



OAKLANDS FARM SOLAR PARK

Applicant: Oaklands Farm Solar Ltd

Summary of the Status of Statements of Common Ground

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STATUS OF STATEMENTS OF COMMON GROUND

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1 INTRODUCTION

1.1 OVERVIEW

- 1.1.1 Oaklands Farm Solar Limited ("the Applicant") is applying to the Secretary of State for Energy Security and Net Zero ("SoS") for a Development Consent Order ("DCO") under Section 37 of the Planning Act 2008 ("PA 2008") for the construction, operation, maintenance and decommissioning of ground mounted solar photovoltaic arrays and an associated Battery Energy Storage System ("BESS") on land west of the village of Rosliston and east of Walton-on-Trent in South Derbyshire.
- 1.1.1 The Oaklands Farm Solar Park comprises a proposed solar farm with an associated Battery Energy Storage System ('the Proposed Development'). The Proposed Development would have a generating capacity of over 50MW and would be situated on 191 hectares of land at Oaklands Farm to the south-east of Walton-on-Trent and to the west of Rosliston in south Derbyshire. The solar park itself, comprising photovoltaic panel arrays, a central electricity substation and Battery Energy Storage System together with access, landscaping and other works would be located on 135 hectares of agricultural land currently in use for arable production and grazing. New high voltage 132kV underground electricity cabling would be installed by the Applicant from the project substation located within the proposed development on Oaklands Farm through land to the north at Fairfield Farm and Park Farm to connect the Proposed Development to the national grid at Drakelow electricity substation, located at the former Drakelow Power Station which sits south of Burton-upon-Trent.
- 1.1.2 This document has been prepared at Deadline 4 as part of that DCO application ("the Application") and should be read in conjunction with the other documents submitted with the Application.

1.2 PURPOSE OF THIS DOCUMENT

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

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

1.3 STRUCTURE OF THIS DOCUMENT

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

2 OVERVIEW OF STATEMENTS OF COMMON GROUND

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

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

2.2 SOUTH DERBYSHIRE DISTRICT COUNCIL AND DERBYSHIRE COUNTY COUNCIL

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

2.3 ENVIRONMENT AGENCY

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

2.4 NATURAL ENGLAND

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

2.5 NATIONAL HIGHWAYS

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

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

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

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

2.6 HISTORIC ENGLAND

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

2.7 NATIONAL GRID

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

2.8 EMERGENCY SERVICES

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

2.9 HEALTH AND SAFETY EXECUTIVE

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

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

3 SOUTH DERBYSHIRE DISTRICT COUNCIL AND DERBYSHIRE COUNTY COUNCIL

- 3.1.1 The Applicant has engaged with South Derbyshire District Council and Derbyshire County Council throughout the preparation and since the submission of the Application.
- 3.1.2 The Local Authorities are acting jointly on the SoCG and are using a combination of internal Officer and external consultant resource on the various topics which will be covered within that document.
- 3.1.3 SDDC have submitted an Adequacy of Consultation Representation [AoC-012], a Relevant Representation [RR-295], suggested locations for the site inspection [PDA-002], a further response on suggested site inspection locations [REP1-028] and responses to the 1st Written Questions [REP1-029].
- 3.1.4 DCC have submitted an Adequacy of Consultation Representation [AoC-004], a Relevant Representation [RR-078] and a response to the 1st Written Questions [REP1-026].
- 3.1.5 SDDC and DCC then submitted a joint Local Impact Report at Deadline 2 [REP2-001].

3.2 STATUS OF THE SOCG AT DEADLINE 4

- 3.2.1 The Applicant, SDDC and DCC continue to have positive discussions regarding a SoCG in the lead up to Deadline 4.
- 3.2.2 In the Deadline 3 version of this document the Applicant stated that it intended to provide a substantive update at Deadline 4, which summarises the position in respect of each of the individual topics and whether those have been fully, partially or not agreed, and where relevant the main outstanding concerns and the steps being taken to resolve those.
- 3.2.3 At Deadline 4 the Parties have reached an agreed point in respect of the following topics:
- The Application Site
 - The Proposed Development
 - Planning Policy
 - Principle of development
 - Design and Parameters
 - Climate change and carbon reduction

- 3.2.4 The Parties are then close to reaching an agreed position regarding the following topics:
- DCO Requirements and Practical Matters
 - Glint and Glare
 - Heritage
 - Highways
 - Landscape and Visual Impacts
 - Noise
- 3.2.5 The Applicant is providing an updated schedule of Cumulative Developments which will be discussed with the LPAs.
- 3.2.6 The Parties are seeking to arrange a meeting to discuss Biodiversity, Ecology and Arboricultural matters, in order to endeavour to reach an agreed position on those matters.
- 3.2.7 The main outstanding concern between the Parties relates to Agricultural Land matters. The Parties will be recording their respective positions on Agricultural Land matters in the SoCG. As part of those discussions the Parties are discussing the link between land drainage impacts and BMV agricultural land, as part of the wider discussion on Water Resources, Flood Risk and Ground Conditions.
- 3.2.8 The Parties have agreed that Air Quality, Ground contamination, Public Rights of Way and Minerals do not need to be covered in detail in the SoCG.

3.3 APPROACH AND TIMINGS

- 3.3.1 The Parties recognise that having sight of a draft SoCG would be of benefit to the Examining Authority prior to the Hearings scheduled for the 22nd and 23rd October 2024, and ideally before the agendas for those Hearings are finalised and released no later than the 15th October 2024.
- 3.3.2 As set out at Deadline 3 the Applicant had provided draft text to the local authorities regarding the individual technical topics identified below in June 2024 and discussions regarding those topics had been ongoing since then. A draft SoCG reflecting the position set out above was circulated by the Applicant on the 20th September 2024 and was discussed in a meeting between the Parties on the 23rd September 2024. However due to resourcing ahead of Deadline 4 it has not been possible to provide a version of that draft SoCG with the agreement of all the Parties at Deadline 4.
- 3.3.3 The Parties therefore intend to continue to discuss the SoCG immediately following Deadline 4, with the intention of submitting a draft SoCG to the Examining Authority no later than the 9th October 2024. Whilst the Parties appreciate that submission would take place outside the defined Examination Deadlines, it is hoped that draft SoCG will be of assistance as the ExA considers

which topics need to be addressed at the October Hearings, and the Parties do not consider that the submission of that draft SoCG at that point would prejudice the involvement of other Interested Parties.

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

4 ENVIRONMENT AGENCY

- 4.1.1 The EA have submitted a Relevant Representation [AS-019], a response to the 1st Written Questions [REP1-032], a Written Representation [REP1-033] and a supplementary response to the 1st Written Questions [REP2-003].
- 4.1.2 The Applicant and the National Infrastructure Team of the EA held an initial inception meeting on the 9th May 2024 and have had continued correspondence since that meeting relating to the points which the EA identify in their Written Representation, namely the Flood Risk Assessment, Drainage Assessment, Water Framework Directive Assessment, CEMP and the dDCO.
- 4.1.3 The EA provided the Applicant with its Deadline 4 submissions on the 30th September 2024, ahead of Deadline 4 on the 2nd October 2024. Those submissions include an updated version of the EA's Work Package Tracker, which remains an accurate reflection of the position between the Parties at Deadline 4.
- 4.1.4 As that Work Package Tracker records:
- The EA has confirmed that it will consider Ecology, Geomorphology and Groundwater Protection to be agreed once the Applicant's amended WFD Assessment is showing on the PINS website. The Applicant has submitted the amended WFD Assessment at Deadline 4.
 - Matters relating to flood risk remain not agreed, however the EA is in receipt of an amended FRA which the Applicant provided to it on the 11th September 2024, with that FRA having been informed by additional flood modelling undertaken by the Applicant. The EA is reviewing that FRA and will provide the Applicant with an update following Deadline 4. The Applicant will endeavour to provide an update to the ExA on that matter prior to the agenda for the October Issue Specific Hearing being released no later than the 15th October 2024.
 - The FRA includes an amended Drainage Strategy. The EA's Works Package Tracker confirms that the final outstanding water quality matter will be recorded as agreed once the amended Drainage Strategy is showing on the PINS website.
- 4.1.5 The Applicant therefore expects to be able to provide a further update to the ExA in early October 2024 before providing a further update at Deadline 5, but currently expects to resolve all outstanding matters by Deadlines 6 or 7 at the latest.

5 NATURAL ENGLAND

- 5.1.1 NE submitted a representation setting out their position on the Application on the 13th June 2024 [AS-022] and then submitted a Written Representation and their responses to the 1st Written Questions at Deadline 1 [REP1-037].
- 5.1.2 The Applicant has been engaging with Natural England following the submission of the Application, including meetings on the 29th May 2024 and 2nd August 2024.
- 5.1.3 The Applicant provided a draft SoCG to NE for review on the 5th August 2024. That SoCG follows a tabulated format similar to that used by NE in its Written Representation and addresses the following matters:
- Designated Sites;
 - Protected Species;
 - Biodiversity Net Gain;
 - Ancient Woodland and ancient/veteran trees;
 - Agricultural Land;
 - Protected Landscapes.
- 5.1.4 The Applicant provided NE, on the 9th September 2024, with:
- A detailed point by point response to NE's ALC comments of the 13th June 2024;
 - A summary response to NE's ALC comments;
 - An amended version of the Agricultural Land Classification Report by SES (6.1 – ES Appendix 15.1);
 - A draft Agricultural Land Classification for the remainder of the grid connection route;
 - The Applicant's position statement in respect of NE's comments re. the River Mease SAC.
- 5.1.5 The Applicant and NE then met on the 27th September 2024 to discuss the above.
- 5.1.6 The Applicant has, during those discussions with Natural England, undertaken to submit an updated Outline Soil Management Plan and a Soil Management Plan at specifically relating to the BESS/onsite substation.
- 5.1.7 During the course of the discussions Natural England have confirmed that it is no longer seeking for the Applicant to provide SUDS within the Proposed Development to manage impacts on the River Mease, as NE acknowledge that the removal of annual inputs from intensive agriculture will provide an overall improvement in water quality. NE have requested that grassland within the Mease

Catchment is established at the earliest opportunity in order to help eliminate the possibility of sediment run off during construction. The Applicant has at Deadline 4 amended the Outline LEMP to provide that commitment at Paragraph 4.26.

- 5.1.8 The draft SOCG provided to NE in August 2024 remains with NE for review and discussion so has not been provided at this stage. The Applicant will provide a further update on the progress of the SoCG as soon as possible and no later than at Deadline 5. The Applicant still expects to be able to provide a final signed SOCG at Deadline 6 or 7.
- 5.1.9 Alongside the above, the Applicant submitted a draft Badger Licence application to NE on the 10th September 2024. The Applicant met with NE on the 27th September 2024 to discuss that draft Licence application and NE indicated that they would be in a position to issue a Letter of No Impediment (LoNI) no later than the 15th November 2024. The Applicant will provide an update on the draft Licence Application at Deadline 5, but based on the timescales indicated by NE expects to be able to submit a LoNI at Deadline 6.

6 HISTORIC ENGLAND

- 6.1.1 HE submitted a representation on the 9th May 2024 [AS-021].
- 6.1.2 The Applicant engaged with HE following that representation and sought to clarify matters by email and through a meeting on the 20th May 2024. The Applicant facilitated access to the site for HE who undertook a site walkover on the 5th June 2024.
- 6.1.3 Following its site visit HE confirmed via email to the Applicant on the 11th July 2024 that its position was that the Proposed Development would cause harm due to the change in the setting of listed buildings, but that the harm is not serious and would constitute a low level of less than substantial harm as per paragraph 208 of the NPPF. HE further confirmed that the harm caused by metal fencing along the boundary of the Proposed Development would be mitigated by hedgerow growth.
- 6.1.4 The Applicant has provided a signed SoCG with HE at Deadline 4. The SOCG records that all matters have been agreed between the Parties apart from Mitigation and Requirements. The Applicant and HE have set out their respective positions in the SOCG regarding the need to provide further mitigation but are in agreement that the Proposed Development would not result in an effect on heritage that would constitute anything more than a low level of less than substantial harm.

7 NATIONAL GRID

- 7.1.1 National Grid Electricity Distribution plc (“NGED”) submitted a Relevant Representation [RR-228], followed at Deadline 1 by Responses to the ExA’s First Written Questions [REP1-033].
- 7.1.2 National Grid Electricity Transmission plc (“NGET”) submitted a Relevant Representation [RR-229] and then at Deadline 1 a response to the ExA’s First Written Questions [REP1-035] and a Written Representation [REP1-036].
- 7.1.3 NG have not been identified by the ExA as a party with whom the Applicant has been asked to agree a SoCG. However the Applicant sees merit in providing a SoCG with NG which would provide an agreed position on matters relating to the arrangements for the construction and maintenance of the grid connection relating to the Proposed Development at the Drakelow Substation, which is operated by NG.
- 7.1.4 The Applicant is continuing to engage in discussions with NG and will provide a further update regarding the SoCG with NG at Deadline 5. The Applicant expects to be able to provide a final signed SoCG at Deadline 6 or 7.