

**From:** [Chadwick, James \(E,I&S\)](#)  
**To:** [Oaklands Farm Solar](#)  
**Cc:** [Parkinson, Mark \(E,I&S\)](#); [Evans, Mark \(E,I&S\)](#)  
**Subject:** Oaklands Solare Farm Issue Specific Hearing 1  
**Date:** 18 October 2024 10:54:01  
**Attachments:** [image001.png](#)

---

Good Morning

As noted in the email chain below for some reason we had not been receiving updates for the Examination even though being registered. As such we missed the sign-up period for the Issue Specific Hearing session next week and unfortunately we are unable to attend. I have set out below the points we would have likely raised at the session, please could you share these along with our apologies for non-attendance to the Examining Authority?

There are effectively three matters outstanding between us and the applicant, these are summarised as:

1. Requesting that route 2B is used in conjunction with 2A.
2. Insufficient provisions for the highway authority to recoup costs and/or approve remedial works to the construction traffic route.
3. Not convinced the compliance provisions in the OCTMP are suitably robust.

The Applicant's position on these points is as follows in black text with our response in [blue](#):

1. The Applicant's response to ExA Q2, 11.4 [REP4-011] elaborates on the rationale that Scenario 2B would only be suitable to use should an obstruction or closure make Route 6 under Scenario 2A, unusable. Do SCC require further clarification?  
[Our issue is that the assessments have only considered the impact of the routes being used in isolation. No work has been conducted to demonstrate that the impact on Stapenhill residents can be lessened by spreading some of the HGV traffic onto route 2B without adverse impact on route 2B.](#)
2. The Applicant considers that the provisions contained in the OCTMP supported by the Highways Act S59 and S278, are adequate for the highway authority seeking to recover reasonable costs associated with damage to highways. It is considered a Development Consent Obligation is not required as there is already an appropriate statutory mechanism for recovery of highways damage.  
[As per our Rep we disagree with this stance. The provisions of S59 are available already to all Highway Authorities but seldom used due to the process of having to go through the courts. Here we have a pre-identified scheme using prescribed routes. The OCTMP accepts there is a potential issue here by the provision for dilapidation surveys pre-commencement and post completion. However, it lacks in provision for a mechanism to address any damage caused. In absence of a DCOB we require the OCTMP to set out that the developer will enter into agreement with SCC pursuant to Article 12 to agree the mechanisms to deal with both emergency repairs and repairs at the](#)

end of the scheme.

3. The Applicant considers that the compliance measures contained within the OCTMP, which utilise contractual conditions and penalties as enforcement measures, are proportional and typical of DCO consents.

We disagree, the contractual conditions are vague and lack any real incentive for compliance. Whilst it is appreciated that the contractor is not yet known the West Midlands Interchange DCO included within its traffic management plan a series of agreed routes for HGV traffic and any breaches identified incur a financial penalty of £500 per trip, levied against occupiers and collected by the developer through terms of their lease arrangements. A similar scenario could apply here whereby the applicant levies a fee against the contractor for any breaches the agreed routes, to be included within the terms of contract. However, we do not wish to be prescriptive here and simply require the applicant to enhance the remedial/enforcement measures to provide more resilience and deter consideration of breaching the agreed routing strategy.

We are happy to continue a dialogue with the applicant on these points, if they are willing to engage, otherwise we will defer to the recommendation of the ExA. We will continue to engage in the Examination via written representations as and when required.

Thanks



**James Chadwick**

**Principal Planning Policy Officer**

Economy, Infrastructure & Skills

Staffordshire County Council

Third Floor, Staffordshire Place 1

Tipping Street, Stafford, ST16 2DH



[Redacted phone number] / [Redacted phone number]



[Redacted email address] [@staffordshire.gov.uk](mailto:[Redacted email address]@staffordshire.gov.uk)



[www.staffordshire.gov.uk](http://www.staffordshire.gov.uk)