



Application by Oaklands Farm Solar Limited for an Order Granting Development Consent for Oaklands Farm Solar Park Issue Specific Hearing 1 action points

Date of hearing: Tuesday 22 October 2024 and Wednesday 23 October 2024

Hearing venue: Branston Golf & Country Club and Microsoft Teams

Actions are requested to be completed no later than the Deadlines indicated. Deadline 5 (D5) is on Thursday 31 October 2024 and Deadline 6 (D6) is on Tuesday 26 November 2024.

References in these questions set out in square brackets (e.g. [APP-016]) are to documents catalogued in the [Examination Library](#).

Item numbers are as indicated in the hearing [Agenda](#).

The meanings of abbreviations are set out in the list of abbreviations and references [PD-007].

Item	Party	Action	Deadline
3.	Drainage and flooding		
b)	Applicant	Assess of compliance with paragraph 2.10.88 of the National Policy Statement for Renewable Energy Infrastructure (NPS EN-3) and the pros and cons of leaving culverts in place during the operation stage compared with removing them.	D5
c)	Applicant Environment Agency (EA) Derbyshire County Council (DCC) South Derbyshire District Council (SDDC)	Submit an updated Flood Risk Assessment (Applicant at D5). Comments on the updated Flood Risk Assessment and submission of any concerns about compliance with the Overarching National Policy Statement for Energy (NPS EN-3) (EA at D5; DCC and SDDC at D6).	D5 D6

Item	Party	Action	Deadline
e)	Applicant	Demonstrate whether damage to existing land drains could be mitigated to avoid increasing flood risk. Respond to SDDC's concerns regarding the potential for water no longer in the existing land drains to be directed more towards areas with higher flood risk. Secure the necessary mitigation.	D5
f)	Applicant	Submit an updated Outline Drainage Strategy to address the EA's concerns [REP4-016] about the pollution risks of emergency response at the Battery Energy Storage System.	D5
g)	Applicant	Request that Derbyshire Fire and Rescue Service provide a submission to set out its position in relation to the Battery Energy Storage System.	D5
4.	Agriculture, soils, and decommissioning		
a)	Applicant	Clarify the expertise present on site during the Agricultural Land Classification (ALC) surveys. Provide detail (for example in an update to the Statement of Common Ground (SoCG)) of Natural England's (NE's) previous concerns about the ALC being satisfied, including those summarised by the ExA [PD-012 question 6.1].	D5
b)	Applicant	Secure that agricultural land within the Order Limits would be restored to the same ALC grade following construction (with identified exceptions) and following decommissioning (without exception) and how this would be verified. Consider, with reference to paragraph 4.59 of the Cottam Solar Project decision letter , whether soil health would be monitored during the lifetime of the Proposed Development Clarify when access and haul roads would be removed.	D5
c)	Applicant	Provide detail (for example in an update to the Statement of Common Ground (SoCG)) of Natural England's (NE's) previous concerns about the Outline Soil Management Plan being satisfied, 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].	D5

Item	Party	Action	Deadline
d)	Applicant	Demonstrate whether damage to existing land drains can be mitigated to avoid adverse impacts to agriculture and soils. Secure the necessary mitigation.	D5
e)	Applicant EA	Respond to SDDC's concerns that cables left in place after decommissioning could conflict with future agricultural land uses including in relation to the reinstatement of land drainage (Applicant). Set out evidenced implications in relation to contamination and waste of underground cables being left in place after decommissioning (Applicant, EA).	D5
f)	Applicant	Consider whether, during the preceding years, it would be beneficial to review and agree updates to the description of the end state after decommissioning.	D5
g)	Applicant	Consider whether, to respond to concerns and provide security, a commitment should be made to building a decommissioning fund during operation. Consider securing that decommissioning must start no later than a specific period following generation or supply of electricity stopping. Consider securing that decommissioning must be completed within a specified period, for example two years unless otherwise agreed with the Local Planning Authority.	D5
5.	Biodiversity		
a)	Applicant	In response to SDDC's concerns, secure the location and acreage of grassland to mitigate impacts on the River Mease Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI). Secure a precise definition of the chemicals to be used to clean the solar panels and provide evidence that NE are satisfied that they are not 'harsh', for example in an update to the SoCG.	D5

Item	Party	Action	Deadline
b)	Applicant	<p>Address inconsistencies in the descriptions of woodland in different parts of the Environmental Statement, as identified by SDDC.</p> <p>Set out SDDC's position (for example in an update to the SoCG) in relation to concerns raised about the classification of woodland bordering the former Drakelow Power Station and related impacts and mitigation.</p>	D5
c)	Applicant	<p>With reference to Planning Act 2008: Content of a Development Consent Order required for Nationally Significant Infrastructure Projects, identify trees subject to a Tree Preservation Order that would be affected and the works permitted to each tree (e.g. fell, lop, or cut back its roots) in a schedule to the draft Development Consent Order (dDCO). Justify where this is not possible (for example where the detailed design requires consultation with National Grid) and in those areas consider securing mitigation for any works to the trees to be subject to the prior consent of the Local Planning Authority.</p>	D5
d)	Applicant	<p>Responding to SDDC's request, provide a draft version of interpretable maps in relation to habitats constraints and buffers.</p> <p>Provide evidence that SDDC are content, for example in an update to the SoCG.</p>	D5
e)	Applicant	<p>Set out the offsite mitigation proposals for skylark plots and provide evidence that it is secured.</p> <p>Provide evidence that SDDC are content, for example in an update to the SoCG.</p>	D5
f)	Applicant	<p>Clarify the evidence to support that impacts and mitigation can be identified without a barn owl survey.</p> <p>Consider whether a barn owl survey and update of mitigation measures is required before site preparation works commence.</p> <p>Provide evidence that SDDC are content, for example in an update to the SoCG.</p>	D5
g)	Applicant	<p>Consider whether additional precautionary mitigation is required for great crested newt.</p> <p>Provide evidence that SDDC are content, for example in an update to the SoCG.</p>	D5

Item	Party	Action	Deadline
h)	Applicant	Set out the consideration given to options for the routing of the construction haul road, including in relation to the 'wildest parts of the site' expressed by SDDC.	D5
k)	Applicant	Update the mitigation for Invasive Non-Native Species to address the species highlighted by the EA [REP4-017] question 7.12].	D5
l)	Applicant	Clarify and secure any Biodiversity Net Gain to be relied on for the planning balance and justify any differences in the approach compared with recent precedent including the Cottam Solar Project made Order and the Mallard Pass Solar Farm made Order .	D5
6.	Landscape, visual, glint, and glare		
a)	Applicant	Quantify the difference in levels between the digital terrain model and actual ground levels and consider whether this should be demonstrated with a representative topographical survey. Provide evidence of whether the 'OST5' and 'Lidar' datasets were derived independently. Consider whether further evidence can be provided to demonstrate that the heights of the panels have been modelled correctly in relation to the heights of features in the landscape.	D5
b)	Applicant	Respond to the National Forest Company's concerns [REP4-020] , including whether sufficient contribution is made to the creation of the National Forest.	D5
c)	Applicant SDDC	Reconsider the responses [REP4-011] and quantitative evidence provided in response to concerns about glint and glare, including in relation to modelling reflections from mid-height of the panel rather than the top, only considering the ground floor of dwellings as possible receptors, local road users being given a low sensitivity, and significance of effect thresholds and the use of best practice guidance (Applicant). Provide the details of any independent reviews undertaken of the glint and glare assessment (Applicant, SDDC).	D5

Item	Party	Action	Deadline
7.	Traffic and transport		
a)	Applicant DCC	Update the Construction Traffic Management Plan to include that Walton bypass would be used if it opens during construction as well as if it opens before construction (Applicant). Consider whether compensation measures are available for the recovery of any DCC costs in relation to the use of construction routes (DCC).	D5
b)	Applicant Staffordshire County Council (SCC)	Respond to Staffordshire County Council's outstanding concerns [REP4-015 and here] (Applicant at D5). Set out any outstanding concerns (SCC at D6).	D5 D6
d)	Applicant	With reference to paragraphs 5.14.7 and 5.14.18-21 of NPS EN-1, set out the consideration given to enhancing active, public, and shared transport provision and accessibility, including in relation to local communities. Secure any enhancements to be relied on in the planning balance. Consider whether enhancing active, public, and shared transport provision and accessibility should be added to the remit of the proposed Transport Management Liaison Group.	D5
e)	Applicant	Remove the provision of a permanent private means of access at the point marked AS-E1 should be removed from Schedule 8 of the dDCO.	D5
8.	Other planning topics		
a)	Applicant SDDC DCC	Provide an update in relation to discussions about council resources for the consideration of any submissions, approvals and monitoring necessary for impact mitigation. Set out how it is proposed that any resources are secured, for example through a separate Planning Performance Agreement, and demonstrate that it is secured.	D5

Item	Party	Action	Deadline
b)	SDDC	Set out whether any buried archaeology is likely to be in Historic England's remit and therefore whether its consideration should be added to Historic England's SoCG with the Applicant.	D5
c)	Applicant	Submission of the detail of mitigation suggested by Historic England in the SoCG for the matters not agreed. Update of progress in resolving the matters not agreed and submission of an update to the SoCG.	D5
e)	Applicant DCC	Update of the mitigation in the dDCO in relation to archaeological investigations required to inform an update to the Written Scheme of Investigation and the timing in relation to the site preparation works.	D5
g)	SDDC	Consideration of the noise assessment concerns raised by Diane Abbott [REP4-022] and any implications for SDDC being content with the assessment and mitigation.	D5
h)	Applicant	Update on 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. Evidence of East Staffordshire Borough Council's position.	D5
i)	Applicant	Updates to the identification of cumulative projects and the cumulative impact assessments. Securing of any updates as certified documents in the dDCO.	D6
j)	Applicant	The addition of a requirement to the dDCO in relation to skills, supply chain and employment, with reference to Requirement 17 of the Mallard Pass Solar Farm made Order and Requirement 20 of the Cottam Solar Project made Order . The submission of an outline plan.	D6
9.	Draft Development Consent Order (dDCO)		
a)	Applicant	Update Article 2 – Interpretation - 'authorised development' to refer to s32 of the Planning Act 2008 (PA2008).	D5

Item	Party	Action	Deadline
b)	SDDC	Set out any outstanding concerns in relation to Article 2 – Interpretation – site preparation works, and the mitigation provided during the site preparation works (i.e. before commencement), including for archaeology, traffic, and the River Mease SAC and SSSI.	D5
c)	Applicant	With reference to paragraph 9.7 of the Gate Burton Energy Park decision letter and paragraph 9.4 of the Mallard Pass Solar Project decision letter , 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.	D5
d)	Applicant	Article 35 - Certification of plans, etc. and Schedule 12. The Applicant's proposals to ensure that all necessary documents, including the full 'environmental statement', are listed in the dDCO or in a separate certified document.	D5
e)	Applicant	Schedule 1, Part 1 – Authorised development. Whether to avoid including anything unnecessary and for clarity, and consistency with recent precedent, the heading "In the administrative area of Derbyshire" should be removed and paragraphs 1 and 2 replaced by "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 —". Reference: the Cottam Solar Project made Order .	D5
f)	Applicant	Requirement 8 - Landscape and Ecological Management Plan. Removal of the need for the Landscape and Environmental Management Plan to be submitted to and approved by the EA.	D5
g)	Applicant	Removal of the need for the Landscape. Update the end of the first sentence of Requirement 8(4) to read "...has been submitted to and approved by the local planning authority in consultation with Natural England".	

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g) i) j) k)	Applicant	Requirement 8 - Landscape and Ecological Management Plan. Requirement 11 - Operational Environmental Management Plan. Requirement 15 – Operational noise. Requirement 17 – Surface and foul water drainage. The addition of provisions to clarify the maintenance of mitigation measures during operation, consistent with the Cottam Solar Project made Order .	D5
h)	Applicant	Improve the precision and firmness of measures in Section 3.1.4 of the Operational Environmental Management Plan in relation to solar panel replacement during operation, either in terms of the rate of panel replacement or a proxy of heavy goods vehicle movements.	D5
l)	Applicant	Requirement 22 - Decommissioning and restoration. Update Requirement 22(4) to include for approval in consultation with the EA and NE.	D5
m)	SDDC	Outstanding concerns and suggested changes to wording in relation to Article 11 - Temporary stopping up of public rights of way.	D5