENTIONS

2.1 LEICESTERSHIRE COUNTY COUNCIL

THEME	COMMENT	APPLICANT RESPONSE
Transport	The submitted Environmental Statement (APP-155) states that AIL are proposed to use the Leicestershire Local Road Network (LRN) (A444) between the M42 and Acresford. Whilst these AIL movements are predicted to be limited in number to two (APP155, paragraph 10.154), and are proposed to be Police escorted (APP-155, paragraph 10.156), the submission identifies that surface protection, culvert reinforcement, and temporary removal of street furniture will be required at locations along the route (APP-155, paragraph 10.157). However, the extent and location of such work within the public highway in Leicestershire is unclear. The supporting swept path analysis (APP-154) of which drawing numbers DWG/3299/001 - DWG/3299/005 are relevant to Leicestershire, is labelled as indicative and includes a drawing note which simply states, 'specific vehicle configuration to be checked by specialist haulage company'. Furthermore, the drawings do not appear to be based on a topographical survey and therefore don't identify street furniture etc; neither do they indicate locations of structures e.g., culverts. LCC therefore request that the Applicant engages at the earliest opportunity within this Examination process and confirms the vehicle specification, the associated highway impacts, and the necessary mitigation measures on the LRN in Leicestershire.	The Chapter 10 (Transport and Access) of the Environmental Statement (ES) **[APP-155]** has assessed the environmental effects for Abnormal Indivisible Loads (AIL). Abnormal load mitigation measures will be secured under Requirement 10 (construction traffic management plan) of the Draft Development Consent Order (dDCO) **[REP1-003]** in a detailed Construction Traffic Management Plan (CTMP). There is also a legal requirement on the Applicant under the Electronic Service Delivery for Abnormal Loads (ESDAL) system to provide mitigation. The AIL movements will be subject to a separate application and permitting scheme, currently administered by National Highways in consultation with the relevant highway authorities and police. This process will be supported by additional route assessment and validation, including additional surveys as required. Arrangements for further consultation, liaison and monitoring are included in the Outline Construction Traffic Management Plan (OCTMP) **[REP1-021]**. The details of the AIL movements will be confirmed at the detailed design stage once the vehicle specifications are known and the extent of the AIL can be fully assessed in detail. As set out in the OCTMP suitable mitigation measures that will be provided, include: • Advanced notification of AIL movement to local residents and businesses. • Temporary Traffic Regulation Order to ensure route remains unobstructed of parked vehicles. • Movement undertaken at a specific time of day in a rolling roadblock format, supported by a police escort to limit the magnitude of impact on identified sensitive receptors. • AIL supported by an escort vehicle along the entirety of its route to warn vehicles and allow the AIL enough time to navigate bends and turns.

		• Suitable reinforcements of identified culverts within Coton in the Elms, informed by a DCC approved structural engineer report. • Surface padding to protect any areas of overrun including kerbs and verges. The Applicant will be engaging further with LCC during the course of the Examination regarding the detailed CTMP and AIL Swept Path Analysis.
Transport	The Applicant should be aware that the A444 is a Diversion Route for Unplanned Events (DRUE) on the Strategic Road Network (M42) and consideration should be given when planning and programming abnormal load movements.	The Applicant welcomes this comment and will ensure this is included in the detailed CTMP.
DCO	LCC seeks protection of its assets and recovery of any associated costs through provisions within the Development Consent Order. The draft as submitted (APP-016) does not appear to contain the necessary provisions. Indeed, no reference is made to Leicestershire.	The Applicant is required to remediate any damage to the highway network under the CTMP secured by Requirement 10 of the dDCO **[REP1-003]**. The Applicant will continue to engage with LCC regarding its representation and will provide an update to the ExA at Deadline 4.
Transport	LCC has concerns about the potential impact of AIL movements associated with this development proposal on the LRN within Leicestershire. The information submitted in support of the application is lacking in this regard. LCC note from our attendance at the Preliminary Meeting held on 10th July 2024 that there was a commitment from the Applicant to engaging with Interested Parties, and LCC would welcome engagement as soon as possible to address these concerns.	The details of the AIL movements have been fully assessed within Chapter 10 (Transport and Access) of the ES **[APP-155]**. The proposed mitigation is set out in the OCTMP **[REP1-021]** and the final detailed mitigation will be secured in the detailed CTMP as part of Requirement 10 (construction traffic management plan) of dDCO **[REP1-003].** The Applicant will be engaging further with LCC during the course of the Examination.

2.2 STAFFORDSHIRE COUNTY COUNCIL

THEME	COMMENT	APPLICANT RESPONSE
Transport	Early in the Pre-app process it was expected that the Walton Bypass would be in situ for the anticipated commencement date of the solar farm. However, the proposed road is to be constructed by a private developer and has been beset by delay. Both DCC and SCC are working with the developer's consultant to agree and approve the detailed design of the bypass. However, there is still much design work required to enable a full technical approval to be provided. In terms of timescales, it's difficult to predict and provide guarantee however with a fair wind and all parties engaged, hopefully by early 2026 the bypass should be open. Recognising the issues with the bypass Oaklands Solar sought to consider alternative options in case the bypass was not available. Whilst there is no guarantee over the timeframe for completion of the bypass it is still the preferred route of choice for construction traffic and we would want the DCO to include provisions to ensure it becomes the primary construction traffic route when opened.	The Applicant welcomes this update on the Walton Bypass and bridge. The OCTMP **[REP1-021]** which is secured by Requirement 10 (construction traffic management plan) of the dDCO **[REP1-003]** ensures that the use of Scenarios 2A (likely route) or 2B (backup route) are available if Scenario 1 (preferred route, utilising Walton Bypass) is not in situ for the anticipated commencement date of the Proposed Development. Scenario 2B (backup route) would only be used while as Scenario 2A (likely route) is unavailable for use, with construction vehicle routing reverting at the earliest opportunity. Therefore, the mechanism to use the Walton Bypass as the preferred construction route once open, is in place.
Transport	As stated above our preference would be for construction traffic to route via the Walton Bypass. However, recognising the uncertainty around its completion date the developer has had to consider alternatives 2A and 2B. It is unclear from the assessment undertaken in the Environmental Statement (ES) chapter 10 why routes 2A and 2B could not be used in conjunction with one another to spread the impacts of construction traffic across the network rather than focussing it on a particular route. We would suggest therefore that the Outline Construction Traffic Management Plan (OCTMP) is updated to include provision for a review of construction routes, once the location of materials being	Scenario 2A comprises Routes 1, 6, 8 and 9 with Heavy Good Vehicles (HGV) limited to using Route 6 in the north. Scenario 2B comprises Routes 1, 8 and 9 with HGVs limited to using Route 8 in the south east. As part of the consultation process in the pre-application stage it was agreed with Derbyshire and Staffordshire Highways Officers a hierarchy of routes would be supported and in the event that the preferred route for HGVs (Scenario 1, utilising Walton Bypass) was not available, or Scenario 2A was temporarily unavailable, Scenario 2B could be used by HGVs until 2A was available again. For lighter construction vehicles, Derbyshire and Staffordshire Highways Officers agreed the dispersion of these lighter vehicles across the network would be acceptable. This has been provided within the Application.

	transported to site in known, and agreement sought from highway authorities over the construction traffic routes to be used.	Route 6 of Scenario 2A has been assessed as being less constrained for use by HGVs than Route 8 and therefore has less impact on sensitive receptors. Route 6 also provides the shortest distance between the SRN and the Site.
Transport	In relation to impacts of Route 6 on Staffordshire the ES does not include any reference to several schools1 that are in close proximity to the proposed construction traffic route. Therefore, it gives no consideration to the movement of young pedestrians who potentially will need to cross and/or walk along the construction traffic route on their way to/from school. The OCTMP sets out provision for restricting movements during network peak hours so will include the morning school run. However, mitigation for the afternoon school day end presently is not provided. We therefore request the OCTMP is amended to provide restriction on movement of HGVs on Route 6 during the afternoon school run period. This will only need to be in place during term time.	Paragraph 5.5 of the OCTMP **[REP1-021]** has been amended to require all HGV movements to occur outside of the traditional local highway network peak periods outlined below: • AM Peak Period (08:00-09:00); • PM Peak Period (17:00-18:00); • School Drop off (08:30-09:30); and • School Pick up (15:00-16:00).
Transport	It is unclear from the ES what consideration has been given to the on-going construction of the Drakelow Park development and whether this has been accounted for in the impacts of construction traffic.	Drakelow Park is currently being built out and construction traffic has been captured in the baseline traffic surveys that were undertaken in 2022 as part of Chapter 10 of the ES **[APP-155]**.
Transport	As construction traffic Route 6 enters Derbyshire there is a narrow bridge on Rosliston Road over the railway. It is not clear whether any assessment has been made of this bridge or if any provisions are required to avoid conflict between vehicles. As the bridge is within Derbyshire, we leave the matter to their discretion but would wish to know whether any mitigation, such as shuttle working, would cause delay within Staffordshire	The average of 14 HGV movements per day is unlikely to cause material delays at the railway way bridge above those occurring within baseline conditions particularly as the OCTMP **[REP1-021]** restricts all HGV movements to occur outside of the traditional local highway network peak periods as stated above. The Applicant has been informed by Derbyshire District Council, as part of the ongoing Statement of Common Ground discussions, that there is no concern with HGV use of the railway bridge.
Transport	It is noted that the ES only considers the impact of construction traffic utilising the prescribed construction traffic routes. There is no consideration of impact on routes that potentially could be used by HGV drivers if they encounter delay or obstruction on the prescribed routes. For example the B5018 through Branston could be used to avoid central Burton. The B5018 has a primary school and high school fronting directly onto it and a narrow bridge over the railway with heavy pedestrian movements. Use of this or other routes has not been assessed	The OCTMP **[REP1-021]** provides a range of mitigation measures that require contractors to use the prescribed construction vehicle routes such as contractual agreements and financial penalties for breaches. This will discourage use of non-prescribed construction routes. Non-prescribed construction routes will not be used and therefore do not need to be assessed.

	and therefore should not be used. This is referred to in more detail below in relation to amendments to the OCTMP.	
Transport	The proposed routeing for the Abnormal Loads (M42, J11 then via A444) is sensible as it removes them from the heart of Burton Town Centre	The Applicant welcomes this comment and no further action is required.
Transport	The OCTMP sets out the principal mitigation measures for construction traffic. Limits on movement during network peak hours are supported and deemed necessary to avoid increasing delay and congestion during construction.	The Applicant welcomes this comment and no further action is required.
Transport	It has been recognised that there are two significant visitor attractions in relatively close proximity to the development. For Staffordshire this is the National Memorial Arboretum (NMA). The OCTMP proposes potential construction traffic 'blackout days' during times when significant events are to take place e.g. Remembrance Day. It is suggested that more clarity is provided in the OCTMP in relation to engagement with operators of the NMA to ensure that construction traffic does not impact on events of significance and these measures are subsequently conveyed to the relevant local highway authority.	Paragraph 5.15 of the OCTMP **[REP1-021]** submitted at Deadline 1 (originally Paragraph 5.13 in the OCTMP submitted with the Application) requires consultation with the National Memorial Arboretum with regard to cumulative events.
Transport	The OCTMP proposes to undertake condition surveys of the road pre and post construction and remedy any damage caused and attributable to the solar farm development. This is supported however the mechanism and powers for this provision are unclear. Should it be the case that there is a need for works to repair damage it is not clear whether the DCO contains relevant powers for these works to be undertaken by the developer and also whether there are respective powers for the local highway authority to agree the detail of the works and approve the workmanship of any work undertaken. The OCTMP should also include provision for recouping of any costs incurred by the local highway authority in undertaking emergency repair work of damage caused by construction traffic.	Requirement 10 (construction traffic management plan) of the dDCO **[REP1-003]** requires a highway condition survey to be completed for each road affected by the construction phase of the Proposed Development and a further highway condition survey following that phase of the construction works. This ensures any defects are captured and remediated quickly. Requirement 10 of the dDCO **[REP1-003]** confirms that if any defects are identified in a condition survey that are directly attributable to that phase of the construction works of the authorised development, details of how those defects are to be remediated by the undertaker must be included in the CTMP. Requirement 4 (phases of authorised development and date of final commissioning) of the dDCO **[REP1-003]** requires the Applicant to provide a written scheme setting out the phases of construction of the Proposed Development.
Transport	As noted in the earlier section the ES did not consider impact of construction traffic on the movement of children attending schools in the vicinity of Route 6 as it passes through Burton and Stapenhill. The OCTMP therefore should be updated such	Paragraph 5.5 of the OCTMP **[REP1-021]** has been amended to require all HGV movements to occur outside of the traditional local highway network peak periods outlined below:

	that it restricts the movement of HGV traffic on route 6 during the afternoon school run and confirms the proposed restrictions during network peak hours coincide with the morning school start times. The precise timings should be set out in the final CTMP following confirmation from the schools in question of the timing of the end of their school day. This provision would only need to be in place during term time.	• AM Peak Period (08:00-09:00); • PM Peak Period (17:00-18:00); • School Drop off (08:30-09:30); and • School Pick up (15:00-16:00).
Transport	As the ES has not considered impacts on routes outside of the prescribed construction traffic routes it is essential that the OCTMP and CTMP include such measures to prevent use of 'other' routes not assessed. The OCTMP and CTMP therefore need to set out clearly that the routes assessed in the ES are the only routes to be used and the measures in place to inform HGV drivers, suppliers and contractors of such. To support this the OCTMP and CTMP need to include sanctions and remedial measures to deal with any breaches. Such sanctions and remedies need to be sufficiently robust to act as a suitable deterrent from use of non-approved routes.	The OCTMP **[REP1-021]** provides a range of mitigation measures that require contractors to use the prescribed construction vehicle routes such as contractual agreements and financial penalties for breaches. This will discourage use of non-prescribed construction routes. Non-prescribed construction routes will not be used and therefore do not need to be assessed. The delivery and implementation of the detailed CTMP is secured through Requirement 10 of the dDCO **[REP1-003]**.
Transport	We are also mindful that the A38 can be subject to delay and/or closure in the event of incident. We therefore seek to ensure the OCTMP and CTMP are clear that HGV traffic should stick to the prescribed routes and not divert off the A38 to avoid sections with delay i.e. construction traffic simply wait it out with remedial measures/sanctions discussed above coming into effect if drivers choose to do otherwise. The only exception to this would be instances where all traffic is diverted off the A38 by the police, in which case their instructions should be followed.	The OCTMP **[REP1-021]** provides a range of mitigation measures that require contractors to use the prescribed construction vehicle routes such as contractual agreements and financial penalties for breaches. This ensures HGVs do not deviate from the preferred route. The delivery and implementation of the detailed CTMP is secured through Requirement 10 of the dDCO **[REP1-003]**. In the event that the A38 is subject to delay and/or closure and this is known prior to departure, HGVs will be able to revert to use of Scenario 2B via junction 11 of the M42 until the delay and/or closure on the A38 is cleared. If during the course of a journey under use of Scenario 1 or Scenario 2A the A38 is subject to delay and/or closure , HGVs will be required to adhere to the prescribed construction routes as set out above and therefore will be required to wait out the delay. In instances where all traffic is diverted off the A38 by the police, their instructions will be followed.
Transport	As noted above it is not clear what consideration has been given to the ongoing construction of Drakelow Park. It is therefore requested that the OCTMP and CTMP include provision for	The Applicant will approach representatives from Drakelow Park to invite them to the Oaklands Traffic Management Group as set out in the revised OCTMP. Drakelow Park is currently being built out and construction traffic has been

	liaison with the Drakelow Park developers to understand construction movements and ensure there is no conflict.	captured in the baseline traffic surveys that were undertaken in 2022 as part of Chapter 10 of the ES [APP-155].

2.3 ENVIRONMENT AGENCY

2.3.1 The Applicant acknowledges the Environment Agency's ("EA") WR in which no further substantive matters have been raised beyond those made in their RR. The Applicant and the EA are continuing to engage throughout the Examination to resolve the matters raised in the RR, with some of these matters now resolved as shown in the table at Appendix 1 of the EA's WR [REP1-033].

2.4 NATIONAL FOREST COMPANY

THEME	COMMENT	APPLICANT RESPONSE
Arboriculture	The National Forest Company (NFC) The National Forest Company (NFC) is responsible for leading the creation of the National Forest – 200 square miles of the Midlands, spanning parts of Derbyshire, Leicestershire and Staffordshire. The NFC was established in 1995 and is a charity and non-profit institution, as well as being an Arm's Length Body of the Department for Environment, Food and Rural Affairs (Defra). The National Forest Strategy 2024-24 is endorsed by Government and sets out the approach for the creation and management of the Forest over the next phase of its development. More than 9.5 million trees have been planted to date creating over 8,000ha of new habitats, transforming what was once one of the least wooded areas of the country. Around 25% of this has been delivered through Forest creation as part of new development.	Noted, no further comment required.

Arboriculture	Planning Policy and the National Forest Paragraph 151 of the National Planning Policy Framework (NPPF) acknowledges the valuable opportunities the National Forest offers 'for improving the environment around towns and cities, by upgrading the landscape and providing for recreation and wildlife' and advises that the National Forest may be a material consideration in preparing development plans and deciding planning applications. In conformity with this, Policy INF8 (The National Forest) of the South Derbyshire Local Plan, expects development within the National Forest to deliver the National Forest Strategy and contribute towards the creation of the Forest in accordance with National Forest Planting Guidelines. Unlike other forms of development which are expected by policy INF8 to include either 20% or 30% of the site area as Forest-habitats, solar farms do not explicitly feature as a development type within the National Forest Planting Guidelines. Notwithstanding this, the NFC anticipates that a development of this scale should include areas of significant woodland planting and other habitat creation as a contribution towards the creation of the National Forest. This would have significant benefits in terms of ecological improvements, woodland habitat connectivity, landscape character and minimising visual impact. Policy INF8 also requires that within the National Forest, that the siting and scale of the new development is appropriately related to its setting within the Forest, and that the proposed development respects and does not adversely affect the character and appearance of the wider countryside. The NFC considers that the most appropriate way to ensure a solar farm development complies with this element of the Policy, is by a landscaping scheme which recognises and responds to the National Forest location.	The Proposed Development has been assessed with regard to its location in the National Forest to ensure conformity with Policy INF8 of the South Derbyshire Local Plan and the objectives of the National Forest Strategy. In its response at Deadline 1 South Derbyshire District Council [REP1-029] confirmed in respect of ExQ1 7.15 that the Proposed Development is consistent with Policy INF8 in relation to tree planting and connectivity. The Outline Landscape and Ecological Management (OLEMP) **[REP1-015]** at Paragraphs 2.8 – 2.11 details the consideration of the location within the National Forest and how this has influenced the design approach of the Proposed Development, which considered comments obtained through consultation with the National Forest Company.
Arboriculture	National Forest planting and Biodiversity Net Gain This proposal is required to comply with the requirement for National Forest planting in policy INF8 and demonstrate a biodiversity net gain. It may be possible for habitat creation to count towards both National Forest policy requirements and net gain requirements, such as on-site tree and woodland planting, but applicants will need to demonstrate that both policy requirements have been met. Demonstrating a net gain does not imply compliance with National Forest policies nor should a net gain be accepted instead of meeting the National Forest policy requirements.	The planting of new native tree species and the creation of woodland areas has been proposed in the OLEMP **[REP1-015]** in line with the National Forest's objectives and ensures that it meets the policy requirements from a landscape and National Forest perspective. Incidentally, the planting of new native tree species and the creation of woodland areas will have an impact on the Biodiversity Net Gain (BNG) of the Proposed Development and therefore has been included as part of the overall net gain. Neither policy for the National Forest or BNG requirement has been prioritised but they are not mutually exclusive. In its response at Deadline 1 South Derbyshire District Council [REP1-029] confirmed in respect of ExQ1 7.15 that the Proposed Development is consistent with Policy INF8 in relation to tree planting and connectivity.

Arboriculture	The Illustrative Landscape Strategy Plan The importance of habitat connectivity and a locally distinctive landscape strategy has been consistently discussed with the applicant, and it is therefore disappointing that the landscape strategy is not specific to the site's National Forest location. While we appreciate that the landscape strategy plan is illustrative, it does not include any significant areas of woodland planting. At this indicative stage, the NFC would anticipate significant woodland blocks being proposed which maximise habitat connectivity between the existing woodland blocks surrounding the solar farm (including Rosliston Forestry Centre, Redferns Wood and Thompsons Wood) which were funded by the NFC in the last 30years as part of the National Forest. We would also expect that there would be reference to the National Forest and habitat connectivity in the target notes of the Illustrative landscape strategy plan, particularly given our previous discissions with the applicant. In terms of woodland creation, the landscape strategy plan shows small areas of 'woodland trees and woodland understorey' shoehorned around solar panels and predominately to the edges of the development. This is of concern noting the annotation on the Landscape Strategy Plan that 'trees around the edges of solar arrays should not exceed 8-10m in height at maturity to avoid shading of solar PPV panels.' While this will create useful habitat, this shrubby thicket needs to be in addition to woodland planting with a high proportion of tree species designed to create a woodland canopy. It is not clear from the plan where woodland is proposed as opposed to woodland understorey or indeed whether they are a separate planting type. It is also noted that the Outline Landscape and Ecological Management Plan only refers to 'woodland understorey creation and tree planting' in the design approach, with no reference to woodland creation.	The Proposed Development is designated as Critical National Priority (CNP) Infrastructure, in which there is an urgent need to deliver CNP Infrastructure in accordance with NPS EN-1. The Proposed Development proposes the creation of 5.51ha of woodland , 0.71ha of mixed scrub and 3.48ha of urban trees on the site. The additional woodland and tree planting is provided as mitigation and enhancement for the solar generating station in areas where the woodland and trees would not adversely affect the efficiency of the solar panels through shading. As shown in the Illustrative Landscape Strategy Plan of the OLEMP [REP1-015], the woodland and tree planting has been located to the north of the solar panels or distanced from them to avoid the conflict between tree planting and shading whilst balancing the need to create other habitat and landscape features. Therefore, the proposed woodland and tree planting is considered appropriate and suitable for Proposed Development whilst contributing to the objectives of the National Forest.

	In trying to understand which landscaping elements could contribute to National Forest planting, we note that Table 3.7 in Appendix 6.1 – Biodiversity Net Gain Report details that 5.51ha of woodland is being created on the site, 0.71ha of mixed scrub and 3.48ha of urban trees. This represents tree planting on a very small percentage of the site. While we accept that solar farms are not explicitly referred to as a development type in the planting guidelines of Policy INF8, a development of this scale reduces tree planting opportunities in this area of the Forest and has the real potential to form a barrier to future forest habitat connectivity. We have consistently advised the applicant that the landscape strategy should include significantly more large blocks of woodland. These woodland blocks and tree planting should be to the north of the panels or remote from them to avoid the conflict between tree planting and shading. While we are pleased to note the retention of existing landscape features, we consider that opportunities to connect these features as opposed to being isolated and/or surrounded with panels, should be taken.	
Arboriculture	Priority mapping Noting the potential conflict between tree planting and solar panels, it is important that proposed tree planting is located where it can have the greatest impact. The NFC has developed a unique priority mapping system that helps us to highlight the potential benefits of planting of any given field parcel within the Forest. This priority mapping is built around the idea of creating a "Public Benefit Index" for land in the Forest. It goes much further than just ecological monitoring, taking into account benefits for society as well. This allows the NFC to identify where the greatest benefits to planting a site exist. Using the reference numbers on 'Figure 4.2: Work Area No 1 – Solar array reference numbers', our priority mapping system has highlighted areas Nos. 07, 08, 022 and 023 as having the highest benefit. Additionally, the area to the north-east of area No. 023 (where the Landscape Strategy details that watercourse trees will be planted along the Pessall Brook) and the field to the north-east of area No. 020 where the National Forest Way passes through also rate highly on the priority mapping system – see map appended to response.	The Applicant welcomes the provision of the priority mapping. When comparing this to Figure 1b: Illustrative Landscape Strategy Plan **[REP1-015]**, it appears that much of the proposed woodland planting correlates with the areas of greater Public Benefit Index.

Arboriculture	National Forest Way We are pleased that the National Forest Way, a 75-mile long-distance walking trail through the transformed landscape of the National Forest, has been identified. We suggested that a wide green corridor along this long-distance path would be our preferred approach and it is considered that this could be improved with some changes to the landscaping strategy. We are pleased that our suggestion of an information panel to provide information about the solar farm to users of the footpath has been incorporated into the landscape strategy	Figure 1b: Illustrative Landscape Strategy Plan **[REP1-015]** shows that the section of the National Forest Way that crosses the site will be enhanced to create a green corridor with planting of woodland, species-rich grassland, new hedgerow and ditch creation and enhancing existing hedgerows.
Arboriculture	Conclusion A development of this scale should recognise and acknowledge the site's location by making a significant contribution to the creation of the National Forest. To comply with the NPPF, The National Forest Strategy and Policy INF8 of the Local Plan, the NFC considers the illustrative landscape strategy should be amended to deliver significantly more woodland planting and ensure that the proposal does not form a barrier to habitat connectivity. Tree planting should be allowed to realise its potential rather than being restricted by the conflict between shading and the solar panels and should be located in areas where the planting offers the highest benefits to both nature and people.	The Proposed Development is making a significant contribution to the National Forest in compliance with Policy INF8 and the NPPF, and delivers CNP Infrastructure in accordance with NPS EN-1. In its response at Deadline 1 South Derbyshire District Council [REP1-029] confirmed in respect of ExQ1 7.15 that the Proposed Development is consistent with Policy INF8 in relation to tree planting and connectivity.

2.5 NATIONAL GRID ELECTRICITY TRANSMISSION PLC (NGET)

THEME	COMMENT	APPLICANT RESPONSE
DCO	As set out in NGET's previous representation, NGET has infrastructure which is within or in close proximity to the proposed Order Limits including Drakelow Substation.	Noted, no further comment required.
DCO	Therefore, whilst NGET does not object in principle to the Proposed Development proposed by the Promoter, NGET does object to the Proposed Development being carried out in close proximity to its apparatus unless and until suitable protective provisions and related agreements have been secured to its satisfaction	The Applicant is continuing to discuss Protective Provisions with NGET and expects these to be agreed prior to the close of Examination. Once the Protective Provisions are agreed, the Applicant understands that NGET will be able to withdraw its objection to the Proposed Development being carried out in close proximity to its apparatus.

		The Applicant notes NGET's WR does not constitute an objection to the principle of the Proposed Development.
DCO	NGET also objects to any compulsory acquisition powers for rights or other related powers to acquire land temporarily, override or otherwise interfere with easements or rights being invoked which would affect its apparatus, assets, land or rights over its land.	The Applicant is continuing to negotiate the Option for Easement with NGET and through these negotiations, the parties will agree provisions to mitigate potential impacts on NGET apparatus, land or rights over its land.
DCO	The NGET project team is liaising with the Promoter and has been for some time prior to the commencement of the examination. NGET expects this to continue during the examination. NGET is currently in negotiations with the Promoter to agree Heads of Terms for the Promoter to have rights over NGET's land at Drakelow electricity substation (Substation). NGET leases the Substation and has apparatus within the vicinity. It is essential that NGET maintains control over its land at the Substation in order to facilitate future works and/or connections in this location pursuant to NGET's duties as a statutory undertaker.	The Applicant is continuing to engage with NGET on this matter through the preparation of the Statement of Common Ground.
DCO	This objection is maintained unless and until NGET's standard form of protective provisions have been agreed with the Promoter and included in the Draft Order. This is because these protective provisions are required by NGET to ensure the adequate protection of its interests, statutory undertaking and compliance with relevant safety standards. Without such protective provisions in place, the exercise of any compulsory acquisition powers in relation to the Substation could cause serious detriment to the carrying on of NGET's statutory undertaking, as NGET may be prevented from carrying out substation expansion works, upgrades or connecting other customers.	The Applicant is continuing to discuss Protective Provisions with NGET and expects these to be agreed prior to the close of Examination. Once the Protective Provisions are agreed, the Applicant understands that NGET will be able to withdraw its objection.
DCO	Until satisfactory agreement has been reached with the Promoter as regards to the protective provisions, NGET continues to reserves the right to make further submissions to the examination at a later date.	The Applicant is continuing to discuss Protective Provisions with NGET and expects these to be agreed prior to the close of Examination. Once the Protective Provisions are agreed, the Applicant understands that NGET will be able to withdraw its objection. The Applicant is continuing to engage with NGET on this matter through the preparation of the Statement of Common Ground .

2.6 WOODLAND TRUST

THEME	COMMENT	APPLICANT RESPONSE
Arboriculture	The Woodland Trust is the UK's largest woodland conservation charity and a leading voice in bringing to the attention of government, landowners and the general public the state of the UK's woods and trees. We own over 1,000 sites across the UK, covering over 30,000 hectares and we have over 500,000 members and supporters. The Trust also campaigns with the support of local communities, to prevent any further destruction of ancient woods and veteran trees. We are an evidence-led organisation, using existing policy and our conservation and planning expertise to assess the impacts of development on ancient woodland and veteran trees. Planning responses submitted by the Trust are based on a review of the information provided as part of the development consent application to the Planning Inspectorate.	Noted, no further comment required.
Arboriculture	Woodland Trust Position The Woodland Trust has concerns in relation to impacts on potential veteran trees that have not been recognised as such in the proposals. Our concerns include potential loss of veteran trees, encroachment on their root systems, proposed tree works including the removal of important habitat features (such as deadwood), and future requirements for managing canopies. Ancient and Veteran Trees Ancient and veteran trees are irreplaceable habitats and afforded a high level of protection in planning policy. They possess unique features which provide a rich and diverse range of habitats, playing host to countless other species. In particular, many rare invertebrate, fungi and lichen species are dependent on the decaying wood provided by such trees1. Veteran trees are disproportionately valuable parts of the natural environment and where they occur outside of woods they are also particularly important for landscape connectivity.2 They are an essential part of our landscape and cultural heritage. The Government's 'Keepers of Time' policy stresses the importance of ancient and veteran trees: "Ancient and veteran trees are rich in biodiversity. They provide food, shelter and breeding sites to large numbers of species including birds, bats, fungi and insects, which are often restricted	The submitted Arboricultural Survey Report **[APP-133]** references at footnote 3 the use of the relevant planning policy guidance. The process adopted for identifying ancient and veteran trees is set out below. With regards to relevant published literature, there exist two key texts on evaluating and managing veteran and ancient trees. These are Read (*Read, H., 2000, Veteran Trees: A guide to good management. London: English Nature*) and Lonsdale (*Lonsdale, D. (ed.), 2013, Ancient and other veteran trees: further guidance on management. London: The Tree Council*). The latter of these was written to update and expand on the former (according to its author Dr. Helen Read) and so the Lonsdale publication has become the primary source on ancient/veteran tree management and is endorsed by the Woodland Trust, Ancient Tree Forum and Arboricultural Association, amongst others. In assessing potential veteran trees, Barton Hyett Associates use a combination of stem girth (as per Fig 1.3 in Lonsdale, 2013) with the key attributes found on veteran trees (paragraph 2.1.1 in Lonsdale).

	in their distribution. They can be found both inside and outside of woodlands." Planning Policy The National Planning Policy Framework (NPPF), paragraph 186, states: "When determining planning applications, local planning authorities should apply the following principles:- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons67 and a suitable compensation strategy exists;" Footnote 67 defines exceptional reasons as follows: "For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat." Impacts on Potentially Veteran Trees We are pleased to note the commitment to provide trees T56 (Ancient Oak), T57 (Ancient Oak), T59 (Ancient Willow), T30 (Veteran Lime), T32 (Veteran Oak) and T86 (Veteran Oak) with veteran tree buffer zones in line with Natural England and the Forestry Commission's standing advice3 . In this respect we also note the Examining Authority's request to the Applicant, South Derbyshire District Council and Derbyshire District Council to confirm that the veteran tree buffer zones are appropriately applied to fully mitigate potential impacts on ancient and veteran trees. However, we are concerned that potentially veteran trees identified in the Arboricultural Survey Report (APP-133) have not been appropriately recognised and protected. The development site holds a large population of old and important trees as evidenced by the Tree Survey. Whilst the six trees listed above have been recognised as ancient or veteran, we consider that a number of other trees described in the Tree Survey are potentially veteran. In particular, trees T93, T97, T98 and T100 are described as having "Veteran characteristics but not yet of true veteran form". It is unclear what this assessment means and how it has been reached	Lonsdale (2013) provides Figure 1.3, a 'chart of girth in relation to age and developmental classification of trees'. This chart is used as the fundamental step in identifying veteran and ancient trees. However, attention is drawn to the schematic nature of the chart and the inherent difficulty in interpreting it precisely for an individual tree. For example, Lonsdale identifies a girth of 4.5m for oak trees as the broad size where an oak tree can start to be considered a veteran (equivalent of a diameter 1.4m) of course smaller trees could be considered veteran if they display an appropriate amount of veteran characteristics. However, when identifying veteran or ancient trees in the field an element of professional judgement must be applied. For instance, the presence of dead wood in a tree crown or wounds where branches have been lost may veteran features, however, the presence of such features alone does not result in veteran status. Features such as this are just typical of the character of mature, non-veteran, trees. This is the reason why in the submitted Arboricultural Survey Report **[APP-133]** some trees are noted as having some veteran features (i.e. those features that are typical for mature trees of that species) but have not yet attained veteran status. With specific regard to T93, T97, T98 and T100 these are all English oak which do not attain the stem size, or do not display veteran characteristics (that are not simply typical of mature oak trees) to classify them as veteran trees.
Arboriculture	Additionally, there are a number of other trees not specifically described as having "Veteran characteristics", but which we consider may be veteran	As explained above, it is possible for some trees to have features that are associated with veteran trees without being of veteran status. Much of this

based on the features and observations detailed in the report. These are trees T14, T16, T22, T36, T110, T111, T112, T127, T139 and T157.

assessment is also species specific. For instance, large stem size of a poplar tree does not necessarily convey great age and branch loss scar does not in itself make a veteran tree.

The methodology used to assess the status of trees as ancient or veteran is appropriate and in line with Government guidance. In respect of the trees noted in The Woodland Trust's WR, it has been assessed as follows:

- T14 (Horse chestnut) - Not considered a veteran. Tree has large stem girth and is in an established state of decline (tree is mostly moribund) but with no other real veteran features. Tree is within the Order Limits and adjacent an existing hard surfaced access road. Tree can be protected during construction.
- T16 (Horse chestnut) - Not considered a veteran. Tree has large stem girth and in an established state of decline (tree is mostly moribund) but with no other real veteran features. Tree is within the Order Limits and adjacent an existing hard surfaced access road. Tree can be protected during construction.
- T22 (Pear) - Not considered a veteran. Not particularly large/old for species and has no veteran features other than it has lost a branch in the past and has some decay present. Outside of Order Limits. Located beneath overhead power lines. Tree can be protected during construction.
- T36 (Ash) - Tree is actually identified as veteran on the plans within the submitted Arboricultural report. Veteran tree buffer has been applied. Irrespective the tree is located outside of the Order Limits. Nearest proposed development is the access track corridor at circa 700m from tree.
- T110 (poplar) - Not considered a veteran. Not particularly large or old for species and typical for mature poplar. Tree is within the Order Limits and can be protected during construction.
- T111 (poplar) - Not considered a veteran. Not particularly large or old for species and typical for mature poplar. Tree is within the Order Limits and can be protected during construction.
- T127 (ash) - Not considered a veteran. Tree has a particularly small stem size, with no veteran features other than limb loss and decay present at branch loss point and in stem. Habitat value but not of veteran status. Tree is within tree group on the edge of the Order Limits. Located near to proposed development (but well outside Root Protection Area - RPA) and can be protected during construction.

		• T139 (ash) - Not considered a veteran. Tree is in decline (most likely due to ash die back). Typical for mature ash. Tree is within the Order Limits. Proposed track within RPA but utilising the existing field gateway. Tree can be protected during construction but requires ground protection solution (as identified on the plan in the submitted Arboricultural report). Tree can be protected during construction. • T157 (crack willow) - Not considered a veteran. Not large for species. Typical for mature crack willow. Located on the edge of the Order Limits. Tree is 45m away from nearest proposed development (Site perimeter fence). Tree can be protected during construction.
Arboriculture	Planning Practice Guidance (PPG) for the 'Natural Environment', updated on 21st July 2019 and intended to clarify and interpret the NPPF, states: "Veteran trees may not be very old but exhibit decay features such as branch death or hollowing. Trees become ancient or veteran because of their age, size or condition. Not all of these three characteristics are needed to make a tree ancient or veteran as the characteristics will vary from species to species." Veteran features are not necessarily a product of tree age or size; they also develop as a result of a tree's life or environment. A key function of the term 'veteran' is to capture trees that have exceptional habitat value as well as those with cultural and heritage value. The term is not a true ecological grouping and serves to help us identify trees important for biodiversity in their own right and as part of a wider assemblage; veteran trees are important for the accumulation of features that are unable to be replicated within our lifetime. It is not clear what methodology the Applicant has applied in determining veteran status of trees on site. We acknowledge that government definitions do not provide precise, measurable parameters against which to easily recognise veteran trees. It is therefore particularly important that the Applicant provides information to demonstrate how Natural England and Forestry Commission's standing advice, planning practice guidance, and expert reference texts have been taken into account in respect of the classification of veteran trees. We would recommend that the assessment is carried out by a veteran tree specialist, ideally accredited through VETcert - Arboricultural Association - VETcert (trees.org.uk).	The submitted Arboricultural Survey Report (ASR) **[APP-133]** references at footnote 3 the use of the relevant planning policy guidance. Paragraph 4.10 and 4.13 confirms that Natural England and Forestry Commission's standing advice and the planning practice guidance has been considered in the ASR and applied accordingly throughout the Report. The process adopted for identifying ancient and veteran trees is set out below. With regards to relevant published literature, there exist two key texts on evaluating and managing veteran and ancient trees. These are Read (*Read, H., 2000, Veteran Trees: A guide to good management. London: English Nature*) and Lonsdale (*Lonsdale, D. (ed.), 2013, Ancient and other veteran trees: further guidance on management. London: The Tree Council*). The latter of these was written to update and expand on the former (according to its author Dr. Helen Read) and so the Lonsdale publication has become the primary source on ancient/veteran tree management and is endorsed by the Woodland Trust, Ancient Tree Forum and Arboricultural Association, amongst others. In assessing potential veteran trees, Barton Hyett Associates use a combination of stem girth (as per Fig 1.3 in Lonsdale, 2013) with the key attributes found on veteran trees (para. 2.1.1 in Lonsdale). Lonsdale (2013) provides Figure 1.3, a 'chart of girth in relation to age and developmental classification of trees'. This chart is used as the fundamental step in identifying veteran and ancient trees. However, attention is drawn

		to the schematic nature of the chart and the inherent difficulty in interpreting it precisely for an individual tree. For example, Lonsdale identifies a girth of 4.5m for oak trees as the broad size where an oak tree can start to be considered a veteran (equivalent of a diameter 1.4m) of course smaller trees could be considered veteran if they display an appropriate amount of veteran characteristics. However, when identifying veteran or ancient trees in the field an element of professional judgement must be applied. For instance, the presence of dead wood in a tree crown or wounds where branches have been lost may veteran features, however, the presence of such features alone does not result in veteran status. Features such as this are just typical of the character of mature, non-veteran, trees. This is the reason why in the submitted Arboricultural Survey Report **[APP-133]** some trees are noted as having some veteran features (i.e. those features that are typical for mature trees of that species) but have not yet attained veteran status.
Arboriculture	Mitigation and Buffering Trees are susceptible to change caused by construction/development activity. As outlined in 'BS 5837:2012 - Trees in relation to design, demolition and construction' (the British Standard for ensuring development works in harmony with trees), construction work often exerts pressures on existing trees, as do changes in their immediate environment following construction. Root systems, stems and canopies, all need allowance for future movement and growth, and should be taken into account in all proposed works on the scheme through the incorporation of the measures outlined in the British Standard. Paragraph 5.2.4 of BS 5837 guidelines states that "particular care is needed regarding the retention of large, mature, over-mature or veteran trees which become enclosed within the new development" and that "adequate space should be allowed for their long-term physical retention and future maintenance".	The submitted Arboricultural Survey Report **[APP-133]** has been prepared in accordance with the British Standard as set out in Section 6 of the Report. No further action required.
Arboriculture	Veteran trees are irreplaceable habitats and should be protected from loss, deterioration or harm. Natural England and Forestry Commission have identified impacts of development on ancient and veteran trees within their standing advice. This guidance should be considered Government's position with regards to development impacting ancient or veteran trees. The Applicant should ensure that the proposed works will not result in any detrimental impact on veteran trees in line with paragraph 186 of the NPPF and the aforementioned standing advice.	The submitted Arboricultural Survey Report **[APP-133]** has been prepared in accordance with the relevant guidance as set out at Paragraphs 4.10 and 4.13 confirms that Natural England and Forestry Commission's standing advice and the planning practice guidance has been considered in the ASR and applied accordingly throughout the Report. No further action required.

	Whilst BS 5837 guidelines state that trees should have a root protection area of 12 times the stem diameter (capped at 15m), the guidelines also recognise that veteran trees need particular care to ensure adequate space is allowed for their long-term retention. The aforementioned standing advice states the following with regards to root protection areas/buffer zones: "For ancient or veteran trees (including those on the woodland boundary), the buffer zone should be at least 15 times larger than the diameter of the tree. The buffer zone should be 5 metres from the edge of the tree's canopy if that area is larger than 15 times the tree's diameter. This will create a minimum root protection area. Where assessment shows other impacts are likely to extend beyond this distance, the proposal is likely to need a larger buffer zone."	
Arboriculture	Veteran trees are irreplaceable habitats and must be protected from loss, deterioration or harm. Any development resulting in the loss or deterioration of a veteran tree should not be taken forward unless there are wholly exceptional reasons. We request that the Applicant provides additional information on the methodology and approach used to identify and classify veteran trees so that the Examining Authority can be assured that all veteran trees on site have been provided with appropriate mitigation and protection. Where necessary we would ask that Tree Officers from South Derbyshire District Council and Derbyshire District Council are engaged in the identification and classification of veteran trees, in particular with regards to the specific trees identified in this Written Representation.	In addition to the methodology described above, further details can be found in sections 5-7 of the ASR **[APP-133]**. The Applicant will engage with SDDC and DCC regarding the identification and classification of veteran trees as part of the ongoing preparation of the Statements of Common Ground.

2.7 DISTRICT COUNCILLOR AMY WHEELTON

THEME	COMMENT	APPLICANT RESPONSE
Cumulative Sites	This [*photo of a consultation event for a BESS in the vicinity of the Site*] is on a gate next door to the Drakelow BESS detailed below, last week the website stopped working when I published details, it is directly adjacent and behind the existing proposed Drakelow BESS, SDDC officers confirmed pre application talks have taken place. This adds further to the cumulative impact of the 6 local BESS.	The Applicant is reviewing the cumulative developments with a view of updating the list of cumulative developments which will be agreed with South Derbyshire District Council and Derbyshire County Council.
Ecology	Page 29 point 5.5.19 of the below BESS application planning statement shows evidence of Otters, crayfish and mussels in the area where the NSIP track/cable will be, the document is on the SDDC planning portal below. The NSIP paperwork on PINS does state Otter spraint but this confirms otter activity where the track and cable will cross the brook twice and surrounding area. Otters are designated and protected as European protected species (EPS). EPS are protected under the Conservation of Habitats and Species Regulations 2017. It is an offence to: o deliberately kill, injure, disturb or capture them o damage or destroy their breeding sites and resting places - even if otters are not present o possess, control or transport them (alive or dead) o It is also an offence under the Wildlife and Countryside Act 1981 to intentionally or recklessly: o disturb otters while they occupy a structure or place used for shelter or protection o obstruct access to a place of shelter or protection The installation and operation of a 1.025 GW Energy Storage System (ESS), including energy storage units, substation, site access, cable connection, landscaping and ancillary infrastructure at Fairfields Farm, Rosliston Road, Walton-on-Trent, Swadlincote, DE12 8LR The application may be viewed on our website at https://planning.southderbyshire.gov.uk/dmapps.aspx/?ref=DMPA/2024/0789. It is noted in an objection to the above application from the tenant farmer that documented proof is available that peregrine falcons have nested in the pylon adjacent to the brook and species such as kingfishers, brown hares, Barn owls,	The Applicant is aware that Otter are protected species. Appendix 6.8 of the ES **[APP-127]** identified evidence of Otters in the area particularly within the unnamed watercourse. Incidental evidence (prints, feeding remains and a holt) of otter was recorded within the unnamed watercourse in the west of Park Farm and north of Oaklands Farm and it was concluded it is likely that this species utilises the unnamed watercourse and ponds for foraging and shelter. The Ecological Impact Assessment submitted in support of application DMPA/2024/0789 (The installation and operation of a 1.025 GW Energy Storage System (ESS), including energy storage units, substation, site access, cable connection, landscaping and ancillary infrastructure at Fairfields Farm, Rosliston Road, Walton-on-Trent, Swadlincote, DE12 8LR) also reached the same conclusion. Chapter 6 (Ecology) [APP-135] and Appendix 6.8 [APP-127] provides mitigation measures and enhancements for Otter and are set out in the OLEMP [REP1-015], OCEMP [REP1-007] and ODEMP [REP1-011]. That embedded mitigation will ensure that significant impacts on otter are avoided. The delivery and implementation of a detailed CEMP and LEMP is secured through Requirement 9 (construction environmental management plans) and Requirement 8 (landscape and ecological management plan) of the dDCO (REP1-003). These management plans will provide further details on the delivery of ecological enhancements and management, including for otter. Chapter 6 **[APP-135]** of the ES and the associated Appendices provide comprehensive details of the protected species surveys, result and mitigation for protected species that have been identified. No peregrine falcon were found within Order Limits during bird surveys.

	deer, otters and other red-letter species are on site, this is the same site as the NSIP, as it abuts and is adjacent.	
	The applicants Flood Risk and Drainage Assessment Report confirms sub aquifer presence in the area, it is also on Park Farm Ground where the track and cable are planned, page 6 point 1.5.2. Proposed Battery Energy Storage System with associated access, landscaping and ancillary works at land South of Walton Road, Drakelow. Land at South of Walton Road, Drakelow. The application may be viewed on our website at https://planning.southderbyshire.gov.uk/dmapps.aspx/?ref=DMPA/2023/1665. Recent appeals have been dismissed BESS where sub aquifers are present with water boreholes, no documents currently address this from the applicants. Appeal Decision by JP Longmuir 16/02/2024 Appeal Ref: APP/U1105/W/23/3319803 Pound Road BESS, Land North East of Axminster National Grid Sub Station, Pound Road, Hawkchurch, EX13 5XN	Chapters 8 (Water Resources and Flood Risk) and 9 (Ground Conditions) of the ES **[APP-143 and APP-146]** have assessed the potential effects on aquifers in which it has been determined that that Proposed Development would result in a minor beneficial effect. The BESS and part of the substation would include impermeable surfacing, with bunds around any impermeable areas. All rainwater landing on those impermeable areas would be collected and directed to underground tanks, which have been sized to account for larger storm events, with additional contingency for climate change. The tanks would be fitted with a hydrobrake which would manage the flow of water out to the existing watercourse to the north, near Rosliston Road at existing greenfield run-off rates. The tanks would be fitted with automatic control valves which would close in the event of any incident with the BESS or substation and any water contained in order to allow the water to be tested for contaminants and if necessary pumped into a tanker to be taken away from the Site for proper disposal. The OBSMP provides further details on the procedure for dealing with potential contamination issues with the BESS and is secured by Requirement 12 (battery safety management plan) in the dDCO **[REP1-003]**. The appeal decision is noted but relates to a development which is not a Critical National Priority. Upon review of the appeal decision it would appear that inadequate embedded mitigation and proposed mitigation measures for the BESS was not provided resulting in the refusal of planning permission. The Applicant does not consider the appeal scheme to be comparative to the Proposed Development.
The Applicant	Concerns are raised at the financial ability and stability of the applicants under the funding statement PINS document 4.2 where it is stated £88 million is the project cost. Based on the below recent Reuters article, a condition of planning permission should include the protection for the community of promised benefits, ongoing maintenance and remediation (DEMP) of the site which could include a performance bond, escrow account or similar to secure agreed obligations of this	Following recent news published in the media regarding BayWa AG and its financial situation, the Applicant clarifies the following: The Applicant is part of the renewable energy business, BayWa r.e. AG. While part of the BayWa AG Group, BayWa r.e. AG operates largely independently of BayWa AG. However, as an immediate precaution the

site including all battery safety/management, hedgerow, ditch and Suds/drainage works, including reinstatement of all land drains to ensure the BMV land is reinstated as BMV land.

Agricultural trader BayWa's stock dives on 'tense financing situation'
By
July 15, 20249:30 AM GMT+1
July 15 (Reuters) ByWa shares fell by as much as 35% on Monday after the diversified German trading group commissioned an external inquiry into whether it can restructure its finances.

The shares were down 34.9% at 0739 GMT, on course for their worst day yet. They also hit the bottom of the German small-caps index and so far this year have fallen by 52.78%.

The Munich-based trader of farming supplies and produce, which has been grappling with rising borrowing costs, late on Friday referred to its "tense financing situation" and said it needed restructuring.

According to the quarterly report, released on May 8, the group had long-term bank debts of 3.1 billion euros ($3.38 billion) at the end of March, plus short-term liabilities of almost 2.5 billion.

Last year BayWa said, it planned to sell its solar business.

The European renewable energy sector is under pressure from overcapacity in solar modules and from low-price Chinese competitors.

A restructuring report is usually required by creditors and is the prerequisite for them to grant further loans or to extend them. [redacted]

renewable energy business has already taken direct measures to ensure its financial stability, which have been effective.

The current situation within BayWa AG will not have an impact on the Applicant's ability to deliver projects moving forward. Decisions in that regard will remain with BayWa r.e. AG and are independent of the situation at BayWa AG. Business continues as planned and the Applicant remains fully committed to the delivery of Oaklands Farm Solar Park.

2.8 DIANE ABBOTT

THEME	COMMENT	APPLICANT RESPONSE
	I am concerned about how democratic the NSIP process is able to be. The Applicant has been able to employ many different experts, over several years to create hundreds of highly technical documents and appendices which need to be reviewed in detail. However, the local councils, and other public bodies don't always have the expertise, time or resource to adequately assess the proposals, whilst also completing their day-to-day jobs.	The NSIP process is a front-loaded process. There is an onus for the Applicant to undertake the relevant surveys and investigations prior to compiling an application. Before submitting an application, applicants have a statutory duty to carry out consultation on their proposals. The length of time taken to prepare and consult on a project will vary depending upon its scale and complexity. The Applicant has engaged with the Local Councils and other public bodies at various stages of the pre-application process and continue to do so. This engagement is provided at a cost to the Applicant which ensures the Local Councils and other public bodies can allocate the necessary resources to engage. The extensive programme of consultation as set out in the Consultation Report **[AS-010]**. The ES has been prepared in a robust manner by a team of expert consultants and is being reviewed by the relevant statutory consultees with their own specialist expertise as part of the Examination process.
	The initial public consultation was extremely restricted, with little information, but now that the NSIP process has started we only have small window in which to read and digest huge amounts of information before submitting our comments. Overall I think this leaves the balance of favour with the Applicant.	The Applicant has undertaken an extensive programme of consultation as set out in the Consultation Report **[AS-010]**. The examination process is subject to the relevant regulations which provide a clear framework for the examination to be completed within the statutory 6-month timeframe.
	I hope that the Examining Authority will be thorough in it's approach, but I am concerned that if various reviewing bodies fail to notice technical concerns in their rush to meet the various deadlines of the NSIP, (especially during the summer holidays) then important details might be missed.	The ExA will have processes in place to ensure a thorough examination. The Applicant continues to engage with various bodies as part of the examination process. If the ExA is minded that a response is required from a public body that has yet to engage in the examination process, then the ExA will consult them.

	As a close neighbour of the site I will suffer significant negative impacts and believe the submitted documentation does not adequately reflect this. I have focused my efforts on reviewing noise, glint and glare, and landscape and visual effects as these will mostly affect the amenity at my home and in my immediate surroundings. If it helps the investigation, I am happy for there to be an attended site inspection at my property which has extensive views over the site.	The ES has been prepared in a robust manner by a team of expert consultants and is being reviewed by the relevant statutory consultees with their own specialist expertise as part of the Examination process. The Applicant notes the ExA will determine what locations are necessary to visit during a site inspection following engagement with the Applicant and other IPs.
	As a lay person I am clearly not an expert, nor have I been able to review all of the supplied documentation, but would like to highlight areas where I feel second opinions or impartial expert analysis is warranted.	The Application Guide **[REP1-002]** can assist with understanding the application documents along with the Examining Authority's Examination Library. The Non-Technical Summary **[APP-072]** of the ES provides an overview, in non-technical language, of the main findings of the ES.
	Company Health: BayWa, the Company responsible for this application have recently suffered financial difficulties and their stock market price has crashed. I am concerned about their short and long term viability as a going concern. Mitigation must be put in place to ensure agreements relating to this application can be transferred to any new owners of the land or the solar installation to ensure adequate management of the risks.	Following recent news published in the media regarding BayWa AG and its financial situation, the Applicant clarifies the following: The Applicant is part of the renewable energy business, BayWa r.e. AG. While part of the BayWa AG Group, BayWa r.e. AG operates largely independently of BayWa AG. However, as an immediate precaution the renewable energy business has already taken direct measures to ensure its financial stability, which have been effective. The current situation within BayWa AG will not have an impact on the Applicant's ability to deliver projects moving forward. Decisions in that regard will remain with BayWa r.e. AG and are independent of the situation at BayWa AG. Business continues as planned and the Applicant remains fully committed to the delivery of Oaklands Farm Solar Park.
	Decommissioning: In the light of the Company's difficulties it is imperative that a bond is put in place to ensure timely and complete decommissioning of the site at the end of the 40 year term (or beforehand if solar generation ceases earlier).	Requirement 22 (decommissioning and restoration) of the dDCO **[REP1-003]** requires the undertaker to decommission and restore the land within the Order Limits at the end of the operational period of the Proposed Development. The Applicant's response to ExQ1 5.2 addresses this point. The Applicant maintains that position which 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 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 the ExA confirmed at Para 7.4.73 that no bond was required given the inclusion of a decommissioning requirement.
	Flooding: During the initial consultation, the Applicant was made aware of flooding that regularly occurs on local roads in multiple locations. However, they have failed to consider this in their long term plan and have not incorporated any SUDs to mitigate the risks from greater surface water run off coming from the solar panels towards the roads. In Sections 8.59 and 8.59 of the Water Resources and Flood risk document, the report authors note the impact of climate change in the future baseline in the absence of the proposed development, yet climate change is not considered when evaluating the future impacts of the Solar Farm on localised flooding.	Chapter 8 (Water Resources and Flood Risk) of the ES **[APP-143]** addresses the Water Environment and includes a FRA **[AS-014]**. The FRA confirms there is no formal drainage infrastructure for the solar panels given surface water would percolate directly to the ground. This would be intercepted by vegetation beneath the panels and the infiltration reflects that of the greenfield situation. There is likely to be an improvement as the ground beneath the solar panels would be permanently vegetated whereas with the existing agricultural use there are periods of bare and compacted earth which increase levels of the surface water runoff. Where formal drainage is required, such as the BESS, then the Flood Risk and Drainage Strategy [AS-014] confirms that SUDS principles will be used. The BESS and part of the substation would include impermeable surfacing, with bunds around any impermeable areas. All rainwater landing on those impermeable areas would be collected and directed to underground tanks, which have been sized to account for larger storm events, with additional contingency for climate change. The tanks would be fitted with a hydrobrake which would manage the flow of water out to the existing watercourse to the north, near Rosliston Road at existing greenfield run-off rates. The Flood Risk Assessment **[AS-014]** confirms climate change will have a limited impact on flood risk over the lifetime of the proposed development. A worst case assessment of the potential expansion of the 1% flood extent concluded it is unlikely to exceed the present day 0.1% flood extent. Use of the 0.1% flood extent will therefore provide a conservative estimate of the future 1% flood, especially as the Site use is expected to be complete well within 100 years. The FRA has calculated the additional storage capacity required for the BESS and Substation in a 1% Annual Exceedance Probability + 25% storm event to mitigated potential climate change effects on flooding. This is provided as embedded mitigation. The assessment concludes that flood risk off Site will not be increased by the Proposed Development.
	Farming: I do not believe that the site will continue to be run as a working farm (either for dairy or sheep) this needs to be clarified. If farming is lost to the	The landowners will be able to farm sheep and continue the dairy farm throughout operation of the Proposed Development if they choose to do so, as part of their farm diversification plans. As the Applicant stated in its response to ExQ1 6.4, the Applicant cannot compel the landowner/farmer to use the land in a particular way and there are

	area; then the long term economic effects of this must be considered.	factors outside the control of the landowner/farmer which could influence the decision on how the land is used.
	BMV: Much of the site is on BMV (Best and Most Versatile) land when local brownfield sites are available and would be more appropriate.	The total area of BMV land within the Oaklands Farm Area (which contains the proposed solar PV panel array, BESS, substation and other ancillary elements) extends to 115 ha of the Oaklands Farm Area. An estimated 3.7 million ha (42%) of agricultural land in England comprises of BMV land. The 115 ha of BMV land within the Oaklands Farm Area represents 0.003% of the BMV land in England (1/33,300th of the total). Therefore, the temporary loss of 115ha is insignificant in the national context. The Proposed Development also represents a negligible amount of BMV agricultural land within Derbyshire, of some 0.066%, and some 0.5% of the BMV land available within South Derbyshire. The Government's strategy includes delivering solar energy on brownfield sites and rooftops but this only forms part of the strategy. National Policy Statement EN-3 recognises that the use of some agricultural land to deliver projects of a nationally significant scale is inevitable and therefore does not prohibit the use of BMV agricultural land for the development of ground mounted solar arrays in its aim to deliver up 70GW of solar generation. Chapter 3 **[APP-086]** of the ES provides details of the approach that has been taken to the site selection and design of the Proposed Development, including assessment of available brownfield sites.
	Ecological effects: I do not believe enough consideration has been given to protecting the habitats of wildlife on site such as red listed bird species, otter, badger, deer etc. I would like to see more detail on this matter.	Chapter 6 (Ecology) **[APP-135]** of the ES and the associated Appendices provide comprehensive details of the protected species surveys, results and mitigation for protected species that have been identified by the Applicant.
	Biodiversity Net Gain: In my initial consultation feedback I noted how the current biodiversity of the site was reviewed conservatively, but the future position was rated	The Biodiversity Net Gain assessment has been completed in accordance with the advice from Natural England at the time of the assessments. The Applicant notes that the provision of BNG is not mandatory for NSIPs and the Applicant is following best practice. The Applicant's position is agreed with the Environment Agency as set out in response to ExQ 7.17 **[REP1-032]**.

	very optimistically. I hope to see an independent assessment to corroborate the findings.	
	Amenity improvements: The application states that hedges will have a 5m protection zone. Where this falls next to the local roads, this area should be put aside to make safe pedestrian access along the country lanes between the local villages and outlying properties. Similarly, the mitigation planting areas that are close to roads or public rights of way, should be made accessible as open access nature reserves.	Provision of pedestrian routes along roads is not provided as part of the Proposed Development as this falls outside the Order Limits and scope of the Proposed Development. The enhancements to the footpath network include the creation of a new permissive path connecting the PRoW at the south of the Site to the wider PRoW to the east and to the Cross Britain Way. No routes will be diverted or replaced. Access to mitigation planting is not possible due to security reasons and public access can adversely affect the quality of the biodiversity that has been created.
	Traffic: Multiple site entrances and the construction compound off Coton Road will lead to additional traffic where is has not been anticipated.	A number of construction accesses are proposed to enable construction access across the site as shown on Figure 4.4 **[APP-097]** of the ES. All construction traffic has been assessed as part of Chapter 10 (Transport and Access) **[APP-155]** of the ES. Heavy Goods Vehicles (HGVs) will be limited to particular access points and routes.
Noise and Vibration	The noise assessment contains multiple factual errors as well as critically downplaying and misrepresenting the level of noise nuisance that will affect local residents. I am not a noise expert, however the issues I have found as a lay person lead me to believe that an impartial assessment of the report's validity needs to be carried out by a competent expert.	The noise assessment has been undertaken by independent professional noise consultants following relevant and recognised standards. The Applicant considers it to be a comprehensive and accurate assessment of the noise impacts resulting from the Proposed Development.
	The following points have been raised in relation to the Environmental Statement Chapter 11: Noise and The Baseline Noise Survey Report (Appendix 11.1) and associated figures. I do not agree to the scoping out of vibration impacts on residents, users of the footpaths and on wildlife.	The justification for scoping out vibration is provided at section 11.9 of Chapter 11 (Noise) of the ES **[APP-160]**. There are no noteworthy sources of vibration during operation and construction activities will be temporary and subject to best practice construction methods detailed in the CEMP. With reference to the consultation responses as summarised in Table 11.2; The Planning Inspectorate agreed to scope out the main sources of vibration identified in its Scoping Opinion **[APP-080]**, and SDDC has also agreed to the scoping out of vibration from vehicle movements and construction, provided piling does not significantly exceed the levels described in the Scoping Report **[APP-079]** (the proposed piling method has not changed).

		Impact of vibration on Wildlife has been included in Chapter 6 (Ecology) of the ES **[APP-135]** as summarised at Tables 6.6 and 6.8. Vibration impacts on wildlife during construction are temporary and considered Not Significant.
	Chapter 11 page 15 states "no vibration sensitive ecology sites were identified". As it is known there are badger setts on the site, and that these will be surrounded by solar panels, I cannot see how this claim can be substantiated. I also think the various birds that use the site (including red listed species), will be disturbed or displaced by the piling activities.	This quotation should be qualified in that on page 15 (Table 11.2) of Chapter 11 (Noise) of the ES **[APP-160]** where it is stated that "no vibration sensitive ecology sites were identified", this is a summary by the Planning Inspectorate of the Applicant's proposal to scope out the assessment of noise and vibration impacts, on the basis that no vibration sensitive ecology sites were identified by consultees during the scoping. The Planning Inspectorate goes on to agree this approach. As noted above, impacts of vibration on Wildlife has been included in Chapter 6 (Ecology) of the ES **[APP-135]** as summarised at Tables 6.6 and 6.8. Vibration impacts on wildlife during construction are temporary and considered Not Significant.
	I do not agree to the scoping out of the noise impacts on the PRoW through the site. There are no noise receptors that are representative of the PRoW that passes through the site; therefore the applicants have failed to properly identify all of the noise sensitive receptors as required by draft EN-1 (see Chapter 11 page 6).	Justification for the scoping out of noise impact on the user of the PRoW is provided at paragraphs 11.10 to 11.14 of Chapter 11 (Noise) of the ES **[APP-160]**, and a commentary level assessment is provided at paragraph 11.140. Whilst there is no recognised guidance for the assessment of noise on users of footpaths, the predicted operational noise levels are less than guideline noise levels in the community from World Health Organisation.
	Property names are frequently misspelled: "Ladsgrove", "Pennyworth"& "Boroughfields" (instead of Boroughfields Farm Cottage, which could lead to a confusion with another local property), this is indicative of the poor quality control and lack of attention to detail within the report. Also, the properties 1,3 and 4 Oakland's Cottages are not mentioned in the documentation.	The noise survey positions are shown in Figures 1 and 3 of the Baseline noise survey report at Appendix 11.1 **[APP-157]** and assessment positions shown in Figure 11.1 **[APP-160]** of the ES. The property Ladsgrave is incorrectly referred to as Ladsgrove in the Baseline report at Appendix 11.1. All references to Boroughfields apply to the assessment Position 14 as shown in Figure 11.1, which is considered to be representative of Boroughfields Farm Cottage, Pennyworth Cottage and Oaklands Cottages.
	Due to equipment failure, there is no long term recorded data for any of the properties near Oakland's Farm. Baseline noise levels in this location are based only on 3 x daytime results (10 minutes duration) and 2 x night-time measurements (of undefined duration). A	The background noise levels during both survey visits at this location were observed to be controlled by ventilation fans on Oaklands Farm, and therefore relatively consistent in the absence of other noise sources. There are four evening/night-time measurements, each 15 minutes duration, two close to Twin Oaks House and two close to Boroughfields Farm Cottage. These were undertaken under calm wind to very light wind conditions between 22:31 and 00:16 and are therefore considered to be representative of typical low

	repeated long term survey must be carried out at this key location where the eight properties at the heart of the development are sited. Improper analysis of the baseline noise levels at this location will mean that noise targets and noise management measures will either be insufficient and/or cannot be effectively enforced.	background noise levels. Similar background levels were recorded close to these two properties (rounded down to 35 dB LA90 at Boroughfields Farm Cottage and 36 dB LA90 at Twin Oaks House). It is noted that even if lower background noise levels are used, the noise assessment remains the same (negligible – Not Significant) due to the low rating noise levels assessed. Measurements were also taken close to ventilation fan noise sources on Oaklands Farm as detailed in Figure 2 and Table 4 of Appendix 11.1, and at the same time observations were taken in and around Oaklands Farm. These identified that the ventilation fans controlled the underlying background noise levels. The Applicant's position is that a repeated long-term survey is therefore not considered proportionate or necessary.
	Cross referencing the various noise tables from Appendix 11.1 (Table 0, 2, 3, 13 and 14); many of the values differ, when they should be the same. There appear to be several errors in transcribing data throughout the report. These errors have been carried forward to the Noise summary in Table 11.13. Environmental Statement Chapter 11 Noise; page 46 states "Table 11.13 provides a synopsis of the measurements undertaken which are presented in detail at Appendix 11.1: Baseline Noise Survey Report". It should therefore match Appendix 11.1 Table 0 and Table 14 – and yet many values are different between all three of these tables – please can BayWa explain why? It is not clear where the daytime ambient for Boroughfields Farm Cottage of 58dB has come from (see Table 11.13 and Table 14). Boroughfields Farm Cottage had no long term data recording, no daytime attended measurements and only 2 x attended nighttime measurements. If it is based on Twin Oak's	The correct values are used in the assessment and in Tables 11.18 and 11.19 of Chapter 11 (Noise) of the ES **[APP-160]**. Unfortunately, there is an error transcribing data to Table 14 of Appendix 11.1 from the row for Walton Hill Farm and below (data is one row out of sync), which has carried forward to Table 11.13 of the Noise Chapter. The corrected values for Table 14 (and Table 11.13) are as shown below:

House daytime levels it should read 41dB instead of 58dB; this is a massive difference.

Location	Daytime ambient, dB $L_{Aeq, 12\ hour}$	Daytime background, dB $L_{A90, 15\ min}$	Night-time ambient, dB L_{Aeq}	Night-time background, dB $L_{A90, 15\ min}$
Park Farm House	46	35	41	29
Spring Farm Cottage	45	33	38	23
The Chestnuts	47	33	40	24
Fairfield	46	33	41	26
Old Barn Farm	46	33	41	29
Corner Farm & Walton Lane Farm	46	33	41	29
Walton Hill Farm	~~46~~ 50	~~33~~ 34	41	~~29~~ 26
Rosliston	~~50~~ 52	34	41	~~26~~ 30
Twin Oaks House	~~52~~ ≥52	~~34~~ 41	n/a	~~30~~ 36
Boroughfields	~~58~~ n/a	41	~~39~~ n/a	~~36~~ 35
Ladsgrove Cottage	60	33	53	25

Table 14: Summary of ambient and representative low background noise levels

These discrepancies do not alter the findings of the noise assessment.

At some receptors there has been very little effort to quantify baseline noise levels. At Rosliston there is only a single daytime and two nighttime attended surveys at a location that will affect multiple properties that are downwind of the prevailing wind).

The noise survey methodology and locations were agreed with the local authorities.

Considerable effort was put into quantifying noise levels across a large area, with the long term positions focused on the nearest (most affected) properties where secure access could be obtained.

The purpose of the short term attended measurements was to confirm that there is a similar (low background noise) climate to other positions. Where background levels are known to be very low, it becomes less critical to determine a precise number for evaluation; There is a minimum level for a noise source at which an observable adverse impact occurs. As stated in section 11 of BS 4142: *"Where background sound levels and rating levels are low,*

		absolute levels might be as, or more, relevant than the margin but which the rating level exceeds the background. This is especially true at night."
	BS 4142 indicates that the duration of monitoring should be adequate to represent the situation but not normally less than 15 minutes - and where shorter measurements are taken, justification should be presented. In the Applicant's reports, the daytime attended surveys were held for only 10 minutes at each location, how can this be justified? Other similar solar projects have used much more extensive baseline measurement periods, with some attended measurements being conducted for an hour at each receptor on several occasions.	The series of shorter 10 minute attended measurements referred to (three 10 minute measurements at different times of the day at most positions), were taken when making observations of the noise climate to support the logging data. The logging data was taken in continuous 15 minute intervals with a duration of a week in worst-case calm to light-wind conditions, at six locations use to inform the assessment. The Applicant also refers to its response to the WR above in relation to properties near to Oaklands Farm: The background noise levels during both survey visits at this location were observed to be controlled by ventilation fans on Oaklands Farm, and therefore relatively consistent in the absence of other noise sources.
	The duration of the night-time attended surveys was not recorded – this needs to be confirmed. If it is under the recommended 15 minute duration as suggested by BS4142, then this too needs to be justified.	Each attended night-time measurement was 15 minutes.
	The specific measurement locations have not been recorded; therefore it is not possible to judge whether these measurements were taken at a sufficient distance from reflecting structures / buildings as indicated by BS7445.	The measurement locations are shown in ES Appendix 11.1. [APP-157]. All measurements positions used were chosen to be away from reflecting surfaces and are significantly more than 3.5m, as stated in BS 4142.
	The short-term, attended noise assessments should not have been carried out during rush-hour / school rush hour as these times are not representative of the tranquil nature of the area. (See Environmental Statement, Appendix 11.1, Table 2). For example the attended measurements at Twin Oak's House should not have been carried out at 8.56am or 4.41pm;	For all positions except those near Oaklands Farm, the background noise level used in the assessment tables are derived from analysis of the long term continuous logging data and therefore the comments in relation to rush hour are not relevant. With respect to Twin Oaks House, as noted in the comments in Table 2 of Appendix 11.1, there were only occasional cars passing on Coton Road near to Twin Oaks House and the background levels were controlled by ventilation fans on Oaklands Farm and therefore, the

	similar times were also used at other receptors. The Government document MID for BS4142 (Dec 2023) clarifies this; section 7.3 states "You must not measure during the most unfavourable time interval and claim it is representative of the whole day or night period. For example during rush hour or during late evening when other sound sources can still be heard."	comment in relation to rush hour is not relevant. The background noise level used is take a the lowest measured during the day (at 13:29). Notwithstanding, as noted above, even if lower background noise levels are used for this location, the noise assessment remains the same (negligible – Not Significant) due to the low rating noise levels assessed. Of the 21 daytime measurements and observation undertaken during the attended daytime survey, only 4 were outside of the period 10:00 to 17:00, which is the period used in CRTN for the Shortened measurement Procedure, and for each position, at least one or more sets of observations were undertaken between 10:00 and 15:00.
	For further evidence, the rush-hour effect can clearly be seen from the chart for the unattended noise measuring at "Ladsgrove" (see Environmental Statement, Appendix 11.1, Figure 14) where the daily noise level peaks occur between 6.30 and 9.30am and 3.30 and 6.30pm. This chart would suggest that baseline daytime noise levels should be defined as averages occurring between 9.30am and 3.30pm only.	In addition to the comment above, as stated at 3.3.4 of Appendix 11.1 and at 11.68 of the noise chapter, the typical low background noise levels have been derived from the lowest 20% of LA90 values for daytime and night-time periods, thereby ignoring noisier periods. In the case of Twin Oaks House/Boroughfields Farm Cottage locations the background noise level used in the assessment is derived from the lowest attended measured level, which is outside of this morning period for the daytime.
	The Government document MID for BS4142 (Dec 2023) states "for unattended monitoring, you must use a logging weather station." It is not clear from the noise report whether this was the case or not	The MID was published after the survey was undertaken. Weather data was determined from interrogation and correlation of at least three nearby publicly available stations on www.wunderground.com, and observations and measurements at the start and end of the survey. The use of multiple weather stations is to reduce the risk that data from any one station is unreliable.
	The report authors correctly identify that BS4142 guidance should be used in assessing noise level impacts over the measured baseline. They then go on (through Sections 11.50 to 11.60) to try claim the use of BS8233 and WHO guidance to spuriously increase the baseline from the measured nighttime levels of 23dB-36dB up to 40dB across the board. This is directly in contradiction of government guidance and is a blatant attempt to manipulate the results in favour of the Applicant. I have seen no evidence	The assessment criteria have been agreed with the SDDC. As stated in BS 4142, the initial estimate of the impact of the specific sound compared to the background sound, must take account of context, which includes consideration of the absolute level of sound. It is noted in BS 4142 that "Where background sound levels and rating levels are low, absolute levels might be as, or more, relevant than the margin but which the rating level exceeds the background. This is especially true at night." There is a minimum level for a noise source at which an observable adverse impact occurs. It is therefore not reasonable to continue to assess the level of impact from the source level relative to the background where the background level is significantly below this threshold. The derivation of the absolute rating level of 40 dB (including penalties for sound character)

	of similar "changing the goalposts" in other major solar applications.	is based on widely recognised guidance as detailed in sections 11.50 to 11.60 of Chapter 11 (Noise) of the ES **[APP-160]**.
	The Government document Method Implementation Document (MID) for BS4142 Section 8.5 states that "You must not use BS8233 to assess noise pollution from an industrial or commercial sound."	BS 8223 has not been used directly to assess noise from the Proposed Development, but used together with WHO guidance to determine lower magnitude thresholds, using a conservative approach and taking account of the differences in the character of sound, as detailed in sections 11.50 to 11.60. BS 8233 is referenced in NPS EN-1 for assessment of operational noise.
	The use of this clearly inappropriate standard to artificially increase baseline levels by up to 16dB show the willingness of the Applicants to misrepresent the development and to purposefully mislead the average layperson reading these reports.	As confirmed above, BS 8223 has not been used directly to assess noise from the Development, but used together with WHO guidance to determine lower magnitude thresholds, using a conservative approach and taking account of the differences in the character of sound, as detailed in sections 11.50 to 11.60. BS 8233 is referenced in NPS EN-1 for assessment of operational noise.
	The LOAEL and SOAEL should be based on 5dB and 10dB increases above measured baseline – as defined by SDDC policy.	The assessment criteria have been agreed with the SDDC, as note within the Consultation Table on page 28 of Chapter 11 (Noise and Vibration) of the ES (APP-160].
	Referring to the images representing anticipated noise levels emanating from the site equipment (Figures 11.2 and 11.3). The colour key has a starting threshold of 30dB (mid green) and a maximum threshold of >70dB in 5dB increments. As the baseline noise levels start at 23dB, then the colour scale should be started at 23dB or 25dB , with further colour bands added to aid visualisation of the key impacts on local properties. Also Figures 11.2 and 11.3 fail to show all of the affected receptors.	There is No Observable Effect at such low noise levels. The Applicant notes that ES Figures 11.2 and 11.3 [APP-161] do not show all receptors on the map however, this does not affect the assessment.
	Section 11.64 - 11.66 of the noise report indicates that there is very limited supporting information and frequency data from the electrical equipment manufacturers. This is a major flaw and, in the future, legislation should be put in place to ensure that adequate information on this type of equipment is mandatory.	As stated within paragraphs 11.64 to 11.66 of Chapter 11 (Noise) of the ES **[APP-160]**, typical frequency spectrums and reasonable worst case assumptions have been made from the information available for the purposes of assessment. The Applicant acknowledges the IPs comments regarding future legislation and notes this is outside the control of the Applicant and scope of the determination of this application.
	Section 11.83 states that the string invertor noise sources will be sited away from residential	Section 11.83 of Chapter 11 (Noise) of the ES **[APP-160]** states that "Insofar as reasonably possible, and as an acknowledgement of potential noise from the inverters, the Applicant

	receptors and site boundaries. However, referring to Figure 11.2 and 11.3 shows that this is clearly not the case for many of the properties including Oakland's Farm, Lad's Grave and all of Rosliston.	will aim to place these items on row ends away from the Site boundaries in proximity to residential receptors". This is not possible in all locations and a reasonable and proportionate approach to the siting of string inverters will be determined through detailed design and approved by the local planning authority.
	Section 11.125 states that the ground conditions are modelled as G=0.5 to take account of reflections from the solar panels. This is a 50/50 mix between hard surfaces (G=0) and porous surfaces (G=1). This is unreasonably optimistic as the solar panels will cover more than 50% of the surface area of the fields (and being tilted have a greater surface area than the flat field itself) plus the panels have both a front and back surface, plus there will also be many areas of hard standing and track. Can the authors justify this assumption?	The gaps between rows of panels are similar to the area covered by solar panels. Sound reflecting from the rear surface of the panels will direct sound towards the ground.
	In Section 11.126 the report authors explain the simulation of solar panel screening via the use of barriers every 3 or 4 rows which reduces noise levels at Lad's Grave by 4dB. Can the report authors justify the use of this modelling technique when reference to Figure 11.2 shows that there is no obvious screening of string inverters by solar panels at Lad's Grave, as the inverters are sited at the field boundary closest to the receptor?	The barriers follow the line of the solar panels and therefore do not provide screening where the panels do not cut line of site between source and receiver. This effect is visible where the contours at Figure 11.2 attenuate less quickly when between and parallel to the panels.
	Section 11.132 states that it is expected that only the transformers will have a tonal quality, whereas it is well known that string inverters also emit sound with a tonal quality. In the absence of any specific frequency data, the tonal quality modifier should be applied to all of the electrical equipment on site, not just the transformers.	It is assumed that the 'well known' tonal quality referred to by the IP may be a reference to a higher pitch sound that some inverters emit, which is typically audible when much closer to the inverter and at a much lower level than the cooling fans. The higher noise levels from the inverters are emitted from cooling fans when these are operating at higher temperatures. Fans have a broadband sound character and therefore applying a tonal penalty to this is not considered appropriate.
	Section 11.136 details the sound quality modifiers that have been applied to the noise generating equipment (Based on BS4142). A	As stated at paragraph 11.136 of Chapter 11 (Noise) of the ES **[APP-160]**, the total penalty of 5 dB has been applied to the substation plant, which includes 3 dB for intermittency and 2 dB for potentially 'just perceptible' tonality of the transformers. This is justified in

	2dB (just perceptible) modifier is applied to the transformers, this should be increased to 4-6dB as the tonal nature will be clearly perceptible. (NB: Mallard Pass used 4dB). Section 11.136 fails to include modifiers for the tonal quality of noise from the string inverters, as these are closer to the receptors the tonal quality of the noise should again be rated between 4 and 6dB.	paragraph 11.136 as it is also stated that the 100Hz tone is not expected to be above the threshold of hearing at the nearest receptor. It is not appropriate to apply a higher penalty if tonality is not likely to be perceptible. Notwithstanding, in the content in Table 11.17 of Chapter 11 (Noise) of the ES **[APP-160]**, the assessed worst case sound levels from the substation plant are considerably lower than those from the energy storage plant, and the additional penalty would make no difference to the overall plant noise levels assessed.
	BS4142 also includes a modifier for acoustic features such as a whine, hiss or screech (again, refer to the MID for BS4142). Shouldn't this modifier be applied to the noise sources (eg inverters) as well?	Additional acoustic features are not expected such that a modifier is not considered necessary.
	Section 11.143 states as part of the mitigation plan, the string inverters have been sited away from the receptors. This is demonstrably not the case.	As stated at paragraph 11.82 of Chapter 11 (Noise) of the ES **[APP-160]** there is a stand-off distance of at least 100m incorporated into the design of the Proposed Development. Where practicable, string inverters have been located on the ends of rows within the development or away from the nearest receptors. For example, there are no inverters on the ends of rows nearest to The Old Byre, Twink Oaks House and Walton Hill Farm. Where there are longer rows, it is likely to be necessary to have inverters located at both ends.
	There is no consideration of the installation of acoustic screening and/or housing to minimise the effects of the development on any local receptors, this needs to be addressed.	The assessment indicates that additional acoustic screening is not necessary.
	The noise reports fail to review and address the potential for the generation of low frequency noise (< 200Hz). As I am personally very aware of low frequency noise and already find it a nuisance in my home (day & night), I would like see a baseline assessment and future predictions for low frequency noise included.	The frequency characteristics of the noise sources have been considered as part of the assessment, with the assumptions as detailed in Appendix 11.3. Significant levels of low frequency sound are not expected from the site. The most likely source of low frequency sound would be from the substation plant which has been located over 500m from residential properties and is not assessed to result in a significant noise impact.
	When considering all of the above points, I feel that the Noise Report fails to accurately assess both the baseline noise environment, and the likely noise impacts from the new development. Therefore, none of the conclusions within	Chapter 11 (Noise) of the ES **[APP-160]** provides a robust assessment of the potential noise impacts arising from the Proposed Development. The conclusions of the assessment remain unchanged. The Applicant does not consider any further assessment to be proportionate or necessary.

	Chapter 11 hold up to scrutiny and need to be re-assessed. New noise maps need to be published highlighting the revised predicted sound levels, and these should clearly show where levels exceed the LOAEL and SOAEL at the receptors.	
	On the basis of this revised noise report, the developer should be expected to provide sound attenuated equipment, acoustic screening and other methods to minimise the impact on all nearby properties. There should also be provisions to check emitted noise levels once the site is running and to ensure that the claimed thresholds are met and enforced.	As noted at paragraph 11.144 of Chapter 11 (Noise) of the ES **[APP-160]**, the Applicant is required to undertake and submit an operational noise assessment to the local planning authority prior to the start of works on site (Requirement 15 (operational noise) of the dDCO **[REP1-003]**) to demonstrate that detailed design and plant selected do not demonstrably affect noise sensitive receptors in accordance with the conclusions of this assessment.
Glint and Glare	The following comments are all relating the Chapter 14: Glint and Glare, and also ES Appendix 14.1 the Solar Photovoltaic Glint and Glare Study. I believe the Glint and Glare reports provided by Pager Power have key defects that both misrepresent and massively underestimate the level of nuisance and risk that residents and road / footpath users will be subjected to Pager Power market themselves very heavily and their website proudly proclaims, " Get the Planning Outcomes you need". Based on reading their methodology I can see how this is the case; they do not offer a balanced consideration that the risks and nuisance that solar glint and glare might cause to the general public, but use technical obfuscation to ensure their clients designs are approved with minimal impact or mitigations.	Pager Power is confident that the methodology used is robust and tested and has responded to the individual points made accordingly.

	My primary concern is that the Glint and Glare analysis models only the mid-point of the solar panels at 1.75m height, rather than using the full height of the panels which is 2.7m. (See Section 2.2 of Appendix 14.1). As many of the surrounding hedges are between 1.5m and 2m tall, this will greatly underestimate scale of glint and glare effects.	The midpoint of the solar panel is used to undertake the geometric modelling as the model uses just a single height. The consideration of visibility and screening recommendations for glint and glare effects are based on the maximum height of the panels.
	Pager Power claim in other literature that they choose the mid-point of the panel to avoid the risk that the model fails to show Glint and Glare risks for low-lying areas, however, I believe this is of less significance than the possibility that reflections from the most visible top half of the solar panel are ignored.	The top of the solar panel is not ignored using the modelling technique described above. As confirmed above, the consideration of visibility and screening recommendations for glint and glare effects are based on the maximum height of the panels.
	If the risk of low lying areas being ignored by the model was a genuine concern, then it should be standard practice to run the Glint and Glare models with both the upper and lower heights of the solar panels and then carefully review any differences.	Based on Pager Power's experience of over 1,400 glint and glare assessments, modelling of the tallest point, midpoint, or lowest point provide very similar modelling results using Pager Power's model and SGHAT (Forge) for static solar panels.
	On Page 77 of Appendix 14.1, the SGHAT computer modelling assumptions includes the following comment: "7. The algorithm assumes that the PV arrary is aligned with a plane defined by the total heights od the coordinates outlined in the Google map. For more accuracy, the user should perform runs using minimum and maximum values for the vertex heights to bound the height of the plane contained the solar array. Doing so will expand the range of observed solar glare when compared to results using a single height value." It is clear from this guidance that BOTH the maximum and minimum heights of a solar array should be modelled.	Pager Power uses its own internal software to assess the impacts on ground-based receptors rather than the SGHAT modelling software. The Pager Power model defines the ground height at each reflector point and a representative panel height is then added to each ground height. Pager Power's model therefore does not use this assumption.

	I request that the Glint and Glare analysis is repeated using the maximum height of the panels, so that it can be proven that no further areas are identified as being at risk from solar reflections that would require mitigation.	
	Similarly, Pager Power only consider the ground floor of dwellings as possible receptor points. In reality the upper floor of properties are likely to have greater glint and glare impacts and should also be considered.	Pager Power uses 1.8 metres as the height of the observer on the ground floor for modelling purposes. The upper floor of residential properties is considered when determining the potential impacts of glint and glare upon the surrounding dwellings.
	Section 14.3 chooses to apply a very limited 1km radius for assessing local glint and glare effects because solar panels are "relatively low lying". As the site in question is on one of the highest points nearby and the solar panels will extend higher than the hedgerows, then a 1km boundary seems unrealistically small (especially when we consider that there is no limit to the distance that light reflections can travel).	The 1km study area for ground-based receptors is the typical study area applied by Pager Power because the proportion of an observer's field of vision that is taken up by the reflecting area diminishes as the separation distance increases. Although solar reflections could be experienced from the panels at further distances than this, they are not considered significant.
	In Section 14.23 the impacts on pedestrians and horse-riders of Glint and Glare are excluded from the analysis. I do not agree with any of the reasons provided and feel that the PRoW and community uses should be considered.	The approach taken by the Applicant has been accepted previously at local and national planning levels.
	I do not agree with the comments in Section 14.26 & 14.27 determining that Local roads have a "low" sensitivity to Glint and Glare. All road users (including pedestrians, cyclists and horse-riders) should expect their safety to be considered as important as any other road users, whether they are on a country lane or a major highway. In fact, the narrow, winding lanes surrounding the site require greater concentration from drivers as they frequently contain more hazards than will be present on straight, wide, major routes with good visibility.	The justification for local roads being of low sensitivity is provided in paragraph 14.27 of Chapter 14 (Glint and Glare) of the ES **[APP-167]**. The Applicant confirms that this has been tested previously at local and national planning levels and is considered appropriate.

	Section 14.28 – Pager Power determine that local residents only have a medium sensitivity to unwanted reflections. I would define nearby residents and dwellings as having a high sensitivity to Glint and Glare, because if it is present, it is highly likely to reduce amenity on an effectively permanent basis. Other similar energy projects classify local dwellings as having a high sensitivity and I see no reason that this report should be different.	The justification for dwellings being of medium sensitivity is provided in paragraph 14.25 of Chapter 14 (Glint and Glare) of the ES **[APP-167]**. The Applicant confirms that this has been tested previously at local and national planning levels and is considered appropriate.
	In sections 14.36 to 14.40 Pager Power outline the effect of magnitude of solar reflections on local dwellings. However, they choose not to use the industry best practice guidance for determining the magnitude of the effect of Glint and Glare on receptors (eg the commonly used German standards). Pager Power instead use their "expert opinion" to massively inflate these thresholds such it is very unlikely that any dwellings ever meet the top threshold requiring mitigation. This is a vast increase on the industry standard and is not based on any specific research or collected evidence. The German guidance (followed in many Countries including the UK) is compared with the revised Pager Power thresholds in the table below. [*page 7 of the WR*]	Pager Power is aware of the German guidance but is unaware of it being applied in the UK, with many glint and glare assessment providers typically using a variation on Pager Power's guidance. In addition, the impact levels defined by Pager Power's guidance document have been accepted on a significant number of projects in the UK. The approach taken to assessing potential impacts of glint and glare within Chapter 14 (Glint and Glare) of the ES **[APP-167]** is considered appropriate.
	It is helpful to consider what this might mean in practice; based on the German criteria it is easy to understand how a new and unwanted, industrial source of bright glare into your home or garden for more than 30 minutes a day would cause a significant nuisance that you would expect to be mitigated if you lived nearby.	As above, Pager Power is aware of the German guidance but is unaware of it being applied in the UK, with many glint and glare assessment providers typically using a variation on Pager Power's guidance. In addition, the impact levels defined by Pager Power's guidance document have been accepted on a significant number of projects in the UK. The approach taken to assessing potential impacts of glint and glare within Chapter 14 (Glint and Glare) of the ES **[APP-167]** is considered appropriate.

	What the Pager Power thresholds do is elevate all of the requirements so that if you live nearby and have new, unwanted reflected light shining towards your house or garden for 59 minutes a day for up to 90 days a year, then you can still fall under the threshold that Pager Power define as "low" meaning that mitigation is neither required nor recommended.	The Pager Power guidance inherently considers the scenario in which glare could be experienced, which is why the limits have been defined as they have. Furthermore, it is extremely unlikely that the weather conditions required for the scenario described to be met would occur.
	Could Pager Power confirm whether it is theoretically possible using their modelling techniques that any property could be subject to glint or glare for longer than 60 minutes per day? If this is not possible, even for a property that is sited right in the centre of a solar farm; then I consider that the magnitude thresholds used by Pager Power are completely unreasonable.	In its work on other projects Pager Power has assessed dwellings where the 60-minute threshold is breached. In those other projects that has typically been the case when those dwellings are surrounded on all sides by solar panels and particularly for tracking panel systems.
	I recommend that the glint and glare study should be reassessed using the Industry Standard magnitude criteria to see what difference it makes to the necessity for mitigation on local dwellings. For instance, using the information and charts provided on page 89 of Appendix 14.1: Lad's Grave (Dwelling 07) experiences approximately 10-15 minutes of glare each day at about 6pm. This occurs between mid-March to October each year (approx. 180 days). This means reflections for about 45 hours per year, easily meeting the German standard threshold for High Magnitude of effect. Similar glare durations occur at multiple properties in Rosliston.	Pager Power does not consider the German guidance an industry standard in the UK and has not seen the German guidance being used by other consultants when providing reviews of work on behalf of stakeholders. The approach taken to assessing potential impacts of glint and glare within Chapter 14 (Glint and Glare) of the ES **[APP-167]** is therefore considered appropriate.
	Unfortunately I am unable to identify whether my own property will also be subject to glare because it has not been included within the provided charts. This is because Pager Power have "predicted" that reflections will not be experienced at my location, but they have not provided evidence that this is the case. Please	Pager Power can provide the modelling output for the dwelling if the address is provided. The Applicant invites the IP to contact the project team with their address for this information to be provided to them.

	could the Glint and Glare document be amended to show all the relevant dwelling charts so that residents can draw their own conclusions, based on their knowledge of whether they can see the affected fields rather than a desk based assessment that could lead to mistakes being made. Expanding on this point - If I refer back to the PEIR Volume 3 Appendix 14.1 page 92, this shows that morning glare will be possible for properties near Oakland's Farm. But my own property, which has a similar level of visibility over the solar panels is excluded from the graphical results. Page 41 in this report explains that this is because no ground floor windows look towards the panels. This is not true and was pointed during the initial consultation, indeed I took the representatives of Oakland's Solar around my house and garden so that they could see (and photograph) the views themselves. In this regard, the Applicants have failed to consider or act upon the feedback received during consultation.	
	In Section 6.4.3 of Appendix 14.1, Pager Power define their impact classification on dwellings. Here they determine whether a property is screened from glare by a desk based review. This is clearly inadequate, and leads to properties like my own being incorrectly excluded.	A desk-based review provides sufficient evidence to confirm visibility from surrounding observers in the majority of cases. In addition, a specific glint and glare site survey was undertaken for the Proposed Development.
	If it helps with the Examination, I am happy for an attended site inspection at my property which has extensive views over the site that are not visible from the public highway (especially not in summer).	The Applicant notes this comment and no further action or response is required.

	Referring to the charts showing glint and glare effects on dwellings – pages 87 to 109. When scrolling through these charts, it can be seen that each forecast for glare is virtually the same. Also, the glare occurs at roughly 6pm each day. Can Pager Power explain why the time of reflection doesn't particularly change throughout the year, even though the sunset in the summer is approximately 3 hours later than at the equinox?	The locations of the dwellings compared to the reflecting panels are consistent for these dwellings and therefore the times in which solar reflections can occur is consistent. For example, the sun path is not significantly different as viewed from one dwelling, when compared to another 50m away. Different solar panels reflect towards a dwelling at different times of the year – it is not the same panel reflecting at, for example, 6pm, all times glare is possible.
	Also, during mid-summer, the sun is in the sky longer, can Pager Power explain why the duration of reflection in the summer is not longer than at the equinoxes?	Effects are mostly geometrically possible towards ground-based receptors when the sun is low in the sky beyond the reflecting panels. Although the sun is in the sky for longer during the summer, the sun will not be in a particular location where solar reflections are geometrically possible for longer in the summer than at the equinoxes.
	As an example of how other consultants analyse Glint and Glare, I would recommend reviewing the "Longfield's Solar" NSIP Appendix 10G: Glint and Glare Assessment Document Reference: EN010118/APP/6.2. This document shows glint and glare at all receptors in much more detail, including an analysis of glare intensity. (See for example page 130, snapshot shown below) [*page 9 of the WR*]. The time of glare tends to vary more with the seasons, changing between 6pm and 8pm in the evening (or 4am and 6am in the mornings), and also has a much wider spread of impact durations.	The example shown is based on a tilt of 10 degrees, where flatter panels are more likely to produce effects that follow seasonality. Page 349 of that assessment shows the modelling output for panels tilted at 30 degrees, which shows that the reflections do not follow seasonality as closely. The approach taken to assessing potential impacts of glint and glare within Chapter 14 (Glint and Glare) of the ES **[APP-167]** is considered appropriate.
	In order to research this topic, I have read many Pager Power reports, but have found very little variance in the duration of reflections on properties. I am concerned that their parameters are flawed, and that the thresholds they have set for both High and Medium effects from glint and glare are rarely if ever met by their own calculations.	Results vary based on a number of factors. In many cases, results for static south-facing solar panels are similar in England.

	Pager Power claim extensive experience in preparing Glint and Glare reports, and have worked on many solar farm installations. Can they provide evidence of any instances where they have validated the accuracy of their model by investigating completed solar installations to evaluate if their predictions match with real life effects?	Pager Power has never been made aware of solar reflections that occur outside of the times in which they have been predicted by the model. Cross-checks have also been undertaken of other industry standard modelling software to confirm its accuracy. The approach taken to assessing potential impacts of glint and glare within Chapter 14 (Glint and Glare) of the ES **[APP-167]** is considered appropriate.
	Pager Power have also gone so far as to redesign their own criteria for evaluating the magnitude of effect on dwellings that they promote widely. Can they provide evidence of how they have involved all relevant stakeholders when developing these revised thresholds?	Pager Power's methodology and criteria have been accepted multiple projects, including a number of Nationally Significant Infrastructure Projects, where they have been subject to scrutiny by relevant stakeholders and are therefore considered to be appropriate.
	The National Policy Statement of Renewable Energy Infrastructure EN-3 states in sections 2.10.104 that the intensity of a reflection should be considered for all receptors. The Pager Power reports fail to do this.	It is not Pager Power's methodology to use the intensity produced by the SGHAT model for all receptors because the model was created and developed for aviation receptors, and the glare intensity often provides an oversimplification of the effects. For example, if glare with 'low potential after-image' (green glare under the SGHAT model) are predicted from directly in front of a road user and 10s of metres away, Pager Power would not deem this acceptable despite the glare intensity. Pager Power's methodology has been accepted on multiple NSIP and is considered appropriate.
	EN-3 section 2.10.106 also requires that the combined reflective quality of the "solar PV panels, frames and supports may need to be assessed". This has been ignored by Pager Power. As the solar panel frames are expected to be bare aluminium or stainless steel, then their reflective quality will be much higher than the panels themselves, and should be taken into consideration	NPS EN-3 does not require the reflective quality of the frames and supports to be assessed. In Pager Power's experience, the solar panels themselves are the overriding source of specular reflections because they are large and flat. Reflections from frames and supports are far smaller and angular which means that the amount of specular reflections produced will be much less despite having higher reflectivity. In addition the frames and supports are often not visible because they are removed from view by the panel face itself. The approach taken to assessing potential impacts of glint and glare within Chapter 14 (Glint and Glare) of the ES **[APP-167]** is considered appropriate and compliant with this policy.

	In Section 14.73 Pager Power identify several sections of road over 0.6km where Glint and Glare effects will be "major adverse and significant" In Section 14.78 – 14.80, the proposed mitigation for the glare experienced by road users is proposed to be hedge planting and "temporary screening" which will drop the risk to "negligible and not significant". This mitigation is both poorly defined and woefully inadequate. Hedgerows will take decades to grow to a suitable height and thickness to screen the reflections, and any temporary screening or opaque plastic sheeting will have massively negative impacts on the character of the area and cause enormous amounts of waste. The height of the proposed screening is not detailed in the Glint and Glare study, but the Landscape assessment suggests it might be 2.1m tall. If so, how will this effectively screen 2.7m panels from drivers of tall vehicles? It seems likely that much taller screening will be necessary, and therefore this needs defining (and subsequently reviewing in the Landscape Assessment). A better and safer solution would be to remove panels from the areas that could cause a risk to road users.	Any form of screening that significantly obstructs views of the reflecting panels is suitable from a glint and glare perspective. As stated in the OLEMP, the proposed screening implemented for glint and glare effects will be maintained to at least 3m and will be maintained to sufficient density. The delivery and implementation of this screening is secured by Requirement 8 (landscape and ecological management plan) of the dDCO **[REP1-003]**.
	Overall, I feel that that the Pager Power report fails to quantitively and adequately assess the Glint and Glare that will impact local residents and road users and also fails to suggest and define effective mitigation. The glint and glare assessments should be re-run using corrected parameters, so that the modelling is more effective and meets all of the relevant regulatory requirements.	The approach taken by Pager Power in this Application is the same as they have completed for other non-NSIP and NSIP projects. It is considered appropriate and has been accepted at local and national levels.

	I hope that most of my questions and comments can be answered by the Applicant within the written part of the examination process, but it is possible that a specific hearing in relation to Glint and Glare would be beneficial as it is such a technical subject.	The Applicant notes this comment and considers, for the reasons set out above, that such a hearing is not necessary but welcomes the Examining Authority's considerations on the same.
Landscape and Visual	The Landscape and Visual chapter of the Environmental Statement includes many appendices that show computer generated impressions of how the solar farm might look from different viewpoints. These images are widely used in the Oakland's Solar literature to show how discreet the project will be in the surrounding. Unfortunately these images do not seem to be accurately calibrated and they massively misrepresent the actual landscape effects. It is possible that the authors of the LUC report into Landscape and Visual impacts based their findings on these images and are not aware that the scaling is questionable. Therefore – I strongly recommend that the visualisations are correctly calibrated before the Landscape Assessment is revisited to check it's findings have not been impaired by the misleading images.	The details raised with regard to the viewpoints and visualisations are largely a function of perspective, but also due to the limitations of the digital terrain datasets that are used to create visualisations. The industry standard datasets provide a useful proxy for exact ground levels, but there is slight variation from what is 'true' to the actual landscape, given their resolution and the fact that they work to average ground levels across units of 1x1m – to 5m x 5m size. The Landscape Institute's guidance (2019): Visual Representation of Development Proposals and the 3rd Edition of the Guidelines on Landscape and Visual Impact Assessment (GLVIA3) (2013) provide detailed guidance on the production of visualisations, the different types, and their advantages and limitations, which has been complied with in the production of the visualisations submitted. Visualisations are a tool used to help understand the nature of the effects and the slight variations, a result of the use of different underlying ground level datasets, are normal limitations of the process, and would not change the resulting assessment of effects.
	Below are some comments relating to the Environmental Statement: Chapter 5 Landscape and Visual and associated appendices In section 5.108 the document explains the siting of construction compounds South of Coton Road and associated removal of hedgerows. I object to the use of a construction compound in the field near the Twin Oak tree. This is highly visible to local residents and will create a noise nuisance that could easily be avoided. This position requires construction vehicles to cross Coton Road and will lead to construction traffic using nondesignated entry and exit points to the site.	The proposed location is not close to properties (about 500m to the north west of Lads Grave which is where the closest property is, and screened from here by trees and outbuildings), but it is recognised that it would be seen by people driving or walking along Coton Road. The works compound would be a similar distance form Oaklands Farm, but largely screened by a hedgerow to the west of the proposed site. The potential effects of the construction compound south of Coton Road have been assessed in the relevant chapters of the ES with mitigation proposed where necessary with no residual significant effects predicted.

	All construction compounds should be located at the centre of the site (near the BESS) to minimise impacts on local residents.	The main construction compound is located at the centre of the site. To aid efficient and practical construction a further construction compound is proposed to the south of Coton Road to cater for the southern part of the Site. This also minimised disruption to Coton Road by reducing the need to cross Coton Road from the main compound.
	Also, the Twin Oaks tree (see viewpoint 5.10f) is a well known landscape feature, and to site a construction compound near it will likely cause soil compaction in the root protection zone that could lead to its demise.	Protective fencing would be provided in accordance with the relevant guidance as set out in the Arboricultural Survey Report **[APP-133].** Requirement 7 (arboricultural method statement) of the dDCO **[REP1-003]** secures the provision Arboricultural Method Statement which will contain further detail of tree protection measures.
	In Section 5.147 it states that the solar panels are unlikely to alter the skyline. This conclusion has probably been made based on the provided visualisations. However, it is incorrect as the site is on a hill and the solar panels are generally higher than surrounding hedges. Therefore, the majority of the skyline / horizon around the site will be obscured for most residents as well as road and footpath users. (See images supplied in Section 6 below.)	The full extract in the report (Section 5.147 of Chapter 5 (Landscape and Visual) **[REP1-013]**) says 'unlikely to notably alter the skyline in views from the wider landscape'. This is accurate given the solar panels will be low lying, the existing framework of hedges will be maintained and enhanced, and that they will be able to grow higher. The overall difference to the skyline as seen in wider views will not be notable.
	Sections 5.150 and 5.151 determines that the overall effect of the development is "major (significant) adverse", but is mitigated to "major (significant) moderate" by Year 10. Personally I do not think that the mitigating planting and hedgerows will be sufficiently developed with ten years to provide the level of screening anticipated. In particular, newly planted hedges need to be laid so that they can bulk up, this drastically reduces the height in the early years. A good quality hedge will take decades to offer good quality screening for the site.	The Applicant provided evidence relating to plant growth rates in their previous response [Appendix C in respect of ExQ1 9.2, REP1-025]. It is recognised that growth rates are variable, and that the level of screening that will be achieved will be dependent on many aspects (soil fertility, aspect, microclimate, species, water availability, the approach to maintenance, seasonality etc). The assessment is precautionary in that it considers effects to remain significant (moderate). This reflects the fact that planting takes a long time to fully mature.
	In Appendix 5.3, Section 5.3.1 evaluates the Village Estates farmlands and determines "Despite its openness and rural character, scenic quality is relatively low due to intensive agriculture. Overall, the LCT is judged to be of low value." I do not agree that the farmland in	The landscape sensitivity is recorded as being medium. This is a precautionary judgement given susceptibility is judged to be medium, and value low. If value was to be increased to medium, then the overall judgement on sensitivity would remain as medium. As such, whilst the comment is noted, a change to this one aspect of the judgement framework would not alter the level of effect or significance which flows through into the final judgement. The judgement would remain that there will be a major significant effect for

	question is "intensive agriculture", but is instead mixed arable and livestock in reasonably small fields with many well maintained hedgerows. Where hedges at the roadside are defunct or gappy, they increase the long reaching views, and add to the scenic nature of the site (rather than being a detractor). Overall I would argue that the LCT of the site should be classed having a medium value. Although I agree with the Landscape and Visual assessment that there will be major, adverse impacts as a result of this development I do not agree that the proposed mitigation (hedge and tree planting) is sufficient to minimise the impact within 10 years due to the rolling topography. I therefore feel that the long term effects will remain as major adverse, and that therefore the Applicants have failed to meet the requirement to "direct considerable effort towards minimising the landscape and visual impact of solar PV arrays" (November 2023 draft of NPS EN-35, paragraph 2.10.98).	the site, reducing to moderate significant by around year ten would (accepting that vegetation growth rates are variable as noted above). This reflects the fact that a precautionary approach is taken, with moderate effects also being considered significant.
	The report also notes in section 5.23 that the November 2023 draft of NPS EN-35 paragraph 2.10.132- 2.10.133 states that security measures including fencing should be designed to minimise landscape and visual impact. If obscure netting or similar is planned for 10 years or more whilst hedgerows grow up, then I do not consider that is designed to "minimise landscape or visual effect".	The Applicant acknowledges this comment and confirms the netting is to reduce glint and glare effects, rather than landscape and visual effects.
	In the RVVA document Appendix 5.5 Table 5.5.2 each of the local properties are rated to determine the magnitude of visual change. Having read the definitions (Table 5.5.1) I can see no reason why properties 1a, 1b, 1c, 2,3b, 4 and 5 are not rated as High (instead of medium), as they all have substantial views affected by	The judgements that are made are necessary relative. Solar panels are typically relatively low lying features, as compared for example to a much taller form of development. The distance from the Proposed Development and the features that separate the properties from them (for example hedges, trees, outbuildings) are also considered. The proposed solar panels were drawn back from properties in order to reduce the magnitude of change. The approach taken to assessing potential landscape and visual impacts Chapter 5 (Landscape and Visual) of the ES **[REP1-013]** is considered appropriate.

	the solar farm. It is also possible that these properties remain with a high magnitude of impact at year ten, as the mitigation planting will be ineffective due to the rolling topography of the land. I therefore suggest that this assessment is reevaluated.	
	It will perhaps be beneficial for site inspections to take places at all local properties to quantify the anticipated impacts (if this can be agreed with the residents).	The Applicant acknowledges this comment and no further action or response is required.
	NB: Property 3a in Appendix 5.5 Table 5.5.2 is not Orchard Cottage.	The Applicant acknowledges this comment and confirms the central cottage (Number 1) is called Oaklands Cottage
	In order to attempt to show the true impact of the solar farm at some of the receptor points, I have prepared the following images which compare some of the views presented by the Applicant, with photos and measurements taken by myself. The reference photos prepared by the applicant were taken at a height of 1.5m to represent a typical observer. The planned deer fencing will be 2.1m tall (0.6m higher than the observer), and the solar panels at 2.7m tall will be 0.6m higher than the security fence. Because of this relationship it is clear that when the observer is closer to the fence than the nearest solar panel, then the panel will appear lower than the fence. But, when the observer or camera position is further away from the fence than the solar panels, then the panels will appear above the fence. This fixed geometric relationship is not in evidence in the images below, so it can be concluded that the solar panels (or fences) are not drawn to scale. Where I have been able to measure a fixed object in a view (such as a fence post) I have	The details raised with regard to the viewpoints and visualisations are largely a function of perspective, but also due to the limitations of the digital terrain datasets that are used to create visualisations. The industry standard datasets provide a useful proxy for exact ground levels, but there is slight variation from what is 'true' to the actual landscape, given their resolution and the fact that they work to average ground levels across units of 1x1m – to 5m x 5m size. The Landscape Institute's guidance (2019): Visual Representation of Development Proposals and the 3rd Edition of the Guidelines on Landscape and Visual Impact Assessment (GLVIA3) (2013) provide detailed guidance on the production of visualisations, the different types, and their advantages and limitations, which has been complied with in the production of the visualisations submitted. Visualisations are a tool used to help understand the nature of the effects and the slight variations, a result of the use of different underlying ground level datasets, are normal limitations of the process, and would not change the resulting assessment of effects.

	marked this with a coloured line. I can then use this as a reference to calibrate the images (as long as I maintain the approximate distance from the camera). These different reference measurements can be seen in the images below, along with some commentary on the conclusions that can be drawn. I hope the following acts as sufficient evidence to suggest that correctly calibrated visualisations of all of the vantage points are necessary for the purposes of the examination.	
	Images from Coton Road at the "Twin Oak Tree" (looking North). Below is an image taken from the Environmental Statement. It is referenced: Landscape and Visual Figures 5.10b and is a baseline photograph taken in winter. I have been to the site and have recorded the two dimensions shown; the cut height of the winter hedge in yellow, and the gate post height in orange [see page 13 of WR for image] Image from Landscape and Visual Figures 5.10b. With added field measurements. The image below is the visualisation of the same area after the first year once building work is complete. The solar panels, security fence and gate are shown, along with temporary screening and the newly planted hedge (in tree protectors). My two measurements are shown in exactly the same places. [see page 13 of WR for image] Image from Landscape and Visual Figures 5.11c (Year 1), with reference dimensions	The details raised with regard to the viewpoints and visualisations are largely a function of perspective, but also due to the limitations of the digital terrain datasets that are used to create visualisations. The industry standard datasets provide a useful proxy for exact ground levels, but there is slight variation from what is 'true' to the actual landscape, given their resolution and the fact that they work to average ground levels across units of 1x1m – to 5m x 5m size. The Landscape Institute's guidance (2019): Visual Representation of Development Proposals and the 3rd Edition of the Guidelines on Landscape and Visual Impact Assessment (GLVIA3) (2013) provide detailed guidance on the production of visualisations, the different types, and their advantages and limitations, which has been complied with in the production of the visualisations submitted. Visualisations are a tool used to help understand the nature of the effects and the slight variations, a result of the use of different underlying ground level datasets, are normal limitations of the process, and would not change the resulting assessment of effects.

In the following image, I use the reference dimensions to compare the scale of the added features, and record my observations step by step as an example. Zooming in will help to see the details.

[see page 14 of WR for image]
Image from Landscape and Visual Figures 5.11c (Year 1), with reference dimensions.

Firstly at point A: it can be seen that the solar panels at the top of the hill, in the field on the right are modelled as less than half as high as the hedge – so only about 1m tall. The solar panels here should really be taller than the yellow bar.

At point B, the solar panels are a little taller, but still look to be less than 2m tall; again, they should be higher than the yellow bar.

At point C, the two stacked orange bars represent 2.8m, so the fence might be modelled a little high (if it is supposed to be 2.1m tall deer fencing). It is possible it has been modelled higher because of the protective opaque screening, but this is not clear from the documentation.

Point D shows that the closest solar panels on the right look like they have been modelled at about the right height (if they are the same distance away from the camera as the originally measured 1.4m gateposts).

Point E suggests that the gatehouse, which is likely to be at least 3m tall, has been modelled as being less than 2.8m.

Point F indicates that it is likely that the solar panels in the foreground of the left field have

	been modelled a little too small, although the distance from the camera is unclear, so this is less certain. Geometrically, as the observer and camera position is much further from the fence than the solar panels will be, then all of the solar panels and building should appear visible above the fence line (if the fence is 2.1m tall). This is especially true as we are looking up a hill. In this visualisation though, only a few solar panels barely exceed the fence height.	
	Image from Coton Road at the "Twin Oak Tree" (looking roughly South) Below is an image taken from the Environmental Statement. It is referenced: Landscape and Visual Figures 5.10j and is a baseline photograph taken in winter. The dimensions come from a site visit. [see page 15 of WR for image] Image from Landscape and Visual Figures 5.10j (Year 1). With field measurements. In the next image, it can be seen that: A: The stacked orange lines suggest that the security fence is modelled as significanly less that 2.2m tall, perhaps 1.5m tall. In reality the fence would almost meet the top of the orange bar and would obscure the distant trees. B: I have mirrored the 1.4m tall blue line over to the right of the image, keeping it at the same distance from the centre of the photograph so that it is effectively the same distance from the camera as the original measurement. From this comparison, it can be seen that the solar panels	The details raised with regard to the viewpoints and visualisations are largely a function of perspective, but also due to the limitations of the digital terrain datasets that are used to create visualisations. The industry standard datasets provide a useful proxy for exact ground levels, but there is slight variation from what is 'true' to the actual landscape, given their resolution and the fact that they work to average ground levels across units of 1x1m – to 5m x 5m size. The Landscape Institute's guidance (2019): Visual Representation of Development Proposals and the 3rd Edition of the Guidelines on Landscape and Visual Impact Assessment (GLVIA3) (2013) provide detailed guidance on the production of visualisations, the different types, and their advantages and limitations, which has been complied with in the production of the visualisations submitted. Visualisations are a tool used to help understand the nature of the effects and the slight variations, a result of the use of different underlying ground level datasets, are normal limitations of the process, and would not change the resulting assessment of effects.

	here are modelled as not much taller than 1.4m, perhaps 1.8m (instead of 2.7m). C: The winter height of the hedge at point C is approximately 1.6m. (See comparison with the gatepost and gate). Using the horizonatal pink line we can see that the solar panels on the left of the image have been modelled as being lower than the hedge. In reality they should be about 1m taller, which would again obscure the distant trees. Overall the view from this location would be entirely industrial, with only the tips of the distant trees appearling above the solar panels and fences. [see page 15 of WR for image] Image from Landscape and Visual Figures 5.10k (Year 1). With field measurements.	
	Images from Coton Road at the "Twin Oak Tree" (looking East towards Lad's Grave). This is the site of the second construction compound. The photograph used by the Applicant positions the tree directly in front of Lad's Grave. [see page 16 of WR for image] Image from Landscape and Visual Figures 5.10f. (Lad's Grave obscured behind tree). Using the 1.15m fence post measurement, it can be seen that: A: The two stacked orange lines would be about 2.3m tall, so the fence has been modelled at approximately 1.6m in the image. It should actually come almost up to the top of the orange line.	The details raised with regard to the viewpoints and visualisations are largely a function of perspective, but also due to the limitations of the digital terrain datasets that are used to create visualisations. The industry standard datasets provide a useful proxy for exact ground levels, but there is slight variation from what is 'true' to the actual landscape, given their resolution and the fact that they work to average ground levels across units of 1x1m – to 5m x 5m size. The Landscape Institute's guidance (2019): Visual Representation of Development Proposals and the 3rd Edition of the Guidelines on Landscape and Visual Impact Assessment (GLVIA3) (2013) provide detailed guidance on the production of visualisations, the different types, and their advantages and limitations, which has been complied with in the production of the visualisations submitted. Visualisations are a tool used to help understand the nature of the effects and the slight variations, a result of the use of different underlying ground level datasets, are normal limitations of the process, and would not change the resulting assessment of effects.

	B: The camera position and the solar panels are approximately equal distances away from the fence; therefore the solar panels should visually be the same height as the fence to the observer (not significantly lower as shown). C: In the distance, the solar panels are modelled as being significantly lower than the hedge, when in reality they should exceed it by about 1m. [see page 16 of WR for image] Image from Landscape and Visual Figures 5.10gc (Year 1). [see page 16 of WR for image] My own image showing Lad's Grave and how the skyline will be completely obscured	
	Images from Coton Road at the "Twin Oak Tree" (West towards Oakland's Farm). [see page 17 of WR for image] Image from Landscape and Visual Figures 5.10o. In the image below, I have taken a recent photograph showing cows in the field, and overlaid onto the winter image so that the topography becomes clear. The cows are not behind the hedge as you might expect, but are on the horizon because of the rising hillside. [see page 17 of WR for image] Image from Landscape and Visual Figures 5.10o (Year 1). Overlaying the cow image shows that the solar panels have been modelled much lower than the ground topography allows. The red box shows the approximate height they should be shown at.	The details raised with regard to the viewpoints and visualisations are largely a function of perspective, but also due to the limitations of the digital terrain datasets that are used to create visualisations. The industry standard datasets provide a useful proxy for exact ground levels, but there is slight variation from what is 'true' to the actual landscape, given their resolution and the fact that they work to average ground levels across units of 1x1m – to 5m x 5m size. The Landscape Institute's guidance (2019): Visual Representation of Development Proposals and the 3rd Edition of the Guidelines on Landscape and Visual Impact Assessment (GLVIA3) (2013) provide detailed guidance on the production of visualisations, the different types, and their advantages and limitations, which has been complied with in the production of the visualisations submitted. Visualisations are a tool used to help understand the nature of the effects and the slight variations, a result of the use of different underlying ground level datasets, are normal limitations of the process, and would not change the resulting assessment of effects.

There is nothing in the view that can be used for calibration, but on the left of the image it is clear that 2.7m solar panels in the field should obscure the hedge at the end of the field as they will be up to 1m taller than it and also in the foreground.

[see page 17 of WR for image]
Image from Landscape and Visual Figures 5.10p (Year 1).

[see page 17 of WR for image]
Zoomed in image showing increased height of solar panels if they had been modeled based on ground topography.

Images from the Cross Britain Way (looking roughly North).

The image (5.11c) below has been used as the cover image for much of the Oakland's literature. As with the other images, there is much at fault and the calibration seems lacking.

[see page 18 of WR for image]
Image from Landscape and Visual Figures 5.11b

The Year 1 visualisation is shown below, together with measured heights of defined objects. Note that this image contains significant tree planting on the right of the image in the field behind the hedge, although it is hard to see without zooming in.

This view has been used as the cover image for much of the Oakland's Solar literature as it shows a discrete solar farm nestled into the surroundings. This is not accurate.

[see page 18 of WR for image]

The details raised with regard to the viewpoints and visualisations are largely a function of perspective, but also due to the limitations of the digital terrain datasets that are used to create visualisations. The industry standard datasets provide a useful proxy for exact ground levels, but there is slight variation from what is 'true' to the actual landscape, given their resolution and the fact that they work to average ground levels across units of 1x1m – to 5m x 5m size.

The Landscape Institute's guidance (2019): Visual Representation of Development Proposals and the 3rd Edition of the Guidelines on Landscape and Visual Impact Assessment (GLVIA3) (2013) provide detailed guidance on the production of visualisations, the different types, and their advantages and limitations, which has been complied with in the production of the visualisations submitted.

Visualisations are a tool used to help understand the nature of the effects and the slight variations, a result of the use of different underlying ground level datasets, are normal limitations of the process, and would not change the resulting assessment of effects.

	Image from Landscape and Visual Figures 5.11c (Year 1) Based on the measurements above, it is possible to determine the following (see over). [see page 19 of WR for image] A: Mirroring the orange line to the other side of the photo, it is possible to see that both the fence and solar panels have been modelled at a height that is much lower than 2.1m. In reality the fence should be as tall as the orange line. The tops of the solar panels, being close to the fence (but far from the observer) should rise above the fence. B: As the solar panels should be much higher, the property (Corner Farm) and the rest of the horizon at B will be completely obscured. C: This is the site of the haulage road and cable route – therefore extensive ground clearance and tree felling might occur along this track, but is not shown in the visual representations. D: The grassy track shown would in reality be a 3m to 6m haulage route. It is not clear how far back the panels and fence will be sited, nor why it is left as a grassy area in this image, in reality; much of this will be hardstanding. E: Newly planted trees are shown as almost 2.6m tall, with good canopies. In the first year, these are more likely to be 1m saplings virtually enclosed by their tree protectors. This mitigation planting height exaggeration is continued in the Year 10 images (not shown here).	
	The above images have been provided to show that after a little investigation, it can be seen that the Applicant's visualisations are poorly calibrated and due not show the true impact of the Solar Farm on the character of the landscape. I am concerned that these images have been used to inform the conclusions drawn	The Applicant's position is that in accordance with the responses above the visualisations have been prepared in accordance with the relevant guidance and therefore do not need to be revised.

	in the Landscape and Visual assessment, and would therefore like revised images to be provided that offer a better degree of accuracy.	

3 APPLICANT'S RESPONSE TO THE COMMENTS ON THE RELEVANT REPRESENTATIONS AND ADDITIONAL SUBMISSIONS

3.1 JAMES ROBERT BLACKWELL

THEME	COMMENT	APPLICANT RESPONSE
	I attended the Open Flooor meeting on 10 July 2024 at Branston Golf Club. I agreed entirely the submission from Councillor Amy Wheelton and was concerned to hear of the direct and considerable impact on the lives of two families who close to the site. Such "collateral damage" is completely unacceptable. I continue with my objection to the proposal in an earlier submission.	The Applicant has responded to Councillor Wheelton's submissions at the Open Floor Hearing in this document and responds in turn to the specific points made by Mr Blackwell.
	I have viewed a Research Briefing "Planning For Solar Farms" dated 20 May 2024 by Felicia Rankl which is lodged in the House of Commons library. In Section 4.1 it states The National Farmers' Union (NFU) has called for "a balance to ensure we can continue to produce quality, sustainable food [...] while also delivering our net zero ambition". It said that "ideally" solar farms should be located on lower-quality land, avoiding the use of BMV land. However, it noted that "in some parts of the UK", such as in Lincolnshire, using lower-quality land "may not always be practical" because most of the land is good quality.	The Applicant acknowledges this response and that the approach described is consistent with National Policy Statement EN-3 which recognises that the use of some agricultural land to deliver projects of a nationally significant scale and which are a Critical National Priority is inevitable and therefore does not prohibit the use of BMV agricultural land for the development of ground mounted solar arrays in its aim to deliver up 70GW of solar generation. The Applicant's Planning Statement [APP-181] sets out in full its position that the Proposed Development is policy compliant.
	In 4.5 under Calls for a Land Use Framework In its report on Making the most out of England's land (PDF, December 2022), the Lords Land Use Committee called on the government to develop a land use framework to identify what land should be used for which purposes. The committee noted that, although the NPPF (National Planning Policy Framework) discourages the development of BMV land, "too many exceptions are being made". It recommended that the government should put in place "stricter regulations [...] to prevent the development of solar farms on BMV land" and adopt "a consistent policy" to promote the installation of solar panels on the rooftops of buildings	The Government's strategy includes delivering solar energy on brownfield sites and rooftops but these only forms part of the strategy. National Policy Statement EN-3 recognises that the use of some agricultural land to deliver projects of a nationally significant scale is inevitable and therefore does not prohibit the use of BMV agricultural land for the development of ground mounted solar arrays in its aim to deliver up 70GW of solar generation. Government policy strongly promotes the use of roof top solar but acknowledges that ground mounted solar will be needed as well to meet the ambitious net zero targets for the UK.

	In its response to the committee in April 2023, the government noted its target of a fivefold increase in solar deployment by 2035 would require "sustained growth in both rooftop and ground-mounted capacity". The government also said it would publish a land use framework in 2023. However, the framework would not "determine […] where individual activities or uses should or should not be occurring".	The Applicant agrees with the point that a sustained growth in both rooftop and ground mounted capacity is required. The Land Use Framework has not yet been published but the Applicant notes the purpose of the Land Use Framework is to understand and balance all land uses needs including agricultural and energy needs.
	The independent review of net zero led by Chris Skidmore (January 2023) also called on the government to publish a land use strategy. It argued that "solar farms […] should not be planned piecemeal but in a co-ordinated fashion" as part of a land use strategy.	The location of ground mounted solar generation is limited by a number of factors including the need to be in proximity to a grid connection point which has available capacity, such as the one at the former Drakelow Power Station. The justification for the Applicant's site selection is set out Chapter 3 (Site Selection and Design Strategy) of the ES **[APP-086]**.
	The review also called on the government to remove restrictions on the siting of renewable projects "where applicable", arguing that these restrictions put an "unnecessary burden" on the planning system. Instead, it recommended that the government should publish new guidance to allow for "case-by-case decisions" on renewable energy projects. In its response to the review, the government restated its commitment to publishing a land use framework in 2023. As set out above, however, the government does not intend to use the framework to prescribe what land should be used for which purposes. It pointed to existing planning guidance (the NPPF and supplementary planning practice guidance), stating that it would not publish further guidance to support case-by-case decisions. A land use framework has not yet been published. In January 2024, the government said it would publish the framework "in due course".	The Energy National Policy Statements (NPS) provide planning guidance for developers of nationally significant energy infrastructure projects. Specifically, NPS EN-1, EN-3 and EN-5 are relevant to the Proposed Development. These were revised on 17th January 2024. This provides the policy framework against which the Proposed Development will be determined.
	What is clear from the way applications are made is that there is no central planning and this needs to be done, otherwise too much Best and Most Versatile land is going to be lost to food production. The report states that the government does not know how much land has been lost to solar farms and presumably nor does it know how much will be lost in future.	The Proposed Development is delivering low carbon energy infrastructure to help the UK Government meet its net zero targets and to tackle climate change. The Energy NPSs provide the central planning policy framework against which the Proposed Development will be determined to achieve the Governments Net Zero targets. As noted in Chapter 15 (Agriculture) of the ES [APP-169] (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.
	I do not object to solar farms, but they should be in the right place, on land that is not particularly productive. In addition the moratorium on Wind Turbines has beem lifted. These are more efficient than solar and allow farming to continue. They are a much better solution.	The justification for the site selection is set out Chapter 3 (Site Selection and Design) of the ES **[APP-086]**. The change in policy for wind turbines noted by the Applicant but is not relevant to the Proposed Development.

3.2 MICHAEL SMITH AND SARAH SMITH

3.2.1 The Applicant notes that the WRs from Michael Smith and Sarah Smith are the same and the Applicant has provided a single response to the WRs to avoid repetition. The Applicant also notes the formatting of both WRs has meant some text may be absent. The Applicant has been able to understand each point and has responded accordingly.

THEME	COMMENT	APPLICANT RESPONSE
	The solar development will last for 40 years, which is longer than most landscape character, with the site being built within the National Forest and being surrounded by farming land and villages. The glint and glare from the solar panels will effect horse riders, agricultural vehicles, buses and lorries, who sit higher above the hedgerow, as the panels will sit on higher ground that the road.	Chapter 5 (landscape and visual) of the ES **[REP1-013]** provides an assessment of the potential landscape and visual impacts of the Proposed Development. This assessment is carried out in accordance with the principles contained within the following documents from the Landscape Institute and the Institute of Environmental Management and Assessment. The Landscape and Visual Impact Assessment (LVIA) and Cumulative LVIA Methodology **[APP-100]** was developed in consultation with SDDC and DCC. The design of the Proposed Development includes measures to minimise landscape and visual impacts. Those include setting all panels back from field edges and locating panels at least 100m from residential properties. Existing field boundaries and patterns have been preserved, as well as retaining the vast majority of existing hedgerow and trees. New planting is then proposed throughout the development. The BESS and substation elements of the Proposed Development have been located in the centre of the Site and the design of those would include further measures to minimise landscape and visual impact, such as using dark and recessive colours and limiting operational lighting. The Site is not within an area which is subject to any landscape designations. It is well contained visually by existing topography and vegetation, and is seen in the context of the former Drakelow Power station and existing overhead electricity lines which run through the area, including through the Site. That context, and the mitigation measures proposed, means that the Applicant's submission is that this is a site which can appropriately deliver a solar farm, which is a Critical National Priority, without unacceptable landscape or visual impacts. The operational lifespan of 40 years is typical of solar developments of this scale and is compliant with the typical lifespan set out in National Policy Statement EN-3 for a solar generating station.

	The effects of the Proposed Development on horses has been considered in Chapter 10: Transport and Access **[APP-155]** and Chapter 12: Socio-Economics, Tourism and Recreation **[APP-163]** of the ES. The assessment of transport and access effects is not required to distinguish between farming and non-farming traffic and has undertaken an assessment of the effects on the whole transport network. The conclusions of Chapter 10 of the ES found that with mitigation, the construction impacts on all routes would not be significant and range from negligible to minor adverse effects on all road users, including farm traffic. Chapter 14 (Glint and Glare) of the ES **[APP-167]** has assessed the potential effects of glint and glare arising from the Proposed Development. This includes a Solar Photovoltaic Glint and Glare Study **[APP-166]**. Potential adverse effects were identified at the assessment stage on two areas along Coton Road and one unnamed road north west of Coton in the Elms. These sections of road would be planted with new hedgerows and have temporary screening installed whilst that vegetation establishes. The proposed screening of these sections of road is detailed in the OLEMP **[REP1-015]** with Requirement 8 (landscape and ecological management plan) of the dDCO **[REP1-003]** securing the delivery of a full LEMP prior to commencement of development. The Applicant is not aware of any potential for glint and glare to occur which would give rise to issues in terms of residential amenity, aviation or road safety.
There tenant farmers and their families. Many generations have lived and farmed this land. There evictions are very sad, and the job losses of experienced farmers, whose skill and knowledge has been built up over the generations, nurturing the land and environment, making it the Best and most versatile. The land where the Oaklands Solar Farm will sit is in an area with 55% Best and Most versatile land, which is needed for food security for the UK. BMV is becoming a rare resource and is required to prevent food related air miles and help the environment.	It is proposed that existing farms will continue to operate as farms during construction, operation and decommissioning of the Proposed Development. The landowners will be able to farm sheep and the dairy farm will be able to continue farming dairy cattle if the landowners choose to do so. This would not result in a loss of livelihood. The Applicant's position is that the UK does not have an identified food security concern. There is no mandate to farmers which requires land to be used for food production. Climate change is one of the biggest threats to food security, something which solar schemes are directly seeking to tackle. This was made clear by the Secretary of State for Energy Security and Net Zero on 18 July 2024 and set out in the UK Food Security Index 2024 (May 2024), Government Food Strategy (June 2022) and UK Food Security Report 2021. National Policy Statement EN-1 confirms the Government has concluded that there is a Critical National Priority (CNP) for the provision of nationally significant low

		carbon infrastructure including solar generation. It is also confirmed there is an urgent need for CNP Infrastructure which is key for the Government to achieve their energy objectives and Net Zero. It further adds that, it is likely that the need case for CNP Infrastructure will outweigh the residual effects in all but the most exceptional cases. In addition, as the Applicant reiterates in its response to the First Written Questions, it has been acknowledged by the Government and others that it is climate change which presents a significant challenge to agriculture and food production, something which the Proposed Development seeks to address. Given the Proposed Development represents 0.003% of the national BMV agricultural land this will have an insignificant impact in the national context with an overwhelming benefit in favour of the provision of the CNP Infrastructure.
	Energy Security Secretary Claire Coutinho told Parliament on Wednesday 15 May 2024 that the best agricultural land should be prioritised for food production – She told Parliament that with growing geopolitical tension, the best agricultural land must be protected for food security. in the face of heightened global instability, the government is taking steps to strengthen food security as part of the UK's national resilience. That includes protecting 'Best and Most Versatile' (BMV) land, ensuring large solar projects avoid this higher quality land where possible. Instead, they should be developed on brownfield land, contaminated land, industrial land, and lower quality agricultural land so as not to compromise the UK's food security.	The Statement made by Claire Coutinho reflects the existing UK Government's position set out in NPS EN-1 and NPS EN-3. As noted in Chapter 15 (Agriculture) of the ES [APP-169] (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. The Applicant's acknowledges the importance of protecting the highest quality agricultural land, but as set out in Chapter 15, takes the position that the UK does not have a food security concern,
	The Fairfields farm BESS planning statement (South Derbyshire Planning ref DMPA/2024/0789) states that there are otters, crayfish and mussels are in the brook which is part of the development. Otters are designated and protected as European protected species (EPS). EPS are protected under the Conservation of Habitats and Species Regulations 2017. It is an offence to: o deliberately kill, injure, disturb or capture them o damage or destroy their breeding sites and resting places - even if otters are not present o possess, control or transport them (alive or dead) o It is also an offence under the Wildlife and Countryside Act 1981 to intentionally or recklessly: o disturb otters while they occupy a structure or place used for shelter or protection o obstruct access to a place of shelter or protection	The Applicant is aware that Otter are protected species. Appendix 6.8 of the ES **[APP-127]** identified evidence of Otters in the area particularly within the unnamed watercourse. Incidental evidence (prints, feeding remains and a holt) of otter was recorded within the unnamed watercourse in the west of Park Farm and north of Oaklands Farm and it was concluded it is likely that this species utilises the unnamed watercourse and ponds for foraging and shelter. The Ecological Impact Assessment submitted in support of application DMPA/2024/0789 also reached the same conclusion. Chapter 6 (Ecology) **[APP-135]** and Appendix 6.8 **[APP-127]** provides mitigation measures and enhancements for Otter and are set out in the OLEMP **[REP1-015],** OCEMP **[REP1-007]** and ODEMP **[REP1-011]**. It is also confirmed that the relevant European Protected Species licence will be obtained from Natural England.

		Chapter 6 (Ecology) **[APP-135]** of the ES and the associated Appendices provide comprehensive details of the protected species surveys, result and mitigation for protected species that have been identified.
	The substation for the solar far never dries out. This would be destroyed, along with the wildlife. The biodiversity of the area should not be ruined by building in this area.	The Applicant's Biodiversity Net Gain (BNG) Report **[APP-131]** found the Proposed Development would result in a BNG of 125% for habitat units, 20% in hedgerow units and 19.8% for river units, with biodiversity conservation and net gain to be secured through Requirement 8 (landscape and ecological management plan) of the dDCO **[REP1-003]** as informed by the OLEMP **[REP1-015]**.
	Transportation of the solar panel development required to build the infrastructure, move vast amounts of earth, piling equipment and other engineering requirements need to be transported along very narrow country lanes. A car struggles to pass the local bus in most areas around the site. Which route will the large lorries take to get to the site and how will they navigate the lanes? There is no easy route from the A38 to the site, as the Bailey bridge into Walton has width and weight restrictions and everyone is unsure when the new bridge will be built.	Chapter 10 (Transport and Access) of the ES **[APP-155]** has assessed the potential impact of the construction phase of the Proposed Development. Construction of the Proposed Development is expected to take 16 months. The peak daily construction vehicle movements across the construction phase will be during month four with 104 two-way movements per day (52 deliveries), broken down as 28 two-way HGVs movements and 76 two-way Light vehicle movements. The average daily vehicle movements across the construction phase will be 81 two-way movements per day, broken down as 14 Heavy vehicle movements and 67 Light vehicle movements. The assessment of construction routes determined that the following three construction routes for the Proposed Development provided the best options. • Scenario 1 – Walton Bypass, Main Street and Walton Road • Scenario 2A – Heavy vehicles via Stapenhill via A5189, Main Street and Rosliston Road. Light vehicles, up to 7.5t, dispersed across different routes. • Scenario 2B – Back up – Heavy vehicles via Coton in the Elms, and light vehicles along that same route and three others. The Applicant has secured rights across private land to host a new construction haul road to connect the Site to the public highway at Walton Road, to limit impacts to the local traffic network and so that heavy construction vehicles can avoid the villages of Rosliston and Walton-on-Trent. The Applicant has worked to understand local constraints such as the narrow Walton Bridge and revised weight limit on the Chetwynd Bridge, and this has been factored into outline transport plans to ensure heavy and light construction vehicles are routed appropriately to reduce the construction period as much as possible, while limiting traffic impacts.

	Use of the Walton Bypass is the preferred option, should that be built prior to the construction phase commencing. It is understood that the Walton Bypass will be delivered by Countryside Properties before the end of 2025, so would in that scenario be present during the construction phase of the Proposed Development. However, alternative solutions also exist should the Walton Bypass not be in place during the construction phase, and are detailed in the ES. There will be minimal operational movements associated with the Proposed Development. The levels of movements during the temporary 16 month construction period will vary and will include both heavy and light goods vehicles accessing the Site. On average during the construction period 17% of movements would be done by HGVs. A CTMP will be delivered and implemented as secured by Requirement 10 (construction traffic management plan) of the dDCO **[REP1-003]**, to reflect the principles set out in the OCTMP **[REP1-021]** and will contain measures to minimise impacts from vehicle movements, including defining the routes to be used, restricting deliveries during peak periods, staggering in and outbound movements, appropriate signage and traffic control. There will be up to two abnormal indivisible loads to be delivered to the Site; those will be in off peak hours, under police escort and preceded by works to reinforce verges, footways and culverts along the intended route where necessary. It is appreciated that during the construction period levels of vehicle use on the roads leading to the Site will increase. That will be for a temporary period, with various routes available and with careful management of those movements proposed through the OCTMP to minimise the impacts of those vehicles and to ensure that they do not have significant effects on the surrounding road network. Decommissioning vehicle routes will be confirmed within the final Decommissioning Environmental Management Plan **[REP1-011]** which will include a Decommissioning Traffic Management Plan. This is secured through Requirement 22 (decommissioning and restoration) of the dDCO **[REP1-003].**

	Every existing agricultural land water flow and increased flooding and an inability for the land to ever return to agricultural. Most winters there is flooding on the Rosliston to Walton Rd by the brook. The road becomes impassable/road is closed. If land drains are ripped up and the solar panels and battery storage are built onto the land, the flooding will only get worse - this will be down to change of use rather than climate change.	Chapter 8 (Water Resources and Flood Risk) of the ES **[APP-143]** addresses the Water Environment and includes a Flood Risk Assessment (FRA). The proposed construction method for the solar panel arrays uses driven steel tube or 'H' piles to form their foundations within the shallow soils/ superficial deposits/ weathered bedrock. These may disturb or break up land drains buried within the Site, however the number of land drains affected is expected to be minimal. Notwithstanding this, this would slow down the transport of water that has infiltrated into the soil and reduce peak run-off in local watercourses. Occasional periods of increased surface water ponding may occur having no effect on the operation of the Site and reduces peak run-off in local watercourses reducing the risk of flooding downstream. In the unlikely event that any significant drainage issue emerges due to construction activity, the Applicant will use a range of measures to rectify the situation (such as sustainable drainage systems, replacing or repairing land drains, etc.). Mitigation measures are then proposed to minimise any remaining impacts of the Proposed Development on agricultural land, such as managing impacts on the soils present on the Site so that the land can be returned to an appropriate condition following decommissioning. The mitigation measures and management details are set out in the Outline Soil Management Plan (OSMP) submitted as part of the OCEMP **[REP1-007]** and the ODEMP **[REP1-011]**. The delivery and implementation of the detailed CEMP and DEMP is secured by Requirements 9 (construction environmental management plans) and 22 (decommissioning and restoration) of the dDCO **[REP1-003]**.
	Please see the financial position [redacted] July 15 (Reuters) - BayWa (BYWGnx.DE), opens new tab shares fell by as much as 35% on Monday after the diversified German trading group commissioned an external inquiry into whether it can restructure its finances. The shares were down 34.9% at 0739 GMT, on course for their worst day yet. They also hit the bottom of the German small-caps index (.SDAXI), opens new tab and so far this year have fallen by 52.78%.	Following recent news published in the media regarding BayWa AG and its financial situation, the Applicant clarifies that the Applicant is part of the renewable energy business, BayWa r.e. AG. While part of the BayWa AG Group, BayWa r.e. AG operates largely independently of BayWa AG. However, as an immediate precaution the renewable energy business has already taken direct measures to ensure its financial stability, which have been effective. The current situation within BayWa AG will not have an impact on the Applicant's ability to deliver projects moving forward. Decisions in that regard will remain with BayWa r.e. AG and are independent of the situation at BayWa AG. Business continues as planned and the Applicant remains fully committed to the delivery of Oaklands Farm Solar Park.

The Munich-based trader of farming supplies and produce, which has been grappling with rising borrowing costs, late on Friday referred to its "tense financing situation" and said it needed restructuring. According to the quarterly report, released on May 8, the group had long-term bank debts of 3.1 billion euros ($3.38 billion) at the end of March, plus short-term liabilities of almost 2.5 billion. Last year BayWa said, it planned to sell its solar business. The European renewable energy sector is under pressure from overcapacity in solar modules and from low-price Chinese competitors. A restructuring report is usually required by creditors and is the prerequisite for them to grant further loans or to extend them. July 24, 2024 (Reuters) The Munich-based trader of farming supplies and produce has been grappling with rising borrowing costs. Earlier in July, it commissioned an external probe into whether it can restructure its finances, referring to a "tense financing situation." With the company being in such a financial position, do they have the upfront capital/cashflow to complete the project? Do they have the capital/revenue funding to withstand uncertain future revenue streams over the next 40 years from solar powered income? Do they have the revenue funding for ongoing maintenance of the site ie, hedgerow maintenance, replacement/maintenance of solar panels, infrastructure and engineering costs etc? Do they have the finances (or a bond) in place to decommission the site in 40 years and return to its original state?	
These type of Solar farms should be placed on brown field sites, roofs of car parks, warehouses and peoples homes. For instance the old Drakelow power station site (not green field) with access for HGV's and large vehicle during the build site and accessible to the Fire and Rescue service in case of emergency.	The Government's strategy includes delivering solar energy on brownfield sites and rooftops but this only forms part of the strategy. National Policy Statement EN-3 recognises that the use of some agricultural land to deliver projects of a nationally significant scale is inevitable and therefore does not prohibit the use of BMV agricultural land for the development of ground mounted solar arrays in its aim to deliver up 70GW of solar generation. The Applicant agrees that a range of options, including both ground and building mounted panels, will be needed as the UK moves towards its net zero targets.

		Large scale ground mounted solar will play a key role in delivering the growth in solar energy being sought in the UK.
	Please note that this application deadline is right in the middle of school holidays and when Farmers are at their busiest combining the fields. The timing may have an impact on the number of queries and objections.	The examination process is subject to the relevant regulations which provide a clear framework for the examination to be completed within the statutory 6-month timeframe.

4 APPLICANT'S RESPONSES TO ADDITIONAL SUBMISSIONS

4.1 THE COAL AUTHORITY

COMMENT	APPLICANT RESPONSE
The Coal Authority is a non-departmental public body sponsored by the Department for Energy Security and Net Zero. As a statutory consultee, the Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas. We have reviewed the site location plan provided and can confirm that the site falls within the Coal Authority's defined Development Low Risk Area. On this basis we have no specific comments to make. However, in the interest of public safety, it is requested that the Coal Authority's Standing Advice note is drawn to the applicant's attention, where relevant	The Applicant welcomes the Coal Authority's comments and notes that the site lies within a Low Risk Area. The Applicant will have regard to the Coal Authority's Standing Advice note where relevant. The Applicant confirms that no further action is required.

4.2 OFFICE FOR NUCLEAR AUTHORITY

COMMENT	APPLICANT RESPONSE
With regard to planning application EN010122 – Oaklands Farm Solar Park, ONR makes no comment on this proposed development as it does not lie within a consultation zone around a GB nuclear site. You can find information concerning our Land Use Planning consultation process here: (http://www.onr.org.uk/land-use-planning.htm).	The Applicant welcomes the ONR comments and confirms that no further action is required.

4.3 THE CANAL AND RIVERS TRUST

COMMENT	APPLICANT RESPONSE
Having reviewed the application documents, I can advise that the proposal does not appear likely to have any impact on the Trust's assets or infrastructure and we therefore do not anticipate that we will need to submit any representations or participate further in the examination process.	The Applicant welcomes the Canal and Rivers Trust's comments and confirms that no further action is required.

5 APPLICANT'S RESPNSE TO THE WRITTEN SUMMARY OF ORAL SUBMISSIONS MADE AT THE OPEN FLOOR HEARING 1

5.1 DISTRICT COUNCILLOR AMY WHEELTON

THEME	COMMENT	APPLICANT RESPONSE
	I speak on behalf of local residents as ward District Councillor, but I am also speaking to you, as an expert, in Agriculture, I have farmed all my life, attended Harper Adams University, and was a National Farmers Union group secretary. I have also diversified my farm and have installed solar and battery on my green offices, plus I have 2 GSHPs. I should add, I also farm land adjacent and next to this site at Walton on Trent and live, own and protect, the scheduled monument referred to in this application.	The Applicant acknowledges the basis on which the IP is participating in this Examination.
	The entire site is 472 acres with the main solar site 398 acres that is an additional 74 acres of track, 3m by 3m trench with the 50m wide corridor for the cable and access, on potentially BMV land, and worse felling of a 16m swathe of mature woodland. I have watched all my life this land improved by the dairy farmers adding manure to improve the soil, so I know far more of the entire site is BMV.	The Works Plan [APP-007] has identified a 16m wide cable construction corridor using trenching, a 5m temporary track and a 3.5m permanent track located in the small, wooded area between Walton Road and the Drakelow Substation albeit the tree cover is not continuous due to the overhead power lines and pylons which are already present. The 16m wide area allows for flexibility in the design in order to find a route through the woodland where the impact can be minimised. The Applicant's position is that there will be an improvement in the soil quality as a result of the Proposed Development. This is because the current intensive agricultural farming practices deposit large amounts of Nitrogen and Phosphorus onto the soil as part of the fertiliser regime. Mitigation measures are then proposed to minimise any remaining impacts of the Proposed Development on agricultural land, such as managing impacts on the soils present on the Site. The mitigation measures and management details are set out in the Outline Soil Management Plan (OSMP) has been prepared and submitted OCEMP **[REP1-007]** and the ODEMP **[REP1-011]**. The delivery and implementation of the CEMP and DEMP is secured by Requirements 9 (construction environmental

	management plans) and 22 (decommissioning and restoration) of the dDCO **[REP1-003]**.
The most astounding fact is the placement of this application, one of the many reasons this application should be rejected, it is on the highest point for miles around, from the scheduled monument at Walton the land rises steeply to it, from the cottages opposite Oaklands farm the land rises upwards, the horizon, views and skyline will be gone if this is approved. It is also fundamentally floored in that it needs to destroy 74 acres of woodland, brook, BMV land to even build and access the site, this is supported by the Natural England submission.	Chapter 5 (landscape and visual) of the ES **[REP1-013]** provides an assessment of the potential landscape and visual impacts of the Proposed Development. This assessment is carried out in accordance with the principles contained within the following documents from the Landscape Institute and the Institute of Environmental Management and Assessment. The Landscape and Visual Impact Assessment (LVIA) and Cumulative LVIA Methodology **[APP-100]** was developed in consultation with SDDC and DCC. The design of the Proposed Development includes measures to minimise landscape and visual impacts. Those include setting all panels back from field edges and locating panels at least 100m from residential properties. Existing field boundaries and patterns have been preserved, as well as retaining the vast majority of existing hedgerow and trees. New planting is then proposed throughout the Site. The BESS and substation elements of the Proposed Development have been located in the centre of the Site and the design of those would include further measures to minimise landscape and visual impact, such as using dark and recessive colours and limiting operational lighting. The Applicant appreciates that there will be a change to the appearance of the Site. In some locations that change will be more perceptible, such as from certain points in the surrounding highway network or for users of the Cross Britain Way for the very short section of that PRoW. Those impacts are on temporary users, and have been minimised wherever possible through the mitigation measures mentioned. New planting will take time to establish, but the LEMP secured by Requirement 8 (landscape and ecological management plan) of the dDCO **[REP1-003]** will implement the measures detailed in the OLEMP **[REP1-015]** and ensure that new landscaping is appropriately specified, planted and maintained to ensure it successfully establishes. There are no residential properties where the assessment has identified that the Residential Visual Amenity Threshold, the accepted methodology for measuring impacts on residential properties, has been breached. The Site is not within an area which is subject to any landscape designations. It is well contained visually by existing topography and vegetation, and is seen in the context of the former Drakelow Power Station and existing overhead electricity lines which run through the area, including the Site. That context, and the mitigation measures proposed, means that the Applicant's submission is that this is a site which can

		appropriately deliver a solar farm, which is a Critical National Priority, without unacceptable landscape or visual impacts. Figure 5.3 **[APP-107]** of the ES demonstrates that the application is not on the highest point in the surrounding area. The land rises up from low points around the rivers and watercourse and in this instance rises further eastward with the highest points being around Swadlincote and Overseal between 2km and 5km from the site. Similarly there are higher points to the north east of the River Trent around Tatenhill and Henhurst Hill which is again between 2km and 5 km from the site. Chapter 7 (Historic Environment) of the ES **[REP1-017]** has assessed the potential effects of the Proposed Development on the historic environment which concludes there will be no harm or effect on the scheduled monument.
	I note in the applicant's paperwork they believe the likelihood of sub aquifers is low in the area, well that is simply incorrect, all farms had wells historically. I put in 11 years ago eight 100m vertical GSHP loops, I hit a sub aquifer on them all at 10m deep and it was still going strong at 100m, the water so clear I put a borehole in for my drinking water. This is adjacent to this site and far lower than this whole solar site, so how will you stop diffuse pollution entering water courses, and if there if there is a battery fire how are you going to stop lithium-ion pollution getting into the sub aquifer I drink from?	Chapters 8 (Water Resources and Flood Risk) and 9 (Ground Conditions) of the ES **[APP-143 and APP-146]** have assessed the potential effects on aquifers in which it has been determined that that the Proposed Development would result in a minor beneficial effect. The BESS and part of the substation would include impermeable surfacing, with bunds around any impermeable areas. All rainwater landing on those impermeable areas would be collected and directed to underground tanks, which have been sized to account for larger storm events, with additional contingency for climate change. The tanks would be fitted with a hydrobrake which would manage the flow of water out to the existing watercourse to the north, near Rosliston Road at existing greenfield run-off rates. The tanks would be fitted with automatic control valves which would close in the event of any incident with the BESS or substation and any water contained in order to allow the water to be tested for contaminants and if necessary pumped into a tanker to be taken away from the Site for proper disposal. The OBSMP provides further details on the procedure for dealing with potential contamination issues with the BESS and is secured by Requirement 12 (battery safety management plan) in the dDCO **[REP1-003]**.
	If you ring 999 on landline or mobile anywhere from Walton to the edge of Swadlincote you go through to Staffordshire not Derbyshire emergency services, this causes huge delays, well documented with my meetings with the Police, currently none of the emergency services can access this site from Staffordshire due to weight restrictions at the Walton and Chetwynd bridge. Time after time we see fire engines and ambulances stuck the wrong side of these bridges	The Outline Battery Safety Management Plan (OBSMP) **[APP-093]** includes embedded mitigation measures to minimise risks should an emergency occur. The OBSMP has been prepared in consultation with Derbyshire Fire and Rescue and the detailed Battery Safety Management Plan (BSMP) will be prepared in consultation with Derbyshire Fire and Rescue. This will include an Emergency Response Plan that will ensure calls are made to Derbyshire Fire and Rescue. The detailed BSMP is secured via Requirement 12 (battery safety management plan) of the dDCO **[REP1-003]**.

	in emergencies, there is no mention of these issues by the applicants in their Battery Safety Management Plan.	
	The impact of the piling on the soil structure and land drainage is utterly disregarded. These are underground field drainage systems of pipes which remove excess soil water and control the water table. Land does not store or lie fallow for 40 years when land drains are smashed, water runs from the panels onto the ground leaching nutrients from the soil. Manure is not being added back to the soil to increase the organic matter content. The plans show every solar array will have the steel supports pile driven in at 2m deep, this destroys the existing land drains	Chapter 8 (Water Resources and Flood Risk) of the ES **[APP-143]** assesses the Water Environment and includes a Flood Risk Assessment (FRA). The proposed construction method for the solar panel arrays uses driven steel tube or 'H' piles to form their foundations within the shallow soils/ superficial deposits/ weathered bedrock. These may disturb or break up land drains buried within the Site, however the number of land drains affected is expected to be minimal. Notwithstanding this, this would slow down the transport of water that has infiltrated into the soil and reduce peak run-off in local watercourses. Occasional periods of increased surface water ponding may occur having no effect on the operation of the Site and reduces peak run-off in local watercourses reducing the risk of flooding downstream. In the unlikely event that any significant drainage issue emerges due to construction activity, the Applicant will use a range of measures to rectify the situation (such as sustainable drainage systems, replacing or repairing land drains, etc.). Mitigation measures are then proposed to minimise any remaining impacts of the Proposed Development on agricultural land, such as managing impacts on the soils present on the Site so that the land can be returned to an appropriate condition following decommissioning. The mitigation measures and management details are set out in the Outline Soil Management Plan (OSMP) has been prepared and submitted as part of the OCEMP **[REP1-007]** and the ODEMP **[REP1-011]**. The delivery and implementation of the CEMP and DEMP is secured by Requirements 9 (construction environmental management plans) and 22 (decommissioning and restoration) of the dDCO **[REP1-003]**.
	The DEMP is not fit for purpose as it shows they plan to cut the cables at 1.1m deep in 40 years' time leaving them in situ, this is not decommissioning the land, it is merely paying lip service to the idea of decommissioning. The land will be incapable of returning to BMV or any agricultural use as it is no longer drained, new drains are put in at 1.1m deep, not possible with cables in place. If under the DEMP they dig out the cables, then they render the last 40 years fallow a waste of time. This simply cannot be mitigated and is clearly not understood.	The approach to leaving to cabling in situ is in accordance with NPS EN-3 which at paragraph 2.10.69 states "Applicants should set out what would be decommissioned and removed from the site at the end of the operational life of the generating station, considering instances where it may be less harmful for the ecology of the site to keep or retain certain types of infrastructure, for example underground cabling, and where there may be socio-economic benefits in retaining site infrastructure after the operational life, such as retaining pathways through the site or a site substation." The Proposed Development involves the temporary use of the land for solar for a period of 40 years after which the Site will be returned to the landowner and it will be again available for agriculture. Whilst the Proposed Development is operational the

		landowners will be able to farm sheep and the dairy farm will be able to continue farming dairy cattle, something which will be directly supported by income from the Proposed Development as part of farm diversification. Mitigation measures are then proposed to minimise any remaining impacts of the Proposed Development on agricultural land, such as managing impacts on the soils present on the Site. The mitigation measures and management details are set out in the Outline Soil Management Plan (OSMP) has been prepared and submitted OCEMP **[REP1-007]** and the ODEMP **[REP1-011]**. The delivery and implementation of the CEMP and DEMP is secured by Requirements 9 (construction environmental management plans) and 22 (decommissioning and restoration) of the dDCO **[REP1-003]**.
	A further application for a BESS was validated last Friday adjacent to the track and brook at Fairfield's Farm, this adds to the cumulative effect of this application, the small Walton tenant farmer is now faced with compulsory purchase from this application, and a BESS on a steep slope next to the brook cutting them from the only thing they own a wood which the local guides and scouts use for camping, this family farm will become unviable.	The Applicant is not able to comment on the merits of the BESS application at Fairfields Farm or any land agreements. In respect of the Proposed Development, Document 4.5 submitted at Deadline 3 provides an update on the status of land rights agreements with Affected Persons.
	There are now 3 BESS applications around this site, another was given permission last year and Haunton's 346 acres solar is being built now. A solar application is expected on the Eon land at Drakelow after pre application talks – the right place on brownfield employment land. All this adds to a significant urbanising effect, the mitigation proposals for all these applications form enclosed corridors of 4m high hedgerows, further visually detaching the farmland from its surroundings, adversely affecting the intrinsic interest and beauty of the Countryside. The cumulative impact from this onslaught of applications with the concentrated and industrial form will appear incongruous within its predominantly rural landscape, a very significant urbanising affect and a coalescence of many villages with the urban environment.	Chapter 5 (Landscape and Visual) of the ES **[REP1-013]** provides an assessment of the potential landscape and visual impacts of the Proposed Development. This assessment is carried out in accordance with the principles contained within the following documents from the Landscape Institute and the Institute of Environmental Management and Assessment. The Landscape and Visual Impact Assessment (LVIA) and Cumulative LVIA Methodology **[APP-100]** was developed in consultation with SDDC and DCC. The design of the Proposed Development includes measures to minimise landscape and visual impacts. Those include setting all panels back from field edges and locating panels at least 100m from residential properties. Existing field boundaries and patterns have been preserved, as well as retaining the vast majority of existing hedgerow and trees. New planting is then proposed throughout the development. The BESS and substation elements of the Proposed Development have been located in the centre of the Site and the design of those would include further measures to minimise landscape and visual impact, such as using dark and recessive colours and limiting operational lighting.

		The Site is not within an area which is subject to any landscape designations. It is well contained visually by existing topography and vegetation, and is seen in the context of the former Drakelow Power Station and existing overhead electricity lines which run through the area, including through the Site. That context, and the mitigation measures proposed, means that the Applicant's submission is that this is a site which can appropriately deliver a solar farm, which is a Critical National Priority, without unacceptable landscape or visual impacts. The Applicant is reviewing the cumulative developments with a view of updating the list of cumulative developments, which will be agreed with South Derbyshire District Council and Derbyshire Couty Council.
	The Historic England submission states clearly the harm to the setting and interconnectivity of multiple heritage assets for 5 villages and a huge area. The proposal of plastic netting for over 10 years on industrial fencing leading to St Marys Church at Coton in the Elms to prevent glint and glare is frankly ridiculous!	The Applicant is continuing to engage with Historic England (HE) and progress a Statement of Common Ground with them. HE has confirmed the Proposed Development would constitute a low level of less than substantial harm. HE acknowledges that over time the harm caused by proposed green metal fencing and screening along the site's entries and road boundaries will be mitigated by the hedge growing in over the years.
	I also note close investigation is needed on the applicants glint and glare documents which have possibly not considered the daily regular road use by horse riders, agricultural vehicles and lorries who sit far higher on the road than car users, these panels sit on very high ground.	Chapter 14 (Glint and Glare) of the ES **[APP-167]** has assessed the potential effects of glint and glare arising from the Proposed Development. This includes a Solar Photovoltaic Glint and Glare Study **[APP-166]**. Potential adverse effects were identified at the assessment stage on two areas along Coton Road and one unnamed road north west of Coton in the Elms. These sections of road would be planted with new hedgerows and have temporary screening installed whilst that vegetation establishes. The proposed screening of these sections of road is detailed in the OLEMP **[REP1-015]** with Requirement 8 (landscape and ecological management plan) securing the delivery of a full LEMP prior to commencement of development. The Applicant is not aware of any potential for glint and glare to occur which would give rise to issues in terms of residential amenity, aviation or the safety of different road users.
	Not one document discusses the management of the new hedges to be planted to mitigate the 11,000 metres of fencing, Ditches need pulling or emptying every 8 years and hedgecutting annually to prevent blackthorn taking over and blocking them which causes localised flooding, in year 4 you remove the plastic hedge protectors, they do not degrade and prevent the bases of hedges filling out, year 10 you lay the hedges to thicken them and need to shape them trimming both sides as they grow. Most importantly for the first few years you remove the weed, cleavers annually, which smother new hedges and kills them, I would urge the Planning Inspector to visit the	The OLEMP **[REP1-015]** provides an outline management strategy for planting and maintaining the retained and new hedgerows and ditches and will inform the detailed LEMP to be delivered and implemented by Requirement 8 (landscape and ecological management plan) of the dDCO **[REP1-003]**.

	site in January, hedges have no leaves for 5/6 months of the year and mitigate nothing! A hedgecutter can only reach across to put a top on a hedge at 3m, far less if there is a ditch, if you just plant and let them go in 40 years they will be thin trees forming corridors hanging over roads, enclosing them. It takes 15 plus years to get a hedge, thick, properly managed so realistically to get them to 4m high it is 25 years, this is a lifetime of no mitigation for this industrial structure.	
	There is nothing in the PINS papers or DEMP about the ongoing management of these hedges, farmers and landowners comply with the DEFRA legislation and best practice why not the applicants?	Section 1.15 of the OLEMP **[REP1-015]** confirms the legislation relevant to the OLEMP including legislation that controls hedgerows. Additional legislation for hedgerow management specifically relates to hedgerows under the control of farmers.
	Coton road out of Walton in heavy rain floods by Walton Hill Farm and further on by point 4 of your suggested site location, the road spent 8 months under water this winter. We had 1 ft of rain between Christmas Day and May 1st, the water runs off Oaklands Farm the highest point, often onto the road, into ditches and Council drains which end up on local farms, ending up in the river Trent at Walton. This increased rainfall is now becoming the norm and is already flooding roads, if you smash all the land drains, no SuDS are proposed, then local roads and villages will flood further, desktop surveys are pointless, you must know the land and see if for yourself.	Chapter 8 (Water Resources and Flood Risk) of the ES **[APP-143]** addresses the Water Environment and includes a FRA **[AS-014]**. The FRA confirms there is no formal drainage infrastructure for the solar panels given surface water would percolate directly to the ground. This would be intercepted by vegetation beneath the panels and the infiltration reflects that of the greenfield situation. There is likely to be an improvement as the ground beneath the solar panels would be permanently vegetated whereas with the existing agricultural use there are periods of bare and compacted earth which increase levels of the surface water runoff. The BESS and part of the substation would include impermeable surfacing, with bunds around any impermeable areas. All rainwater landing on those impermeable areas would be collected and directed to underground tanks, which have been sized to account for larger storm events, with additional contingency for climate change. The tanks would be fitted with a hydrobrake which would manage the flow of water out to the existing watercourse to the north, near Rosliston Road at existing greenfield run-off rates. The assessment concludes that flood risk off Site will not be increased by the Proposed Development.
	Traffic is an issue in this area, we sit now in Staffordshire to discuss a South Derbyshire application, I find that very disappointing. The traffic plans for this application are poor, a whim and a hope the new Walton bypass is built after 20 years and then take out an additional 74 acres to build a so called 40 plus year temporary track. If the new bypass is not built the traffic for this site will come through Stapenhill and more likely cut through Coton Park and Castle Gresley from the A444, which is at breaking point with the new distribution center at Cadley	Chapter 10 (Transport and Access) of the ES **[APP-155]** has assessed the potential impact of the construction phase of the Proposed Development. Construction of the Proposed Development is expected to take 16 months. The peak daily construction vehicle movements across the construction phase will be during month four with 104 two-way movements per day (52 deliveries), broken down as 28 two-way HGVs movements and 76 two-way Light vehicle movements. The average daily vehicle movements across the construction phase will be 81 two-way movements per day, broken down as 14 Heavy vehicle movements and 67 Light vehicle movements.

Hill. There was zero consultation of this route, that seems very undemocratic and against process.	The assessment of construction routes determined that the following three construction routes for the Proposed Development provided the best options. • Scenario 1 – Walton Bypass, Main Street and Walton Road • Scenario 2A – Heavy vehicles via Stapenhill via A5189, Main Street and Rosliston Road. Light vehicles, up to 7.5t, dispersed across different routes. • Scenario 2B – Back up – Heavy vehicles via Coton in the Elms, and light vehicles along that same route and three others. The Applicant has secured rights across private land to host a new construction haul road to connect the Site to the public highway at Walton Road, to limit impacts to the local traffic network and so that heavy construction vehicles can avoid the villages of Rosliston and Walton-on-Trent. The Applicant has worked to understand local constraints such as the narrow Walton Bridge and revised weight limit on the Chetwynd Bridge, and this has been factored into outline transport plans to ensure heavy and light construction vehicles are routed appropriately to reduce the construction period as much as possible, while limiting traffic impacts. Use of the Walton Bypass is the preferred option, should that be built prior to the construction phase commencing. It is understood that the Walton Bypass will be delivered by Countryside Properties before the end of 2025, so would in that scenario be present during the construction phase of the Proposed Development. However, alternative solutions also exist should the Walton Bypass not be in place during the construction phase, and are detailed in the ES. There will be minimal operational movements associated with the Proposed Development. The levels of movements during the temporary 16 month construction period will vary and will include both heavy and light goods vehicles accessing the Site. On average during the construction period 17% of movements would be done by HGVs. A CTMP is secured by Requirement 10 (construction traffic management plan) of the dDCO **[REP1-003]** and will reflect the principles set out in the OCTMP **[REP1-021]** including measures to minimise impacts from vehicle movements, such as defining the routes to be used, restricting deliveries during peak periods, staggering in and outbound movements, appropriate signage and traffic control. There will be up to two abnormal indivisible loads to be delivered to the Site; those will be in off peak hours, under police escort and preceded by works to reinforce verges, footways and culverts along the intended route where necessary.

		It is appreciated that during the construction period levels of vehicle use on the roads leading to the Site will increase. That will be for a temporary period, with various routes available and with careful management of those movements proposed through the OCTMP to minimise the impacts of those vehicles and to ensure that they do not have significant effects on the surrounding road network. Decommissioning vehicle routes will be confirmed within the final Decommissioning Environmental Management Plan **[REP1-011]** which will include a Decommissioning Traffic Management Plan. This is secured through Requirement 22 (decommissioning and restoration) of the dDCO **[REP1-003].**
	In the last 8 weeks, I received 6 letters from Solar and Bess firms, in addition, I received numerous un-solicited phone calls and even a cold call visit, all offering me £1,500/acre to put my farm into a solar or Bess. This makes a mockery of the site assessment and the weight it has been afforded.	Whilst the Applicant cannot comment on other developers and their actions, the general practice in finding suitable sites is to complete a site selection assessment and to contact landowners of suitable sites to enquire if the land is available. The Applicant's approach to site selection is set out in Chapter 3 (Site Selection and Design Strategy) of the ES **[APP-086]**.
	The District Council has called an Ecological emergency, and this is not mentioned by any document on PINS. Planning appeals have shown 40 years is a significant period in people's lives, many of the mitigations will not take effect for 25 years. The staff who work at Oaklands farm are fully aware and have openly stated the dairy farm will cease. It is fact that sheep never graze solar sites because the sheep farmers must pay for any damage to the arrays and sheep rub and chew, any farmer knows that!	Paragraph 6.24 of Chapter 6 (Ecology) of the ES **[APP-135]** acknowledges that SDDC has declared an ecological emergency. It is widely acknowledged that solar farms are able to deliver biodiversity enhancements, and the Proposed Development can make a significant ecological and biodiversity improvement to address the Ecological Emergency declared by the LPA. The OLEMP **[REP1-015]** details the mitigation, avoidance and enhancement measures proposed. The delivery of the detailed LEMP is secured by Requirement 8 (landscape and ecological management plan) of the dDCO **[REP1-003]**. The Applicant's BNG Report **[APP-131]** found the scheme would result in a BNG of 125% for habitat units, 20% in hedgerow units and 19.8% for river units. The operational lifespan of 40 years is typical of solar developments of this scale and is compliant with the typical lifespan set out in National Policy Statement EN-3 for a solar generating station. After the 40 years, the Site will be returned to the landowner and will be again available for agriculture. The landowners will be able to farm sheep and the dairy farm will be able to continue farming dairy cattle, something which will be directly supported by income from the Proposed Development as part of farm diversification, should they choose to do so. Grazing of sheep along side solar panels common practice.
	Farmers have just had the wettest year on record, crop yields are low this year, there is a war in Ukraine, global yields are down, you cannot replace the best and most versatile agricultural land, this land is a finite commodity and should be protected.	The Proposed Development represents 0.003% of the national BMV agricultural land and the temporary loss will have an insignificant impact in the national context with an overwhelming benefit in favour of the provision of the CNP Infrastructure.

5.2 TRACEY HIATT

THEME	COMMENT	APPLICANT RESPONSE
	Frequent flooding in local lanes can be so severe our property can be land locked on worst days because flood waters rise quickly in all lanes surrounding Oaklands site and Rosliston Forestry Centre and Walton to Drakelow Road . It can rise very quickly at Corner Farm when the river trent levels are on high alert . Effect on drainage to already saturated ground when large area is covered with solar panals	Chapter 8 (Water Resources and Flood Risk) of the ES **[APP-143]** addresses the Water Environment and includes a FRA **[AS-014]**. The FRA confirms there is no formal drainage infrastructure for the solar panels given surface water would percolate directly to the ground. This would be intercepted by vegetation beneath the panels and the infiltration reflects that of the greenfield situation. There is likely to be an improvement as the ground beneath the solar panels would be permanently vegetated whereas with the existing agricultural use there are periods of bare and compacted earth which increase levels of the surface water runoff. The BESS and part of the substation would include impermeable surfacing, with bunds around any impermeable areas. All rainwater landing on those impermeable areas would be collected and directed to underground tanks, which have been sized to account for larger storm events, with additional contingency for climate change. The tanks would be fitted with a hydrobrake which would manage the flow of water out to the existing watercourse to the north, near Rosliston Road at existing greenfield run-off rates. The assessment concludes that flood risk off Site will not be increased by the Proposed Development.
	The close proximity of water courses brook/ pond with newts at Corner Farm which is adjacent to hedges that boarder field where HGV tracking road and underground cabling is proposed.	Chapter 6 (Ecology) **[APP-135]** of the ES and the associated Appendices provide comprehensive details of the protected species surveys, results and mitigation for protected species, including great crested newts, that have been identified.
	Concern re pollution entering localwater sources at Corner Farm and fresh water spring on my Fathers land.	Chapter 8 (Water Resources and Flood Risk) of the ES **[APP-143]** assesses the potential impact of the Proposed Development on the water environment including surface water bodies (e.g. rivers, streams, ditches, canals, lakes and ponds) water quality and the potential effects on hydrogeology. The OCEMP **[REP1-007]** ensures the risk to groundwater during the construction phase will be minimised and sets out the procedures in the event of spills. The delivery and

		implementation of the CEMP is secured by Requirement 9 (construction environmental management plan) of the dDCO **[REP1-003]**. The OOEMP **[REP1-009]** includes an Outline Water Management Plan which will monitor, manage and control water quality and pollution throughout the lifetime of the Proposed Development. The delivery and implementation of the OEMP is secured by Requirement 11 (operational environmental management plan) of the dDCO **[REP1-003]**. The ODEMP **[REP1-011]** ensures the risk to groundwater during the decommissioning phase will be minimised and sets out the procedures in the event of spills. The delivery and implementation of the DEMP is secured by Requirement 22 (decommissioning and restoration) of the dDCO **[REP1-003]**.
	I asked if soil sampling will be undertaken before during and at decomission stage to ensure land is returned to its present best versatille state. What damage will be caused to the land ? will solar panals need replacing within the 40 year plan ?	Environmental monitoring is included within the OCEMP **[REP1-007]**, OOEMP **[REP1-009]** and the ODEMP **[REP1-011].** These plans are secured in the dDCO **[REP1-003]** at Requirements 9 (construction environmental management plans), 11 (operational environmental management plan) and 22 (decommissioning and restoration).
	Gas and utilities run under lane where underground cabling HGV and tracking is proposed	Chapter 16 (Other Issues) of the ES **[APP-177]** has assessed the impact on utilities include gas pipelines. A gas pipeline passes though the site along the alignment of Rosliston Road. A Crossing Method Statement **[AS-018]** has been prepared to address how the underground cable will cross obstructions. The Applicant has engaged directly with the owner of the gas pipeline, Cadent Gas Limited, to discuss crossing methodology and to ensure their asset and the public are protected during construction and operation of the Proposed Development. The crossing and the method for construction will not commence without Cadent being notified and the construction plans agreed prior to commencement. The dDCO **[REP1-003]** contains provisions for the protection of Cadent at Part 4 of Schedule 10.
	Glint and glare from solar panals sited on hills risk of accidents in the lanes	Chapter 14 (Glint and Glare) of the ES **[APP-167]** has assessed the potential effects of glint and glare arising from the Proposed Development. This includes a Solar Photovoltaic Glint and Glare Study **[APP-166]**. Potential adverse effects were identified at the assessment stage on two areas along Coton Road and one unnamed road north west of Coton in the Elms. These sections of road would be planted with new hedgerows and have temporary screening installed whilst that vegetation establishes. The proposed screening of these sections of road is detailed in the OLEMP **[REP1-015]** with Requirement 8 (landscape and ecological management plan) of the dDCO **[REP1-003]** securing the delivery of a full LEMP prior to commencement of development. The Applicant is not aware of any potential for glint and glare to occur which would give rise to issues in terms of residential amenity, aviation or road safety.

Energy versus food divserity needs to be carefully balanced	The Applicant's position is that the UK does not have an identified food security concern. There is no mandate to farmers which requires land to be used for food production. Climate change is one of the biggest threats to food security, something which solar schemes are directly seeking to tackle. This was made clear by the Secretary of State for Energy Security and Net Zero on 18 July 2024 and set out in the UK Food Security Index 2024 (May 2024), Government Food Strategy (June 2022) and UK Food Security Report 2021. National Policy Statement EN-1 confirms the Government has concluded that there is a Critical National Priority (CNP) for the provision of nationally significant low carbon infrastructure including solar generation. It is also confirmed there is an urgent need for CNP Infrastructure which is key for the Government to achieve their energy objectives and Net Zero. It further adds that, it is likely that the need case for CNP Infrastructure will outweigh the residual effects in all but the most exceptional cases. In addition, as the Applicant reiterates in its response to the First Written Questions, it has been acknowledged by the Government and others that it is climate change which presents a significant challenge to agriculture and food production, something which the Proposed Development seeks to address. Given the Proposed Development represents 0.003% of the national BMV agricultural land this will have an insignificant impact in the national context with an overwhelming benefit in favour of the provision of the CNP Infrastructure.
The scale of this project is on industrial scale urbanisation of rural area of natural beauty wil be changed forever affecting present wildlife and birds bats and barn owls monk jack deer badgers and foxes live within the propsed site boundaries.	Chapter 5 (Landscape and Visual) of the ES **[APP-106]** provides an assessment of the potential landscape and visual impacts of the Proposed Development. This assessment is carried out in accordance with the principles contained within the following documents from the Landscape Institute and the Institute of Environmental Management and Assessment. The Landscape and Visual Impact Assessment (LVIA) and Cumulative LVIA Methodology **[APP-100]** was developed in consultation with SDDC and DCC. The design of the Proposed Development includes measures to minimise landscape and visual impacts. Those include setting all panels back from field edges and locating panels at least 100m from residential properties. Existing field boundaries and patterns have been preserved, as well as retaining the vast majority of existing hedgerow and trees. New planting is then proposed throughout the Site. The BESS and substation elements of the Proposed Development have been located in the centre of the Site and the design of those would include further measures to minimise landscape and visual impact, such as using dark and recessive colours and limiting operational lighting.

	The Applicant appreciates that there will be a change to the appearance of the Site. In some locations that change will be more perceptible, such as from certain points in the surrounding highway network or for users of the Cross Britain Way for the very short section of that PRoW. Those impacts are on temporary users, and have been minimised wherever possible through the mitigation measures mentioned. New planting will take time to establish, but the OLEMP **[REP1-015]** ensures that new landscaping is appropriately specified, planted and maintained to ensure it successfully establishes. There are no residential properties where the assessment has identified that the Residential Visual Amenity Threshold, the accepted methodology for measuring impacts on residential properties, has been breached. The Site is not within an area which is subject to any landscape designations. It is well contained visually by existing topography and vegetation, and is seen in the context of the former Drakelow Power station and existing overhead electricity lines which run through the area, including the Site. That context, and the mitigation measures proposed, means that the Applicant's submission is that this is a site which can appropriately deliver a solar farm, which is a Critical National Priority, without unacceptable landscape or visual impacts. Chapter 6 (Ecology) **[APP-135]** of the ES and the associated Appendices provide comprehensive details of the protected species surveys, results and mitigation for protected species that have been identified together with the potential ecological impacts of the Proposed Development. The Applicant's Biodiversity Net Gain (BNG) Report **[APP-131]** found the Proposed Development would result in a BNG of 125% for habitat units, 20% in hedgerow units and 19.8% for river units, with biodiversity conservation and net gain to be secured by Requirement 8 (landscape and ecological management plan) of the dDCO **[REP1-003]** as detailed in the OLEMP **[REP1-015].**
Fire concerns and access for emergency vehicles in lanes with dangerous bends in places Rosliston Road from Cormer Farm to Fairfields as gas leakage at times.	The design parameters for the BESS include measures which reduce the risk of thermal runaway/fire from the batteries, by providing appropriate spacing between the battery units to ensure should a fire occur it will be allowed to burn out in a controlled manner and not spread between battery units across the BESS, and through locating the BESS in the centre of the Site, away from residential properties. Requirement 12 (battery safety management plan) of the dDCO **[REP1-003]** requires the Applicant to provide a full Battery Safety Management Plan, which will accord with the principles set out in the OBSMP **[APP-093]** which accompanies the Application, and be approved by the LPA. The final Battery Safety Management Plan would sit alongside an emergency response plan and provide details of in-built BESS safety features like

	internal fire suppression systems built into individual battery units, automatic detection and alert systems, remote shut-down, and procedures to alert local emergency services in line with agreed fire-fighting strategy. The Proposed Development will not restrict access for emergency vehicles.
I eagerly await to read Environmental Impack assessments and highways report as local villages of Rosliston Walton Coton Drakelow and Stapenhill Branston Grangewood will have significant distrubution during construction phases and lanes around villages are not conducive to heavy plant vehicles.	The Environmental Impact Assessment and Highways Reports are available on the Planning Inspectorate's project website for review. The peak daily construction vehicle movements across the construction phase will be during month four with 104 two-way movements per day (52 deliveries), broken down as 28 two-way HGVs movements and 76 two-way Light vehicle movements. The average daily vehicle movements across the construction phase will be 81 two-way movements per day, broken down as 14 Heavy vehicle movements and 67 Light vehicle movement. Whilst Scenario 1 is the preferred route which uses the new Walton Bypass, if it is not available then the Scenario 2A will be used with HGVs accessing the site from the A38 via Stapenhill. Light construction vehicles can also use this route but can also use three other routes to disperse the traffic on the local road network. The construction access routes are shown in Figures 10.2 – 10.4 of the ES **[AS-015]**.
I also request the decomissioning process in 40 years is legally processed and completed with the same emphasis at the end of this project clearly idenitified. As significant neighbours I ask who we continue to report to with any ongoing issues over a 40 year plan.	Requirement 22 (decommissioning and restoration) of the dDCO **[REP1-003]** requires the undertaker to decommission it at the end of the operational lifetime. The OCEMP **[REP1-007]**, OOEMP **[REP1-009]** and DEMP **[REP1-011]** commit to providing a means for the public to report issues and make complaints. The delivery of these management plans is secured by Requirements 9 (construction environmental management plans), 11 (operational environmental management plan) and 22 (decommissioning management plan) of the dDCO **[REP1-003]**.

6 APPLICANTS RESPONSE TO SUBMISSIONS MADE AT PROCEDURAL DEADLINE A

6.1 DAVID MICHAEL BROWN

THEME	COMMENT	APPLICANT RESPONSE
	This is prime agricultural land and exceptionally poor use of greenfield land. National guidance is that the use of good quality agricultural land for large scale solar farms should be avoided.	The total area of BMV land within the Oaklands Farm Area (which contains the proposed solar PV panel array, BESS, substation and other ancillary elements) extends to 115 ha (60% of the Oaklands Farm Area). An estimated 3.7 million ha (42%) of agricultural land in England comprises of BMV land. The 115 ha of BMV land within the Oaklands Farm Area represents 0.003% of the BMV land in England (1/33,300th of the total). Therefore, the temporary loss of 115ha is insignificant in the national context. The Proposed Development also represents a negligible amount of BMV agricultural land within Derbyshire, of some 0.066%, and some 0.5% of the BMV land available within South Derbyshire. The Government's strategy includes delivering solar energy on brownfield sites and rooftops but this only forms part of the strategy. National Policy Statement EN-3 recognises that the use of some agricultural land to deliver projects of a nationally significant scale is inevitable and therefore does not prohibit the use of BMV agricultural land for the development of ground mounted solar arrays in its aim to deliver up 70GW of solar generation. The Applicant's approach to site selection is set out in Chapter 3 (Site Selection and Design Strategy) of the ES **[APP-086]**.
	It is particularly concerning that in the context of this proposal there is no benefit at all to the tenant farmers who currently work the land. On the contrary, it is of further concern that the loss of productive acreage could threaten the viability of some of the tenanted farms who may be under pressure from the land agents not to object.	It is proposed that existing farms will continue to operate as farms during construction, operation and decommissioning of the Proposed Development. The landowners will be able to farm sheep and the dairy farm will be able to continue farming dairy cattle, if they choose to do so. This would not result in a loss of livelihood.

	None of the benefits from this development will accrue to the area or to the county. Financial beneficiaries will be the developers, the energy company and the landowners who have no links to the area.	In addition to the annual community benefit of £55k committed to by the Applicant, the local community would also benefit from: • Production of clean renewable electricity which would make a significant contribution to local and national Climate Emergency goals; • 125% biodiversity improvement in habitat units across the Site; • Hedgerow planting & improved management; • Improving grasslands and wildflowers; • Improving links between existing paths and PRoW; • Creation of a new permissive path for use during operation; • Creation of approximately 150 jobs created during the construction phase; • Local contracting opportunities - fencing, civil works, testing & commissioning; • Direct, indirect and induced effects for local businesses & payment of business rates; and • Continued agricultural use of site through grazing of sheep between the rows of solar panels.
	Nearby there are thousands of acres of warehouse development and not a single solar panel in sight. Put solar on rooftops, not agricultural land. The industrial land & warehouses aligning the A38 in the region and would be prime land for this type of development.	The Government's strategy includes delivering solar energy on brownfield sites and rooftops but this only forms part of the strategy. National Policy Statement EN-3 recognises that the use of some agricultural land to deliver projects of a nationally significant scale is inevitable and therefore does not prohibit the use of BMV agricultural land for the development of ground mounted solar arrays in its aim to deliver up 70GW of solar generation. The Applicant agrees that a range of options, including both ground and building mounted panels, will be needed as the UK moves towards its net zero targets. Large scale ground mounted solar will play a key role in delivering the growth in solar energy being sought in the UK.
	This is a wonderful rural landscape in South Derbyshire and the development would be detrimental to the landscape with so many acres pf solar arrays, containers and 3m high fencing with security cameras. The project would be increasing urbanisation of a rural area with coalescence (merging) of small rural villages. 40 Years is a significant period in people's lives and the development would detract from the landscape character and visual amenity.	Chapter 5 (Landscape and Visual) of the ES **[APP-106]** provides an assessment of the potential landscape and visual impacts of the Proposed Development. The design of the Proposed Development includes measures to minimise landscape and visual impacts. Those include setting all panels back from field edges and locating panels at least 100m from residential properties. Existing field boundaries and patterns have been preserved, as well as retaining the vast majority of existing hedgerow and trees. New planting is then proposed throughout the Site. The BESS and substation elements of the Proposed Development have been located in the centre of the Site and the design of those would include further measures to minimise landscape and visual impact, such as using dark and recessive colours and limiting operational lighting.

The Proposed Development will be secured with fencing and gates, and will employ minimal lighting for security and personnel safety at specific operational points only, such as site entrances, and the BESS and Project Substation located in the centre of the Proposed Development. No light pollution issues are anticipated.
The BESS and Substation would be surrounded by steel palisade security fencing of up to 3m high for added security and protection from high voltage electrical infrastructure. All access points will be secured with appropriate metal gates and security measures to prevent unauthorised access. In addition, CCTV would be installed at appropriate locations around the Proposed Development with the CCTV to be mounted on 3.51m poles.

The remainder of the Site is secured by deer fencing which comprises 2.1m stock wire mesh deer fencing with wooden posts piled into ground up to 2m including mammal gaps and may utilise a single line of barbed wire. Where additional security is required along Coton Road, wire mesh fencing with steel posts will be installed. Other fencing would be 1.5m post and wire agricultural stock fencing for contain grazing animals within the Site such as sheep.

The Applicant appreciates that there will be a change to the appearance of the Site. In some locations that will be a more perceptible change such as from certain points in the surrounding highway network or for users of the Cross Britain Way for the very short section of that PRoW. Those impacts are on temporary users, and have been minimised wherever possible through the mitigation measures mentioned. New planting will take time to establish, but the OLEMP **[REP1-015]** ensures that new landscaping is appropriately specified, planted and maintained to ensure it successfully establishes and will be used to inform the LEMP secured by Requirement 8 (landscape and ecological management plan) of the dDCO **[REP1-003]**. There are no residential properties where the assessment has identified that the Residential Visual Amenity Threshold, the accepted methodology for measuring impacts on residential properties, has been breached.

The Site is not within an area which is subject to any landscape designations. It is well contained visually by existing topography and vegetation, and is seen in the context of the former Drakelow Power station and existing overhead electricity lines which run through the area, including the Site. That context, and the mitigation measures proposed, means that the Applicant's submission is that this is a site which can appropriately deliver a solar farm, which is a Critical National Priority, without unacceptable landscape or visual impacts.

		The Applicant notes the comment on 40 years of operation. The operational lifespan of 40 years is typical of solar developments of this scale and is compliant with the typical lifespan set out in National Policy Statement EN-3 for a solar generating station.
	Noise/glare from the development cannot be abated, no matter what is claimed in the application nor can the hum from the inverters making this really an industrial installation.	Chapter 11 (Noise) of the ES **[APP-160]** has assessed the potential noise issues arising from the Proposed Development. Solar developments are generally not significant noise generating developments once operational with the main noise generating activities associated with construction. The ES found that there would be negligible effects when considering all sensitive receptors. No further mitigation is required beyond that already embedded within the design of the Proposed Development. The OOEMP **[REP1-009]** includes provisions to ensure that plant is specified to manage noise, with the use of screening, mufflers and silencers to be employed where necessary. Requirement 15 (operational noise) of the dDCO **[REP1-003]** requires the Applicant to undertake an operational noise assessment prior to any works starting on site and submitting that to the LPA for review. Chapter 14 (Glint and Glare) of the ES **[APP-167]** has assessed the potential effects of glint and glare arising from the Proposed Development. This includes a Solar Photovoltaic Glint and Glare Study **[APP-166]**. Potential adverse effects were identified at the assessment stage on two areas along Coton Road and one unnamed road north west of Coton in the Elms. These sections of road would be planted with new hedgerows and have temporary screening installed whilst that vegetation establishes. The proposed screening of these sections of road is detailed in the OLEMP **[REP1-015]** with Requirement 8 (landscape and ecological management plan) securing the delivery of a full LEMP prior to commencement of development. The Applicant is not aware of any potential for glint and glare to occur which would give rise to issues in terms of residential amenity, aviation or road safety.
	Impacts of construction will be huge. During the building of Ambience Linton Village, many HGV's ignored the dedicated routes to the site travelling on the local country lanes. Despite this being reported no action was taken. The local lanes in the area are totally unsuitable for this type of development and traffic. The 16 month+ construction phase would be unacceptable on our rural road network. These vehicles would all have to travel through local villages on a daily basis as the site is many miles from the A444.	Chapter 10 (Transport and Access) of the ES **[APP-155]** has assessed the potential impact of the construction phase of the Proposed Development. Construction of the Proposed Development is expected to take 16 months. The peak daily construction vehicle movements across the construction phase will be during month four with 104 two-way movements per day (52 deliveries), broken down as 28 two-way HGVs movements and 76 two-way Light vehicle movements. The average daily vehicle movements across the construction phase will be 81 two-

way movements per day, broken down as 14 Heavy vehicle movements and 67 Light vehicle movements.

The assessment of construction routes determined that the following three construction routes for the Proposed Development provided the best options.

- Scenario 1 – Walton Bypass, Main Street and Walton Road
- Scenario 2A – Heavy vehicles via Stapenhill via A5189, Main Street and Rosliston Road. Light vehicles, up to 7.5t, dispersed across different routes.
- Scenario 2B – Back up – Heavy vehicles via Coton in the Elms, and light vehicles along that same route and three others.

The Applicant has secured rights across private land to host a new construction haul road to connect the Site to the public highway at Walton Road, to limit impacts to the local traffic network and so that heavy construction vehicles can avoid the villages of Rosliston and Walton-on-Trent. The Applicant has worked to understand local constraints such as the narrow Walton Bridge and revised weight limit on the Chetwynd Bridge, and this has been factored into outline transport plans to ensure heavy and light construction vehicles are routed appropriately to reduce the construction period as much as possible, while limiting traffic impacts.

Use of the Walton Bypass is the preferred option, should that be built prior to the construction phase commencing. It is understood that the Walton Bypass will be delivered by Countryside Properties before the end of 2025, so would in that scenario be present during the construction phase of the Proposed Development. However, alternative solutions also exist should the Walton Bypass not be in place during the construction phase, and are detailed in the ES.

There will be minimal operational movements associated with the Proposed Development. The levels of movements during the temporary 16 month construction period will vary and will include both heavy and light goods vehicles accessing the Site. On average during the construction period 17% of movements would be done by HGVs. A CTMP is secured by Requirement 10 (construction traffic management plan) of the dDCO **[REP1-003]** and will be prepared to reflect the principles set out in the OCTMP **[REP1-021]** and will contain measures to minimise impacts from vehicle movements, including defining the routes to be used, restricting deliveries during peak periods, staggering in and outbound movements, appropriate signage and traffic control.

	There will be up to two abnormal indivisible loads to be delivered to the Site; those will be in off peak hours, under police escort and preceded by works to reinforce verges, footways and culverts along the intended route where necessary. It is appreciated that during the construction period levels of vehicle use on the roads leading to the Site will increase. That will be for a temporary period, with various routes available and with careful management of those movements proposed through the OCTMP to minimise the impacts of those vehicles and to ensure that they do not have significant effects on the surrounding road network. Decommissioning vehicle routes will be confirmed within the final Decommissioning Environmental Management Plan **[REP1-011]** which will include a Decommissioning Traffic Management Plan. This is secured through Requirement 22 (decommissioning and restoration) of the dDCO **[REP1-003].**
No routes to the site from the Staffordshire side of the village. The Walton Bypass is not yet built and doesn't look like it will be for years and the A513 Chetwynd bridge has a weight restriction.	The assessment of construction routes determined that the following three construction routes for the Proposed Development provided the best options. • Scenario 1 – Walton Bypass, Main Street and Walton Road • Scenario 2A – Heavy vehicles via Stapenhill via A5189, Main Street and Rosliston Road. Light vehicles, up to 7.5t, dispersed across different routes. • Scenario 2B – Back up – Heavy vehicles via Coton in the Elms, and light vehicles along that same route and three others. The Applicant has secured rights across private land to host a new construction haul road to connect the Site to the public highway at Walton Road, to limit impacts to the local traffic network and so that heavy construction vehicles can avoid the villages of Rosliston and Walton-on-Trent. The Applicant has worked to understand local constraints such as the narrow Walton Bridge and revised weight limit on the Chetwynd Bridge, and this has been factored into outline transport plans to ensure heavy and light construction vehicles are routed appropriately to reduce the construction period as much as possible, while limiting traffic impacts. Use of the Walton Bypass is the preferred option, should that be built prior to the construction phase commencing. It is understood that the Walton Bypass will be delivered by Countryside Properties before the end of 2025, so would in that scenario be present during the construction phase of the Proposed Development. However, alternative solutions also exist should the Walton Bypass not be in place during the construction phase, and are detailed in the ES.

	The lanes are very narrow and used a rat runs as the main roads have become overcrowded and this will add to the traffic load, further delays, bottle necks on roads already poorly maintained with large potholes. The local infrastructure cannot take it.	A Highway condition surveys will be undertaken both before and after construction and will be subject to agreement with both SCC and DCC. This will ensure that any potential damage to the roads as a result of the Proposed Development can be remedied. Further details are set out in the OCTMP **[REP1-021]** the delivery and implementation of which is secured by Requirement 10 (construction traffic management plan) of the dDCO **[REP1-003].**
	Most villages and lanes have a 7.5t weight limit for good reason, especially the villages and waiving these for these for such a project should not be considered.	The Applicant is aware of the existing environmental weight limits (7.5t) surrounding the site, commencing in Stapenhill, and are aware of concerns raised by stakeholders. The construction vehicle routing scenario which will see heavy vehicles use the Environmental weight limit at Stapenhill will be Scenario 2A. The environmental weight limit allows for permitted construction vehicle access above the 7.5t weight limit. The HGV construction routes has been developed in consultation with the relevant Local Highway Authorities.
	Our local historic environment of local conservation areas and heritage assets including listed buildings will be affected by the alien industrial development. These projects are known to ruin the local waterflow, leading to increased flooding and the land never being suitable for arable again.	A full assessment of the likely significant effects of the Proposed Development on the historic environment and its component heritage assets has been completed and presented in Chapter 7 (Historic Environment) of the ES **[REP1-019]**. There are no designated heritage assets within the Site itself, with the study work undertaken by the applicant identifying some potential for non-designated archaeological assets which are likely to be of no more than local importance. The Applicant's assessment considers that the Proposed Development would have at most a low level of less than substantial harm on the setting of wider heritage assets, such as the Walton-on-Trent Conservation Area and listed buildings which lie outside the Site but within the wider study area. Requirement 18 (archaeology) of the dDCO **[REP1-003]** requires the Applicant to agree an archaeological WSI prior to commencing development. That WSI will detail how a qualified archaeology team will ensure that impacts on any archaeological assets are identified and avoided during construction.
	I believe this application should be rejected without any further consideration. It is clearly not the correct location for this type of development, breakings nearly every rule and guideline for this type of development.	NPS EN-1 confirms the Government has concluded that there is a Critical National Priority (CNP) for the provision of nationally significant low carbon infrastructure such as solar development. National policy therefore establishes a presumption in favour of granting consent for that infrastructure and that is the starting point from which this Application has to be assessed. Development in the countryside is required to deliver up to 70GW of solar energy by 2035. It is the Applicant's position that the location of the Proposed Development is appropriate, as set out in Chapter 3 (Site Selection and Design Strategy) of the ES **[APP-086]**.

6.2 STEVEN FREDERICK MILLS

THEME	COMMENT	APPLICANT RESPONSE
	I am an enthusiastic owner of solar panels on the roof of my home. I did this because I believe that solar power is a useful way to generate electricity and have found this to be the case despite the UK weather over the past year. Since installation in March 2023 I have produced 7600 Kw/h. If every home could do this there would be no need for large solar'farm' sites	The Applicant acknowledges this comment and no further action is required.
	I live close to the proposed solar 'farm' (it is not a farm but an electricity generating station.) and object to prime farm land being given over to industrial use in contradiction of the Governments policy to utilise brown field sites.	Agricultural land is graded depending on the quality of the soil. Grades 1, 2 and 3a are defined as 'Best and Most Versatile' (BMV) agricultural land. The total area of BMV land within the Oaklands Farm Area (which contains the proposed solar PV panel array, BESS, substation and other ancillary elements) extends to 115 ha (60% of the Oaklands Farm Area). An estimated 3.7 million ha (42%) of agricultural land in England comprises of BMV land. The 115 ha of BMV land within the Oaklands Farm Area represents 0.003% of the BMV land in England (1/33,300th of the total). Therefore, the temporary loss of 115ha is insignificant in the national context. The Proposed Development also represents a negligible amount of BMV agricultural land within Derbyshire, of some 0.066%, and some 0.5% of the BMV land available within South Derbyshire. After 40 years the site will be returned to similar condition enabling the Site to be used for agricultural use. An Outline Soil Management Plan (OSMP) has been prepared and submitted as part of the OCEMP **[REP1-007]** to ensure the quality of the soil is maintained. The delivery and implementation of the CEMP, including the SMP, is secured by Requirement 9 (construction environmental management plans) of the dDCO **[REP1-003]**.
	I believe that rooftop solar is the most expedient way forward for us to utilise solar panels and feel strongly that the building regulations should be changed to	The Government's strategy includes delivering solar energy on brownfield sites and rooftops but this only forms part of the strategy. National Policy Statement EN-3 recognises that the use of some agricultural land to deliver projects of a nationally significant scale is inevitable

	make this compulsory where appropriate. This will also help to reduce electricity bills for home owners and businesses alike, helping to 'level up' the energy market away from corporate domination.	and therefore does not prohibit the use of BMV agricultural land for the development of ground mounted solar arrays in its aim to deliver up 70GW of solar generation. The Applicant agrees that a range of options, including both ground and building mounted panels, will be needed as the UK moves towards its net zero targets. Large scale ground mounted solar will play a key role in delivering the growth in solar energy being sought in the UK.
	I attach a copy of a letter from my local MP on this subject	The Applicant's response to this letter is provided in section 6.3 below.

6.3 STEVEN FREDERICK MILLS – LETTER FROM HEATHER WHEELER MP

THEME	COMMENT	APPLICANT RESPONSE
	Our energy security must not come at the expense of our food security, and there are concerns about the increasing numbers of solar farms proposed on good-quality farmland instead of brownfield land and on rooftops.	The Applicant's position is that the UK does not have an identified food security concern. There is no mandate to farmers which requires land to be used for food production. Climate change is one of the biggest threats to food security, something which solar schemes are directly seeking to tackle. This was made clear by the Secretary of State for Energy Security and Net Zero on 18 July 2024 and set out in the UK Food Security Index 2024 (May 2024), Government Food Strategy (June 2022) - and UK Food Security Report 2021. National Policy Statement EN-1 confirms the Government has concluded that there is a Critical National Priority (CNP) for the provision of nationally significant low carbon infrastructure including solar generation. It is also confirmed there is an urgent need for CNP Infrastructure which is key for the Government to achieve their energy objectives and Net Zero. It further adds that, it is likely that the need case for CNP Infrastructure will outweigh the residual effects in all but the most exceptional cases. In addition, as the Applicant reiterates in its response to the First Written Questions, it has been acknowledged by the Government and others that it is climate change which presents a significant challenge to agriculture and food production, something which the Proposed Development seeks to address.

		Given the Proposed Development represents 0.003% of the national BMV agricultural land this will have an insignificant impact in the national context with an overwhelming benefit in favour of the provision of the CNP Infrastructure.
	The Department for Energy Security and Net Zero has made clear that: 1. Applications prioritise previously developed, brownfield land. 2. Developers avoid the best quality farmland 3. The overall impact of lots of applications in the same area is considered This is effective immediately and applies to all current and future applications. We do, however, want to see more solar panels installed where appropriate, so the Government has also made it easier and cheaper to install solar on top of warehouses, fam buildings, factories and car parks.	This approach is already reflected in the UK Governments position set out in NPS EN-1 and NPS EN-3. The Government's strategy includes delivering solar energy on brownfield sites and rooftops but this only forms part of the strategy. National Policy Statement EN-3 recognises that the use of some agricultural land to deliver projects of a nationally significant scale is inevitable and therefore does not prohibit the use of BMV agricultural land for the development of ground mounted solar arrays in its aim to deliver up 70GW of solar generation. The Applicant's approach to site selection is detailed in Chapter 3 (Site Selection and Design Strategy) of the ES **[APP-086]**.