OAKLANDS FARM SOLAR PARK

Applicant: Oaklands Farm Solar Ltd

The Applicant's Reponse to Local Impact Reports
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CONTENTS

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 Local Impact Reports ("LIRs") submitted at Deadline 2 of the examination. A total of two LIRs were submitted to the Planning Inspectorate; one joint LIR from South Derbyshire District Council ("SDDC") and Derbyshire County Council ("DCC") and one from Leicestershire County Council ("LCC").

1.1.3 The specific local impacts identified in the LIRs have been listed verbatim with the introductory sections summarised wherever the Applicant has responded to a specific point.

1.1.4 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 LOCAL IMPACT REPORTS

2.1 SOUTH DERBYSHIRE DISTRICT COUNCIL AND DERBYSHIRE COUNTY COUNCIL

Sections 1.0 – 4.0

2.1.1 The table below provides the Applicant's response to the introductory sections of the LIR. The Applicant has provided a response where necessary to provide points of clarity and additional information relevant to the Examination.

LIR REF.	COMMENT	APPLICANT RESPONSE
1.0	**Introduction**	The Applicant has no comments with regard to this section.
2.0	**The Site**	
2.1	The site comprises of approximately 322ha of land to the southeast of the village of Walton-on-Trent. The site currently consists of agricultural land that is used for arable cropping and grazing.	The Applicant notes an error at paragraph 2.1 in which the Site is 191ha in total and not 322ha as stated. The Applicant has no further comments with regard to section 2.
3.0	**Proposed Development**	The Applicant has no comments with regard to section 3.
4.0	**Legislative and Policy Context**	
4.5 – 4.9	EN-1 – Overarching National Policy Statement for Energy	The Applicant notes that this section omits key paragraphs of NPS EN-1 which are relevant to the Proposed Development and the decision making process. These are summarised as follows: Paragraph 3.3.20 of EN-1 confirms that a secure, reliable, affordable, net zero consistent national energy system in 2050 is likely to be composed predominantly of wind and solar. Paragraph 3.3.62 adds that the Government has concluded that there is a Critical National Priority (CNP) for the provision of nationally significant low carbon infrastructure.

		Paragraph 3.3.63 identifies that the urgent need for CNP Infrastructure to achieving energy objectives, together with the national security, economic, commercial, and net zero benefits, will in general outweigh any other residual impacts not capable of being addressed by the application of the mitigation hierarchy. EN-1 is clear that Government strongly supports the delivery of CNP Infrastructure and it should be progressed as quickly as possible. EN-1 later confirms, at paragraph 4.2.4, there is a CNP for the provision of nationally significant low carbon infrastructure and paragraph 4.2.5 confirms this includes for electricity generation, all onshore and offshore generation that does not involve fossil fuel combustion i.e. solar generation and for electricity grid infrastructure, all power lines in scope of EN-5 including network reinforcement and upgrade works, and associated infrastructure such as substations. Therefore, paragraph 4.2.6 confirms that there is an overarching need case for each type of energy infrastructure and the substantial weight which should be given to that need is the starting point for the assessment of energy infrastructure applications.
4.22 – 4.24	Written Ministerial Statements - former Energy Security Secretary 15th May 2024	The Applicant notes that the Written Ministerial Statement (WMS) first references the January 2024 National Policy Statement EN-3 and reiterates the position taken in that National Policy Statement in respect of agricultural land. The Applicant sets out in the Application that the Proposed Development is considered to accord with the National Policy Statements generally and in terms of the position they take in respect of agricultural land. It is important to note The WMS acknowledges that even in the most ambitious scenarios the total area of UK agricultural land used for solar would be very small (i.e. 1%). The Applicant has no further comments with regard to section 4.

Section 5.0 Local Impacts

2.1.2 The table below provides the Applicant's response to the Local Impacts raised in the LIR and where necessary cross refers to other documents.

LIR REF.	COMMENT	APPLICANT RESPONSE
Geology, Soils and Agricultural Land		
5.3	EN-1 highlights (paragraph 5.11.12) that applicants should seek to minimise the impacts on the best and most versatile agricultural land (defined as grades 1, 2 and 3a Agricultural Land Classification) and preferably use land in areas of poorer quality (grades 3b, 4 and 5).	The Proposed Development has sought to avoid the higher grades of BMV land and does not include any Grade 1 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 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 location of ground mounted solar generation is limited by a number of factors and technical considerations, including agricultural land classification and land type, as set out in NPS EN-3. A specific factor in this instance is needing to be in proximity to a grid connection point which has available capacity such as the one at Drakelow. The justification for the site selection is set out Chapter 3 of the ES **[APP-086]**.
5.4	Paragraph 5.11.34 of the EN-1 clearly states: '*The Secretary of State should ensure that applicants do not site their scheme on the best and most versatile agricultural land without justification. Where schemes are to be sited on best and most versatile agricultural land the Secretary of State should take into account the economic benefits and other benefits of the land. Where development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality*'	
5.5	With specific reference to Solar Photovoltaic Generation, EN-3 highlights (paragraph 2.10.29) that: "While land type should not be a predominating factor in determining the suitability of the site location applicants should, where possible, utilise suitable previously developed land, brownfield land, contaminated land and industrial land.	
5.6	Policy BNE4 of the Local Plan states that 'The Council will seek to protect soils that are 'Best and Most Versatile', (Grades 1, 2 and 3a in the Agricultural Land Classification) and wherever possible direct development to areas with lower quality soils'.	
5.7	Policy BNE5 of the Local plan states that otherwise acceptable development outside of settlement boundaries in rural areas, will not unduly impact on best and most versatile agricultural land.	
5.8	The Framework at paragraph 180 recognises the economic and other benefits of the best and most versatile agricultural land. Footnote 62 within paragraph 181 of the NPPF requires where significant development of agricultural land is	

	demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.	
5.9	Moreover, the Ministerial Statement in April 2013 states "Where solar farms are not on brownfield land, you must be looking at low grade agricultural land which works with farmers to allow grazing in parallel with generation". The Ministerial Statement in March 2015 advises that where a proposal of a solar farm involves the best and most versatile agricultural land, it will need to be justified by "the most compelling evidence".	
5.10	There is a clear direction in national policy for solar farms to be located on brownfield and lower grades of agricultural land, which recognises the importance of balancing the need for sustainable energy whilst ensuring BMV is available for food production.	
5.11	The Environmental Statement (Chapter 15) submitted by the applicant considers the impact of the proposed development on agricultural land and soils. The site comprises of a mix of agricultural land that is classified as being of Grade 2, 3a and 3b quality soil. The total site area comprises of 191ha, which includes 36ha of Grade 2 quality soil, 79ha of Grade 3a quality soil and 70ha of Grade B soil and 6ha of non-agricultural land. The proposed development will, therefore, result the loss of 119ha of Best and Most Versatile Land (equating to 60% of the total site area).	
5.12	The agricultural fields subject of the proposed development are all served by land drains that will inevitably be compromised by the intrusive piling required to install the solar arrays along with the associated cabling and other instrastructure. The land drains play a critical role in controlling surface water run-off from the site and are a key factor that ensures the nutrients are retained in the soil. In absence of the land drains, the nutrients will be washed out of the soil, and therefore, the soil will no longer be BMV agricultural land quality. It is noted that surface water run-off from photovoltaic panel runs into the soil in a concentrated drip line, that focusses percolation and exacerbates leaching. Further, the effects of soil compaction on soil structure lead to reduced permeability to water and air as well as increased surface runoff and erosion. These impacts on soil are not practically reversible in respect of BMV land. The proposed development will therefore result in the permanent loss of BMV land that is a valuable source of sustainable locally produced food.	Chapter 8 of the ES **[APP-143]** addresses the Water Environment and includes a Flood Risk Assessment (FRA) **[AS-014]**. 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.). The FRA **[AS-014]** 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. As documented in Section 6.4.1 of the

		Flood Risk Assessment [AS-014] there is likely to be an improvement to soil quality 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. 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 without compromising soil quality. The Applicant's Response at Deadline 1 to ExQ1 6.7 [REP1-025] notes that the lease requires the Applicant to make good the land in no worse state or condition prior to implementing the Proposed Development. The mitigation measures and management details discussed above are set out in the Outline Soil Management Plan (OSMP), which has been prepared and submitted as part of the OCEMP **[REP1-007]** and the ODEMP **[REP1-011]**.
5.13	It is further noted that on decommissioning, it is the intention of the project to leave underground cables in situ. This will inevitably prevent suitable reinstatement of land drains, or appropriate decompaction of the soil, and may inhibit mole ploughing/subsoiling, fully ensuring that the land can never realistically be returned to BMV condition. Over time the decomposition of cabling materials will have further potential to leach contaminants into the soil and water resources.	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 ODEMP **[REP1-011]** allows for flexibility at the decommissioning stage in this regard and the preferred method will depend on the which method is likely to have the least environmental impact at the time.
5.14	The councils consider that the permanent loss of BMV land of the scale proposed is a critical impact that must be carefully considered and appropriately balanced in the determination of this application. The issue of food security is of national importance and the impacts of climate change and ongoing conflicts mean that the global food markets are volatile, and the UK must have an effective contingency plan for our food security.	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 use. 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.
5.15	Of particular local relevance to the councils is the agricultural land in the wider area and the site itself contains soil that is particularly good for the production of potatoes, as it is potato cyst nematode free. This makes the soil even more of a rarity and adds to the BMV value, which must be tested in the determination of this NSIP. The agricultural industry is a key part of the local	

economy with local farms providing potatoes for national food production businesses. The current impacts of climate change including wetter winters is resulting in lower potato harvests and subsequently leading to a shortage of potatoes.	The mitigation measures and management details are set out in the Outline Soil Management Plan (OSMP), which has been prepared and submitted as part of the OCEMP **[REP1-007]** and the ODEMP **[REP1-011]**. 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 - https://hansard.parliament.uk/commons/2024-07-18/debates/1B2ABCB9-1455-4C86-8E2F-5E763B38E888/CleanEnergySuperpowerMission and set out in the UK Food Security Index 2024 (May 2024) - https://www.gov.uk/government/publications/uk-food-security-index-2024, Government Food Strategy (June 2022) - https://www.gov.uk/government/publications/government-food-strategy and UK Food Security Report 2021 - https://www.gov.uk/government/statistics/united-kingdom-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.

5.16	SDDC and DCC therefore conclude that the proposed development will have a negative impact on Best and Most Versatile agricultural and during construction, operation and decommissioning stages	This is the position of SDDC and DCC recorded in their LIR; the Applicant will be continuing to engage with both authorities to discuss the matter of agricultural land as part of the Statements of Common Ground.
Transport and Access		
5.17	Paragraph 5.14.1 of the EN-1 recognises that the transport of materials, goods and personnel to and from a development during all project phases can have a variety of impacts on the surrounding transport infrastructure and potentially on connecting transport networks, for example through increased congestion. Impacts may include economic, social and environmental effects.	The Applicant notes the relevant policies identified. The Applicant would like to add that NPS EN-3 provides specific policy relating to the transport impacts of solar developments. Specifically, EN-3 acknowledges that once solar farms are in operation, traffic movements to and from the site are generally very light, in some instances as little as a few visits each month by a light commercial vehicle or car. Therefore the temporary construction and decommissioning impacts are more relevant for solar projects. EN-3 also recognises that many solar farms will be sited in areas served by a minor road network. The Applicant's Planning Statement [APP-181] demonstrates how the Proposed Development complies with relevant planning policies, with Section 19 of that Statement providing an assessment of Transport and Access related policies.
5.18	In decision making, paragraph 5.14.18 of the EN-1 requires the Secretary of State to ensure that the applicant has sought to mitigate these impacts, including during the construction phase of the development and by enhancing active, public and shared transport provision and accessibility. Paragraph 5.14.19 goes on to state that where the proposed mitigation measures are insufficient to reduce the impact on the transport infrastructure to acceptable levels, the Secretary of State should consider requirements to mitigate adverse impact on transport networks arising from the development.	
5.19	Paragraph 5.14.21 concludes that the Secretary of State should only consider refusing development on highways grounds if there would be an unacceptable impact on highway safety, residual cumulative impacts on the road network would be severe, or it does not show how consideration has been given to the provision of adequate active public or shared transport access and provision.	
5.20	Policy INF2 of the Local Plan Part 1 states that planning permission will be granted for development where travel generated by development, including goods vehicle movement, should have no undue detrimental impact upon local amenity, the environment, highway safety, the efficiency of transport infrastructure and the efficiency and availability of public transport services.	

5.21	The councils consider that the most significant transport and access impacts will be associated with the construction and eventual decommissioning phases of the proposed development. Once operational, it is understood that the proposed development is likely to generate a minimal number of vehicular trips, which will relate to scheduled and emergency maintenance that is required of the on-site equipment and landscaping.	
5.22	During the construction phase of the development a significant number of HGV and LGV traffic will be generated through the delivery of solar panels, mounting equipment and associated infrastructure. Additionally, up to two Abnormal Indivisible Load (AIL) movements are expected to deliver the prefabricated transformers with each movement consisting of two trips; one laden and the second unladen.	Chapter 10 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
5.23	It should be noted that the local highway network surrounding the site is comprised of narrow country lanes that are typical of the rural location. As such, the road network is not designed to be accessed by large HGV's and there are limited safe and convenient routes for construction traffic and maintenance vehicles to access the site. In particular, there is a pinch point at Coton-in-the-Elms with very narrow local roads where residents park on either side of the road.	
5.24	The proposed Walton Bypass and the new Trent crossing are unlikely to be available during the construction phases of the proposed development. Similarly, Chetwynd Bridge and Walton Bridge are also unavailable due to structural weight restrictions. Access to the site by HGV from the West will, therefore, be limited to crossing in Burton upon Trent (Option 2A). Access to the site from the South and East will be via the M42 and A444, then local country roads via Coton in the Elms (Option 2B).	
5.25	Additionally, it is indicated that the construction phase of the proposed development will be 16 months. This is significant period of time where the local rural road network will be affected by the movement of construction traffic. Given the rural context, there are a number of farm business in the area that would be significantly disrupted through the course of the construction phase. The increase of road usage by HGV's accessing the site is likely to have	

	an impact on farm traffic, and the ability for day-today functions of rural business to operate.	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 above and in Chapter 10 of ES **[APP-155]**. 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 HGVs. A CTMP would be prepared, to reflect the principles set out in the OCTMP **[REP1-021]** which accompanies the application, and which would 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. The delivery and implementation of the CTMP is secured through Requirement 10 (construction traffic management plan) of the dDCO **[REP1-003]**. 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].**

5.26	Within the site itself, a network of internal haul roads will be established that range from 3.5-6m to provide construction access, which will be retained to a 3.5m width to be utilised during the operation of the development. The councils will need to establish that there are safe and satisfactory means of access to each of the individual compounds comprising the wider site.	Visibility has been considered for all construction and operational access points, and where necessary permanent visibility splays based on assessment of traffic, road speeds and vehicle characteristics have been implemented. Multiple existing farm access points for small construction and operational vehicles are utilised around the site to offer flexibility and to disperse small construction vehicle traffic throughout local road network as much as possible. Existing farm access points for operational traffic and small construction vehicles are "in-only" due to visibility concerns when exiting Site onto road network - all operational traffic and small construction vehicles will exit the site at the crossroads on Coton Road (which has permanent visibility splays). Temporary solutions for visibility during construction include temporary traffic lights, banksmen and signage. As set out in Figures 4.10a and 4.10b **[AS-015]** only accesses 2, 3, 4 and 10 will be retained for operational use, with access point 10 providing the main operational access.
5.27	There are a number of well-established local festivals held in the locality each year, these involve a period of setting out prior to the event, followed by the decommissioning of the site. This is in addition to traffic generated by those attending the festivals. These traffic movements are likely to coincide to some degree with construction traffic for the Oaklands Farm Solar Park. It will therefore be necessary to coordinate traffic management for the solar park, bypass, Trent crossing and festival traffic to ensure that disruption is minimised. It is recommended that those parties involved liaise closely to ensure that an effective traffic management system is implemented. Such a Construction Management Plan should include details of the routing and timing of construction and freight traffic to enable safe, efficient and timely delivery of plant and materials during the construction phase. Freight traffic should be restricted as far as possible to outside peak traffic flow periods with timings and routing coordinated to reduce the cumulative impacts of construction projects, the established festivals and local traffic.	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 and Caton Hall with regard to cumulative events. Further clarity has been provided in that paragraph. 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).
5.28	On the basis of the above, the councils will need to be satisfied that there are no fundamental safety considerations regarding the wider highway network. It must be established in the determination of the application that suitable manoeuvring of HGV vehicles (swept-path analysis) can be readily achieved along the narrow country lanes to demonstrate that there would not be a severe road safety concern.	Chapter 10 (Transport and Access) of the ES **[APP-155]** has assessed the potential impact of the construction phase of the development. In assessing the construction impacts from all routes, the ES has found the effects to primarily be not significant and to range from negligible to minor adverse effects. This has assessed the effects of severance, pedestrian amenity, fear and intimidation and road safety on road users, pedestrians, equestrians and cyclists. There are number of sensitive receptors where the effects become moderate and adverse however in light of mitigation these effects are reduced to minor and the majority of minor adverse effects are reduced to negligible effects.

5.29	The councils consider that the creation of the main vehicular access track and temporary construction access roads will result in substantial environmental impact on the surrounding landscape due to the scale of the required tree and habitat removal. These impacts are considered to result in an everlasting long-term impact on the surrounding area, which will not be reversible once the site is decommissioning. The construction of the internal haul roads will have a significant environmental impact resulting from the loss of habitat in an area that is very high in biodiversity (these matters are considered in more detail in the Ecology and Biodiversity section below). The creation of the required road network will result in an everlasting adverse impact on the local environment.	The Proposed Development will result in the temporary loss of grassland and localised sections of the unnamed watercourse, and the permanent loss of arable fields, small, localised sections of hedgerow and scrub. The installation of the solar arrays, cable trenching, construction access tracks and supporting infrastructure will primarily result in the loss of habitats of low ecological value, including improved grassland and arable land but will also result in the small loss of discrete sections of hedgerow, scrub, trees and watercourse habitats. The proposed mitigation measures set out in the OLEMP **[APP-105]** seeks to mitigate the effects of habitat loss and on retained habitat. This includes minimising habitat loss, damage, disturbance and contamination, enhancements to existing habitats and the creation of new habitats through additional planting. Therefore, those management plans ensure that retained habitats will be suitably protected during construction. The OLEMP is secured by Requirement 8 (landscape and ecological management plan) of the dDCO **[REP1-003]**. The proposed scheme has sought to retain the majority of hedgerows with exception of two hedgerows to accommodate visibility splays and short sections of hedgerow to allow for widening of gateways and installation of temporary or permanent access tracks and cabling. The Biodiversity Net Gain Report **[APP-131]**, which outlines total loss of hedgerow of 0.25km and the provision for hedgerow creation of 2.86km and enhancement of 3.18km. The provision of new hedgerow is secured via Requirement 8 of the dDCO **[REP1-003]** which requires the submission of a detailed LEMP. The OLEMP **[REP1-015]** provides the outline details how existing hedgerows to be retained would be protected during the construction phase and where and how new hedgerow would be established and managed.
5.30	SDDC and DCC therefore conclude that the proposed development will have a neutral impact on the highway network during operation stages, and a negative impact on the highway network during construction and decommissioning stages.	This paragraph records the position of SDDC and DCC; the Applicant will be continuing to engage with both authorities to discuss highways matters and will address this within the SoCG.
Heritage		
5.30	Paragraph 5.9.1 of the EN-1 recognises that the construction, operation and decommissioning of energy infrastructure has the potential to result in adverse impacts on the historic environment above, at and below the surface of the ground.	The Applicant notes the relevant policies identified. The Applicant would like to add that NPS EN-3 provides specific policy relating to the cultural heritage impacts of solar developments. The Applicant's Planning Statement **[APP-181]** demonstrates how the Proposed Development complies with relevant planning policies, with Section 14 of that Statement addressing the historic environment.
5.31	Additionally, paragraph 5.9.2 adds that the historic environment includes all aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human	

	activity, whether visible, buried or submerged, landscaped and planted or managed flora.	
5.32	Paragraph 5.9.22 of the EN-1 highlights that in determining applications, the Secretary of State should seek to identify and assess the particular significance of any heritage asset that may be affected by the proposed development, including by development affecting the setting of a heritage asset (including assets whose setting may be affected by the proposed development).	
5.33	Paragraph 5.9.36 states that when considering applications for development affecting the setting of a designate heritage asset, the Secretary of State should give appropriate weight to the desirability of preserving the setting of such assets and treat favourably applications that make a positive contribution to, or better reveal the significance of, the asset. When considering applications that do not do this, the Secretary of State should give great weights to any negative effects, when weighing them against the wider benefits of the application. The greater the negative impact on the significance of the designated heritage asset, the greater the benefits that will be needed to justify approval.	
5.34	Policy BNE2 of the Local Plan Part 1 states that Development that affects South Derbyshire's heritage assets will be expected to protect, conserve and enhance the assets and their settings in accordance with national guidance and supplementary planning documents which the authority may produce from time to time.	
5.35	Policy BNE10 of the Local Plan Part 2 states that applications for development that affect heritage assets, as defined in Policy BNE2, will be determined in accordance with national policy for conserving and enhancing the historic environment.	
5.36	The site does not contain any listed buildings or any other designated heritage assets that would be directly impacted by the proposed development. However, there are numerous historic environment related receptors in the surrounding area. Of those identified within the Core Study Area, it is considered that the most susceptible to change are likely to be the following, during both the construction and operational phases: • Park Farm – Grade II Listed building (List Entry No. 1096453). • Entrance to the former Drakelow Park – Gate piers and wing walls (Grade II Listed List Entry No. 1158871) and adjacent non-designated lodge building. • Walton on Trent Conservation Area and associated heritage assets; those most sensitive to the proposed development include:	The LPAs identification of potential impacts impact of the Proposed Development on the above ground heritage assets aligns with the position taken by the Applicant in the Application in that the proposed development will result in less than substantial harm. The Applicant's position is that no heritage-asset specific mitigation is required beyond the landscape and boundary measures already proposed as mitigation to address effects arising as a result of setting change since no significant effects were identified by the assessment. The Applicant is continuing to engage with Historic England (HE) and LPAs and progress a Statement of Common Ground. Discussions to date with HE have

	• Church of St Laurence (HE LEN 1159347): Grade II* listed building, and • Walton Hall and attached Stable Range and Garden Wall (HE LEN 1159300); Grade II* listed building, including its undesignated parkland setting. • Borough Walls Iron Age Hillfort – Schedule Ancient Monument • Oaklands Farm – Farmhouse and attached storage range plus Oaklands Farm Cottages (non-designated). • Church of St Mary – Grade II* Listed Building (List Entry No. 1159242). • Church of St Mary, Coton in Elms – Grade II Listed Building (List Entry No. 1096452).	
5.37	The councils consider that during the construction phase, the presence of construction activities, including plant equipment, within the site may be visible from some of the listed building identified above. However, it is considered that the change experienced in the setting of these will be temporary and short, and therefore, no harm should arise.	
5.38	The councils also consider that the operational phase of the development, anticipated to last 40 years, does have the potential to impact upon the setting of the heritage assets (Listed Buildings). However, these impacts are reversable upon decommissioning and this impact is likely to be less than substantial.	
5.39	In particular, the settings of Church of St Laurence (HE LEN 1159347) Grade II* listed building, Walton Hall and attached Stable Range and Garden Wall (HE LEN 1159300) Grade II* listed building, including its undesignated parkland setting and of Borough Walls Iron Age hillfort – Scheduled Monument, are susceptible to change. However, whilst it is unlikely that this change will be irreversible 40/50 years is considered to be a generational change. While there may be little or no intervisibility between these assets and the development, it is the council's opinion that direct intervisibility does not necessarily need to be encountered within their setting for it to contribute to their significance.	
5.40	Their landscape setting, of which the proposed development site arguably forms a significant proportion, plays an important role in forming an understanding of their historic rural context. When journeying between these various designations it is the councils' view that a landscape carpeted with a significant area of PV arrays will alter the perceptual qualities of their landscape setting. This is because PV arrays are alien to this rural landscape, as industrial non-organic features, but also because the current sense of sense of isolation as part of nucleated development patterns will be eroded to some degree.	
5.41	It is, however, granted that this effect may only represent a small harmful change, owing to the fact that the layout seems to have been designed so as	indicated that they accept that the Proposed Development would create a level of harm which is at the lower end of less than substantial, which the Applicant will seek to confirm through the SoCG.

	not to be overly visible from the road infrastructure around it. This largely appears to be achieved through screening provided by existing landscape features such as hedgerows and tree plantations. In the longer term it is anticipated that this will be further reduced as new planting matures and helps to screens it from view. But nonetheless this change will result in a harmful effect. It is the councils' view that the amount of harm will be towards the lower end of less than substantial harm under the definitions provided in the NPPF.	
5.42	The councils consider that due to the sheer size of the site, it is inevitable that there will be significant archaeological remains within it. However, there are few known archaeological sites recorded on Derbyshire Historic Environment Record (HER) within the red line boundary. This lack of information is likely to reflect a lack of sustained investigation rather than an absence of archaeology. Within the immediately surrounding area there is a scatter of known sites on the HER, typified by cropmarks - enclosures and field systems, and artefact scatters – representing a range of periods including prehistoric flintwork, and it is to be assumed that the proposal site will contain a similar distribution of archaeological resource. Indeed, there are a few examples of known cropmark and artefact scatter sites within the red line boundary that serve to confirm this expectation.	Chapter 7 (Historic Environment) of the ES **[REP1-019]** has undertaken an assessment of potential archaeological impacts. The risk of there being such high value assets on the Site is considered very low due to analysis of the geophysical survey results which suggests extensive disturbance of the Site in the past, which has been confirmed through discussions with the DCC Archaeologist. Geophysical survey **[APP-138]** has been undertaken across the site and has not identified any potential heritage assets likely to be dating from these periods. It is possible that small discrete features, e.g. isolated burials or small groups of burials, would not be picked up by this survey technique as they would fall below its reliable resolution (i.e. too small to detect).
5.43	A key challenge as part of the determination of this NSIP is, therefore, to identify archaeological hotspots across a very large proposal site in the expectation that most are currently unknown, to evaluate these areas sufficient to understand significance and inform determination, and to bring forward appropriate mitigation to preserve or record the archaeological resource as appropriate.	The research and methodology of the assessment has been progressed in consultation with the DCC Archaeologist and Chapter 7 provides a robust assessment and suite of mitigation measures. In addition, Requirement 18 (archaeology) of the dDCO **[REP1-003]** provides that no phase of the authorised development is to be commenced until a written scheme for the investigation for that phase has been submitted to and approved by the LPA in consultation with the DCC Archaeologist.
5.45	The approach set out in the submission is in line with advice previously provided to the applicant by the councils, that the most effective large-area screen for archaeological potential in the first instance is likely to be geophysical survey (magnetometer). The councils note that the applicant intends to carry out this survey to inform the DCO process although this has not yet taken place. The geophysical baseline may then prompt a further iteration of evaluation in carefully targeted areas to inform the councils' understanding of significance sufficient for determination, whether through trial trenching, fieldwalking, test pits or boreholes/auguring. Alternatively, it may be possible to short circuit this process through design, for example by adopting no-dig construction over the relevant area(s).	Further detail is provided in the Applicants and DCCs response to ExQ1 7.2 **[REP1-025**] and the Applicant's comments on responses to ExQ1 7.2 submitted at Deadline 3 **[Document 11.2]**.
5.46	The submission in large part sets out this approach as previously discussed with the applicant. The councils consider that what is missing at present is the	

	potential for mitigation by design – the text at present seems to be focused on mitigation by archaeological record. Because the below-ground impacts of solar farm developments can be tricky to estimate and difficult to mitigate in a proportionate way by traditional archaeological excavation and recording, the best approach under the policies at NPPF chapter 16 is often to design out impacts over areas of archaeological significance by adopting a no-dig approach to the solar arrays. This obviates the need for any further archaeological excavation and can often be achieved without significant additional costs.	
5.47	While in general, therefore, the councils support the assessment and future direction of travel in relation to the site's archaeological resource as set out in the submission, the councils recommend that preservation by design (targeted areas of no-dig construction) must be seen as the expected mitigation technique where areas of archaeological significance are identified, with other techniques (mitigation recording) as a fallback option where design adaptation is shown to be unfeasible or unviable.	
5.48	South Derbyshire District Council and Derbyshire County Council therefore conclude that the proposed development will have a neutral impact in terms of heritage impact on the surrounding environment during construction, operation and decommissioning stages.	This paragraph records the position of SDDC and DCC; the Applicant will be continuing to engage with both authorities to discuss archaeological matters and will address this within the SoCG.
Landscape and Visual Impact		
5.49	EN-1 highlights that landscape effects arise not only from the sensitivity of the landscape but also the nature and magnitude of the change proposed by the development, whilst specific siting and design issues make the assessment a caseby-case judgement.	The Applicant notes the relevant policies identified. The Applicant's Planning Statement **[APP-181]** demonstrates how the Proposed Development complies with relevant planning policies, with Section 15 of that Statement addressing landscape and visual matters.
5.50	EN-1 recognises (paragraph 5.10.5) that virtually all nationally significant infrastructure projects will have adverse impacts on the landscape, but there may also be beneficial landscape character impacts arising from mitigation.	
5.51	In decision making, paragraph 5.10.35 of EN-1 states that the ExA should judge whether any adverse impact on the landscape would be so damaging that it is not offset by the benefits of the project. Moreover, the ExA should consider whether the project has been designed carefully, taking account of environmental effects on the landscape and siting, operational and other relevant constraints, to minimise harm to the landscape by including appropriate mitigation.	
5.52	With specific reference to Solar Photovoltaic Generation, EN-3 highlights (paragraph 2.10.94) that: 'Solar farms are likely to be in low lying areas of good exposure and as such may have a wider zone of visual influence than	

	other types of onshore energy infrastructure'. Paragraph 3.10.86 states that: 'whilst it may be the case that the development covers a significant surface area, in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography, the area of a zone of visual influence could be appropriately minimised.'	
5.53	Policy SD6 of the SDDC Local Plan Part 1 supports renewable energy development where they do not give rise to unacceptable impact on landscape character. The supporting text goes on to highlight that whilst there is a presumption in favour of renewable energy, this must be balanced against wider environmental and social considerations in order to ensure the negative impacts of new development do not outweigh the benefits.	
5.54	Policy BNE4 of the Local Plan states that 'The character, local distinctiveness, and quality of South Derbyshire's landscape and soilscape will be protected and enhanced through the careful design and sensitive implementation of new development.' Development that will have an unacceptable impact on landscape character (including historic character), visual amenity and sensitivity and cannot be satisfactorily mitigated will not be permitted.	
5.55	Paragraph 155(a) of the Framework while stating that renewable energy should be maximised also states that it should be ensured that "adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts)". That is consistent with Local Plan policy BNE5.	
5.56	The site is not subject of any subject of any statutory landscape designation that would result in it being afford a higher status of protection.	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 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.
5.57	The Landscape & Visual Impact Assessment submitted by the applicant concludes that there would be long term impacts on the landscape character of the site and its setting. The councils consider that the proposal will undoubtedly represent a significant and fundamental change from an agricultural to an industrial use on a very substantial scale. Its extent and form are considered to be wholly contrary to the character of the landscape, and as such, will have a significant adverse impact.	
5.58	The proposed development will result in the introduction of solar arrays, containers, high fencing and security cameras, as well as road infrastructure required to facilitate the operation. These factors will result in a significant change to the landscape, resulting in the decimation of large swathes of habitat and an urbanising impact on a large area of land that is entirely rural in character.	

5.59	It should be noted that the site is located on the highest part of land between the villages of Walton on Trent and Coton in the Elms, and as such, there is no doubt that it would be visible from a number of vantage points within the vicinity. Additionally, parcels of land within the site are located on the ridge line, which would mean that the solar arrays would erode the ridgeline.	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 expected. 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. Figure 5.3 **[APP-107]** of the ES demonstrates that the Site is not on the highest point in the surrounding area. The land rises 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. The Applicant appreciates that there will inevitably be a change to the appearance of the Site. In some locations that change will be more significant, such as from certain points in the surrounding highway network or for users of
5.60	The proposed development would require substantial tree and hedgerow planting in order to help mitigate the visual impact of the proposed development. This would result in a substantial alteration to the landscape character of the area the effects of which would be permanent.	

		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 delivery and implementation of the final landscape and ecological management plan is secured by Requirement 8 of the dDCO **[REP1-003]**.
5.61	The proposed development could and should provide greater landscape benefit to add to the planning balance, for example through its ability to contribute to the wider aims and objectives of The National Forest. This is an evolving landscape as a consequence of The National Forest designation and a more robust wooded landscape framework would certainly go a long way to containing a development of this type and scale. It may be difficult to deliver these benefits within the current red line boundary, but the councils are of the view that additional off-site planting to further reinforce the overall approach to landscape and visual mitigation and enhancements to wider landscape character should be considered.	The Proposed Development is designated as Critical National Priority (CNP) Infrastructure, with there being an urgent need to deliver CNP Infrastructure established through NPS EN-1. The Proposed Development already proposes the creation of 5.51ha of woodland is being created on the Site, 0.71ha of mixed scrub and 3.48ha of urban trees. 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. Therefore, the proposed woodland and tree planting is considered appropriate and suitable for the Proposed Development, and contributing to the objectives of the National Forest.
5.62	SDDC and DCC therefore conclude that the proposed development will have a negative impact in terms of Landscape and Visual Impact on the surrounding environment during construction, operation and decommissioning stages.	This paragraph records the position of SDDC and DCC; the Applicant will be continuing to engage with both authorities to discuss landscape and visual matters and will address this within the SoCG.
Noise, Air Quality, Ground Contamination, and Light Pollution		
5.63	EN-1 (paragraph 5.12.13) states that the Secretary of State should consider whether mitigation measures are needed both for operational and construction noise over and above any which may form part of the project application. In doing so, the Secretary of State may wish to impose mitigation measures. Any such mitigation measures should take account of the NPPF or any successor to it and the Planning Practice Guidance on noise.	The Applicant notes the relevant policies identified and the lack of any issues identified by the local authorities. This matter will nonetheless be addressed in the SoCG to confirm that position. The Applicant's Planning Statement **[APP-181]** demonstrates how the Proposed Development complies with relevant planning policies, with Section 8 of that Statement addressing air quality and emissions, Section 12 addressing artificial light, Section 16 addressing contamination and Section 17 addressing noise.
5.64	The councils have reviewed the application concerning potential impacts on air quality, noise, odour, land contamination, environmental lighting, and wastewater disposal. Additionally, the relevant technical reports submitted in support of the application have been examined.	

5.65	The key potential environmental impacts of the development are considered to be: • The potential exposure of existing sensitive receptors to new sources of noise, air quality, and light associated with the development. • The potential exposure of existing receptors to existing sources of land contamination.	
5.66	The councils are satisfied that the impacts of the proposed development will be acceptable in planning policy terms, provided that specific conditions are attached to the approval.	
Noise		
5.67	In Environmental Statement Chapter 11 – Noise, it is concluded that during the operational phase of the development, the significance of the effect at all noisesensitive receptors is predicted to be negligible. Tables 11.18 and 11.19 indicate that operational phase noise exposure is modelled to range between 25-36dBA at all assessed noise receptors. After applying a rating effect in accordance with BS4142, the rated noise exposure is in the range of 28-39dBA.	The Applicant notes the comments and no further action is required. The SoCG between the Applicant, SDDC and DCC will include a section on Noise.
5.68	The councils note that in some locations, the rated noise levels exceed the background noise by more than 5dBA. Furthermore, the developer is required to undertake and submit an operational noise assessment to the local planning authority prior to the commencement of works on site (DCO requirement 15). This assessment will ensure that the detailed design and selected plant do not adversely affect noisesensitive receptors, in line with the conclusions of the assessment.	
5.69	The councils deem the proposed development satisfactory, provided it is commissioned and operated in a manner that ensures the noise exposure predictions in Tables 11.18 and 11.19 of Chapter 11 of the ES are met and maintained for the duration of the development. Whether a specific condition should be sought to meet this objective, or reliance on the DCO is sufficient, may require further consideration.	
Air Quality		
5.70	The air quality assessment in Environmental Statement Chapter 11 concludes that the operational phase of the proposed development will have an insignificant impact. However, there is potential for some disamenity effects during the construction phase. The councils are satisfied with the assessment's conclusions and believes that potential adverse impacts during the operational phase can be addressed through the Construction Environmental Management Plan (CEMP).	The Applicant notes the comments and no further action is required. The SoCG between the Applicant, SDDC and DCC will include a section on air quality.

Ground Contamination		
5.71	Chapter 9 of the Environmental Statement, which deals with Land Quality, describes the risk as 'very low' to 'low' in the Phase 1 investigation report. The councils note that a program of intrusive site investigation is a pre-commencement requirement in the draft DCO (Requirement 6). This investigation will cover historic marl pits, a historic infilled reservoir, breaks in slope, and shallow bedrock.	The Applicant notes the comments and no further action is required. The SoCG between the Applicant, SDDC and DCC will include a section on ground contamination.
5.72	This investigation will address the small possibility of residual contamination from the infilled land and ensure appropriate mitigation measures. The Environmental Health Officer has no concerns about land quality at the development site, provided the intrusive site investigation is agreed upon in writing and that the agreed mitigation measures are subsequently implemented.	
5.73	A Construction Environmental Management Plan (CEMP) has been published in Chapter 4 of the Environmental Statement.	
Climate Change and Carbon Reduction		
5.74	SDDC declared a Climate Emergency in June 2019, and in doing so, recognised the threat that the climate emergency placed on the district's communities, environment and economy. The council adopted a Climate and Environment Strategy in April 2021.	The Applicant agrees that solar generation has a direct beneficial effect on greenhouse gas emissions by generating cleaner, renewable energy and allowing the UK transition to a low carbon economy with a securer and less volatile energy supply that contributes to decarbonising the energy industry. As a renewable energy development, the operation of the Proposed Development does not generate any significant greenhouse gas emissions (GHG) directly from its operation. The only emissions associated with the Proposed Development once operational are the emissions from a small number of vehicles. In addition, there will be an embodied GHG impact during construction and decommissioning and some aspects of the operational maintenance of the Proposed Development. The OCEMP **[REP1-007],** OOEMP **[REP1-009]** and the ODEMP **[REP1-011]** include measures to minimise adverse effects on climate change effects, embodied carbon and emissions. Chapter 13 (Climate Change) of the ES **[APP-165]** has undertaken a GHG Emissions Assessment in accordance with Paragraph 5.3.4 of EN-1. As those measures are embedded in the outline management plans, which are secured through the Requirements 9 (construction environmental management plans), 11 (operational
5.75	In 2021, DCC recognised that there is a climate crisis and reaffirmed the commitment to becoming net zero by 2032 or sooner and county wide net zero by 2050. In 2019 the DCC published the Derbyshire Climate Change and Carbon Reduction Manifesto, Environment and Climate Change Framework and the Low Emission Vehicle Infrastructure Strategy.	
5.76	The construction and decommissioning phases of the development will involve the use of fossil fuels in plant and machinery. These periods will be of short duration and the emissions will be more than offset by carbon savings generated by the solar park itself over the anticipated lifetime of energy generation.	
5.77	While the energy generated will be fed into the national grid and not used directly by local residents and businesses, the operational phase of the development will contribute to a national reduction of emissions. It will not contribute to local greenhouse gas emissions.	

5.78	While climate change is discussed in the Construction and Environmental Management Plan, it is felt that a Carbon Management Plan, which aligns with the requirements set out in PAS 2080, should ideally be developed for a scheme of this nature and size as part of the Construction Environmental Management Plan (CEMP). Within the Carbon Management Plan, the councils would expect to see an assessment of any potential the proposed development might have to exacerbate climate change impacts, such as drought, flood risk or overheating due to a reduction in shading and cooling from vegetation loss.	environmental management plan) and 22 (decommissioning and restoration) of the dDCO **[REP1-003],** it is not considered necessary to include a specific Carbon Management Plan within the OCEMP.
Biodiversity, Ecology and Trees		
5.79	In decision-making, EN-1 highlights (paragraph 5.4.39) that the Secretary of State should take into consideration the Government's 25 Year Environment Plan and the Environment Act 2021, which mark a step change in ambition for wildlife and the natural environment. Additionally, the Secretary of State should have regard to the aims and goals of the government's Environmental Improvement Plan 2023.	The Applicant notes the relevant policies identified. The Applicant's Planning Statement **[APP-181]** demonstrates how the Proposed Development complies with relevant planning policies.
5.80	EN-1 states (paragraph 5.4.42), as a general principle, development should aim to avoid significant harm to biodiversity and geological conservation interests, including consideration of reasonable alternatives. Where significant harm cannot be avoided, impacts should be mitigated and as a last resort, appropriate compensation measures should be sought.	
5.81	EN-1 goes on to state (paragraph 5.4.43) that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or as a last resort, compensated for, then the Secretary of State will give significant weight to any residual harm.	

5.82	Policy BNE3 of the Local Plan Part 1 states that support will be given to development which contributes to the protection, enhancement, management and restoration of biodiversity or geodiversity and delivers net gains in biodiversity where possible. This includes delivering long-term plans to restore the River Mease Site of Special Scientific Interest (SSSI)/Special Area of Conservation (SAC).	
5.83	Policy INF7 of the Local Plan Part 1 states that the SDDC will seek to conserve, enhance and wherever possible extend green infrastructure in the district by working with partners to ensure the continued protection of the District's ecological, biological and geological assets, with particular regards to sites and species of international, national and local significance.	
5.84	Given the scale of habitat removal that is required to facilitate the proposed development, there is no doubt that there will be significant ecological impacts on the site and immediate surrounding area. The proposed development will require five crossings of watercourses with three of these accommodating cabling infrastructure, construction and operational traffic, along with a further two accommodating the cable only, which will require the removal of watercourse habitat, established trees and hedgerows of high ecological value.	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 detailed in the OLEMP **[REP1-015].**
Impact on the River Mease SAC		
5.85	There are no internationally or nationally designated ecological sites within the site itself. However, the site is within the catchment of the River Mease Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) are located in close proximity.	The River Mease SAC was the subject of ExQ1 7.5 and 7.6, to which the Applicant provided a response at D1 **[REP1-025]**. The Applicant has reviewed the responses at D1 by SDDC, DCC and Natural England to those questions and has recorded those responses and has commented on those in its Comments on ExQ1 Submissions document which forms part of the submissions by the Applicant at D3 [Document 11.3]. The Applicant maintains its position that embedded mitigation as part of the oCEMP would ensure that the predicted impact of contamination on the River Mease SSSI would be extremely unlikely. The Applicant also maintains its position, as set out in its responses to ExQ1 7.6 that the impact of the panels on runoff will be positive. The Applicant does not expect the cleaning of the solar panels to require the need to use harsh chemicals however, the Applicant will confirm the cleaning regime and any potential additional mitigation which will be detailed in the OOEMP **[REP1-009]** following discussions with the EA and Natural in respect of the SoCGs with those bodies, with an updated OOEMP to be provided at Deadline 4 to confirm the approach.
5.86	The councils consider that the exact level of impact on the River Mease SAC cannot be fully determined until a Habitats Regulations Assessment has been undertaken. In absence of a HRA there is a risk that the impact and associated mitigation on the SAC is not fully considered. It would be inappropriate to rule out significant effects because even if any effect is likely, however, limited it could act in combination with other elements of the development to make the conditions of the SAC worse.	
5.87	Additionally, the impacts on the SAC will vary across the different phases of the development. The Environmental Statement (Appendix 6.2) Section 3.1 suggests that the operational phase of development will result in an improvement in the water quality of the River Mease SAC. However, there is potential for the solar panels to create concentrated channels where rain falls off from the lowest points, which could then convey sediment with nutrients, and/or chemicals from corroded panels via tributaries towards the River Mease	

	SAC. Additionally, typically solar panels require regular cleaning to maintain efficiency, which introduces the potential for chemicals used in the cleaning of the panels to migrate to the SAC.	
5.88	The River Mease SAC is already failing its conservation objectives for water quality, and as such, there is a significant prospect that the proposed development will further exacerbate this issue.	
Impact on Species & Protected Species		
5.89	The Preliminary Ecological Appraisal (PEA) that was undertaken by the applicant in support of the applicants recognises that the site supports a wide range of habitats including arable fields, improved grasslands, semi-improved neutral grasslands, ponds, species-rich and species-poor hedgerows, scrub woodland and bare ground.	Chapter 6 (Ecology) of the ES **[APP-135]** provides a robust assessment the impact of the Proposed Development on wildlife and specifically protected species as well as setting out the relevant mitigation and enhancement measures set out in the OLEMP **[REP1-015]**.
5.90	The species survey undertaken as part of the PEA identified that the habitats on site were determined to have the potential to contain a number of species including bats, great crested newts, reptiles, badger, barn owl, otter, water vole and birds. It is clear, therefore, that the proposed development is likely to have any impact on a number of species and protected species.	
5.91	The councils have particular concerns that the proposed development will have an adverse impact on otters, which has not been properly surveyed and addressed as part of the submission. There are a number of potential disturbances to otters from proposed site works, river crossings, contaminated run-off and other effects to water quality. According to the submission documents, there are no direct signs of otter recording during species surveys, but there were incidental records of otter prints and feeding remains (including freshwater mussels) and potential otter holt and slide. Whilst there are no recorded important sheltering or resting sites for otter within the study there are contradictions with other surveys nearby. The councils are, however of the opinion that the site is of value to otter.	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. That application is for 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, so relates to land in close proximity to the Site. Chapter 6 **[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]**. 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.

5.92	Likewise, the councils also have particular concerns that the impact of the proposed development on Great Crest Newts has not been fully surveyed, which would need to be addressed in order to prepare a suitable mitigation/protection plan. The councils consider that there are a total of 15 off-site ponds within 250m of the site boundary, which have not been surveyed as no access was obtained from the landholders, therefore, presence or absence of GCN's in these ponds has not been fully determined.	As set out in the Great Crested Newt (GCN) Report **[APP-129]** the findings of the GCN surveys indicate that GCN are likely absent from the Site and therefore, are considered highly unlikely to be affected by Proposed Development. Therefore, no mitigation is required for GCNs other than the application of standard avoidance measures as part of a highly precautionary approach secured through Requirement 9 (construction environmental management plans) and Requirement 21 (protected species). Further detail is provided in the Applicants comments on the responses by other Parties to ExQ1 7.4 **[Document 11.2, submitted at Deadline 3]**.
5.93	Additionally, the site is being taken out of agricultural, largely arable production, and in the main, converted to grassland between the solar arrays. This does have the potential for an ecological improvement but will simultaneously have an adverse impact on some species, particularly ground nesting birds. It is also unclear how this change will affect some other species including barn owls. While the total area of suitable habitat may have increased, it is the fragmented form of that habitat, broken up by solar panels, that may no longer be suitable for specific species.	The Breeding Bird Survey Report **[APP-128]** identified one barn owl being present albeit that was not confirmed as nesting. Therefore, no mitigation or compensation is provided but an enhancement is proposed through the provision of a Wildcare outdoor barn owl box. This enhancement is set out in the OLEMP **[REP1-015]** and secured through Requirement 8 (landscape and ecological management plan) of the dDCO **[REP1-003].** Further detail is provided in the Applicants comments on responses by IPs to ExQ1 7.2 **[Document 11.2, submitted at Deadline 3]**.
5.94	Fencing and changes to hedgerow and drainage patterns may adversely impact on the passage of larger mammals through the site. Consideration should be given, particularly to the lower sections of fencing, to ensure that the passage of mammals is not inhibited for, for example, but not limited to, fox, badger, and hedgehog, as well as deer.	The indicative locations of the mammal gaps are detailed within Figure 6.3 of the ES **[APP-136]**, and will allow the movement of small mammals, including badger and hedgehog to disperse through the Site. The final detail of the mammal gaps will be set out in the detail LEMP secured by Requirement 8 (landscape and ecological management plan) and Requirement 16 (fencing and other means of enclosure) of the dDCO **[REP1-003]**.
Ecological Emergency		
5.95	It should be noted that on 14th September 2023, the SDDC formally declared an ecological emergency. This declaration recognised the Council's commitment to enhancing and restoring the district's natural landscape, local wildlife, rivers/streams, water resources, habitats, trees and to resist the destruction of such habitats through a considered and sustainable local planning policy approach.	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]** provides detail of the proposed mitigation, avoidance and enhancement measures. 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, with biodiversity conservation and net gain to be secured through the landscape and ecological management plan (Requirement 8 of the dDCO **[REP1-003]** as detailed in the OLEMP **[REP1-015]**.
5.96	The declaration places ecological considerations high on the SDDC's agenda and a strategic priority alongside climate, sustainability and nature recovery. As part of this, SDDC are seeking to continue to collaborate with local communities, businesses and other organisations, existing networks, and partnerships to improve ecological literacy, encourage greater biodiversity, increase local sustainable food production in order to protect food security, tree planting and management.	

5.97	SDDC and DCC therefore conclude that the proposed development will have a negative ecological Impact on the surrounding environment during construction, operation and decommissioning stages.	This paragraph records the position of SDDC and DCC; the Applicant will be continuing to engage with both authorities to discuss ecological matters and will address this within the SoCG.
Water Resources, Flood Risks, and Ground Conditions		
5.98	EN-1 recognises (paragraph 5.8.2) that the effects of weather events on the natural environment, life and property can be increased in severity both as a consequence of decisions about location, design and nature of settlement and land use, and as potential consequence of future climate change. Having resilient energy infrastructure not only reduces risk of flood damages to the infrastructure, it also reduces the disruptive impacts of flooding on those homes and businesses that rely on that infrastructure.	The Applicant notes the relevant policies identified. The Applicant's Planning Statement **[APP-181]** demonstrates how the Proposed Development complies with relevant planning policies with Section 13 of that Statement addressing Flood Risk and with Section 21 addressing Water Quality and Resources.
5.99	Paragraph 5.8.6 of the EN-1 acknowledges that the aim of planning policy on development and flood risk are to ensure that flood risk from all sources of flooding is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to steer new development to areas with the lowest risk of flooding.	
5.100	Where new energy infrastructure is, exceptionally, necessary in flood risk areas (for example where there are no reasonably available sites in areas at lower risk), policy aims to make it safe for its lifetime without increasing flood risk elsewhere and, where possible, by reducing flood risk overall. It should also be designed and constructed to remain operational in times of flood.	The Flood Risk Assessment (FRA) **[AS-014]** was revised to include further detail on the Sequential Test and Exception Test. The Site layout has been sequentially tested to steer development to areas of lowest flood risk within the Site, with all sensible infrastructure (panels, BESS and substation) within Flood Zone 1 and only buried cables and a short section of internal access track located in Flood Zone 2/3. Consequently, the Exceptions Text is passed as the cables and internal access track do not result in a net loss of floodplain storage, does not impede water flows and does not increase flood risk elsewhere. The Applicant is engaging with the Environment Agency and will be submitting a revised FRA which will have been discussed with the Agency. The Applicant intends to provide an updated position at Deadline 4 of the position of the EA on various matters, including flood risk.
5.101	It is recognised that the majority of the proposed development falls within Flood Zone 1, and therefore, at low risk of flooding. There are, however, parts of the proposed development, which includes the access track, construction access track, emergency access tracks and underground cabling routes that run through an area of the site that falls within Flood Zone 3.	
5.102	In light of the above, water course crossings, whether new or amended, should ensure that flow is not impeded. Changes to the flow in ordinary watercourses may create the potential for increased localised flooding and exacerbate existing issues, particularly during winter months.	
5.103	Underground cabling within the site and forming the grid connection may impact upon existing land drainage systems associated with agriculture, this may alter localised drainage patterns through the interruption of flows. This is true of construction, operational and decommissioning phases. The existing groundwater flows may only be restored if cabling a ducting is removed on decommissioning.	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 ODEMP **[REP1-011]** allows for flexibility at the decommissioning stage in this regard and the preferred method will depend on the which method is likely to have the least environmental impact at the time.
5.104	In addition to the above, the geology of the local landscape is well known to contain aquifers. The ES provided by the applicants identifies a total of two aquifers on site. Given the identified presence of aquifers on site, there is a potential risk that the proposed development may result in groundwater pollution i.e. from the leakage that may occur from lithium battery storage on site. This could have significant impact on the surrounding water resources and in particular the River Mease SAC, which must be fully assessed, and the risk appropriately mitigated as part of the determination of this application.	The Applicant maintains its position that embedded mitigation as part of the OCEMP would ensure that the predicted impact of contamination would be extremely unlikely. The OCEMP **[REP1-015]** was updated by the Applicant at Deadline 1 to include the Flood Risk Assessment and Outline Drainage Strategy as Appendix 3. No hazardous materials would be stored on-site and the only risk of contamination would be from the BESS should a fire break out. The BESS is set within a bunded slab which drains to a pollution-controlled attenuation tank to contain any contaminated water in the event of a fire. The OBSMP **[APP-093]** 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]**.
5.105	There is also a potential fire risk associated with the lithium-ion batteries that are proposed as part of the development. The ES indicates that there is a cooling and fire suppression system installed into the units to regulate temperatures to within safe conditions to minimise the risk of fire.	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 deliver a full Battery Safety Management Plan, which would need to accord with the principles set out in the OBSMP **[APP-093]** 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 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
5.106	The councils are of the view, however, that there is a significant risk that the suppression system fails, which would result in a major incident requiring a disaster response with the use of water to extinguish the battery fires and thereafter their cooling. The spent water would likely incorporate the resulting lithium ions from the electrolyte which would be contaminated and hazardous. Given the presence of the aquifers on site, any spent firewater would need to be contained so as to avoid any significant environmental impacts. It is further noted that in the light of the proximity of the site to neighbouring Staffordshire, emergency calls to the fire service locally are directed to Staffordshire. In an emergency, fire crews are required to cross the River Trent, which naturally restricts accessibility and can result in some delay in attending incidents and reducing the potential to limit a damaging environmental incident.	

		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.
5.107	SDDC and DCC therefore conclude that the proposed development will have a negative impact in terms of water resources and a neutral impact in terms of flood risk on the surrounding environment during construction, operation and decommissioning stages.	This paragraph records the position of SDDC and DCC; the Applicant will be continuing to engage with both authorities as well as the Environment Agency and will address this within the SoCGs with the local authorities and the EA.
Public Rights of Way		

5.108	The site is crossed by a limited Public Rights of Way network which has been accommodated within the site layout. While the user experience of the landscape will undoubtedly be impacted by the proposal, including by the noise associated with the solar park plant and battery storage facility, those sections of the PRoW are not extensive and scope exists for the screening of the more significant views, without creating a sense of enclosure.	Chapter 12 (Socio-Economics, Tourism and Recreation) of the ES **[APP-163]** has assessed the potential effects on the PRoW network. The Site has been chosen to avoid direct impacts on the PRoW network wherever possible. The only PRoW on the Site is the Cross Britain Way, which is also a Long Distance Path, and crosses a short section of the Proposed Development from east to west. The OCEMP **[REP1-007]** sets out how the Cross Britain Way will be managed during the construction period. 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. Chapter 11 (Noise) of the ES **[APP-160]** has assessed the potential noise issues arising from the Proposed Development in which it found there to be no significant adverse effects are predicted for users of the PRoW and permissive paths. Chapter 5 (Landscape and Visual) of the ES **[APP-106]** provides an assessment of the potential landscape and visual impacts of the Proposed Development including from PRoW. The OLEMP **[REP1-015]** provides detail of the proposed mitigation, avoidance and enhancement measures for the Cross Britain Way and new permissive path.
5.109	Further, additional permissive routes are proposed with and through the solar park creating greater potential for circular routes in the locality. The change in character may be experienced more acutely by the regular users of the network than the by the occasional visitor with no prior experience of the area.	
5.110	SDDC and DCC therefore conclude that the proposed development will have a neutral impact on the public right of way network during construction, operation and decommissioning stages.	This paragraph records the position of SDDC and DCC and the SoCG to be agreed by the Applicant with the local authorities will include PROW impacts.
Glint and Glare		
5.111	EN-3 (paragraph 2.10.102) highlights that solar panels are specifically designed to absorb, not reflect, irradiation. However, solar panels may reflect the sun's rays at certain angles, causing glint and glare. Glint is defined as a momentary flash of light that may be produced as a direct reflection of the sun in the solar panel. Glare is a continuous source of excessive brightness experienced by a stationary observer located in the path of reflected sunlight from the face of the panel. The effect occurs when the solar panel is stationed between or at an angle of the sun and the receptor.	The Applicant notes the relevant policies identified. The Applicant's Planning Statement **[APP-181]** demonstrates how the Proposed Development complies with relevant planning policies, with Section 22 of that Statement addressing Glint and Glare matters.
5.112	The Local Plan does not have any specific policy relating to glint and glare. However, Policy SD6 of the Local Plan Part 1 states that proposals should not give rise to unacceptable impacts on local amenity or give rise to safety concerns.	

5.113	The councils acknowledge the safety concerns that are associated with the potential glint and glare from the reflection of sunlight off the proposed photovoltaic panels. The councils consider that the key potential receptors that may be impacted by the proposed development to be aviation receptors, road users, public rights of way/bridleway users and neighbouring residential receptors.	Chapter 14 (Glint and Glare) of the ES **[APP-167]** has provided a robust assessment of glint and glare on all potential key receptors. This confirms the Proposed Development does not result in significant adverse impacts from glint and glare in light of proposed mitigation.
5.114	The applicants have submitted a Glint and Glare Assessment that concludes that the proposed development will not result in a significant adverse impact from glint and glare on the identified receptors. The councils instructed an independent review of the submitted assessment to fully inform their view on the potential impacts of glint and glare associated with the proposed development. Overall, this review concluded that the assessment submitted by the applicant was robust and in line with the relevant industry guidance. However, a number of clarifications were recommended to fully understand the impacts on road receptors and residential dwelling receptors. These include the following: • Further review of the vegetation screening at road receptors 15 and 56. Confirmation to be provided regarding the times of year when glare is predicted toward road receptors 15 and 56. Where glare is predicted outside the month of June, additional evidence / review of mitigating factors to be provided to demonstrate that impact is not significant. • For predicted impacts at worst-case residential dwelling receptors, additional evidence (e.g. Google Street View or site photographs) would be beneficial to provide more robust evidence that vegetation will obstruct line of sight towards the residential dwellings at times of year where vegetation cover may be less dense (e.g. March and September. Nonetheless, considering the screening cover and mitigating factors through other months, it is considered that the assessment conclusions are robust.	The Applicant is reviewing this comment and will seek to agree a position on glint and glare with the local authorities through the SoCG.
5.115	In addition to the above, it is recognised that the Glint and Glare Assessment submitted by the applicant has modelled solar panels of smooth glass with antireflective coating (ARC) "because it is the panel surface most used for modern solar panels." The current industry standard for solar panels is that an ARC is applied, and in absence of confirmation of the make and model of the panel, an anti-reflective coating is a reasonable assumption. The councils would recommend that if the application should be approved a condition be attached to any consent to submit details of the solar and confirmation that an ARC will be applied to the installed solar panels.	The Applicant notes this comment and is content that Requirement 5 (detailed design approval) of the dDCO **[REP1-003]** secures the detailed design of the solar panels including the external appearance. The Applicant has also submitted an amended version of ES Chapter 4 – Project Description and of the Design Statement which include an additional design parameter which refers to the use of antireflective coating.

5.116	SDDC and DCC therefore conclude that the proposed development will have a neutral impact in terms of glint and glare on the surrounding environment during operation subject to appropriate mitigation.	This paragraph records the position of SDDC and DCC; the SoCG between the Applicant and the local authorities will include a section on glint and glare.
Mineral Consultation Areas		
5.117	The councils acknowledge that the site does not impact upon identified Mineral Safeguarding Areas or identified economic mineral resources. The temporary nature of the proposal with the potential for decommissioning after 40 years, rendering the site available for mineral working, should a resource be identified, suggests that there are no adverse mineral implications arising from the proposal.	The Applicant notes the comments and no further action is required.
Community Impacts		
5.118	A development of this scale will have an extremely significant impact on the local area and community, as can be seen by the number and significance of the issues highlighted throughout this report. These extremely significant impacts must be properly managed so that the adverse impacts of the development are suitably mitigated to ensure the development is delivered in the way envisaged, as set out in the Environmental Statement and other supporting documents put forward by the Applicant. The controlling mechanisms lie in the full and proper assessment of any future submissions relative to the Requirements of the DCO, such as the CEMP, LEMP, and DEMP, as well as Obligations, general ecological matters, ongoing monitoring of Biodiversity Net Gain, as well as the general enforcement and monitoring.	The Application is supported by an ES which has robustly assessed the potential effects of the Proposed Development with a suite of mitigation measures provided where necessary to minimise adverse effects and secure the beneficial impacts of the Proposed Development. The dDCO **[REP1-003]** secures the provision of mitigation, enhancements and monitoring through the relevant Requirements.
5.119	It is a serious concern of the local authorities that the scale and nature of these matters will place such a burden on them so as to render the appropriate assessment of any submissions, approval of Requirements and Obligations, as well as their ongoing monitoring, unfeasible due to the resource implications. This issue puts at risk securing the appropriate mitigation that needs to be secured through this process to adequately mitigate the adverse impacts.	It is expected that the relevant Local Planning Authorities (LPAs) would discharge/approve the information secured via the Requirements of the dDCO in accordance with their statutory obligations. Article 30 (fees) of the Part 3 of Schedule 1 of the dDCO **[REP1-003]** provides for a fee to be paid to the LPAs for the discharge of requirements but the Applicant is willing to discuss resourcing matters with the LPAs in respect of Requirements and Obligations.
5.120	At this stage it is not possible to identify the detail and quantum of additional work the local authorities will be required to undertake. However, it is expected that the Applicant would be required to provide sufficient information to enable the local authorities to undertake full a proper assessment of the resource impacts and for the Applicant to commit to funding these.	
5.121	Notwithstanding the above, the councils welcome and support the proposals to provide a number of financial contributions to help the development of sustainable communities within the immediate area of the development. This	The intention is for community fund to be distributed to local causes. The Applicant would be interested to understand any local causes that might benefit, or to understand the thoughts of the local community on how to

	will include the implementation of a long-term funding source that will enable communities to plan and develop project that have been identified and developed from the ground upward. The initiatives put forward by the applicant include: • Initial indication had been that there would be an annual figure of £40,000. This has been increased to £55,000 by the developer; • The scheme is targeted as having a delivery period of 40 years; • The applicants are currently working with local community organisations to identify needs to be used to base specific grant criteria; • The area of benefit is likely to be communities within the immediate area of development impact. At the time of writing this is likely to include Rosliston, Drakelow, Walton on Trent and Coton in the Elms • It has not yet been determined who will managed the funds and deliver the community projects but the initial proposed is for CVS South Derbyshire or Foundation Derbyshire to be the delivery agent.	distribute and manage the community benefit fund. The community benefit fund will be implemented once the Proposed Development becomes operational. The Applicant would be willing to engage with the Rosliston Forestry Centre regarding education sessions and provision of educational resources. One interpretation board is already proposed on the Cross Britain Way.
5.122	The authorities consider that in order to ensure the most effective use of the community benefit fund, further details should be provided by the applicant regarding the scale of funding and how such a fund is likely to be administered in consultation with local community groups. Early dialogue with such groups could establish a list of potential projects that could be funded, should the scheme be granted consent.	
5.123	Additionally, the authorities recognise that the proposed development could provide a valuable educational resource for the local area in consultation with the local community, to establish how best to provide such educational materials on site. Examples of good practice are referred to including the use of interpretation boards, explaining solar energy and the work going on onsite, which could be placed at strategic locations such as along PRoW, and that visits could also be arranged for local schools / community groups.	
Cumulative Impacts of Development in the Area		
5.124	The councils have concerns regarding the cumulative impacts of the number of developments that are coming forward in the surrounding area. This includes, but is not limited to, the construction of 2,200 homes on the site of the former Drakelow Power Station to the north, along with a number of current applications being considered by the District Council for a proposed Battery Energy Storage System's at land south of Walton Road, Drakelow; Fairfield's Farm, Rosliston Road, Waltonon-Trent; and at land to the north of the Royle Farm Business Park, Drakelow. DCC are also considering proposals	The cumulative impact of the Proposed Development along with other relevant development has been assessed throughout the ES. Each chapter of the ES has undertaken a cumulative assessment where necessary using a listed of developments that has been agreed with the DCC and SDDC. 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 through the SoCG.

	for a waste incinerator nearby at Stanton which include a 60m chimney, and large building.

Section 6.0 Summary and Conclusion

2.1.4 The table below provides the Applicant's response to the concluding sections of the Local Impact Report (LIR). The Applicant has provided a response where necessary to provide points of clarity and additional information relevant to the Examination.

LIR REF.	COMMENT	APPLICANT RESPONSE
6.1	The Oaklands Farm Solar Park will result in a number of impacts to land within the administrative are of SDDC and DCC. This report has assessed the impacts of the scheme that has been identified within the applicants Environmental Statement, within the context of the councils' local knowledge and understanding of the area, and with reference to the relevant local and national policies.	The Applicant has provided specific comments on the individual matters raised within the LIR within this document. As a general point, 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. Paragraph 3.3.63 of EN-1 identifies that the urgent need for CNP Infrastructure to achieving energy objectives, together with the national security, economic, commercial, and net zero benefits, will in general outweigh any other residual impacts not capable of being addressed by the application of the mitigation hierarchy. EN-1 is clear that Government strongly supports the delivery of CNP Infrastructure and it should be progressed as quickly as possible.
6.2	The provision of renewable energy of the nature proposed is supported in principle by SDDC and DCC. Of particular relevance is Policy S6 of the South Derbyshire Local Plan Part 1, which sets out the Council's support for renewable and other energy developments.	
6.3	Notwithstanding the above, SDDC and DCC recognise that the delivery of new renewable energy infrastructure must be weighed against the wider environmental and social impacts to ensure that the negative impacts do not outweigh any broader benefits that may arise from the proposed development.	
6.4	This report has identified a number of negative impacts that would result from the proposed development. These impacts include loss of best and most versatile agricultural land, landscape and visual impact, access and highways, biodiversity and ecology, and glint and glare.	

6.5	The councils consider that there is a particular tension between impact of the loss of best and most versatile agricultural land, and the provision of renewable energy. The majority of the site comprises of Grade 2 and 3a quality soil, which would impact on opportunities for food production and wider impacts on the rural agricultural economy. The impact of this loss must be given significant consideration in the determination of the proposal.	
6.6	The councils request that the Secretary of State has regard to this Local Impact Report when making their decision	

2.2 LEICESTERSHIRE COUNTY COUNCIL

LIR REF	COMMENT	APPLICANT RESPONSE
Introduction		
1.1	In response to Deadline 2, this document sets out the impact of an application by Oaklands Solar Limited for an Order Granting Development Consent for Oaklands Farm Solar Park on communities within Leicestershire.	The Applicant notes the comments.
Summary of Impact – Abnormal Indivisible Load (AIL) Movements		
2.1	The submitted Environmental Statement (APP-155) states that AIL are proposed to use the Leicestershire Local Road Network (A444) between the M42 and Acresford.	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 are secured under Requirement 10 (construction and traffic management plan) of Draft Development Consent Order (dDCO) **[REP1-003]**. There is also a legal requirement for 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.
2.2	As set out in Leicestershire County Council's (LCC) Written Representations (REP1-027), the extent and location of work within the public highway in Leicestershire to facilitate AIL movements is unclear.	
2.3	To this end, the impact of the proposals on communities within Leicestershire remains unclear.	
2.4	LCC welcomes the Applicants Response (REP1-023) to its Relevant Representations (RR-170), and the suggestion that engagement will take place. LCC await an approach from the Applicant.	
2.5	LCC notes that despite amendments being made to the Outline Construction Traffic Management Plan (REP1-022) in response to the submission of Relevant Representations this continues to remain silent on impacts within Leicestershire. Indeed, the only reference to AIL is in respect of the community of Coton in the Elms in Derbyshire.	

2.6	Furthermore, LCC note the Applicants statement at section 2.2 of the Applicants Response to Relevant Representations (REP1-023) that it "continues to engage with LCC regarding provisions within the dDCO". LCC has no record of contact from the Applicant in this regard. Indeed, the revised submitted dDCO (REP1-004) continues to omit any reference to Leicestershire. LCC would welcome commencement of discussions.	• 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 drawing DWG/3299/001 – DWG/3299/005 are based on OS data and show the swept path analysis within the LCC jurisdiction. These drawings have not identified any need for surface protection, culvert reinforcement, and temporary removal of street furniture and therefore no mitigation measures are required on section of the AIL route within the LCC jurisdiction. The Applicant will be engaging further with LCC during the course of the Examination regarding the detailed CTMP and AIL Swept Path Analysis. Leicestershire County Council haven been consulted throughout the pre-application period in accordance with Section 42 of the Planning Act 2008. The Applicant has recorded that LCC responded to the Targeted Consultation in March 2023 as recorded in Chapter 10 (Transport and Access) of the ES **[APP-155]** following the inclusion of Scenario 2B and the AIL construction route within the Proposed Development which passes through part of Leicestershire County. The Applicant is waiting for a response to correspondence sent to Leicestershire on 15th August 2024.
Conclusion		
3.1	LCC has concerns about the potential impact of AIL movements associated with this development proposal on communities within Leicestershire. The information submitted in support of the application is silent in this regard.	The details of the AIL movements have been fully assessed within Chapter 10 (Traffic and Access) of the ES **[APP-155]**. The proposed mitigation is set out in the OCTMP **[REP1-021]** and the delivery and implementation of the final CTMP as part of Requirement 10 (construction traffic management plan) of the dDCO **[REP1-003].**
3.2	LCC note 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 Applicant will be engaging further with LCC during the course of the Examination and is waiting for a response to correspondence sent on 15th August 2024.