

Application by Oaklands Farm Solar Limited for an Order Granting Development Consent for Oaklands Farm Solar Park

Agenda for Issue Specific Hearing 1

Issue Specific Hearing 1	
Time and date	<p>10:00am on Tuesday 22 October 2024</p> <p>10:00am on Wednesday 23 October 2024</p> <p>Please note that the hearing will start promptly, and access may not be possible for late arrivals.</p>
Format	<p>Blended event - some people will attend at the venue in person and others will attend using Microsoft Teams.</p>
Venue	<p>Branston Golf & Country Club, Burton Road, Branston, Burton-on-Trent, Staffordshire, DE14 3DP and using Microsoft Teams</p> <p>Full instructions on how to attend will be provided to those that completed the Event Participation Form in accordance with the Procedural Decisions letter of 10 September 2024.</p>
Seating available at venue for those attending in person	9:30am
Arrangements conference for those attending using Microsoft Teams	9:30am

If you would just like to **observe the hearing online**, then you can either:

1. watch a livestream of the event - a link to the livestream will be made available on the [project webpage](#) shortly before the event is scheduled to begin; and/ or
2. watch the recording of the event which will be published on the [project webpage](#) shortly after the event has finished.

Please contact Customer Services by telephone at 0303 444 5000 or email the Case Team at OaklandsFarmSolar@planninginspectorate.gov.uk if you require any support to observe, attend, or speak at Issue Specific Hearing 1.

Anyone wishing to make an oral representation at Issue Specific Hearing 1 or attend it in person, who has not already advised the Case Team of this, should do so as soon as possible.

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Item 1	<p>Welcome, opening remarks and introductions</p> <p>The hearing will formally open at 10.00am on Tuesday 22 October 2024.</p> <p>The Examining Authority (ExA) will welcome participants and lead introductions. The public livestream and recording will start.</p>
Item 2	<p>The purpose of the hearing and how it will be conducted</p> <p>The ExA will introduce the hearing, including that:</p> <ul style="list-style-type: none"> • the purpose of the hearing is to give the ExA an opportunity to examine specific issues relating to the application and to invite parties to make oral representations about those issues; • the hearing is subject to the powers of control of the ExA, as set out in the PA2008 and supporting legislation; and • the ExA will invite parties to speak and will ask questions as it considers necessary and all comments, questions and answers are to be directed to the ExA and not directly to any other party.
Item 3	<p>Drainage and flooding</p> <p>The ExA will ask questions of parties, including The Environment Agency (EA), Derbyshire County Council (DCC) as Lead Local Flood Authority, South Derbyshire District Council (SDDC), and the Applicant, about:</p> <ol style="list-style-type: none"> a) Whether the EA is satisfied that the Water Framework Directive Assessment [REP4-043] now addresses its concerns [REP4-016]. b) Whether the culverting of water courses would only be in place temporarily for the construction period in accordance with paragraph 2.10.88 of the National Policy Statement for Renewable Energy Infrastructure (NPS-EN3). Reference: Diane Abbott [REP4-022]. c) The EA's concerns [REP4-016] in relation to the Flood Risk Assessment [AS-014], including the Sequential Test, Exception Test, climate change allowance, detailed flood modelling. Whether it complies with the Overarching National Policy Statement for Energy (NPS EN-3). d) The mitigation of obstructions to flood waters from the build-up of debris on the panel leg supports. Reference: DCC [REP4-012] question 12.6]. e) Whether the EA or DCC have any remaining concerns about flooding or water quality in relation to the presence of underground cabling and potential damage to existing land drains by piling and cabling. f) When the Applicant will submit an updated Outline Drainage Strategy [AS-014] to address the EA's concerns [REP4-016] about the pollution risks of emergency response at the Battery Energy Storage System (BESS). g) The Applicant's response to DCC's suggestion [REP4-012] for the Applicant to consult with the Derbyshire Fire and Rescue Service regarding site safety and particularly fire-fighting response at the BESS. h) Other drainage and flooding matters.
Item 4	<p>Agriculture, soils, and decommissioning</p>

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	<p>The ExA will ask questions of parties, including Natural England (NE), SDDC, and the Applicant, about:</p> <ul style="list-style-type: none"> a) NE and SDDC concerns about the Agricultural Land Classification (ALC), including those summarised by the ExA [PD-012 question 6.1]. b) Whether the agricultural land within the Order Limits should be restored to the same ALC grade following decommissioning. Whether soil health should be monitored for the lifetime of the Proposed Development to inform remediation and the wider understanding of impacts on soil health. Reference: Applicant's response to the ExA [REP4-011 question 6.3] and the Cottam Solar Project decision letter. c) Whether the Outline Soil Management Plan in Appendix 1 of the Outline Construction Environmental Management Plan (Outline CEMP) [REP4-036] satisfies NE's concerns, including those summarised by the ExA [PD-012 question 6.2] and in relation to concerns about the area of the BESS and onsite substation [REP4-055]. d) Mitigation of impacts on agricultural land due to potential damage to existing land drains by piling and cabling, including the suitability of Sustainable Drainage Systems (SuDS). Reference: responses to the ExA by the Applicant [REP4-011 questions 6.3 and 12.7], SDDC [REP4-014 question 12.7] and DCC [REP4-012] question 12.7]; and the Applicant's summary of the status of the SoCG with NE [REP4-055]. e) Mitigation of potential impacts on agricultural land due to underground cables either being left in place or removed after decommissioning. Reference: responses to the ExA [PD-012 question 5.2] by the Applicant [REP4-011], SDDC [REP4-014], DCC [REP4-012], and the EA [REP4-017]. f) How and when the end state after decommissioning should be described and secured. Reference: responses to the ExA [PD-012 question 5.1] by the Applicant [REP4-011], SDDC [REP4-014], DCC [REP4-012], and the EA [REP4-017]. g) Other agriculture, soils, and decommissioning matters.
	<p>Lunch break</p>
<p>Item 5</p>	<p>Biodiversity</p> <p>The ExA will ask questions of parties, including NE, SDDC, and the Applicant, about:</p> <ul style="list-style-type: none"> a) NE and SDDC concerns in relation to the River Mease Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI). The suitability of the related mitigation measures, including for chemical cleaning of the solar panels [REP4-038 Section 4.2] and the establishment of grassland within the Mease Catchment [REP4-040 paragraph 4.26]. b) Whether woodland bordering the former Drakelow Power Station site should be considered as 'Other Woodland; Broadleaved' as described by the Applicant [REP1-023] or 'Lowland Mixed Deciduous Woodland' as

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suggested by the Forestry Commission [[RR-095](#)]. Implications for the impact assessment and mitigation measures.

- c) Whether the SDDC are satisfied with the Arboricultural Survey Report [[REP4-042](#)], including in relation to ancient, veteran and highly valuable trees and the approach to be taken to the construction of the access and cable route at the Drakelow Power Station. Whether sufficient mitigation is provided for trees, including any subject to tree preservation orders. Whether the prior consent of the Local Planning Authority should be required to fell or lop any tree, or shrub near any part of the authorised development, or cut back its roots. Reference: responses to the ExA [[PD-012](#) questions 7.3 and 7.4] by the Applicant [[REP4-011](#)], SDDC [[REP4-014](#)], and DCC [[REP4-012](#)].
- d) Whether SDDC and DCC have any comments on the provisions for a Habitats Constraint Plan [[REP4-036](#) Section 2.8.5] and buffers [[REP4-036](#) Sections 2.6.4, 2.6.5, 2.8.2, 2.8.3, 2.8.5, and 2.8.6].
- e) Whether specific mitigation should be provided for skylark in the form of the creation of skylark plots within arable fields adjacent to Oakland Farm, as suggested by SDDC [[REP4-014](#) question 7.6].
- f) Whether a survey of barn owl and assessment of impact is required by a licensed barn owl worker or specialised ecologist, as suggested by SDDC [[REP4-014](#) question 7.7]. The adequacy of mitigation measures for barn owl [[REP4-036](#) Section 2.8.6].
- g) The likelihood of great crested newt being present in the locality, the adequacy of mitigation measures for great crested newt [[REP4-036](#) Section 2.8.7], and the need for an NE District licence. Reference: responses to the ExA [[PD-012](#) question 7.8] by the Applicant [[REP4-011](#)] and SDDC [[REP4-014](#)].
- h) The adequacy of mitigation measures for otter [[REP4-036](#) Section 2.8.8] and the measures suggested by SDDC [[REP4-014](#) question 7.9].
- i) Progress regarding the Badger Licence application and the submission of a Letter of No Impediment by NE. The need to set out a detailed scope of works in relation to badger/ badger setts to clarify suitable mitigation, as suggested by SDDC [[REP4-014](#) question 7.10].
- j) Any other concerns regarding Species Protection Plans.
- k) Whether the mitigation [[REP4-036](#) Section 2.8.2] addresses the EA's comments about invasive non-native species [[REP4-017](#) question 7.12].
- l) Whether the Applicant is offering a minimum of 125.07% biodiversity net gain in habitat units, a minimum of 20.02% biodiversity net gain in hedgerow units, and a minimum of 19.82% biodiversity net gain in river units, as set out in the Biodiversity Net Gain Report [[APP-131](#)], and whether this should be secured. Reference: commitments for minimum biodiversity net gain in recently made Orders, including [the Cottam Solar Project made Order](#) and [the Mallard Pass Solar Farm made Order](#).
- m) Other biodiversity matters.

Item 6	Landscape, visual, glint, and glare
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	<p>The ExA will ask questions of parties, including SDDC and the Applicant, about:</p> <ul style="list-style-type: none"> a) The accuracy of the height of the solar panels shown on the Applicant's visualisations and the variation in mm from the height of 2.7m. Reference: concerns summarised by the ExA [PD-012 question 9.1] and the Applicant's responses [REP4-011, AS-026]. b) The National Forest Company's concerns [REP4-020], including whether sufficient contribution is made to the creation of the National Forest. c) Evidence of the robustness of the glint and glare assessment. Reference: concerns summarised by the ExA [PD-012 questions 9.4, 9.5 and 9.6], the Applicant's responses [REP4-011], SDDC's response [REP4-014 question 9.7] and Diane Abbott's Deadline 4 submission [REP4-022]. d) Other landscape, visual, glint, and glare matters.
	<p>Break</p>
<p>Item 7</p>	<p>Traffic and transport</p> <p>The ExA will ask questions of parties, including DCC, SDDC, Staffordshire County Council (SCC), Leicestershire County Council (LCC) and the Applicant, about:</p> <ul style="list-style-type: none"> a) Whether DCC and SDDC have any comments on the Outline Construction Traffic Management Plan (Outline CTMP) [REP4-032] and have any remaining concerns in relation to construction traffic impacts and mitigation. Reference: concerns summarised by the ExA [PD-012 question 11.3], and responses from the Applicant [REP4-011], DCC [REP4-012], and SDDC [REP4-014]. b) Whether Staffordshire County Council (SCC) have any comments on the Outline CTMP [REP4-032] and have any remaining concerns in relation to construction traffic impacts and mitigation. Reference: concerns summarised by the ExA [PD-012 question 11.4], and responses from the Applicant [REP4-011] and SCC [REP4-015]. c) Whether Leicestershire County Council (LCC) have any comments on the Outline CTMP [REP4-032] and have any remaining concerns in relation to construction traffic impacts and mitigation. Reference: concerns summarised by the ExA [PD-012 question 11.5], and responses from the Applicant [REP4-011] and LCC [REP4-013]. d) Whether sufficient consideration has been given to enhancing active, public and shared transport provision and accessibility in accordance with paragraph 5.14.18 of the Overarching National Policy Statement for Energy (NPS-EN1), as referenced by Diane Abbott [REP4-022]. e) Whether works for the provision of a permanent private means of access at the point marked AS-E1 should be removed from Schedule 8 of the dDCO [REP4-004]. Reference: Applicant's response to the ExA [REP4-011 question 11.8]. f) Whether DCC have any comments on dDCO [REP4-004] Articles 9 (Power to alter layout, etc., of streets) and 10 (Access to works).

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	<p>Reference: concerns summarised by the ExA [PD-012 question 11.10], and the Applicant's response [REP4-011].</p> <p>g) Other traffic and transport matters.</p>
	<p>Break</p> <p>Item 8 will start no earlier than 10:00am on Wednesday 23 October 2024</p>
Item 8	<p>Other planning topics</p> <p>The ExA will ask questions of parties, including DCC, SDDC, and the Applicant, about:</p> <p>a) DCC and SDDC concerns about their resources for the consideration of any submissions, approvals and monitoring necessary for impact mitigation. Reference: concerns summarised by the ExA [PD-012 question 3.2] and responses from the Applicant [REP4-011], SDDC [REP4-014], and DCC [REP4-012].</p> <p>b) Whether the Statement of Common Ground with Heritage England (HE) [REP4-056] should address archaeology.</p> <p>c) The 'further landscape mitigation' suggested by HE [REP4-056] to reduce harm to heritage assets, including in relation to metal security fencing, lighting and CCTV.</p> <p>d) The adequacy of the Applicant's suggested micro-siting mitigation [REP4-011 question 8.3] and how it is secured.</p> <p>e) Whether the dDCO [REP4-004] should include a requirement for an agreed scheme of additional trial trenching to inform an update to the Written Scheme of Investigation before other site preparation works commence. Reference: concerns summarised by the ExA [PD-012 question 8.4], responses from the Applicant [REP4-011] and DCC [REP4-012], the Cottam Solar Project made Order and the Mallard Pass Solar Farm made Order.</p> <p>f) The adequacy of the mitigation measures for noise from piling in the Outline CEMP [REP4-036 paragraph 2.2.3.9]. Reference: concerns summarised by the ExA [PD-012 question 10.3], and responses from the Applicant [REP4-011] and DCC [REP4-012].</p> <p>g) Whether SDDC has any comments on the noise mitigation provided in the Outline CEMP [REP4-036] or Outline Operational Environmental Management Plan (Outline OEMP) [REP4-038].</p> <p>h) The Applicant's discussions with East Staffordshire Borough Council, including in relation to Air Quality Management Areas and compliance with paragraphs 5.2.12 and 5.2.19 of NPS EN-1. Reference: ExA's question [PD-012 question 13.1], and the Applicant's response [REP4-011].</p> <p>i) The identification of cumulative projects, the cumulative impact assessments, and necessary updates to the Environmental Statement. Reference: responses to the ExA [PD-012 question 13.3] by the Applicant [REP4-011], SDDC [REP4-014] and DCC [REP4-012], and submissions from Councillor Amy Wheelton [REP3-003, REP4-021].</p>

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	<p>j) Whether the dDCO [REP4-004] should include a requirement in relation to skills, supply chain and employment. Reference: Requirement 17 of the Mallard Pass Solar Farm made Order and Requirement 20 of the Cottam Solar Project made Order.</p> <p>k) Other planning matters.</p>
<p>Item 9</p>	<p>Draft DCO [REP4-004]</p> <p>The ExA will ask questions of parties, including DCC, SDDC, and the Applicant, about:</p> <p>a) Article 2 – Interpretation - ‘authorised development’. Consistency of the definition with recently made Orders, including the Cottam Solar Project made Order and the Mallard Pass Solar Farm made Order, and whether it should refer to s32 of the Planning Act 2008 (PA2008).</p> <p>b) Article 2 – Interpretation – site preparation works. The mitigation provided for archaeology, traffic, and the River Mease SAC and SSSI. Reference: responses to the ExA [PD-012 question 1.5] by the Applicant [REP4-011], SDDC [REP4-014], DCC [REP4-012] and EA [REP4-017].</p> <p>c) Article 5 – Consent to transfer benefit of Order. Whether it should be necessary for any transfer under Article 5(3)(c) to be to a company with a licence under Section 6 (licences authorising supplies etc.) of Electricity Act 1989. Reference: responses to the ExA [PD-012 question 1.5] by the Applicant [REP4-011].</p> <p>d) Article 35 - Certification of plans, etc. and Schedule 12. Whether all necessary documents are listed, including the full ‘environmental statement’ referenced by the dDCO.</p> <p>e) Schedule 1, Part 1 – Authorised development. Whether to avoid including anything unnecessary and for clarity, and consistency with recent precedent, the heading “<i>In the administrative area of Derbyshire</i>” should be removed and paragraphs 1 and 2 replaced by “<i>1. The nationally significant infrastructure project authorised by this Order comprises a generating station with a gross electrical output capacity of over 50 megawatts comprising all or any of the work numbers in this Schedule or any part of any work number in this Schedule —</i>”. Reference: the Cottam Solar Project made Order.</p> <p>f) Requirement 8 - Landscape and Ecological Management Plan. With reference to the EA’s response to the ExA [REP4-017 question 1.17], whether it is necessary for the Landscape and Environmental Management Plan to be submitted to and approved by the EA.</p> <p>g) Requirement 8 - Landscape and Ecological Management Plan. Whether to provide greater security, certainty, and consistency with recent precedent, Requirements 8(3) and 8(4) should include “<i>... and maintained throughout the operation of the relevant part of the authorised development to which the plan relates</i>”. Whether the end of the first sentence of Requirement 8(4) should read “<i>...has been submitted to and approved by the local planning authority in consultation with Natural England</i>”. Reference: the Cottam Solar Project made Order.</p>

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- h) Requirement 11 - Operational Environmental Management Plan. Whether the Outline OEMP [[REP4-038](#) Section 3.1.4] is sufficiently precise and firm in relation to solar panel replacement and whether there would be any materially new or materially more adverse environmental effects compared to those identified in the Environmental Statement.
- i) Requirement 11 - Operational Environmental Management Plan. Whether to provide greater security, certainty, and consistency with recent precedent, Requirement 11(3) should include: “... *and maintained throughout the operation of the relevant part of the authorised development to which the plan relates*”. Reference: [the Cottam Solar Project made Order](#).
- j) Requirement 15 – Operational noise. Whether to provide greater security, certainty, and consistency with recent precedent, Requirement 15(2) should read: “(2) *The design as described in the operational noise assessment must be implemented as approved and maintained throughout the operation of the relevant part of the authorised development to which the plan relates.*” Reference: [the Cottam Solar Project made Order](#).
- k) Requirement 17 – Surface and foul water drainage. Whether to provide greater security, certainty, and consistency with recent precedent, Requirement 17(3) should read “(3) *The surface and foul water drainage system for the relevant part of the authorised development must be implemented in accordance with the approved details and maintained throughout the operation of the relevant part of the authorised development to which the plan relates.*” Reference: [the Cottam Solar Project made Order](#).
- l) Requirement 22 - Decommissioning and restoration. Whether Requirement 22(4) should include for approval in consultation with the Environment Agency and Natural England.
- m) Other dDCO matters.

Item 10 **Any other matters**

Close of Issue Specific Hearing 1

The agenda is subject to change at the discretion of the ExA, who is mindful of the need to provide opportunities for fair involvement to all invited parties.

Participants may need to make allowances if there are technology issues during the hearing. The ExA is conscious of videoconferencing fatigue and will aim to take regular breaks.

The Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010 provide that it is for the ExA to probe, test and assess the evidence through direct questions of persons making oral representations at Hearings. Questioning at the Hearing will be led by the ExA. Cross questioning of a person giving evidence by another person will only be permitted if the ExA decides it is necessary to ensure representations are adequately tested or that an Interested Party has had a fair chance to put its case.