

Ref:	Question:	SCC Response:
1.9	<p>Article 13 – Traffic regulation measures With reference to recent DCO precedent, should Article 13(5)(c) be added to ensure adequate notification of the powers under Articles 13(1) and 13(2): “(c) displayed a site notice containing the same information at each end of the length of road affected”?</p>	<p>We are content with the proposed amendment.</p>
1.10	<p>Article 13 – Traffic regulation measures With reference to recent DCO precedent, should Article 13(5)(d) be added to ensure that the powers under Articles 13(1) and 13(2) could only be used once relevant traffic management plans are approved: “(d) either— (i) in relation to the construction of the authorised development only, have first obtained approval under requirement 10 for a construction traffic management plan for the phase of the authorised development in relation to which the power conferred by paragraph (1) or (2) is sought to be utilised; or (ii) in relation to the decommissioning of the authorised development only, have first obtained approval under requirement 22 for a decommissioning traffic management plan for the part of the authorised development in relation to which the power conferred by paragraph (1) or (2) is sought to be utilised.</p>	<p>We are content with the proposed amendment.</p>
3.4	<p>Solar panel and battery storage replacement during the operation stage The Applicant [REP1-025 response to question 4.2] states that solar panels are not expected to be replaced during the operational life of the project, save for individual instances of damage or unexpected</p>	<p>We accept that under typical conditions that the need to replace solar panels will be unlikely. However, in the instance of a significant unforeseen event causing damage to multiple panels there could be potential for adverse effects of HGV movements. We support the ExA</p>

<p>failure of specific panels, and that to account for this an annual replacement rate of 0.2% per year has been assumed in the ES [REP3-021 Table 13.3]. Battery cells replacement is anticipated to be once every 8 to 10 years depending on the final installed system and the operations profile. It considers that mitigation measures are secured within the Outline CEMP [REP1-007] and Outline Construction Traffic Management Plan (Outline CTMP) [REP1-021], and summarised in the ES [REP3-021 paragraph 13.59]. The ExA notes the potential for adverse impacts in relation Heavy Goods Vehicle (HGV) movements during the operation stage, including for the replacement of solar panels and other equipment, in various chapters of the ES. It is seeking to ensure that appropriate precision and clarity is provided for related mitigation during the operation stage. Responding to similar concerns, paragraphs 2.2.3 and 2.2.5 of the Mallard Pass Solar Farm Outline OEMP limit the maximum number of daily HGV movements during operation and requires the relevant planning authority to confirm that any maintenance activities involving panel replacement would not lead to such materially different effects. The Mallard Pass Solar Farm DCO provides that the definition of "maintain" does not include remove, reconstruct or replace the whole of Work No. 1 at the same time and for such works not to give rise to any materially new or materially different environmental effects than those identified in the ES for the operation of the authorised development. The ExA is considering whether to adopt a similar approach. a) Please could the</p>	<p>recommendations and would seek that the provisions of the CTMP are applicable to any scenario where significant movements of HGVs are required for maintenance of the development.</p>
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	Applicant suggest updates to the dDCO [REP3-008] and Outline OEMP [REP1-009]? b) Please could SDDC, DCC, LCC and SCC comment at Deadlines 4 and 5, setting out any concerns and how they might be resolved?	
11.2	<p>Securing the construction traffic routes</p> <p>The Applicant [REP1-025 response to question 11.4] says that subject to responses from others, it is content to amend the Outline CTMP [REP1-009] to secure that:</p> <ul style="list-style-type: none"> • construction route Scenario 2A to only be used if Scenario 1 (using Walton-on-Trent bypass) is not available; and • construction route Scenario 2B to only be used if Scenarios 1 and 2A are not available. <p>a) Are DCC, SDDC, or SCC content for the Outline CTMP [REP1-009] to be updated to secure the above?</p> <p>b) Please could the Applicant, following discussion with DCC, SDDC, and SCC, update the Outline CTMP [REP1-009] accordingly?</p>	<p>a) We are content with the first bullet point. However, in relation to the second bullet point we have an outstanding matter raised in relation as to why routes 2A and 2B cannot be used in conjunction with one another if route 1 is not available (see Q11.4). For example Route 2A will not be available during the afternoon school run period and potentially for a period overlapping the AM network peak hour. It is our understanding that assessment has only been undertaken to compare each route being used in isolation and not whether impacts could be further lessened by spreading the load over two routes should the preferred scenario 1 be unavailable.</p> <p>The OCTMP can only be agreed when the issue has been resolved. Should the ExA determine routes 2A and 2B should be kept separate then the wording proposed in the OCTMP as set out in the two bullet point is acceptable.</p>
11.4	<p>Construction traffic – SCC concerns</p> <p>SCC [REP1-031] raise concerns including in relation to:</p> <ul style="list-style-type: none"> • why routes 2A and 2B could not be used in conjunction with one another to spread the impacts of construction traffic across the network rather than focussing it on a particular route; • consideration to the movement of young pedestrians who would potentially need to cross and/ or walk along the construction traffic route on their way to/from school 	<p>We have been in discussions with the Applicant post our deadline 1 submission and understand a revised OCTMP will be submitted at Deadline 4. We are mindful of making substantive comments on a document that has yet to be seen by the ExA at this juncture for the risk of causing confusion. However, the revised OCTMP we have seen should address a number of the points we raised, including relation to schools along the construction traffic route 2A by restricting movements during the school run.</p>

<p>for which the Outline CTMP [REP1-021] should restrict the movement of HGV traffic on route 6 during the morning and afternoon school runs during term time;</p> <ul style="list-style-type: none">• whether the construction of the Drakelow Park development has been accounted for in the impacts of construction traffic;• the consideration given to potential delays at a narrow bridge on Rosliston Road over the railway as construction traffic Route 6 enters Derbyshire;• potential impacts from construction traffic not using prescribed construction routes;• it is not clear whether the dDCO [REP3-008] provides for works to remedy any damage caused and attributable to the solar farm development to be undertaken by the developer or whether there are powers for the local highway authority to agree the detail of the works and approve the workmanship of any work undertaken; and• the Outline CTMP [REP1-021] include provision for recouping of and costs incurred by the local highway authority in undertaking emergency repair work of damage caused by construction traffic. <p>The Applicant's responses [REP3-031] include that during pre-application it was agreed with DCC and SCC that a hierarchy of routes would be supported for HGV, whereas for lighter construction vehicles it was agreed the dispersion of these lighter vehicles across the network would be acceptable;</p> <ul style="list-style-type: none">• paragraph 5.5 of the Outline CTMP [REP1-021] has been amended to require all HGV movements to occur	<p>The principal points of objection likely to remain are:</p> <ol style="list-style-type: none">1. Provisions for the highway authority to recoup costs and/or approve remedial works to the construction traffic route. The OCTMP can set out the basis for how this could take place. However, the DCO does not contain the relevant powers to deliver. Therefore, we suggest a Development Consent Obligation (S106) is required to set out the obligations between the parties and mechanisms for payments to be made. The Applicant has suggested such powers exist in S59 of the Highways Act. However, this power is seldom used due to the need to prove damage has been caused in court. Here we have known construction traffic routes that will experience increased HGV traffic therefore specific provisions should be made to address.2. We are not yet convinced the provisions in the OCTMP relating to ensuring compliance with use of the approved construction traffic routes are suitably robust.
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<p>outside of the traditional local highway network peak periods, including School Drop off (08:30-09:30) and School Pick up (15:00-16:00);</p> <ul style="list-style-type: none">• Drakelow Park is currently being built out and construction traffic has been captured in the baseline traffic surveys that were undertaken in 2022;• the average of 14 HGV movements per day with restrictions to HGV movements to occur outside peak periods mean that there is unlikely to be material delays at the railway bridge above those occurring within baseline condition; and• the Outline CTMP [REP1-021] requires contractors to use the prescribed construction vehicle routes such as contractual agreements and financial penalties for breaches thereby discourage use of non-prescribed construction routes. <p>a) Please could SCC set out any remaining construction traffic concerns and suggest how their issues might be resolved?</p> <p>b) Please could the Applicant comment?</p>	
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