

**DERBYSHIRE COUNTY COUNCIL’S ANSWERS  
TO THE EXAMING AUTHORITY’S SECOND WRITTEN QUESTIONS**

Oaklands Farm Solar Farm NSIP

(Construction and operation of a solar farm plus energy storage with  
associated infrastructure and connection to the grid)

Application by Oaklands Farm Solar Ltd

**PINS Reference: EN010122**

## EN010122 - Oaklands Farm Solar Park NSIP – DCC’s Answers to the ExA’s Second Written Questions

Ref:	Relevant to...	ExA’s Question	DCC Response
<b>1</b>	<b>General Points</b>		
	<b>Part 1 - Preliminary</b>		
1.4	<p>Applicant</p> <p>Derbyshire County Council (DCC)</p> <p>South Derbyshire District Council (SDDC)</p> <p>Environment Agency (EA)</p>	<p><u>Articles 11(7), 14(9), 16(6) – Guillotine</u></p> <p>Articles 11(7), 14(9), 16(6) confer deemed consent if the authority does not respond within 28 days (a “guillotine”).</p> <p>DCC [REP1-026] and SDDC [REP1-029] consider that 28 days is a tight timeframe to deal with a submission, particularly if consultation is required between authorities, with internal consultees, or the Applicant. They ask that provision is made for the authority’s attention to be drawn to the guillotine.</p> <p>The EA [REP1-032] does not support “deemed approval” for any consents, but ask that provision is made for attention to be drawn to the guillotine if the approach is taken. The Applicant [REP1-025, REP3-032] does not consider it necessary for any application for consent to contain a statement drawing the authority’s attention to the deemed consent period as it considers that this is clearly and properly provided for within the dDCO [REP3-008] and DCC, SDDC and the EA have been made aware of the “deemed consent” provisions through this examination process. The Applicant has revised Articles 11(7), 14(9) and 16(6) to allow the 28-day period to be extended if agreed in writing between the parties. It does not propose any further amendments.</p> <p>With reference to the Applicant’s updates, the ExA notes that if an extension to the 28-day period is not agreed in writing then the “deemed approval” provisions would remain. The ExA notes the likely benefits for applications for consent to be properly considered, and for the timescales to be reasonable. It would like to find the right balance between not unnecessarily delaying the Proposed Development and ensuring that appropriate regard is</p>	<p>a) The County Council is aware of the 28 day guillotine and is also that the revised articles to allow for the extension of the 28 day period where agreed in writing by the parties involved. DCC does not ask for additional provisions drawing the authority’s attention to the guillotine.</p>

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		<p>given to the interests and advice of parties involved in considering applications for consent. The ExA refers to the form of words adopted in Articles 14(7), 18(12), 19(10), 21(7) of The A57 Link Roads Development Consent Order 2022.</p> <p>a) Do DCC, SDDC, and the EA still ask that provision is made for the authority’s attention to be drawn to the guillotine?</p> <p>b) Please could the Applicant comment?</p>	
1.5	Applicant DCC SDDC EA Natural England (NE)	<p><u>Article 2 – Interpretation</u></p> <p>DCC [REP1-026] and SDDC [REP1-029] consider that some site preparation works have the potential to create adverse noise and air quality impacts including “remedial work in respect of any contamination or other adverse ground conditions” and “site clearance (including vegetation removal, demolition of existing buildings and structures)”. They say that “commencement” should include site preparation works relating to protected species, archaeological remains and traffic.</p> <p>In relation to “site clearance (including vegetation removal, demolition of existing buildings and structures)”, the Applicant [REP3-032] has amended Requirement 9 - Construction environmental management plans (CEMP) to provide that for the purposes of Requirement 9, “commence” includes site clearance works.</p> <p>EA [REP1-032] consider that significant environmental effects from “remedial work in respect of any contamination or other adverse ground conditions” cannot be ruled out and advise that this is removed from “site preparations work”, and that such works are undertaken with controls that apply at commencement, including Requirements 9 and 13.</p>	<p>b) Commencement to include site clearance works which will therefore be controlled by Requirements 9 and 13. Requirement 13 to include a contamination risk assessment.</p> <p>DCC are content with the revised wording subject to the agreement of revisions by NE regarding impacts on the River Mease Special Area of Conservation (SAC) and River Mease Site of Special Scientific Interest (SSSI) catchment.</p>

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		<p>In relation to “remedial work in respect of any contamination or other adverse ground conditions”, the Applicant [REP3-032] has amended Requirement 13 – Land contamination to provide that no remedial works in any phase of the development may commence until a contamination risk assessment has been produced.</p> <p>NE [REP1-037] say that if site preparation would involve the breaking the soil or other activity that could damage the soil through compaction etc. then further information about the potential impacts on Best Most Versatile (BMV) agricultural land should be included and suitable mitigation measures secured to ensure that this resource is not damaged. It says that additional mitigation measures must be proposed and secured to ensure that there is no impact on the designated sites features if any site preparation work in the River Mease Special Area of Conservation (SAC) and River Mease Site of Special Scientific Interest (SSSI) catchment has the potential to mobilise sediment.</p> <p>a) Please could the Applicant clarify how its updates would address the concerns raised by DCC and SDDC in relation to archaeological remains and traffic? Should updates also be made to Requirement 10 - Construction traffic management plan (CTMP) and Requirement 18 – Archaeology? Please could DCC and SDDC comment?</p> <p>b) Do DCC, SDDC, or EA have any remaining concerns in relation to the mitigation of site preparation works? How might they be resolved?</p> <p>c) Please could the Applicant comment on whether any updates are required to address NE’s concerns, including in relation to the River Mease SAC and SSSI? If not, why not?</p>	

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		d) Please could NE set out any remaining concerns in relation to site preparation works at Deadline 5 and suggest how they might be resolved?	
1.9	Applicant DCC Staffordshire County Council (SCC)	<p><u>Article 13 – Traffic regulation measures</u></p> <p>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):</p> <p>“(c) displayed a site notice containing the same information at each end of the length of road affected”?</p>	DCC is content with the additions of article 13(5) (c).
1.10	Applicant DCC SCC	<p><u>Article 13 – Traffic regulation measures</u></p> <p>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:</p> <p>“(d) either—</p> <ul style="list-style-type: none"> <li>(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</li> <li>(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.”</li> </ul>	DCC is content with the inclusion in article 13 to require approval of TMPs.
1.11	Applicant DCC	<u>Article 31 – Compulsory acquisition of land – incorporation of the mineral code</u>	Although the site lies within the South Derbyshire Coalfield it is, in its entirety, identified as a ‘Coal

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		<p>Reference is made to recent DCO precedent where a similar article was removed.</p> <ul style="list-style-type: none"> <li>a) Would there be any compulsory acquisition of mining rights?</li> <li>b) If not, should Article 31 be removed?</li> <li>c) Please could DCC comment?</li> </ul>	<p>Development Low Risk’ area. No coal mines are currently operating nor are any future working anticipated.</p> <p>DCC would agree that ‘Article 31 – compulsory acquisition of land – incorporation of the mineral code’ is not required and can therefore be removed.</p>
1.16	Applicant DCC SDDC	<p><u>Requirement 5 – Detailed Design Approval</u></p> <p>Design parameters</p> <p>DCC [REP1-026] and SDDC [REP1-029] say that it would be helpful to have the design parameters in one certified document.</p> <p>The Applicant [REP1-025, REP3-032] says that the design parameters relied on for the assessment are secured by sub-paragraph (2) of Requirement 5, which requires the detailed design to be in accordance with the principles and assessments set out in the ES and the outline design principles as set out in the design statement. The Applicant has amended sub-paragraph (2) to specifically reference Table 4.2.</p> <p>Table 4.2 is in the Project Description [REP3-023].</p> <ul style="list-style-type: none"> <li>a) Please could the Applicant either ensure that the Project Description is referenced in Requirement 5(2) of the dDCO and added to the dDCO Schedule 12 – Documents to be Certified, or replicate Table 4.2 in the Design Statement [REP3-027] and update Requirement 5(2) accordingly to refer to that?</li> </ul>	<p>DCC has no further concerns regarding the design parameters as set out in the ES. Reference to Table 4.2 adds sufficient clarity.</p>

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		<p>b) Do DCC or SDDC have any remaining concerns in relation to the identification of design parameters? How might they be resolved?</p>	
<b>3</b>	<b>General and cross-topic planning matters</b>		
3.2	DCC SDDC Applicant	<p><u>Local Planning Authority (LPA) resources</u></p> <p>DCC and SDDC [REP2-001] raise concerns about their resources for the consideration of any submissions, approvals and monitoring necessary for impact mitigation.</p> <p>The Applicant [REP3-033] refers to Article 30 (fees) of the Part 3 of Schedule 1 of the dDCO [REP3-008] and says that it is willing to discuss resourcing matters with the LPA in respect of Requirements and Obligations.</p> <p>a) Please could DCC and SDDC set out any remaining concerns, summarise any related discussions with the Applicant, and suggest how their issues might be resolved?</p> <p>b) Please could the Applicant comment?</p>	<p>DCC and SDDC are in discussions with the applicant relating to the drafting of a formal Planning Performance Agreement (PPA) between the parties. It is anticipated that the PPA would assist in alleviating the resource issues although resourcing concerns remain.</p>
3.4	Applicant SDDC DCC Leicestershire County Council (LCC) SCC	<p><u>Solar panel and battery storage replacement during the operation stage</u></p> <p>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 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].</p>	<p>DCC considers that a similar approach to that adopted for the Mallard Pass Solar Farm would be appropriate.</p> <p>It is anticipated that the measures to be secured in the outline CEMP and CTMP will be adequate to assess, and mitigate as far as possible, the impacts of maintenance traffic movements during the operation of the scheme.</p>

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		<p>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.</p> <p>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.</p> <p>a) Please could the Applicant suggest updates to the dDCO [REP3-008] and Outline OEMP [REP1-009]?</p> <p>b) Please could SDDC, DCC, LCC and SCC comment at Deadlines 4 and 5, setting out any concerns and how they might be resolved?</p>	
<b>5</b>	<b>Project lifetime and decommissioning</b>		
5.1	Applicant DCC SDDC EA NE	<p><u>Outline DEMP [REP1-011]</u></p> <p>DCC [REP1-026] considers that it is necessary to understand the end state of the land following decommissioning, and its suitability of other uses,</p>	a) DCC suggest that it is reasonable for the dDCO to clearly establish the proposed end state of the land following decommissioning and that the DEMP provides enough information for the



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		<p>including agriculture, if the full impact of the proposal is to be understood prior to consenting, and suggests that this must be addressed in the DEMP. SDDC [REP1-029] considers that it is necessary, reasonable, and appropriate for the definition of the end state after decommissioning to be secured by the dDCO [REP3-008].</p> <p>The Applicant [REP1-025, REP3-032] refers to Requirement 22 of the dDCO [REP3-008], says that decommissioning would be carried out in accordance with the relevant legislation and policy in force at the time of decommissioning, that it is not considered necessary or appropriate to include further detail in the dDCO [REP3-008], and that its approach is consistent with recent precedent.</p> <p>The ExA is considering the extent to which it would be appropriate for the mitigation of impacts from decommissioning to require measures to be taken during detailed design, construction, operation, and maintenance, and whether this would benefit from more consideration of the potential end state after decommissioning now and when detailed mitigation plans would be finalised. Would consideration of the end state and decommissioning at all stages of the Proposed Development be appropriate in relation to the effective and efficient mitigation of long-term adverse effects and are there any specific examples of where this might be beneficial or unhelpful.</p> <p>a) Please could the Applicant, DCC, SDDC, EA, and NE comment?</p> <p>b) Do DCC, SDDC, EA and NE have any comments on the Outline DEMP [REP1-011]? How should their concerns be addressed?</p>	<p>matter to be understood to the extent that the ExA can make a recommendation. However, the design of the proposal should take account of the likely impacts and scale of works required for decommissioning, with a view to reducing those impacts to the point that the land can reasonably expected to be returned to the original agricultural use.</p> <p>b) Further details, of the exact means of remediation, can be approved at the time of decommissioning and should be based on actual ground conditions prevailing and techniques available at that time. Concerns remain regarding the decommissioning of cables and ducting and the impact that leaving this in situ will have on the ability to return the land to BMV condition.</p>
5.2	Applicant DCC	<u>Decommissioning of underground cables</u>	b) DCC considers that the dDCO should consider the potential for cable installation in a manner

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	SDDC EA	<p>DCC [REP1-026, REP2-001] and SDDC [REP1-029, REP2-001] consider that leaving underground cables in place would prevent suitable reinstatement of land drains, or appropriate decompaction of the soil, may inhibit mole ploughing/ subsoiling, and prevent the land from being returned to BMV condition. They say that the decomposition of cabling materials could leach contaminants into the soil and water resources. The councils suggest that the dDCO [REP3-008] should require the underground cables and ducting to be removed, although SDDC [REP1-029] advise that removal would undo soil improvements that have taken place during the 40 fallow years.</p> <p>The EA [REP1-032] say that the approach to decommissioning cables should depend upon a site-specific risk assessment being carried out prior to decommissioning and expect to work with operators to agree best available environmental options. It notes that leaving cables in place could fall under the definition of waste.</p> <p>Councillor Amy Wheelton [REP1-039] considers that leaving the cables in place would make the land incapable of returning to agricultural use due to the implications for drainage, whereas if they are dug out the previous 40 years fallow would be rendered a waste of time.</p> <p>The Applicant [REP3-031, REP3-032, REP3-033] seeks an appropriate level of flexibility which would allow some cables to be left in place should an assessment of the situation at the decommissioning stage determine that to leave cables in place would be environmentally preferable, having regard to factors such as the condition of the land at that time, potential disturbance from the removal of the cables, and any contamination risks which could arise from the cables being left in place.</p>	<p>that will mitigate the overall long term adverse impacts on agricultural use or facilitate adequate removal during decommissioning.</p> <p>However, DCC accepts that the approach to decommissioning cables should depend upon a site-specific risk assessment carried out prior to the decommissioning and expects that the best available environmental options will be employed. As the solar farm is expected to operate for 40 years, it is likely that techniques for the removal of underground cables and for the conservation of soils are likely to have progressed and their impacts be better understood.</p>

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		<p>a) Please could the Applicant consider the potential for the cables to be installed in such a manner as to mitigate the overall likely adverse impacts most effectively, for example by maximising the likelihood of it being acceptable for them to be left in place by mitigating long-term drainage, agricultural, contamination, and waste impacts? Should the dDCO [REP3-008] secure that this be considered during detailed design and subject to approval by the local planning authority in consultation with the EA?</p> <p>b) Please could DCC, SDDC and the EA comment?</p>	
<b>6</b>	<b>Agriculture, land use, soils, ground conditions, minerals, and geology</b>		
6.3	Applicant DCC SDDC	<p><u>Loss of BMV agricultural land</u></p> <p>Paragraph 5.11.12 of NPS EN-1 states that Applicants should seek to minimise impacts on BMV agricultural land and preferably use land in areas of poorer quality. Paragraph 2.10.29 of NPS EN-3 says that the use of BMV agricultural land should be avoided where possible.</p> <p>The ES [APP-169 paragraph 15.134] states that the Battery Energy Storage System (BESS) and onsite substation would be removed during decommissioning, but that the land in these areas may not be restored back to the same ALC grade. The BESS and substation would be within a small field of mixed Subgrade 3a and 3b quality. It is indicated that there would be a permanent loss or downgrading of 1.5ha of Subgrade 3a agricultural land if the substation was not removed or suitably restored.</p> <p>The Applicant [REP1-025, REP3-032] says that the BESS and onsite substation is proposed within a relatively small field and anticipates that this area could be restored to BMV status on decommissioning. At Deadline 4 it will</p>	<b>Deadline 5</b>

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		<p>submit a Soil Management Plan dedicated to this area to address the removal of topsoil, the management of that material for the duration of the consent. It anticipates restoration to comparable quality but cannot be certain of restoration back to the same ALC grade, and therefore considers that it would not be reasonable for the DCO to require no permanent loss of Subgrade 3a agricultural land.</p> <p>a) Please could the Applicant comment on whether the BESS and onsite substation could be located to avoid BMV agricultural land? If not, why not?</p> <p>b) Please could DCC and SDDC comment on the Applicant’s Soil Management Plan for the BESS and onsite substation at Deadline 5, set out any remaining concerns and suggest how their issues might be resolved?</p> <p>DCC and SDDC [REP1-026, REP1-029, REP2-001] consider it inevitable that land drains would be compromised by piling, cabling and other infrastructure and that, in the absence of land drains, nutrients would be washed out of the soil and the soil would no longer be BMV agricultural land quality. They also say that soil compaction on soil structure would lead to reduced permeability to water and air as well as increased surface runoff and erosion. The councils consider that the impacts on soil would not be practically reversible in respect of BMV land and that the Proposed Development would result in the permanent loss of BMV land. The councils advise that the Proposed Development site contains soil that is particularly good to produce potatoes, as it is potato cyst nematode free, making the soil even more of a rarity and adding to the BMV value. They consider that the permanent loss of BMV land of the scale proposed is a critical impact and that it is reasonable for the dDCO to require no permanent loss of Subgrade 3a land.</p>	

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		<p>Councillor Amy Wheelton [REP1-039] notes that manure is not being added back to the soil to increase the organic matter content, raises concerns about the impact of the piling on the soil structure and land drainage, and considers that the land would be incapable of returning to BMV or any agricultural use as it would no longer be drained.</p> <p>The Applicant [REP3-031, REP3-033] says that although piling may disturb or break up land drains, the number affected is expected to be minimal and in the unlikely event that any significant drainage issue emerges due to construction activity, it would use measures such as SuDS, replacing or repairing land drains to rectify the situation. It considers it likely that there would 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. It states that the land would be returned to an appropriate condition following decommissioning without compromising soil quality. The Applicant says that the lease requires it to make good the land in no worse state or condition prior to implementing the Proposed Development.</p> <p>c) Please could the Applicant suggest how measures to mitigate the potential for damage to existing land drains and impacts on soil quality can be secured by the dDCO [REP3-008]?</p> <p>d) Please could the Applicant suggest how the condition of the land after decommissioning can be secured by the dDCO [REP3-008]?</p> <p>e) Please could DCC and SDDC comment on the Applicant’s suggestions at Deadline 5, set out any</p>	

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<b>7</b>	<b>Biodiversity</b>		
7.3	Applicant SDDC DCC	<p>Draft DCO [REP3-008] Article 37 - <u>Felling or lopping of trees or removal of hedgerows</u></p> <p>Draft DCO [REP3-008] Article 38 - Trees subject to Tree Preservation Orders.</p> <p>The Applicant [REP1-025, REP3-032] considers that the broad powers to fell or lop any tree, or shrub near any part of the authorised development, or cut back its roots, without the Local Planning Authority’s consent is to ensure that the Proposed Development could be delivered in good time and without unreasonable delay.</p> <p>DCC [REP1-026] considers that it is necessary for SDDC’s prior consent to be required for the removal to fell or lop trees. SDDC [REP1-029] require the power to consent on the removal to fell or lop trees.</p> <p>The ExA is considering whether the broad powers requested by the Applicant are justified, whether it is reasonable to consider that delay could be avoided by planning and obtaining consent for such works in advance, and if it would be helpful for consent to be deemed if it isn’t provided within 28 days of an application for consent. The ExA is considering whether a provision regarding the quality of the works might be helpful, as provided for Sunnica Energy Farm: “to ensure all works are carried out to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other more suitable recognised codes of good practice provided these meet or exceed the appropriate British Standards”. The ExA is thinking about whether greater control should be provided for trees subject to Tree Preservation Order than for other trees and shrubs.</p>	<p>DCC considers that delay could be avoided if, prior to commencement, the applicant provides details of the trees and shrubs that are expected to require felling, lopping or root pruning, so that the LPA can consent if considered appropriate. The LPA should be in a position to afford protection for all trees of value where that value to the landscape or wider environment, outweighs the benefit of the proposed felling, lopping or root pruning.</p> <p>DCC considers that provisions relating to works affecting veteran trees should be removed from the dDCO.</p> <p>The issue of 28 day period for the consideration of applications for tree works is considered reasonable but should, like other consenting, also benefit from the potential for extension when agreed by the applicant.</p> <p>DCC would support the inclusion of articles to ensure that tree works are carried out to an appropriate British Standard.</p>

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7.4	Applicant The Woodland Trust DCC SDDC	<p><u>Ancient/ veteran trees</u></p> <p>The Woodland Trust [RR-316, REP1-049] question whether various trees in the Arboricultural Survey Report [APP-133] that are not identified as veteran/ ancient should be. The Applicant [REP1-023, REP3-031] provides its reasoning for each tree and says that it will engage with SDDC and DCC regarding the identification and classification of veteran trees.</p> <p>a) Please could the Applicant provide a draft copy of the SoCG with SDDC and DCC at Deadline 4, and set any tree classification matters yet to be agreed, and the next steps to be taken to address them?</p> <p>b) Please could The Woodland Trust, DCC and SDDC set out any remaining concerns regarding tree classification and ancient/ veteran trees at Deadlines 4 and 5, summarise any related discussions with the Applicant, and suggest how their issues might be resolved?</p>	DCC considers that the approach to the assessment of veteran trees has been carried out appropriately. However, DCC considers that provisions relating to works affecting veteran trees should be removed from the dDCO to reflect the irreplaceable nature of veteran trees and their contribution to the landscape.
7.5	Applicant DCC SDDC	<p><u>Habitat Constraints Plan</u></p> <p>The ExA [PD-010 question 7.13] asked whether a Habitat Constraints Plan, or similar, would provide helpful clarification of the buffer zones, and if the Applicant, DCC and SDDC could agree what should be included in the Outline CEMP [REP1-007].</p> <p>DCC [REP1-026] and SDDC [REP1-029] recommended that a habitat constraints plan or similar is produced for the CEMP, which clearly defines buffer zones to sensitive features such</p>	<p>b) The development will have significant impacts on habitats during site preparation works and construction, therefore a Habitat Constraints Plan, including appropriate mapping, will provide the necessary details, including buffer zones for habitats, species and veteran trees, to ensure adequate protection.</p> <p><b>c) Deadline 5</b></p>

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		<p>as ancient/ veteran trees, other retained trees, ponds, watercourses, hedgerows and woodlands etc.</p> <p>The Applicant [REP3-032] agrees with SDDC and DCC that a Habitat Constraints Plan should be included as part of the detailed CEMP.</p> <p>a) Please could the Applicant, in consultation with SDDC and DCC, submit an updated Outline CEMP [REP1-007] at Deadline 4 to include for a Habitat Constraints Plan, setting out what such a plan should include?</p> <p>b) Should a Habitats Constraint Plan be required for the site preparation works?</p> <p>c) Please could SDDC and DCC comment on the provisions for a Habitat Constraints Plan in the updated Outline CEMP at Deadline 5, set out any remaining concerns and suggest how their issues might be resolved?</p>	
7.10	Applicant NE DCC SDDC	<p><u>Badger</u></p> <p>NE [AS-022, REP1-037] are aware that the Proposed Development may impact a Badger sett and say that it may be possible to avoid impacts through the development of the final design. It is unable to issue Letters of No Impediment before it has received draft protected species licence applications for review.</p> <p>The Applicant [REP3-029] say that it will submit a draft application for a Badger Licence to NE shortly after Deadline 3, in order to seek a Letter of No Impediment from NE on that matter.</p> <p>DCC [REP1-026] state that consideration should be given to the ground level fencing design to enable the passage</p>	DCC would refer to the advice provided by NE and the SDDC Ecologist regarding badgers and licencing. DCC would welcome the measures to ensure that mammals are able to disperse freely throughout the site due to the provision of ‘mammal gaps’ in the fencing.



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Ref:	Relevant to...	ExA’s Question	DCC Response
		<p>of badger and consider that badger setts should be given greater consideration in respect of buffer zones to minimise disturbance.</p> <p>Paragraph 4.49 of the Outline LEMP [REP3-025] includes that indicative locations of the mammal gaps are detailed within ES Figure 6.3, would allow the movement of badger and hedgehog to disperse through the Site, and that the gaps would be 20-30cm in size.</p> <ul style="list-style-type: none"> <li>a) Has the Applicant submitted a draft application for a Badger Licence to NE?</li> <li>b) Does NE have any concerns that would prevent it from issuing a Letter of No Impediment. How might any such concerns be resolved?</li> <li>c) Please could a Letter of No Impediment, or confirmation that one cannot be provided, be submitted by Deadline 4 or 5?</li> <li>d) Please, following consultation with DCC, could the Applicant respond to DCC’s concerns about buffer distances for badger?</li> <li>e) Please could DCC and SDDC set out any remaining concerns regarding badger, and suggest how their issues might be resolved?</li> </ul>	
7.11	Applicant DCC SDDC	<p><u>Draft DCO [REP3-008] Requirement 21 – Protected Species</u></p> <p>Species Protection Plans</p> <p>SDDC [REP1-029] consider that the Outline CEMP [REP1-007] should provide Species Protection Plans for Otter, Great Crested Newt/ /Ponds, Hedgerows &amp; Trees and Woodland and identify important zones for each</p>	<p>b) DCC would welcome the drafting of an updated CEMP to include more detail of Species Protection Plans and the requirement for Species Protection plans to be agreed prior to site preparation works.</p> <p><b>c) Deadline 5</b></p>

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Ref:	Relevant to...	ExA’s Question	DCC Response
		<p>species to feed into mitigation strategies. DCC [REP1-026] suggest that outline Species Protection Plans. should be provided in outline during the Examination.</p> <p>The Applicant has updated paragraph 2.81 of the Outline CEMP [REP1-007] to set out the high-level contents for a Species Protection Plan to be included in the final CEMP.</p> <p>The ExA notes the series of concerns raised by SDDC [REP1-029, REP2-001] in relation to scoping, surveys and potential impacts on a number of protected species, including skylark, barn owl, great crested newt, and otter.</p> <p>a) Please could the Applicant, in consultation with SDDC and DCC, submit an updated Outline CEMP [REP1-007] at Deadline 4 to include more detail of Species Protection Plans so that specific measures are identified for individual species and address SDDC’s concerns?</p> <p>b) Site preparation works which include (amongst other things) remedial work in respect of any contamination or other adverse ground conditions, diversion and laying of services, and the demolition of existing buildings and structures, typically fall outside the Outline CEMP [REP1-007]. Should Species Protection Plans be required for the site preparation works?</p> <p>c) Please could SDDC and DCC comment on the provisions for Species Protection Plans in the updated Outline CEMP at Deadline 5, set out any remaining concerns and suggest how their issues might be resolved?</p>	
<b>8</b>	<b>Historic Environment</b>		
8.1	Historic England DCC	<u>Potential harm to designated heritage assets</u>	Regarding the following additional historic assets identified by HE:

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Ref:	Relevant to...	ExA’s Question	DCC Response
	Applicant	<p>Historic England [AS-021] and DCC [REP2-001] comment on the potential harm to designated heritage assets. DCC suggest magnitudes of harm, whereas Historic England don’t.</p> <p>a) Does Historic England have any comments on the magnitude of harm to the heritage assets that it mentions?</p> <p>Historic England mention some assets that DCC does not comment on, including:</p> <ul style="list-style-type: none"> <li>• Church of St Giles and Cauldwell Hall, Caldwell;</li> <li>• Catton Hall at Coton in the Elms;</li> <li>• Grade II listed buildings in Walton-on-Trent, Caldwell, Rosliston, Coton in the Elms; and</li> <li>• buildings related to the former Drakelow Hall.</li> </ul> <p>b) Please could DCC and the Applicant comment on the magnitude of harm to those assets?</p> <p>The Applicant [REP3-033] says that it is engaging with Historic England, including to progress a SoCG, and suggest that Historic England have indicated that the Proposed Development would create a level of harm at the lower end of less than substantial.</p> <p>c) Please could the Applicant provide a draft copy of the SoCG with Historic England at Deadline 4, set out the matters yet to be agreed with Historic England including any in relation to the potential harm to designated heritage assets, and the next steps to be taken to address them?</p>	<ul style="list-style-type: none"> <li>• Church of St Giles and Cauldwell Hall, Caldwell;</li> <li>• Catton Hall at Coton in the Elms;</li> <li>• Grade II listed buildings in Walton-on-Trent, Caldwell, Rosliston, Coton in the Elms; and</li> <li>• buildings related to the former Drakelow Hall.</li> </ul> <p>None of the above listed buildings fall within the development boundary and so I am satisfied that there will be no direct harmful impacts. Owing to the distance of the proposed development from these designations, existing intervening landforms, mature vegetation, and, in some instances, existing built forms, it is unlikely that the solar farm will be visible. Therefore, I am of the opinion that it is unlikely that there will be an impact on their immediate setting.</p> <p>While there is likely to be some level of visual impact on their wider setting, it is likely that the majority of any views of the proposed development, from the surrounding road network at least, will be restricted to glimpsed views through hedgerows or gateways. I am therefore of the opinion that the level of harm likely to be experienced can be considered as less than substantial harm albeit at the lower end of this measure of harm as defined in the NPPF.</p> <p>Given the very rural location of the proposed development, I am therefore supportive of any comments made by my colleague in landscape which can help keep any visual impacts to an absolute minimum.</p>

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Ref:	Relevant to...	ExA’s Question	DCC Response
8.2	DCC	<p><u>Archaeology – potential harm to assets subject to the policies for designated heritage assets</u></p> <p>Paragraph 5.9.21 of NPS EN-1 states that non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to Scheduled Monuments should be considered subject to the policies for designated heritage assets. Paragraph 5.9.31 says that where there would be substantial harm to (or total loss of significance of) a designated heritage asset then consent should be refused unless it can be demonstrated that it is necessary to achieve substantial public benefits that outweigh that harm or loss, or various conditions apply.</p> <p>DCC [REP1-026, REP2-001] says that there are no recorded Roman assets within the site, there have been late Mesolithic and early neolithic finds and further assets cannot be ruled out, and there is a potential for medieval features. It considers that the lack of information on archaeological assets is likely to reflect a lack of sustained investigation rather than an absence of archaeology. DCC considers that the works could potentially result in total loss or substantial harm to significance.</p> <p>The Applicant [REP1-025, REP3-033] says that following analysis of the geophysical survey results which suggests extensive disturbance of the Site in the past, it considers that assets of later prehistoric to Roman date of demonstrably equivalent value to designated heritage assets are unlikely to be present and there would not be any harm due to the controls in place through the Outline CEMP [REP1-007] and Written Scheme of Investigation secured by Requirement 18 of the dDCO [REP3-008].</p> <p>a) Please could DCC comment on the likelihood of any archaeology of demonstrably equivalent value to Scheduled Monuments being present within the site?</p>	<p>a) It seems very unlikely that archaeology of demonstrably equivalent value to a Scheduled Monument is present within the site. Derbyshire HER has no data to suggest the presence of such archaeology, the applicant’s geophysical survey does not suggest the presence of any complex or high significance archaeology, and there is no other data e.g. on air/satellite photos or LiDAR providing an indication of unusual archaeological importance.</p> <p>b) Solar farm development has an uneven impact on below-ground archaeological remains. Typical ground mounting of solar arrays involves regular support posts or ground anchors which are driven into the ground causing a series of very localised spot impacts at intervals over a large areas. Other impacts can be caused by access roads, fencing arrangements, cable trenches, compounds, inverter and substation housing, but these are localised to the restricted and often small parts of the development. There is also potential for designing out of archaeological impacts over sensitive areas by no dig construction – e.g. by ballasting or weighting of the panels instead of ground anchors. Where significant archaeology is identified it is therefore often possible to retain it in situ. Where impacts to archaeological remains are unavoidable these would tend to be at the ‘less than substantial harm’ level because of the patchy and mostly</p>

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Ref:	Relevant to...	ExA’s Question	DCC Response
		<p>b) Does DCC consider it likely that the Outline CEMP [REP1-007] and Written Scheme of Investigation secured by Requirement 18 of the dDCO [REP3-008] would avoid harm to archaeology and, if not, is the potential harm likely to amount to substantial harm, total loss, or less than substantial harm to its significance?</p>	<p>fairly light ground impact of this type of development.</p> <p>A Written Scheme for investigation and recording of archaeological remains within the site at the post consent stage has potential to allow archaeological significance to be identified and impacts designed out, thereby avoiding harm to archaeology. Failing this there would be recording of the relevant archaeological remains in line with NPPF para 211, in advance of subsequent harms or losses likely to be ‘less than substantial harm’ as per above.</p>
8.4	DCC Applicant	<p><u>Draft DCO [REP3-008] Requirement 18 – Archaeology</u></p> <p>This requirement does not apply to the site preparation works, which are excluded from the definition of “commence”. Site preparation works include (amongst other things) intrusive archaeological surveys, remedial work in respect of any contamination or other adverse ground conditions, diversion and laying of services, and the demolition of existing buildings and structures.</p> <p>The Applicant [REP1-025, REP3-032] considers that it is not necessary for the Requirement to apply to the site preparation works and suggests that the site preparation works might be required to inform the Written Scheme of Investigation.</p> <p>The ExA is concerned that some of the site preparation works may have the potential to harm archaeology, including any that might be subject to the policies for designated heritage assets, for which Requirement 18 provides key mitigation. On that basis the ExA is</p>	<p>a) Depending on the nature of ‘site preparation work’, this does have potential to harm below-ground archaeological remains. In terms of the examples listed above, remedial work and diversion and laying of services would involve aspects of ground excavation and could well harm any below-ground archaeological remains. It is therefore essential that the initial phase of the archaeological work – agreement of the WSI and the on-site evaluation trenching – is carried out first and before any other intrusive groundworks. If significant areas of archaeology are identified during this process, then these areas must also be excluded from further disturbance until the appropriate mitigation is agreed whether by design or by recording</p>

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Ref:	Relevant to...	ExA’s Question	DCC Response
		<p>considering whether Requirement 18 should apply to the site preparation works.</p> <p>a) Please could DCC comment?</p> <p>b) Please could the Applicant comment and suggest wording for Requirement 18 to apply to the site preparation works in case the ExA wishes to include it?</p>	
<b>11</b>	<b>Traffic and Transport</b>		
11.1	Applicant DCC	<p><u>Field surveys for non-motorised users (NMU)</u></p> <p>DCC [REP1-026] say that a summer survey would be appropriate to assess the use of the site, including by non-motorised users, particularly during the summer holiday period of July and August.</p> <p>SDDC [REP1-029] consider that the timing of the field work is not detrimental to the assessment work submitted.</p> <p>The Applicant [REP1-025, REP3-032] says that it has adopted a proportional approach to assessing NMU that does not rely on NMU counts. It examines the local walking and cycling facilities and the sensitive receptors that are likely to act as an attractor for NMUs, and analyses the highway operation and the additional traffic, to assess a significance of effect.</p> <p>Does DDC have any remaining concerns in relation to field surveys for NMU? How might they be addressed?</p>	<p>Surveys have been provided by the applicant and DCC do not wish to raise any further concerns. The Public Rights of Way team at DCC have raised no objections to the proposed changes to the off-road network or the impacts on non-motorised users.</p>
11.2	Applicant DCC SDDC SCC	<p><u>Securing the construction traffic routes</u></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>	<p>a) DCC are content for the Outline CTMP to be updated to secure the identification of construction routes. Given the situation regarding progress on the Walton-on-Trent</p>

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Ref:	Relevant to...	ExA’s Question	DCC Response
		<ul style="list-style-type: none"> <li>• construction route Scenario 2A to only be used if Scenario 1 (using Walton-on-Trent bypass) is not available; and</li> <li>• construction route Scenario 2B to only be used if Scenarios 1 and 2A are not available.</li> </ul> <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>bypass, it is unlikely that this will remain a realistic option for routing.</p> <p>DCC have no further concerns, but have raised the need for the proposed Traffic Management Group, along with the Highway Authority, to provide information to the public regarding traffic routing and timing.</p> <p>Route 2a is considered as the best available option to enable development.</p>
11.3	Applicant DCC SDDC	<p><u>Construction traffic – DCC and SDDC concerns</u></p> <p>DCC and SDDC [RR-078, RR-295, REP1-026, REP2-001] raise concerns including in relation to:</p> <ul style="list-style-type: none"> <li>• infringement of the 7.5 tonne Environmental Weight Limit in the locality;</li> <li>• further assessments are required to establish the impacts of HGV movements during construction and decommissioning, particularly regarding the impacts of goods vehicle access through urban areas and along relatively quiet country roads;</li> <li>• the Applicant to work in consultation with the Highway Authority and the organisers of events in the locality to ensure that vehicle movement routes and timings can be coordinated for the avoidance of congestion;</li> <li>• weight and width restrictions on bridges, traffic control and monitoring to ensure compliance with routing and timing requirements, working in consultation with the Highway Authority to reduce the potential for related adverse impacts on congestion;</li> </ul>	<p>The applicant is working with DCC Highways officers seeking to minimise the impacts of construction traffic on the locality. The CTMP will, as far as practicable, seek to resolve issues identified. Along with the Highways Authority, the applicant is to establish a Traffic Management Group, comprising representatives of interested parties, with the aim of ensuring that construction and maintenance traffic issues are kept to a minimum or resolved.</p> <p>DCC Highways officers are holding regular meetings with the applicant to resolve any ongoing concerns relating to traffic management and the content of the CTMP. Further details will be provided at Deadline 5.</p> <p>DCC has considered the possibility of introducing traffic signals at the bridge on Rosliston Road (construction rout 2A) but believes that this may</p>

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Ref:	Relevant to...	ExA’s Question	DCC Response
		<ul style="list-style-type: none"> <li>• a pinch point at Coton-in-the-Elms with very narrow local roads where residents park on either side of the road (reference construction route Scenario 2B);</li> <li>• disruption to farm traffic and rural business through the increase of road usage by HGVs accessing the site during the construction stage;</li> <li>• safe and satisfactory means of access to each of the individual compounds comprising the wider site;</li> <li>• ensuring that there are no fundamental safety considerations regarding the wider highway network, including that suitable manoeuvring of HGV vehicles (swept-path analysis) can be readily achieved along the narrow country lanes; and</li> <li>• it is anticipated that the Applicant would be responsible for keeping the highway clear of debris, preventing the trafficking of mud onto the road and rectifying of additional harm caused to the network assets demonstrably caused by the Applicant or its contractors to the satisfaction of the Highway Authority.</li> </ul> <p>The Applicant [REP1-025] reports that DCC and/ or SDDC require review or clarification of:</p> <ul style="list-style-type: none"> <li>• cumulative traffic impact - other projects and event management;</li> <li>• communication plans with the local community, stakeholders, and events during construction;</li> <li>• controls on vehicle movements during highway incidents and emergency road closures;</li> <li>• controls on vehicle movements during school pick up/ drop off times;</li> <li>• remedial measures to address infringement of designated construction vehicle route; and</li> <li>• communication plans with local community, and stakeholders.</li> </ul>	<p>introduce wider negative impacts given the existing good visibility across the bridge.</p> <p>Some questions remain relating to swept path analysis of the abnormal load rout, but this cannot be resolved until the vehicle specifications have been confirmed. The highway Authority is content for this to be submitted at later. It is accepted that some temporary mitigations are likely to be required along the abnormal load rout. The Highway Authority is content for these measures to be discussed once vehicle specifications are confirmed.</p>



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Ref:	Relevant to...	ExA’s Question	DCC Response
		<p>The Applicant’s responses [REP1-023, REP1-025, REP3-032] include that:</p> <ul style="list-style-type: none"> <li>• paragraph 5.15 of the Outline CTMP [REP1-021] contains a firm commitment by the Applicant to engage with Catton Hall, the National Memorial Arboretum, DCC and SCC to agree the timing of construction vehicles so as to not disrupt event traffic;</li> <li>• HGVs would not be permitted to travel through the villages of Walton-on-Trent or Rosliston, table 3-3 of the Outline CTMP [REP1-021] identifies the sensitive built up areas to be avoided by construction traffic including Walton-on-Trent and outlines mitigation in the form of a signing strategy (Section 4), contractor information packs (paragraph 5.36), and compliance measures (paragraph 6.10);</li> <li>• Section 6 of the Outline CTMP [REP1-021] includes for a Traffic Management Group (TMG) to oversee the implementation of the CTMP and the appointment of a Transport Co-ordinator, accountable for monitoring and reporting to the TMG;</li> <li>• it is expected that full details of monitoring systems would be agreed with the relevant highway authorities in the preparation and approval of the CTMP;</li> <li>• DCC confirm that it is reviewing the highway asset provisions and measures and will revert with any concerns; and</li> <li>• it is engaging with DCC and SCC on transport matters to be agreed in a SoCG and additional measures will be added to the Outline CTMP [REP1-021] if needed.</li> </ul> <p>a) Please could the Applicant provide a draft copy of the SoCG with DCC and SDDC at Deadline 4, and</p>	

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Ref:	Relevant to...	ExA’s Question	DCC Response
		<p>set out the construction traffic matters yet to be agreed with DCC and SDDC, and the next steps to be taken to address them?</p> <p>b) Please could the Applicant submit the updated Outline CTMP [REP1-021]?</p> <p>c) Please could DCC and SDDC set out any remaining construction traffic or highway asset protection concerns at Deadlines 4 and 5, summarise any related discussions with the Applicant, and suggest how their issues might be resolved?</p>	
11.7	DCC	<p><u>Travel Plan</u></p> <p>DCC [REP1-026] say that a Travel Plan should be provided in outline during the examination and suggests that early consideration of travel planning will enable the Highway Authority to provide advice and traffic management to keep disruption to a minimum.</p> <p>The Applicant [REP1-025, REP3-032] has updated the Outline CTMP [REP1-021] to provide further detail about the content of the Travel Plan.</p> <p>Please could DCC comment on the provisions for a Travel Plan in the Outline CTMP [REP1-021], set out any remaining concerns in relation to travel planning and suggest how their issues might be resolved?</p>	<p>The reference to ‘Travel Plan’ is addressed by the provision of, and measures included in the consideration of the OCTMP provided by the applicant.</p>
11.9	DCC	<p><u>Maintenance of verges – plots 02-045 and 02-048</u></p> <p>The Book of Reference [REP3-017] seeks the acquisition of the freehold of a section of verge on Rosliston Road.</p> <p>DCC [REP1-026] say that the maintenance of the verge, for the purposes of highway safety, must be included in the programme of general site maintenance.</p>	<p>Given the clarification provided by the applicant, this issue has been resolved to the satisfaction of DCC.</p>

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Ref:	Relevant to...	ExA’s Question	DCC Response
		<p>The Applicant [REP1-025, REP3-032] say that it is not seeking powers to stop up the adopted highway, that DCC’s powers as highways authority would not be interfered with and DCC would continue to be able to maintain the verge as necessary.</p> <p>Does DCC have any remaining verge maintenance concerns? How might their issues be resolved?</p>	
<b>12</b>	<b>Water quality, resources, drainage, and flooding</b>		
12.2	DCC	<p><u>Water Quality and Silt Management Plan</u></p> <p>DCC [REP1-026] suggest that Outline Water Quality and Silt Management Plans should be provided in outline during the examination to help ensure that those actions necessary to prevent adverse impacts on site drainage and local water courses can be fully considered at an early stage in the development process.</p> <p>EA [REP2-003] do not require an Outline Water Quality and Silt Management Plan.</p> <p>The Applicant has added matters to be included in Water Quality and Silt Management Plan to paragraph 2.6.9 of the Outline CEMP [REP1-007].</p> <p>Does DCC have any remaining concerns regarding the Water Quality and Silt Management Plan? How might any issues be resolved?</p>	<p>DCC believes that risks to water quality and the release of silts are greatest during the construction phase but considers that the concerns regarding water quality and silt management are addressed by the updated CEMP, section 2.6, Water Quality Management.</p> <p>DCC note that the EA do not require an Outline Water Quality and Silt Management Plan.</p>
12.3	DCC	<p><u>Stopping up or culverting of water courses</u></p> <p>DCC [REP1-026] say that as Lead Local Flood Authority, it would seek to be consulted prior to any stopping up or culverting of water courses in connection with site works, whether temporary or permanent, for the prevention of flooding or any adverse impacts attributable to the works.</p>	<p>DCC is content that Part 7 of Schedule 10 contains adequate provisions for the protection of drainage authorities.</p>

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Ref:	Relevant to...	ExA’s Question	DCC Response
		<p>The Applicant [REP3-032] notes that Part 7 of Schedule 10 of the dDCO [REP3-008] contains provisions for the protection of drainage authorities. The protective provisions require the undertaker to consult with the drainage authority before beginning to construct any “specified works” (as defined in Part 7 of Schedule 10) and allows the drainage authority to impose reasonable requirements on the undertaker.</p> <p>Does DCC have any remaining concerns regarding consultation prior to the stopping up or culverting of water courses? How might any issues be resolved?</p>	
12.4	DCC	<p><u>Surface Water Management Plan</u></p> <p>DCC [REP1-026] say that the submission of an Outline Surface Water Management Plan would help to ensure that surface waters are adequately managed for the prevention of flooding, conservation of ecological interest and the prevention of pollution.</p> <p>EA [REP2-003] do not require an Outline Surface Water Management Plan.</p> <p>The Applicant [REP3-032] has updated the Section 2.6 of the Outline CEMP [REP1-007] regarding the management of surface water during construction and suggests that this performs the role of an outline Surface Water Management Plan by identifying the expected measures to be used.</p> <p>Does DCC have any remaining concerns regarding the Surface Water Management Plan? How might any issues be resolved?</p>	DCC considers that the concerns regarding water quality and silt management are addressed by the updated CEMP, section 2.6, Water Quality Management.
12.6	EA DCC	<p><u>Obstructions to flood waters</u></p>	DCC agrees that there is little potential for the build-up of significant debris on the panel leg supports

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Ref:	Relevant to...	ExA’s Question	DCC Response
		<p>The EA [REP1-032] say that if it is found that water is at sufficient depth to reach the solar panels then a Maintenance Plan would be required, which should be specified under the Outline OEMP [REP1-009], and include:</p> <ul style="list-style-type: none"> <li>• check periodically for penitential debris which could be moved by flood water (fallen trees etc) and removal;</li> <li>• checks and clearance of all flood debris after a storm event; and</li> <li>• checks of the structural integrity of the solar panels after a storm event to reduce the risk of falling and causing blockages.</li> </ul> <p>The Applicant [REP1-025, REP3-032] considers that there is no significant potential for debris to build-up on the legs of the solar panel support structures which could create any meaningful implications for flood risk and drainage.</p> <ol style="list-style-type: none"> <li>a) Does DCC, as Lead Local Flood Authority, consider that the Outline OEMP [REP1-009] should be updated as suggested by the EA?</li> <li>b) Do the EA or DCC have any remaining concerns regarding potential obstructions to flood waters? How might any issues be resolved?</li> </ol>	<p>given the topography of the site, but would support the inclusion of checks and debris removal in the site maintenance schedules to ensure that blockages, as well as damage to the infrastructure, does not occur.</p> <p>DCC supports the periodic checking for and removal of debris but does not consider it proportionate for the site to be checked after every storm. The Met Office does not have a specific definition of ‘a storm’ and therefore a requirement to check the site after every storm would also require a definition of ‘storm’ to be agreed.</p>
12.7	Applicant EA DCC SDDC	<p><u>Piling and underground cabling</u></p> <p>DCC and SDDC [REP1-026, REP1-029, REP2-001] consider it inevitable that land drains would be compromised by piling and underground cables. They suggest that these may alter localised drainage patterns through the interruption of flows during the construction, operation, and decommissioning stages. Councillor Amy Wheelton [REP1-039] raises related concerns.</p> <p>The Applicant [REP3-031, REP3-033] says that although piling may disturb or break up land drains, the number affected is expected to be minimal and that in the unlikely</p>	<p>DCC consider it inevitable that land drains will be affected by piling and underground cable laying. However, the application of measures such as SuDS are proposed to manage drainage during the operation of the solar farm while reinstatement of drainage may be considered at decommissioning.</p> <p>However, the use of SuDS will remove land from agricultural use (and therefore BMV status) and it remains to be demonstrated whether SuDS would be the most appropriate drainage system following</p>

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Ref:	Relevant to...	ExA’s Question	DCC Response
		<p>event that any significant drainage issue emerges due to construction activity, it would use measures such as SuDS, replacing or repairing land drains to rectify the situation.</p> <p>a) Please, following consultation with the EA, DCC and SDDC, could the Applicant set out how it has assessed the potential for the piling and underground cables to impact on land drainage and flooding at each stage of the Proposed Development, and advise how any necessary mitigation measures, including SuDS, replacing or repairing land drains, are secured?</p> <p>b) Do the EA, DCC, or SDDC have any remaining concerns regarding the potential for the piling and underground cables to impact on land drainage and flooding? How might any issues be resolved?</p>	<p>decommissioning. DCC is content that the applicant is undertaking to return the site to the pre-development uses and that works will be based on the conditions encountered and the best techniques available that time, but considers that land drainage reinstatement works may be required following decommissioning to return the land to the BMV condition.</p>
<b>13</b>	<b>Other planning topics</b>		
13.3	Applicant DCC SDDC	<p><u>Cumulative effects</u></p> <p>DCC [REP2-001] and SDDC [REP2-001] refer to general concerns regarding cumulative impacts in relation to the number of developments coming forward in the surrounding area.</p> <p>The Applicant [REP3-033] says that it uses a list of developments agreed with the DCC and SDDC and that it is reviewing the cumulative developments with a view of updating the list in agreement with DCC and SDDC through the SoCG.</p> <p>a) Please could the Applicant provide a draft copy of the SoCG with DCC and SDDC at Deadline 4, and set out the cumulative effects matters yet to be agreed with DCC and SDDC, the next steps to be taken to address them?</p>	<p>The cumulative impacts of traffic generated by businesses, developments and festivals in the locality is considered in the CTMP and will be considered by the emerging TMG. In addition, the issues associated with planned highway maintenance and its impact on construction traffic access to the site have been discussed with the Highway Authority.</p> <p>It is clear that the Walton bypass and new Trent crossing will not be completed in time to contribute to the alleviation of traffic in the area during construction. However, the emerging Traffic Management Group is anticipated to assist in managing the cumulative traffic impacts associated</p>

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		<p>b) Please could the Applicant submit any updates required to relevant chapters of the ES, ensuring that they include consideration of any cumulative developments added to the list?</p> <p>c) Please could DCC and SDDC set out any remaining cumulative effect concerns, including in relation to any other specific development or any specific planning issue, at Deadlines 4 and 5. How might their issues be resolved?</p>	<p>with both developments and other businesses and festivals in the area. Concerns remain that the cumulative impacts of traffic have the potential for congestion during the construction period remain, but these are to be addressed through close working with interested parties.</p> <p>In addition to the traffic impacts, a number of developments in the locality will add to the visual impact on the landscape. These developments include the ongoing development of 2,200 homes at the former Drakelow Power Station site, the proposed Walton Bypass, numerous BESS’s, and the proposed incinerator plant nearby at Swadlincote. The cumulative impact of these developments will significantly change the character of the landscape in the area.</p>
13.4	Applicant EA DCC SDDC	<p><u>BESS fire risk and related emergency response and pollution</u></p> <p>Section 5.6 of the Outline BSMP [APP-093] identifies an additional risk of causing environmental harm from discharge of contaminated water. It says that to prevent this, there would be a drainage system installed around the BESS compound and substation area that will either drain to an underground tank or SuDS pond with shut-off and separating capabilities for containment and testing of water prior to discharge or removal. Paragraph 5.4.7 of the Outline OEMP [REP1-009] refers to the production of an Emergency Response Plan in consultation with Derbyshire Fire and Rescue.</p> <p>DCC [REP2-001] and SDDC [REP2-001] consider that there is a significant risk that the battery storage fire</p>	<p>DDC are now content that concerns in relation to BESS fire risk and related emergency response, and pollution have been addressed. However, DCC would welcome consultation by the applicant with the Derbyshire Fire and Rescue Service regarding site safety and particularly fire-fighting response at the BESS.</p>

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		<p>suppression system would fail, resulting in a major incident requiring a disaster response with the use of water to extinguish the battery fires and thereafter their cooling. Given the presence of the aquifers on site, any spent firewater would be likely to be contaminated and hazardous and would need to be contained to avoid any significant environmental impacts, including to aquifers. They note that emergency calls to the fire service locally are directed to Staffordshire and that in an emergency, fire crews are required to cross the River Trent, which can result in some delay in attending incidents and reducing the potential to limit a damaging environmental incident.</p> <p>The EA [AS-019, REP1-033, REP3-001] consider that the pollution risks of emergency response have not been appropriately assessed and that if the firewater isn’t adequately controlled this could result in significant pollution risks and cause detrimental impact to the environment. It says that the Applicant should confirm that the flow control valves would close automatically if a fire were detected by the detection system and include any relevant routine maintenance required, to ensure this system remains functional, within the Outline Drainage Strategy.</p> <p>The Applicant [REP1-023, REP3-033] says that the BESS would be set within a bunded slab which drains to a pollution-controlled attenuation tank to contain any contaminated water in the event of a fire. All rainwater landing on those impermeable areas would be collected and directed to underground tanks, which have been sized to account for larger storm events, with additional contingency for climate change. The tanks would be fitted with a hydrobrake which would manage the flow of water out to the existing watercourse to the north, near Rosliston Road at existing greenfield run-off rates. The tanks would be fitted with automatic control valves which would close in the event of any incident with the BESS or substation</p>	



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		<p>and any water contained in order to allow the water to be tested for contaminants and if necessary pumped into a tanker to be taken away from the Site for proper disposal. The Applicant says that the Outline BSMP [APP-093] provides further details on the procedure for dealing with potential contamination issues. It also states that design parameters for the BESS include measures which reduce the risk of fire from the batteries, by providing appropriate spacing between the battery units to mitigate fire spreading between battery units and through locating the BESS in the centre of the Site, away from residential properties. It says that the final BSMP 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.</p> <p>a) Please could the EA, DCC and SDDC set out any remaining concerns in relation to BESS, fire risk and related emergency response and pollution, summarise any related discussions with the Applicant, and suggest how their issues might be resolved?</p> <p>b) Please could the Applicant comment?</p>	

END