

The Planning Inspectorate
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ate.gov.uk]

Our ref: XA/2024/100121/04-L01
Your ref: EN010122

Date: 25 October 2024

Dear Sir

**EXAMINATION - OAKLANDS FARM SOLAR DEADLINE 5 (31 OCTOBER 2024) -
COMMENTS ON THE DEADLINE 4 SUBMISSIONS AND ANY OTHER
INFORMATION REQUESTED BY THE EXA FOR DEADLINE 5. OAKLANDS
FARM SOLAR PARK, DERBYSHIRE.**

We write in response to the Examining Authority's (ExA) invitation to respond to information submitted at Deadline 4.

Water Framework Directive (WFD) Assessment [\[REP4-043\]](#)

The WFD Assessment now includes the design details of the proposed culverts for vehicle crossways. The culverts will be set 300mm below the existing bed channel to maintain fish passage and hydrological connection.

We also note the inclusion of Chapter 4 '*Groundwater Classification*'. The impact assessment now includes assessment of the groundwater body, as well as assessment of the three surface water bodies present locally.

Therefore, we agree with the conclusion of the WFD Assessment and have no remaining concerns.

Further comment on the Environment Agency's response to question 5.1(b) (decommissioning of underground cables) of the Examining Authority's First Written Questions (ExQ1)

Our ExQ1 response [\[REP1-032\]](#) highlighted that leaving cables in the ground after decommissioning could fall under the '*Definition of Waste*'. The ExA requested additional information on this matter during Issue Specific Hearing 1.

We have given further consideration to this issue and consider that the requirement to remove cables, in line with the Definition of Waste, would only exist where there is an imminent risk of pollution which could adversely affect human health or the environment. Cables in general, unless oil filled, would be unlikely to be considered as a waste if left in the ground.

However, the applicant would need to demonstrate that leaving cables in situ would not result in pollution. As detailed in our ExQ2 response [\[REP4-017\]](#), if the Applicant proposes to install cables in such a manner as to mitigate likely adverse impacts, a

risk assessment will need to be undertaken to determine what can be designed in or out to achieve appropriate mitigation. Risks to the environment will remain at the time of decommissioning so another risk assessment should also be carried out before decommissioning takes place.

Please see Appendix 1 *Environment Agency (EA) Work Package Tracker* below which provides further detail on the progress of each EA Relevant Representation point being resolved.

Yours faithfully

Mr Lewis Pemberton
Planning Specialist

Appendix 1 EA Work Package Tracker

Overarching Tracker							
Subject	Topics	Assessment/ Plan/ DCO	Impact	Solution	Agreed requirement/ or assessment updated to resolve issue	Requirement Number in DCO	Note:
Ecology	Water Environment Report / WFD (with regards to potential culverting of Ordinary Watercourses) (Relevant Representation (RR) Point 2)	Agreed	Agreed	Agreed	Agreed		The amended WFD Assessment [REP4-043] addresses our WFD concerns regarding ecology/biodiversity.
Flood Risk	Sequential Test (RR point 1)	Working on solution	Working on solution	Working on solution	Working on solution		Compliance with policy regarding the Sequential Test is not within the remit of the EA. In regard to our Relevant Representation [AS-019] we emphasised the need for the Applicant to demonstrate that the Sequential Test has been passed. We received an updated FRA 11/09/2024 which addresses our concerns regarding the Sequential Test. Once the latest FRA has been submitted to PINS we can turn this topic green (Agreed).
	Vulnerability Classification (RR point 1)	Agreed	Agreed	Agreed	Agreed		FRA now includes correct Vulnerability Classification, 'Essential Infrastructure'

Appendix 1 EA Work Package Tracker

	Exception Test (RR point 1)	Working on solution	Working on solution	Working on solution	Working on solution	<p>The proposed development includes 3 bridge crossings, to be built as culverts. It is apparent that these structures are overtopped in the design event. Typically, we would ask that new bridges are raised above the design flood (in this case the 1 in 100 year plus 30% climate change scenario). We appreciate there may be technical challenges in doing this given bank elevations with respect to design water levels. In addition, the applicant's modelling has shown that implementing the 3 new culvert structures causes increased flood risk off site to depth of up to 15cm. This is against government policy NPS EN-1 as there must not be an increase in offsite flood risk to pass the Exception Test. The applicant will need to look at altering these crossings to reduce the risk and/or give more detailed information about where this risk lies and what receptors may be affected. The Applicant is to submit the revised FRA at Deadline 5 (31st October 2024) which the EA will review.</p>
	Climate Change Allowance (RR point 1)	Working on solution	Working on solution	Working on solution	Working on solution	<p>We received an updated FRA 11/09/ 2024 and the correct climate change allowances have been used, which is the Higher Central allowance for the 2080's epoch. Once the latest FRA has been submitted to PINS we can turn this topic green (Agreed).</p>
	Detailed Flood Modelling (RR point 1)	Agreed	Agreed	Agreed	Agreed	<p>The hydraulic model for the ordinary watercourse and tributary which flows through the development site is considered reasonable. The model is well constructed and uses the latest available Lidar and channel survey information. Assumptions and limitations are clearly reported, and sensitivity testing has been undertaken which has helped to understand the potential variance in model results. The modelling undertaken provides a suitable basis for the Flood Risk Assessment.</p>

Appendix 1 EA Work Package Tracker

Geomorphology	Water Environment Report / WFD (RR Point 2)	Agreed	Agreed	Agreed	Agreed		The amended WFD Assessment [REP4-043] addresses our WFD concerns regarding geomorphology.
Groundwater Protection	WFD Assessment (WFD assessment needs to include WFD Groundwater Body) (RR Point 2)	Agreed	Agreed	Agreed	Agreed		The amended WFD Assessment [REP4-043] addresses our WFD concerns regarding groundwater.
Waste	Construction Environment Management Plan (CEMP)	Agreed	Agreed	Agreed	Agreed	9	
	Decommissioning Environment Management Plan (DEMP)	Agreed	Agreed	Agreed	Agreed	22	
	Operational Environment Management Plan (OEMP)	Agreed	Agreed	Agreed	N/A so agreed		
	Waste Management Strategy	Agreed	Agreed	Agreed	N/A so agreed	9	EA Waste Team have confirmed that the topsoil bunds appear to be an appropriate height and profile. We recommend that they are compacted and planted with grass or other suitable vegetation to prevent soil erosion and potential runoff pollution.
Water Quality	Construction Environment Management Plan (CEMP) 1) daily monitoring by Principal Contractor. The need for an Environmental Monitoring Plan (RR Point 4)	Agreed	Agreed	Agreed	Agreed	9	Updated DCO [REP1-004] and oCEMP [REP1-008] at Deadline 1 has resolved this point.
	Construction Environment Management Plan (CEMP) 2) Environmental Permit for discharges should be reflected in the CEMP (RR Point 4)	Agreed	Agreed	Agreed	Agreed	9	Updated oCEMP [REP1-008] at Deadline 1 has resolved this point.
	Decommissioning Environment Management Plan (DEMP)	Agreed	Agreed	Agreed	Agreed	5	
	The pollution risks of emergency response have not been appropriately assessed. (Point 7 on RR)	Working on solution	Working on solution	Working on solution	Working on solution		The Applicant sent us an amended Drainage Strategy 11/09/2024 which addresses our concerns. We will turn this topic green (Agreed) once the Drainage Strategy is showing on PINS website.
	Operational Environment Management Plan (OEMP)	Agreed	Agreed	Agreed	Agreed	11	
	Water Environment Report / WFD - Changes to water quality that do not impact WFD Status should still be considered (RR Point 6)	Agreed	Agreed	Agreed	N/A so agreed		This point has been fully resolved. No need for any assessments/ documents to be updated as this was a misunderstanding rather than an issue with methodology.

Appendix 1 EA Work Package Tracker

Development Consent Order (DCO)	Disapplication of s25 of the Water Resources Act (impoundment) (RR Point 3)	Agreed	Agreed	Agreed	Agreed		The Draft DCO have been updated and reference to disapplication of s25 of the Water Resources Act has been removed.
	CEMP Requirement wording changed to include EA to be consulted [submitted to and approved by the local planning authority, in consultation with the Environment Agency] (RR Point 5)	Agreed	Agreed	Agreed	Agreed		Updated DCO [REP1-004] at Deadline 1 has resolved this point.